



Riverside County
Waste Management Department

Robert A. Nelson, General Manager-Chief Engineer

March 27, 2001

Kathleen Utter, Project Planner
Riverside County Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92501

RE: Plot Plan No. 16979

Dear Ms. Utter:

The Riverside County Waste Management Department (Department) has reviewed the proposed project. The project is subject to Assembly Bill 1327, Chapter 18, California Solid Waste Reuse and Recycling Access Act of 1991 (Act). The Act requires that adequate areas be provided for collecting and loading recyclable materials such as paper products, glass and other recyclables. The standard conditions for these recyclable collection areas are as follows:

1. **Prior to building permit issuance**, the applicant shall submit four (4) copies of a Recyclables Collection and Loading Area plot plan to the Riverside County Waste Management Department for review and approval. The plot plan shall conform to *Design Guidelines for Recyclables Collection and Loading Areas*, provided by the Waste Management Department, and shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/facade, construction materials and signage.
2. **Prior to building final inspection**, the applicant shall construct the recyclables collection and loading area in compliance with the Recyclables Collection and Loading Area plot plan, as approved and stamped by the Riverside County Waste Management Department, and as verified by the Riverside County Building and Safety Department through site inspection.

Items to be collected for recycling from a residential, commercial or industrial establishment depend on the types of materials available for recycling and the hauler's collection system. The project proponent should work with the permitted refuse hauler to identify which materials may be collected for recycling and on what schedule.

It should be noted that the Integrated Waste Management Act of 1989 (AB 939) requires cities and counties to divert 50 percent of solid waste from landfills by the year 2000. The applicant is encouraged to consider the following measures to help reduce the amount of solid waste which is generated by the project:

1. Construction and demolition waste can be reduced through the use of onsite grinders or hauling materials to recycling facilities.
2. The use of mulch and/or compost in the development and maintenance of landscape areas is recommended. Green waste may be disposed of through onsite composting of green waste or separating green waste from other waste types and sending it to a composting facility in the area for recycling.

Please be advised that Riverside County landfills do not accept hazardous materials. Any hazardous wastes, such as paint, used during construction should be properly disposed of at a licensed facility in accordance with local, state and federal regulations.

Thank you for the opportunity to review this proposal. If you have any questions, please call me at (909) 955-4363.

Sincerely,

Steve Lech, Planner III

f:\data\plng\landuse\...\plot plans\PP 16979.doc

RIVERSIDE COUNTY SHERIFF

Jurupa Valley Station
7477 Mission Blvd.
Riverside, CA 92509
(909) 955-2612 / 2600
(909) 955-2630 Fax

County of Riverside
Planning Department
9th Floor, CAC

March 23, 2001

ATTN: Kathleen Utter, Project Planner

RE: PP No. 16979 - EA No. 38240

APN: 156-160-018, Related Cases: PM 28653, CZ 5904, COC 4710, PP 15152,
CZ 6286, OPP 00326 (1st LDC)

Dear Ms Utter,

Thank you for the opportunity to comment on the proposed request for the construction of a concrete tilt-up industrial building at the above location within the Prado-Mira Loma Zoning District. The following issues of concern related to public safety and law enforcement are presented:

Pre-Construction & Construction Phases:

1. Current Planned Design:

The proposed design with the plan presents several issues which should be discussed for security reasons and issues of public safety:

A. Employee Work Areas: The interior doors should be secured with a heavy duty type lock which provides additional deterrent to forced entry, as well as, the exterior locking mechanism. Recommend a security alarm system for the location, provide the servicing alarm vendor with a point of contact, and/or responder in the event of activation.

During normal operational hours, the management should institute some manner of control, access and egress from these employee work areas, loading areas and doors.

The proper use of security measures (i.e. CCTV - closed circuit TV) may prevent the future loss of business equipment and/or merchandise.

B. Exterior Lighting Plan: (Refer to Post-Construction Comments)

C. Roof Access: The design for access to the roof should preclude having exterior ladders, equipment, or landscaping (i.e. trees) from being used by unauthorized persons. Additionally, all roof top vents should be reinforced to prevent forced access.

D. Landscaping: The landscape design should be based on the use of planted items which will not overgrow areas of the business and/or property. For example, trees or shrubs, should not be planted directly adjacent to structures or the building, not should they be planted in a manner which will obstruct observation both, into and out of the building.

2. Construction Site:

Prior to construction on any structure, a material storage area should be established and enclosed by a six (6) foot chain link fence to minimize theft of materials and/or equipment.

It is recommended that a list of serial and/or license numbers of equipment stored at the location be maintained both, at the site and any off-site main office. The public and non-essential employees should be restricted in access to the construction areas.

Current emergency contact information for the project should be kept on file with the Riverside Sheriff's Department, Jurupa Valley Station Community Resources Unit.

The developer and/or builder's name, address and phone number should be conspicuously posted at the construction site. Visibility into the construction site should not be intentionally hampered.

Areas actually under construction should be lit during hours of darkness. All entrances and exits should be clearly marked.

The construction site should have a clearly designated point of contact, such as a construction trailer or office. Post the emergency and non-emergency phone numbers for the fire department (CDF), ambulance service (AMR) and, the Riverside Sheriff's Department near any local site phone. The address for the facility should be posted near the above phones at the site. Any phones at the site that are blocked for outgoing calls should not be blocked from dialing 9-1-1.

Designate and establish specific parking areas for construction site workers and employees. The parking areas and commercial areas on the premises should be accessible to emergency vehicles at all times with paved pathways of sufficient width to accommodate such vehicles.

Post Construction & Project Completion:

1. Lighting:

The current proposal does not include an exterior lighting plan for the premises. All exterior lighting standards and fixtures should be resistant to vandalism and tampering. The standards should be of a height to reduce any tampering or damage. Recommend low pressure sodium type lighting for the reasons of color rendition and increased visibility (i.e. less glare).

2. Graffiti Issues:

Prior to occupancy, the surface of walls, fences, buildings, logo monuments, etc... should be graffiti resistant either through surface composition, applied paint type and/or planned shielding by landscaping or plants.

3. Business Numbering and Monument:

The property address should be prominently displayed to the business front, visible from the street by the selection of adequate size numbering and contrasting color from the building facade. This will assist in emergency responses by the fire department (CDF) and/or law enforcement (Riverside County Sheriff's Department).

Additionally, the Sheriff's Department requests that the property address (numerics) be placed atop the roof of the main building. The application of the address numbers will assist emergency responders to the location by being visible from the air by an aircraft or helicopter. The numbers should be large enough and contrasting in color against the rooftop.

4. Perimeter Fencing & No Trespassing Signs:

The planned fencing along the perimeter, concrete block walls and annotated gates demonstrate the appropriate use of defensible space, which should deter subjects from loitering or trespassing on the premises. The premises should have "No Trespassing or Loitering " signs posted along the perimeter fenceline a reasonable distance spaced and at all access points (per 602 P.C. California Penal Code).

It is not indicated whether any gate(s) at the location have the Knox Lock Security System or Rapid Entry Locking Devices. Should the decision to install a locking gate(s) at the project, the Sheriff's Department will require the installation of the dual switch system. This will provide each emergency responding agency, the fire and law enforcement their independent key access without compromising accountability or security.

Prior to the issuance of building permit(s), the Sheriff's Department requests the presentation of those above indicated project designs and/or diagrams for proper review.

Should the planning department, planning commission, developer or construction staff have any questions regarding the above law enforcement and public safety concerns, they may contact Deputy Matt Cosgrove at (909) 955-2612 or Sergeant John Ruffcorn.

Cordially,

A handwritten signature in black ink, appearing to read 'Matt Cosgrove', with a long horizontal line extending to the right.

Matt Cosgrove
Deputy Sheriff
Jurupa Valley Station
C.P.T.E.D. Coordinator

DEPARTMENT OF TRANSPORTATION**DISTRICT 8**164 W Fourth Street, 6th Floor MS 726

San Bernardino, CA 92401-1400

PHONE (909) 383-6327

FAX (909) 383-6890



April 3, 2001

08-Riv-60-2.538

Ms. Kathleen Utter
Project Planner
Riverside County Planning Department
9th Floor, CAC
PO Box 1409
Riverside, CA 92502-1409

Dear Ms. Utter:

Ref: Plot Plan 16979, Prado/Mira Loma area

This proposal is an application to construct a 205,589 square foot industrial building directly north of State Route 60, east of Etiwanda Avenue and west of San Sevaine Channel.

The County of Riverside should ensure that the applicant complies with the current Congestion Management Program as defined by the Riverside County Transportation Commission (1999).

Please forward all future plans regarding this project to our office for review, as they become available.

If you have any question, please call Jim Belty at (909) 383-4473 or FAX (909) 338-6890.

Sincerely,

A handwritten signature in cursive script that reads "Linda Grimes".

LINDA GRIMES, Chief
Office of Forecasting/
IGR/CEQA Review

April 22, 2002

Michael Freitas, Project Planner
Riverside County Planning Department
9th Floor, CAC – P.O. Box No. 1409
Riverside, CA 92502-1409

RE: Plot Plan No. 17788
Proposal: To construct a 426,000 square foot refrigerated warehouse; including 11,000 square feet of office space, parking area for 322 vehicles and 102,765 square feet of landscaping

Dear Mr. Freitas:

The Riverside County Waste Management Department has reviewed the proposed project located east of Dulles Drive and Etiwanda Avenue, south of Philadelphia Avenue, north of Highway 60, in the Prado-Mira Loma Zoning District. The project has the potential to impact landfill capacity during the construction phase of the business, and from the generation of solid waste upon operation of the commercial use.

The project site is required to have its own area for recyclables collection and loading (as per State Model Ordinance, implemented 9/1/94 in accordance with AB 1327, Chapter 18, California Solid Waste Reuse and Recycling Access Act of 1991). Please apply the following standard conditions upon approval of the proposed project:

1. **Prior to building permit issuance for the proposed refrigerated warehouse building**, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the Riverside County Waste Management Department for review and approval. The plot plan shall conform to *Design Guidelines for Recyclables Collection and Loading Areas*, provided by the Waste Management Department, and shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/facade, construction materials and signage.
2. **Prior to building final inspection of the proposed refrigerated warehouse building**, the applicant shall construct the recyclables collection and loading area in compliance with the Recyclables Collection and Loading Area plot plan, as approved and stamped by the Riverside County Waste Management Department, and as verified by the Riverside County Building and Safety Department through site inspection.

In addition, the project proponent is encouraged to consider the following measures to help reduce the project's potential solid waste impacts and to help in the County's efforts to comply with State law in diverting solid waste from landfill disposal:

- a. Green waste generated by the project should be kept separate from other waste types and either composted onsite or directed to local wood grinding and/or composting operations.
- b. The use of mulch and/or compost in the development and maintenance of landscape areas is recommended.
- c. Construction and demolition waste should be reduced and/or diverted from landfill disposal by the use of onsite grinders or by directing the materials to recycling facilities.

Lastly, hazardous materials are not accepted at Riverside County landfills. Any hazardous wastes, such as paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations.

Thank you for the opportunity to review this proposal. If you have any questions, please call me at (909) 955-4363.

Sincerely,



Mirtha Purkart, Planner III

RIVERSIDE COUNTY SHERIFF

Jurupa Valley Station
7477 Mission Blvd.
Riverside, CA 92509
(909) 955-2612 or x 2600
(909) 955-2630 Fax

County of Riverside
Planning Department
9th Floor, CAC
ATTN: Michael Freitas, Project Planner

April 18, 2002

RE: PP No. 17788, EA No. 38633
APN: 156-360-014, Related Cases: PP 15767 (1st LDC)
Applicant: Millard Refrigerated Services, Engineer: KCT Consultants, Inc.

Dear Mr. Freitas,

Thank you for the opportunity to comment on the proposed construction of a commercial building at the above location within the Prado / Mira Loma Zoning District. The following issues of concern related to public safety and law enforcement are presented:

Pre-Construction & Construction Phases:

1. Current Planned Design:

The proposed design with the plan presents several issues which should be discussed for security reasons and issues of public safety:

A. Employee Work Areas:

During periods of non-use, interior and roll-up type doors should be secured with a heavy duty interior locking device(s) to provide an additional deterrent to forced entry, as well as, any exterior locking mechanism. Recommend a security alarm system for the location, provide the service vendor with a point of contact and a responder in the event of activation. During operational hours, the management should institute some control measures for access and egress to the employee work areas, tools rooms, loading areas, office areas, etc... The proper use of security measures (i.e. CCTV - closed circuit TV and video) may discourage future loss of business equipment and / or merchandise.

B. Exterior Lighting Plan: (Refer to Post-Construction Comments)

C. Roof Access:

The design for access to the roof should preclude having exterior ladders, equipment, or landscaping (i.e. trees) from being used by unauthorized persons.

Additionally, all roof top vents should be reinforced to prevent forced access.

D. Landscaping:

The landscape design should be based on the use of the existing plan.

The use of planted items which will not overgrow areas of the business and / or property.

For example, trees or shrubs, should not be planted directly adjacent to structures, fencelines, walls or buildings, and not should they be planted in a manner which will obstruct observation both, into and out of the premises.

2. Construction Site:

Prior to construction on any structure or project site, a material storage area should be established and enclosed by a six (6) foot chain link fence to minimize theft of materials and / or equipment.

It is recommended that a list of serial and / or license numbers of equipment stored at the location be maintained both, at the site and any off-site main office. The public and non-essential employees should be restricted in access to the construction areas.

Current emergency contact information for the project should be kept on file with the Riverside County Sheriff's Department, Jurupa Valley Station Community Resources Unit.

The developer and builders name, address and phone number should be conspicuously posted at the construction site. Visibility into the construction site should not be intentionally hampered. Areas actually under construction should be lit during hours of darkness. All entrances and exits should be clearly marked.

The construction site should have a clearly designated point of contact, such as a construction trailer or office. Post the emergency and non-emergency phone numbers for the fire department (CDF), ambulance service (AMR) and, the Riverside County Sheriff's Department near any local site phone. The address for the facility should be posted near the above phones at the site. Any phones at the site that are blocked for outgoing calls should not be blocked from dialing 9-1-1.

Designate and establish specific parking areas for construction site workers and employees. The parking areas and commercial areas on the premises should be accessible to emergency vehicles at all times with paved pathways of sufficient width to accommodate such vehicles.

Post Construction & Project Completion:

1. Lighting:

The current proposal does not include an exterior lighting plan for the premises. All lighting standards and fixtures should be resistant to vandalism and tampering. The standards should be of a height to reduce any tampering or damage. Recommend metal halide or low pressure sodium type lighting for the reasons of color rendition and increased visibility (i.e. less glare). A professional light survey should be conducted for the site plan. The Riverside County Sheriff's Department requests a review of the exterior illumination plan prior to final approval.

2. Graffiti Issues:

Any changes to the surface of walls, fences, buildings, logo monuments, etc... should include graffiti resistant protection either through surface composition, applied paint type and/or planned shielding by landscaping or plants.

3. Business Numbering:

The property address should be prominently displayed to the business front, visible from the street and the approach by either direction. The selection of adequate size numbering and contrasting color from the building façade will assist in emergency responses by the fire department, ambulance service and/or law enforcement.

Additionally, the Riverside County Sheriff's Department requests that the property address (numeric) be placed atop the roof of the main administrative building. The application of the address numbers assist emergency responders to the location by being visible from the air by an aircraft or helicopter. The numbers should be large enough (1 x 4 ft.) and contrasting in color against the rooftop.

4. Knox System:

The property plans indicate several points for access and egress. The plan does not indicate the proposed installation of any type of gate(s). Should the determination be made to install such security gate devices, the premises may be required to install double switch (Model # 3503), Knox Box Rapid Entry system per the Riverside County Fire and the Riverside County Sheriff's Department.

The required authorization forms for ordering with the Knox Company may be obtained by contacting Deputy Matt Cosgrove at the Jurupa Valley Sub-station, 7477 Mission Blvd., Riverside, CA. (909) 955-2612 or 2600.

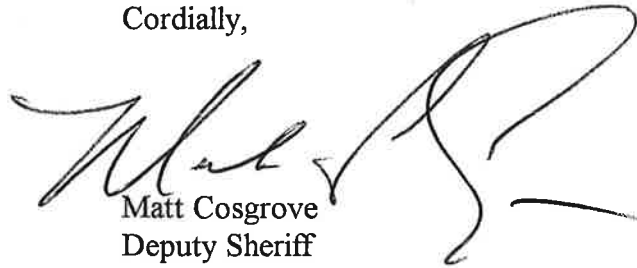
The forms required from Riverside County Fire may be obtained on the 2d Floor, County Administrative Center, 4080 Lemon St., Riverside, CA..

5. Perimeter Fencing & No Trespassing Signs:

The planned fencing along the perimeter and landscaping design demonstrate the appropriate use of defensible space, which should deter subjects from loitering or trespassing on the premises. The premises should have "No Trespassing or Loitering" signs posted along the perimeter fence line a reasonable distance spaced and at all access points (per 602 P.C. California Penal Code).

Prior to the issuance of building permits, the Riverside County Sheriff's Department requests the presentation of those above indicated project designs and / or diagrams for proper review. Should the planning department, planning commission, developer or construction staff have any questions regarding the above law enforcement and public safety concerns, they may contact Deputy Matt Cosgrove at (909) 955-2612 or Sergeant Dave Wilson.

Cordially,

A handwritten signature in black ink, appearing to read "Matt Cosgrove", written in a cursive style.

Matt Cosgrove
Deputy Sheriff
Jurupa Valley Station
C.P.T.E.D. Coordinator

DEPARTMENT OF TRANSPORTATION**DISTRICT 8**

164 W Fourth Street, 6th Floor MS 726
San Bernardino, CA 92401-1400
PHONE (909) 383-6327
FAX (909) 383-6890



July 9, 2002

08-Riv-60-R1.933

Mr. Michael Freitas
Riverside County Planning Department
9th Floor, CAC
P.O. Box 1409
Riverside, CA 92502-1409

Dear Mr. Freitas:


Plot Plan No. 17788, Refrigerated Warehouse, Millard Refrigerated Services, Applicant

We have received the Land Development Committee notification of pending Initial Case Acceptance of the above noted project. This project proposes to construct 426,000 square feet of refrigerated warehouse with 320 parking spaces and 102,765 square feet of landscaping on 20.48 acres of vacant land. The property is located north of State Route 60, south of Philadelphia Avenue and east of Dulles Drive.

Because the project site does not immediately abut existing SR 60 right of way, we do not expect project approval and development to result in direct impact to nearby State transportation facilities. However, our concern with "cumulative" traffic impacts resulting from continued growth in this area remains particularly with respect to truck traffic. Due to the magnitude of this project, we recommend a traffic impact study be conducted to address traffic impact mitigation measures relevant to the growth of related uses in the area. When available, please forward a copy of TIA for our review and files.

Thank you for providing us this opportunity to review and to offer our comments concerning this project. If you have any questions regarding this letter, please contact Mr. Kee T. Ooi at (909) 383-4149 for assistance.

Sincerely,


for: LINDA GRIMES, Chief
Office of Forecasting/IGR-CEQA Review
Transportation Planning Division



Riverside County
Waste Management Department

Joseph R. McCann, General Manager-Chief Engineer

November 6, 2003

Larry Ross, Project Planner
Riverside County Planning Department
9th Floor, CAC – P.O. Box 1409
Riverside, CA 92502-1409

RE: Plot Plan No. 18875 – EA No. 39221

Proposal: Construct a warehouse facility with a 93,350 square foot building and an additional 10,860 square feet of office space with associated parking and landscaping

APN#: 156-360-015

Dear Mr. Ross:

The Riverside County Waste Management Department has reviewed the proposed project located on the southwest corner of Hopkins Street and DeForest Circle in the Prado Mira Loma Zoning District, 2nd Supervisorial District. The project is a proposal to develop a speculative warehouse facility including a 93,350 square foot building and an additional 10,860 square feet of office space, with 39,595 square feet of landscaping and 93 parking spaces on 5 acres. The project site is zoned M-M (Manufacturing Medium). This project is subject to the State Model Ordinance, implemented 9/1/94 in accordance with AB 1327, Chapter 18, California Solid Waste Reuse and Recycling Access Act of 1991, which requires that all commercial, industrial and multi-family residential projects provide adequate area(s) for collecting and loading recyclable materials (i.e., paper products, glass and other recyclables). The following comments are offered for your consideration:

At the development stage, the project proponent is required to implement the following standard conditions of approval:

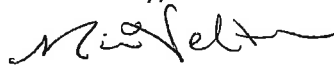
1. **Prior to issuance of a building permit**, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the Riverside County Waste Management Department for review and approval. The plot plan shall conform to ***Design Guidelines for Recyclables Collection and Loading Areas***, provided by the Waste Management Department, and shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/façade, construction materials and signage.
2. **Prior to building final inspection**, the applicant shall construct the recyclables collection and loading area in compliance with the Recyclables Collection and Loading Area plot plan, as approved and stamped by the Riverside County Waste Management Department and as verified by the Riverside County Building and Safety Department through site inspection.

In addition, the project has the potential to impact landfill capacity by generating solid waste that requires disposal during development and operation. The project proponent is encouraged to consider the following measures to help reduce the project's potential solid waste impacts and to help in the County's efforts to comply with State law in diverting solid waste from landfill disposal:

- Green waste generated by the project should be kept separate from other waste types and either composted onsite or directed to local wood grinding and/or composting operations.
- The use of mulch and/or compost in the development and maintenance of landscape areas is recommended.
- Construction and demolition waste should be reduced and/or diverted from landfill disposal by the use of onsite grinders or by directing the materials to recycling facilities.
- Hazardous materials **are not** accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. Please contact the Riverside County Health Department for further information.

Thank you for the opportunity to review this proposal. If you have any questions, please call me at (909) 486-3351.

Sincerely,



Mir Velten, Planner III

RIVERSIDE COUNTY SHERIFF

Jurupa Valley Station
7477 Mission Blvd.
Riverside, CA 92509
(909) 955-2612 / 2600
(909) 955-2630 Fax

County of Riverside
Planning Department
9th Floor, CAC
ATTN: Larry Ross, Project Planner

November 17, 2003

RE: Plot Plan No. 18875 - EA No. 39221
APN: 156-360-015, Related Cases: EIR 450 (1st LDC)
Applicant: Obayashi Corporation; Engineer / Representative: KCT Consultants, Inc.

Thank you for the opportunity to comment on the proposed request for the construction of an industrial warehouse building at the above location within the Prado-Mira Loma Zoning District. The following issues of concern related to public safety and law enforcement are presented:

Pre-Construction & Construction Phases:

1. Current Planned Design:

The proposed design with the plan presents several issues which should be discussed for security reasons and issues of public safety:

A. Employee Work Areas:

The interior doors should be secured with a heavy duty type lock which provides deterrence to forced entry, as well as, the exterior locking mechanism. Recommend a security alarm system for the site which is zoned by area. Provide the servicing alarm vendor with a point of contact, and / or responder in the event of activation.

During normal operational hours, the management should institute some manner of control, access and egress from these employee work areas (i.e. tool rooms, etc...) loading areas and doors.

The proper use of security measures (i.e. CCTV - closed circuit TV) may prevent the future loss of business equipment and / or merchandise.

B. Exterior Lighting Plan: (Refer to Post-Construction Comments)

C. Roof Access:

The design for access to the roof should preclude having exterior ladders, equipment, or landscaping (i.e. trees) from being used by unauthorized persons. Additionally, all roof top vents should be reinforced to prevent forced entry.

D. Landscaping:

The landscape design should be based on the use of planted items which will not overgrow areas of the business and / or property. For example, trees or shrubs, should not be planted directly adjacent to structures or the building, not should they be planted in a manner which will obstruct observation both, into and out of the building.

2. Construction Site:

Prior to construction on any structure, a material storage area should be established and enclosed by a six (6) foot chain link fence to minimize theft of materials and / or equipment.

It is recommended that a list of serial and/or license numbers of equipment stored at the location be maintained both, at the site and any off-site main office. The public and non-essential employees should be restricted in access to the construction areas. Current emergency contact information for the project should be kept on file with the Riverside Sheriff's Department.

The developer and / or builder's name, address and phone number should be conspicuously posted at the construction site. Visibility into the construction site should not be intentionally hampered. Areas actually under construction should be lit during hours of darkness. All entrances and exits should be clearly marked.

The construction site should have a clearly designated point of contact, such as a construction trailer or office. Post the emergency and non-emergency phone numbers for the fire department (CDF), ambulance service (AMR) and, the Riverside County Sheriff's Department near any local site phone. The address for the facility should be posted near the above phones at the site. Any phones at the site that are blocked for outgoing calls should not be blocked from dialing 9-1-1.

Designate and establish specific parking areas for construction site workers and employees. The parking areas and commercial areas on the premises should be accessible to emergency vehicles at all times with paved pathways of sufficient width to accommodate such vehicles.

Post Construction & Project Completion:

1. Lighting:

The current proposal does not include an exterior lighting plan for the premises.

A professional lighting survey should be conducted and included for review.

All exterior lighting standards and fixtures should be resistant to vandalism and tampering.

The standards should be of a height to reduce any tampering or damage.

Recommend low pressure sodium type lighting for the reasons of color rendition and increased visibility (i.e. less glare).

2. Graffiti Issues:

Prior to occupancy, the surface of walls, fences, buildings, logo monuments, etc... should be graffiti resistant either through surface composition, applied paint type and / or planned shielding by landscaping or plants.

3. Business Numbering and Monument:

The property address should be prominently displayed to the business front, visible from the street by the selection of adequate size numbering and contrasting color from the building facade. This will assist in emergency responses by the fire department (CDF) and / or law enforcement.

Additionally, the Riverside County Sheriff's Department requests that the property address (numerics) be placed atop the roof of the main building. The application of the address numbers will assist emergency responders to the location by being visible from the air by an aircraft or helicopter. The numbers should be large enough (no less than 1 x 4 ') and contrasting in color against the rooftop.

4. Perimeter Fencing & No Trespassing Signs:

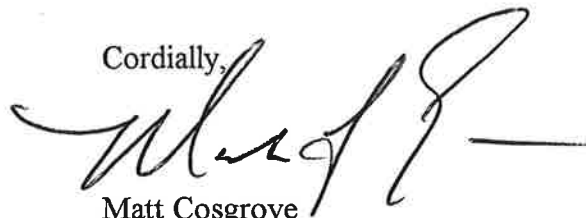
The planned fencing along the perimeter, concrete block walls and annotated gates demonstrate the appropriate use of defensible space, which should deter subjects from loitering or trespassing on the premises. The premises should have "No Trespassing or Loitering" signs posted along the perimeter fenceline a reasonable distance spaced and at all access points (per 602 P.C. California Penal Code).

It is not indicated whether any gate(s) at the location will have the Knox Lock Security System or Rapid Entry Locking Devices. Should the decision to install a locking gate(s) at the project, the Sheriff's Department will require the installation of the dual switch system. This will provide each emergency responding agency, the fire and law enforcement their independent key access without compromising accountability or security.

Prior to the issuance of building permit(s), the Riverside County Sheriff's Department requests the presentation of those above indicated project designs and / or diagrams for proper review.

Should the planning department, planning commission, developer or construction staff have any questions regarding the above law enforcement and public safety concerns, they may contact Deputy Matt Cosgrove at (909) 955-9230.

Cordially,

A handwritten signature in black ink, appearing to read 'Matt Cosgrove', with a horizontal line extending to the right.

Matt Cosgrove
Deputy Sheriff
Jurupa Valley Station
C.P.T.E.D. Coordinator

cc: - Admin, RSO

LAND DEVELOPMENT COMMITTEE
(*INITIAL CASE ACCEPTANCE) MEETING AGENDA
RIVERSIDE COUNTY PLANNING DEPARTMENT
9TH FLOOR, CAC - P.O. Box 1409
Riverside, CA 92502-1409

DATE: **October 23, 2003**

Transportation (4)
Environmental Health
Flood Control District
Fire Department
Building & Safety - Grading
Building & Safety - John Vasquez
Regional Parks & Open Space
Geologist
Biologist
EDA
Riv. Co. Sheriff
Riv. Co. Waste
Supervisor Tavaglione
Commissioner Snell

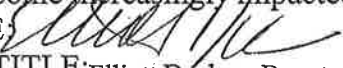
Riverside Transit Agency
Jurupa Rec & Park Dist.
Jurupa Unified School Dist.
Jurupa Community Services Dist.
Western municipal Water
So. Calif. Edison
So. Cal Gas
SBC
CA Dept of Fish and Game
Caltrans#8
U.S. Fish & Wildlife Service
U.S. Postal Service/S.B.
EIC(Attachment "A")
Center for Community Action & Environmental
Justice

PI PLAN NO.18875 - EA No. 39221 - Applicant: Obayashi Corporation - Engineer/Rep.: KCT Consultants, Inc. - Second Supervisorial District - Prado-Mira Loma Zoning District - Located on the southwest corner of Hopkins Street and Deforest Cir. - 5 acres - M-M (Manufacturing Medium) zone - **REQUEST:** Plot Plan No. 18875 proposes the construction of a speculative warehouse facility with 93,350 square foot building, and an additional 10,860 square feet of office space. The project has 39,595 square feet of landscaping and 93 parking spaces. - Schedule: n/a - APN: 156-360-015 - Related Cases: EIR 450, (1st LDC)

Please review the case described above, along with the attached tentative map/exhibit. This item will be discussed on **November 13, 2003**, by the Land Development Committee. All County LDC Agencies and Departments, please have draft conditions in the Land Management System by the LDC date. If you cannot clear the exhibit, please have LDC corrections in the system and DENY the routing. Once the route is complete, and the approval screen is approved with or without corrections, the case can be scheduled for a public hearing. All other agencies, please have your comments/conditions to the Planning Department as soon as possible, but no later than 14 days after the LDC date. Your comments/ recommendations/conditions are requested so that they may be incorporated in the staff report for this particular case.

Should you have any questions regarding this item, please do not hesitate to contact, **Larry Ross**, Project Planner, at **(909) 955-2046**.

COMMENTS: The Jurupa Unified School District is currently operating at capacity. Additional development projects will impact existing schools and create a need for additional facilities. School impact fees shall be paid pursuant to state law, even after such payment the District's schools will become increasingly impacted and overcrowded.

DATE: *11/03/03* SIGNATURE: 
PLEASE PRINT NAME AND TITLE: Elliott Duchon, Deputy Superintendent of Business Services and Governmental Relations
TELEPHONE: (909) 360-4157

If you do not use this letter for your response, please indicate the project planner's name. Thank you.



COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

Environmental Programs Department

Carolyn Syms Luna
Director

May 4, 2005

KCT Consultants, Inc.
4344 Latham Street, Suite #200
Riverside, CA 92501

Dear KCT Consultants, Inc.:

RE: MSHCP Compliance Letter
Assessor's Parcel Number(s): 156-360-014
Case Number: PP17788

This letter is to inform you that the subject property has fulfilled its requirements under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

You may proceed with the planning process for this property. Please note, however, that this determination does not preclude compliance with any conditions incorporated into your final project approval.

If you have further questions concerning this letter, please contact the Environmental Programs Department at (951) 955-6892.

Sincerely,

ENVIRONMENTAL PROGRAMS DEPARTMENT


Chad Young
Ecological Resources Specialist

CY



Riverside County
Waste Management Department

Hans W. Kernkamp, General Manager-Chief Engineer

June 12, 2007

Andrew Gonzalez, Project Planner
Riverside County Planning Department
P. O. Box No. 1409
Riverside, CA 92502-1409

RE: Plot Plan No. 18876 Amended No. 4

Proposal: The Plot Plan proposes the development of 12 single story industrial structures for storage and office uses.

APN: 156-360-020

Dear Mr. Gonzalez:

The Riverside County Waste Management Department (Department) has reviewed the proposed project located south of Hopkins Street and east of Etiwanda Avenue, in the Jurupa Area Plan. In order to mitigate the project's potential solid waste impacts and to help the County's efforts to comply with State law in diverting solid waste from landfill disposal, the Department is recommending that the following conditions be made a part of any Conditions of Approval for the project:

1. **Prior to issuance of a building permit for EACH building**, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the Riverside County Waste Management Department for review and approval. The plot plan shall conform to ***Design Guidelines for Recyclables Collection and Loading Areas***, provided by the Waste Management Department, and shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/façade, construction materials and signage. The plot plan shall clearly indicate how the trash and recycling enclosures shall be accessed by the hauler.
2. **Prior to final building inspection for EACH building**, the applicant shall construct the recyclables collection and loading area in compliance with the Recyclables Collection and Loading Area plot plan, as approved and stamped by the Riverside County Waste Management Department and as verified by the Riverside County Building and Safety Department through site inspection.
3. a) **Prior to issuance of a building permit**, a ***Waste Recycling Plan (WRP)*** shall be submitted to the Waste Management Department for approval. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. Materials can be taken directly to recycling facilities (Riverside County Waste Management Department, Recycling Section, can be contacted directly at 951.486.3200 for a list of facilities), or

arrangements can be made through the franchise hauler and/or a construction clean-up business.

b) **Prior to issuance of an occupancy permit**, evidence (i.e., receipts or other type verification) to demonstrate project compliance with the approved WRP shall be presented by the project proponent to the Planning/Recycling Division of the Riverside County Waste Management Department in order to clear the project for occupancy permits.

4. Since hazardous materials are not accepted at Riverside County landfills, the project proponent shall take any hazardous wastes, including paint used during construction, to facilities that are permitted to receive them, in accordance with local, state, and federal regulations. For further information, please contact the Household Hazardous Waste Collection Program at 1-800-304-2226.
5. Use mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
6. Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

Thank you for the opportunity to review this proposal. If you have any questions, please call me at (951) 486-3351.

Sincerely,



Ryan Ross
Planner

RIVERSIDE COUNTY SHERIFF

Jurupa Valley Station
7477 Mission Blvd.
Riverside, CA 92509
(951) 955-2612 / 2600
(951) 955-2630 Fax

County of Riverside
Planning Department
9th Floor, CAC
ATTN: Andrew Gonzalez, Project Planner

June 13, 2007

RE: Plot Plan No. 18876 - Amended No. 4 - EA No. 39222
APN: 156-360-020 and -021
Applicant: KCT Consultants, Inc.
Engineer / Representative: KCT Consultants, Inc.

Thank you for the opportunity to comment on the proposed construction of twelve single story industrial buildings for storage and office use. The project consists of 97,010 sq. ft. of total building area, 42,679 sq. ft. of landscaping, and 243 parking spaces on a 6.83 gross acre lot. The project site is located within the Prado-Mira Loma Zoning District, Jurupa Area Plan. The following issues of concern related to public safety and law enforcement are presented:

Pre-Construction & Construction Phases:

1. Current Planned Design:

The proposed design with the plan presents several issues which should be discussed for security reasons and issues of public safety:

A. Employee Work Areas and Loading Docks:

The interior doors should be secured with a heavy duty, commercial type lock which provides additional deterrent to forced entry, as well as, the exterior locking mechanism. Recommend a security alarm system for the each location. The business tenant must provide the servicing alarm vendor with a point of contact, and / or responder in the event of activation. During normal operational hours, the respective businesses should institute some manner of control, access and egress from these employee work areas, loading areas and doors.

The proper use of security measures (i.e. CCTV – digital recording) may prevent the future loss of business equipment and/or merchandise. All loading dock areas shall be equipped with digital video recording camera's.

B. Exterior Lighting Plan: (Refer to Post-Construction Comments)

C. Roof Access:

The design for access to building roofs shall preclude having exterior ladders, equipment, or landscaping (i.e. trees) from being used by unauthorized persons. All roof top vents shall be reinforced to prevent forced access.

D. Landscaping:

The landscape design should be based on the use of planted items which will not overgrow areas of the business and / or property. For example, trees or shrubs, should not be planted directly adjacent to structures or the building, not should they be planted in a manner which will obstruct observation both, into and out of the building.

2. Construction Site:

Prior to construction on any structure, a material storage area should be established and enclosed by a six (6) foot chain link fence to minimize theft of materials and/or equipment.

It is required that a list of serial and / or license numbers of equipment stored at the location be maintained both, at the site and any off-site main office. The public and non-essential employees should be restricted in access to the construction areas. Current emergency contact information for the project should be kept on file with the Riverside Sheriff's Department.

The developer and / or builder's name, address and phone number should be conspicuously posted at the construction site. Visibility into the construction site should not be intentionally hampered. Areas actually under construction should be lit during hours of darkness. All entrances and exits should be clearly marked.

The construction site should have a clearly designated point of contact, such as a construction trailer or office. Post the emergency and non-emergency phone numbers for the fire department (CDF), ambulance service (AMR) and, the Riverside County Sheriff's Department near any local site phone. The address for the facility should be posted near the above phones at the site. Any phones at the site that are blocked for outgoing calls should not be blocked from dialing 9-1-1.

Designate and establish specific parking areas for construction site workers and employees. The parking areas and commercial areas on the premises should be accessible to emergency vehicles at all times with paved pathways of sufficient width to accommodate such vehicles.

Post Construction & Project Completion:

1. Lighting:

A professional lighting survey should be conducted and remain consistent with the existing property. All exterior lighting standards and fixtures should be resistant to vandalism and tampering. The standards should be of a height to reduce any tampering or damage. Recommend low pressure sodium type lighting for the reasons of color rendition and increased visibility (i.e. less glare).

2. Graffiti Issues:

Prior to occupancy, the surface of walls, fences, buildings, logo monuments, etc... shall be graffiti resistant either through surface composition, applied paint type and / or planned shielding by landscaping or plants.

3. Business Numbering, Property Directory and Monument:

The property addresses shall be prominently displayed to the business front, visible from the street by the selection of adequate size numbering and contrasting color from the building facade. This will assist in emergency responses by the fire department (CDF) and / or law enforcement.

The project site has two access points from the public street. The Riverside County Sheriff's Department requires the installation of a property directory at each entrance to include a site map with the names and location of existing tenants. The directory shall display an after hours name and phone number for a contact representative of the property owner or leasing firm.

Additionally, the Riverside County Sheriff's Department requires that the property address (numerics) be placed atop the roof of the building. The application of the address numbers will assist emergency responders to the location by being visible from the air by an aircraft or helicopter. The numbers should be large enough (no less than 1 x 4 ') and contrasting in color against the rooftop.

4. Perimeter Fencing & No Trespassing Signs:

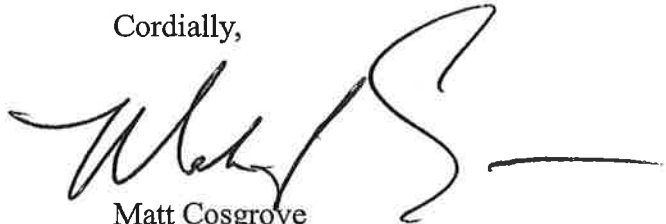
The planned fencing along the perimeter, concrete block walls and annotated gates demonstrate the appropriate use of defensible space, which should deter subjects from loitering or trespassing on the premises. The top portion of the southern wall, which separates the adjoining residential neighborhood, should be equipped with wrought iron rolled outward to prevent incursions over the wall. The premises shall have "No Trespassing or Loitering" signs posted along the perimeter fence line a reasonable distance spaced and at all access points (per 602 P.C. California Penal Code).

5. Property Gates:

The project indicates the installation and use of gates. Installation of the Knox Lock Security System or Rapid Entry Locking Devices will be required. The equipment shall include the dual switch system (Model # 3503). This will allow varying public agencies (i.e. law enforcement or fire) unfettered access to the site for service responses. The Riverside County Fire and Sheriff's Department have independent accounts for key access, this ensures access without compromising accountability or security. The required form(s) may be obtained by contacting Deputy Matt Cosgrove at the Jurupa Valley Station (951) 955-9230. The required forms from the Riverside County Fire may be obtained by contacting their Planning Desk at (951) 955-4777.

Should the planning department, planning commission, developer or construction staff have any questions regarding the above law enforcement and public safety concerns, they may contact Deputy Matt Cosgrove at (951) 955-9230.

Cordially,

A handwritten signature in black ink, appearing to read 'Matt Cosgrove', with a horizontal line extending to the right.

Matt Cosgrove
Deputy Sheriff
Jurupa Valley Station
C.P.T.E.D. Coordinator

cc: - RSO Admin.
- JVS File

LAND DEVELOPMENT COMMITTEE
(*INITIAL CASE ACCEPTANCE) MEETING AGENDA
RIVERSIDE COUNTY PLANNING DEPARTMENT
9TH FLOOR, CAC - P.O. Box 1409
Riverside, CA 92502-1409

DATE: **October 23, 2003**

Transportation (4)
Environmental Health
Flood Control District
Fire Department
Building & Safety - Grading
Building & Safety - John Vasquez
Regional Parks & Open Space
Geologist
Biologist
EDA
Riv. Co. Sheriff
Riv. Co. Waste
Supervisor Tavaglione
Commissioner Snell


Riverside Transit Agency
Jurupa Rec & Park Dist.
Jurupa Unified School Dist.
Jurupa Community Services Dist.
Western municipal Water
So. Calif. Edison
So. Cal Gas
SBC
CA Dept of Fish and Game
Caltrans#8
U.S. Fish & Wildlife Service
U.S. Postal Service/S.B.
EIC(Attachment "A")
Center for Community Action & Environmental
Justice

PL PLAN NO.18876 - EA No. 39222 - Applicant: Obayashi Corporation - Engineer/Rep.: KCT Consultants, Inc. - Second Supervisorial District - Prado-Mira Loma Zoning District - Located on the west side of Deforest Circle, on the east side of Etiwanda Ave. - 6.41 acres - I-P (Industrial Park) zone - **REQUEST:** Plot Plan No. 18876 proposes the construction of a speculative warehouse facility with 126,800 square foot building, and an additional 10,000 square feet of office space. The project has 48,374 square feet of landscaping and 136 parking places. - Schedule: n/a - APN: 156-360-020, 021 - Related Cases: EIR 450, (1st LDC)

Please review the case described above, along with the attached tentative map/exhibit. This item will be discussed on **November 13, 2003**, by the Land Development Committee. All County LDC Agencies and Departments, please have draft conditions in the Land Management System by the LDC date. If you cannot clear the exhibit, please have LDC corrections in the system and DENY the routing. Once the route is complete, and the approval screen is approved with or without corrections, the case can be scheduled for a public hearing. All other agencies, please have your comments/conditions to the Planning Department as soon as possible, but no later than 14 days after the LDC date. Your comments/ recommendations/conditions are requested so that they may be incorporated in the staff report for this particular case.

Should you have any questions regarding this item, please do not hesitate to contact, **Larry Ross**, Project Planner, at **(909) 955-2046**.

COMMENTS: The Jurupa Unified School District is currently operating at capacity. Additional development projects will impact existing schools and create a need for additional facilities. School impact fees shall be paid pursuant to state law, even after such payment the District's schools will become increasingly impacted and overcrowded.

DATE: 11/03/03 SIGNATURE: 
PLEASE PRINT NAME AND TITLE: Elliott Duchon, Deputy Superintendent of Business Services and Governmental Relations
TELEPHONE: (909) 360-4157

If you do not use this letter for your response, please indicate the project planner's name. Thank you.



Riverside County
Waste Management Department

Hans W. Kernkamp, General Manager-Chief Engineer

June 14, 2007

Andrew Gonzalez, Project Planner
Riverside County Planning Department
P.O. Box 1409
Riverside, CA 92502-1409

RE: Plot Plan No. 18877, Amended No. 4 — Construct Eight (8) Industrial Structures with Office and Storage Space

Dear Mr. Gonzalez:

The Riverside County Waste Management Department (Department) has reviewed the proposed project located northerly of Nobel Court and easterly of Julia Street in Jurupa. The project has the potential to impact long-term landfill capacity by generating solid waste that requires disposal. It is also subject to the State Model Ordinance, implemented 9/1/94 in accordance with AB 1327, Chapter 18, California Solid Waste Reuse and Recycling Access Act of 1991, which requires that all commercial, industrial and multi-family residential projects provide adequate area(s) for collecting and loading recyclable materials (i.e., paper products, glass and other recyclables). In order to mitigate the project's potential solid waste impact, and to help the County's efforts to comply with State law in diverting solid waste from landfill disposal, the project proponent shall do the following:

1. **Prior to issuance of a building permit**, a Waste Recycling Plan (WRP) shall be submitted to the Waste Management Department for approval. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. Materials can be taken directly to recycling facilities (Riverside County Waste Management Department, Recycling Section, can be contacted directly at 951.486.3200 for a list of facilities), or arrangements can be made through the franchise hauler and/or a construction clean-up business.
2. **Prior to issuance of an occupancy permit**, evidence (i.e., receipts or other type verification) to demonstrate project compliance with the approved WRP shall be presented by the project proponent to the Planning/Recycling Division of the Riverside County Waste Management Department in order to clear the project for occupancy permits.
3. **Prior to issuance of a building permit FOR EACH BUILDING**, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the Riverside County Waste Management

Department for review and approval. The plot plan shall conform to ***Design Guidelines for Recyclables Collection and Loading Areas***, provided by the Waste Management Department, and shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/façade, construction materials and signage. The plot plan shall clearly indicate how the trash and recycling enclosures shall be accessed by the hauler.

4. **Prior to final building inspection FOR EACH BUILDING**, the applicant shall construct the recyclables collection and loading area in compliance with the Recyclables Collection and Loading Area plot plan, as approved and stamped by the Riverside County Waste Management Department and as verified by the Riverside County Building and Safety Department through site inspection.

The project proponent should implement the following measures, as feasible:

5. Hazardous materials **are not** accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. For further information, please contact the Household Hazardous Waste Collection Program at 1-800-304-2226.
6. Use mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
7. Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

Thank you for the opportunity to review this proposal. If you have any questions, please call me at (951) 486-3283.

Sincerely,



Sung Key Ma
Planner

RIVERSIDE COUNTY SHERIFF

Jurupa Valley Station
7477 Mission Blvd.
Riverside, CA 92509
(951) 955-2612 / 2600
(951) 955-2630 Fax

County of Riverside
Planning Department
9th Floor, CAC
ATTN: Andrew Gonzalez, Project Planner

June 13, 2007

RE: ~~Plot Plan No. 18877~~ - Amended No. 4 - EA No. 39223
APN: 156-360-027 and -028
Applicant: KCT Consultants, Inc.
Engineer / Representative: KCT Consultants, Inc.

Thank you for the opportunity to comment on the proposed construction of eight single story industrial buildings for storage and office use. The project consists of 150,747 sq. ft. of total building area, 122307 sq. ft. of landscaping, and 444 parking spaces on a 12.75 gross acre lot. The project site is located within the Prado-Mira Loma Zoning District, Jurupa Area Plan. The following issues of concern related to public safety and law enforcement are presented:

Pre-Construction & Construction Phases:

1. Current Planned Design:

The proposed design with the plan presents several issues which should be discussed for security reasons and issues of public safety:

A. Employee Work Areas and Loading Docks:

The interior doors should be secured with a heavy duty, commercial type lock which provides additional deterrent to forced entry, as well as, the exterior locking mechanism. Recommend a security alarm system for the each location. The business tenant must provide the servicing alarm vendor with a point of contact, and / or responder in the event of activation. During normal operational hours, the respective businesses should institute some manner of control, access and egress from these employee work areas, loading areas and doors.

The proper use of security measures (i.e. CCTV -- digital recording) may prevent the future loss of business equipment and/or merchandise. All loading dock areas shall be equipped with digital video recording camera's.

B. Exterior Lighting Plan: (Refer to Post-Construction Comments)

C. Roof Access:

The design for access to building roofs shall preclude having exterior ladders, equipment, or landscaping (i.e. trees) from being used by unauthorized persons. All roof top vents shall be reinforced to prevent forced access.

D. Landscaping:

The landscape design should be based on the use of planted items which will not overgrow areas of the business and / or property. For example, trees or shrubs, should not be planted directly adjacent to structures or the building, not should they be planted in a manner which will obstruct observation both, into and out of the building.

2. Construction Site:

Prior to construction on any structure, a material storage area should be established and enclosed by a six (6) foot chain link fence to minimize theft of materials and/or equipment.

It is required that a list of serial and / or license numbers of equipment stored at the location be maintained both, at the site and any off-site main office. The public and non-essential employees should be restricted in access to the construction areas. Current emergency contact information for the project should be kept on file with the Riverside Sheriff's Department.

The developer and / or builder's name, address and phone number should be conspicuously posted at the construction site. Visibility into the construction site should not be intentionally hampered. Areas actually under construction should be lit during hours of darkness. All entrances and exits should be clearly marked.

The construction site should have a clearly designated point of contact, such as a construction trailer or office. Post the emergency and non-emergency phone numbers for the fire department (CDF), ambulance service (AMR) and, the Riverside County Sheriff's Department near any local site phone. The address for the facility should be posted near the above phones at the site. Any phones at the site that are blocked for outgoing calls should not be blocked from dialing 9-1-1.

Designate and establish specific parking areas for construction site workers and employees. The parking areas and commercial areas on the premises should be accessible to emergency vehicles at all times with paved pathways of sufficient width to accommodate such vehicles.

Post Construction & Project Completion:

1. Lighting:

A professional lighting survey should be conducted and remain consistent with the existing property. All exterior lighting standards and fixtures should be resistant to vandalism and tampering. The standards should be of a height to reduce any tampering or damage.

Recommend low pressure sodium type lighting for the reasons of color rendition and increased visibility (i.e. less glare).

2. Graffiti Issues:

Prior to occupancy, the surface of walls, fences, buildings, logo monuments, etc... shall be graffiti resistant either through surface composition, applied paint type and / or planned shielding by landscaping or plants.

3. Business Numbering, Property Directory and Monument:

The property addresses shall be prominently displayed to the business front, visible from the street by the selection of adequate size numbering and contrasting color from the building facade. This will assist in emergency responses by the fire department (CDF) and / or law enforcement.

The project site has two access points from the public street. The Riverside County Sheriff's Department requires the installation of a property directory at each entrance to include a site map with the names and location of existing tenants. The directory shall display an after hours name and phone number for a contact representative of the property owner or leasing firm.

Additionally, the Riverside County Sheriff's Department requires that the property address (numerics) be placed atop the roof of the building. The application of the address numbers will assist emergency responders to the location by being visible from the air by an aircraft or helicopter. The numbers should be large enough (no less than 1 x 4 ') and contrasting in color against the rooftop.

4. Perimeter Fencing & No Trespassing Signs:

The planned fencing along the perimeter, concrete block walls and annotated gates demonstrate the appropriate use of defensible space, which should deter subjects from loitering or trespassing on the premises. The top portion of the southern wall, which separates the adjoining residential neighborhood, should be equipped with wrought iron rolled outward to prevent incursions over the wall. The premises shall have "No Trespassing or Loitering" signs posted along the perimeter fenceline a reasonable distance spaced and at all access points (per 602 P.C. California Penal Code).

5. Property Gates:

The project indicates the installation and use of gates. Installation of the Knox Lock Security System or Rapid Entry Locking Devices will be required. The equipment shall include the dual switch system (Model # 3503). This will allow varying public agencies (i.e. law enforcement or fire) unfettered access to the site for service responses. The Riverside County Fire and Sheriff's Department have independent accounts for key access, this ensures access without compromising accountability or security. The required form(s) may be obtained by contacting Deputy Matt Cosgrove at the Jurupa Valley Station (951) 955-9230. The required forms from the Riverside County Fire may be obtained by contacting their Planning Desk at (951) 955-4777.

Should the planning department, planning commission, developer or construction staff have any questions regarding the above law enforcement and public safety concerns, they may contact Deputy Matt Cosgrove at (951) 955-9230.

Cordially,

Matt Cosgrove
Deputy Sheriff
Jurupa Valley Station
C.P.T.E.D. Coordinator

cc: - RSO Admin.
- JVS File

LAND DEVELOPMENT COMMITTEE
(*INITIAL CASE ACCEPTANCE) MEETING AGENDA
RIVERSIDE COUNTY PLANNING DEPARTMENT
9TH FLOOR, CAC - P.O. Box 1409
Riverside, CA 92502-1409

DATE: **October 23, 2003**

Transportation (4)
Environmental Health
Flood Control District
Fire Department
Building & Safety - Grading
Building & Safety - John Vasquez
Regional Parks & Open Space
Geologist
Biologist
EDA
Riv. Co. Sheriff
Riv. Co. Waste
Supervisor Tavaglione
Commissioner Snell

Riverside Transit Agency
Jurupa Rec & Park Dist.
Jurupa Unified School Dist.
Jurupa Community Services Dist.
Western municipal Water
So. Calif. Edison
So. Cal Gas
SBC
CA Dept of Fish and Game
Caltrans#8
U.S. Fish & Wildlife Service
U.S. Postal Service/S.B.
EIC(Attachment "A")
Center for Community Action & Environmental
Justice

PL PLAN NO.18877 - EA No. 39223 - Applicant: Obayashi Corporation - Engineer/Rep.: KCT Consultants, Inc. - Second Supervisorial District - Prado-Mira Loma Zoning District - Located on the south side of Deforest Circle, north of Nobel Ct. - 11.4 acres - I-P (Industrial Park) zone - **REQUEST:** Plot Plan No. 18877 proposes the construction of a speculative warehouse facility with 221,870 square foot building, and an additional 10,000 square feet of office space. The project has 71,625 square feet of landscaping and 198 parking places. - Schedule: n/a - APN: 156-360-027, 028 - Related Cases: EIR 450, (1st LDC)

Please review the case described above, along with the attached tentative map/exhibit. This item will be discussed on **November 13, 2003**, by the Land Development Committee. All County LDC Agencies and Departments, please have draft conditions in the Land Management System by the LDC date. If you cannot clear the exhibit, please have LDC corrections in the system and DENY the routing. Once the route is complete, and the approval screen is approved with or without corrections, the case can be scheduled for a public hearing. All other agencies, please have your comments/conditions to the Planning Department as soon as possible, but no later than 14 days after the LDC date. Your comments/ recommendations/conditions are requested so that they may be incorporated in the staff report for this particular case.

Should you have any questions regarding this item, please do not hesitate to contact, **Larry Ross**, Project Planner, at **(909) 955-2046**.

COMMENTS: The Jurupa Unified School District is currently operating at capacity. Additional development projects will impact existing schools and create a need for additional facilities. School impact fees shall be paid pursuant to state law, even after such payment the District's schools will become increasingly impacted and overcrowded.

DATE: *11/20/03* SIGNATURE: *[Signature]*
PLEASE PRINT NAME AND TITLE: Elliott Duchon, Deputy Superintendent of Business Services and Governmental Relations
TELEPHONE: (909) 360-4157

If you do not use this letter for your response, please indicate the project planner's name. Thank you.



Riverside County
Waste Management Department

Hans W. Kernkamp, General Manager-Chief Engineer

June 20, 2007

Andrew Gonzalez, Project Planner
Riverside County Planning Department
P. O. Box No. 1409
Riverside, CA 92502-1409

RE: Plot Plan No. 18879 Amended No. 4
Proposal: The Plot Plan proposes the development of one structure with mezzanine space, for office and warehouse uses
APN: 156-360-031, -041

Dear Mr. Gonzalez:

The Riverside County Waste Management Department (Department) has reviewed the proposed project located south of Nobel Court and west of Deforest Circle, in the Jurupa Area Plan. In order to mitigate the project's potential solid waste impacts and to help the County's efforts to comply with State law in diverting solid waste from landfill disposal, the Department is recommending that the following conditions be made a part of any Conditions of Approval for the project:

1. **Prior to issuance of a building permit for EACH building**, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the Riverside County Waste Management Department for review and approval. The plot plan shall conform to ***Design Guidelines for Recyclables Collection and Loading Areas***, provided by the Waste Management Department, and shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/façade, construction materials and signage. The plot plan shall clearly indicate how the trash and recycling enclosures shall be accessed by the hauler.
2. **Prior to final building inspection for EACH building**, the applicant shall construct the recyclables collection and loading area in compliance with the Recyclables Collection and Loading Area plot plan, as approved and stamped by the Riverside County Waste Management Department and as verified by the Riverside County Building and Safety Department through site inspection.
3. a) **Prior to issuance of a building permit**, a ***Waste Recycling Plan (WRP)*** shall be submitted to the Waste Management Department for approval. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. Materials can be taken directly to recycling facilities (Riverside County Waste Management Department, Recycling Section, can be contacted directly at 951.486.3200 for a list of facilities), or

arrangements can be made through the franchise hauler and/or a construction clean-up business.

b) **Prior to issuance of an occupancy permit**, evidence (i.e., receipts or other type verification) to demonstrate project compliance with the approved WRP shall be presented by the project proponent to the Planning/Recycling Division of the Riverside County Waste Management Department in order to clear the project for occupancy permits.

4. Since hazardous materials are not accepted at Riverside County landfills, the project proponent shall take any hazardous wastes, including paint used during construction, to facilities that are permitted to receive them, in accordance with local, state, and federal regulations. For further information, please contact the Household Hazardous Waste Collection Program at 1-800-304-2226.
5. Use mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
6. Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

Thank you for the opportunity to review this proposal. If you have any questions, please call me at (951) 486-3351.

Sincerely,



Ryan Ross
Planner

RIVERSIDE COUNTY SHERIFF

Jurupa Valley Station
7477 Mission Blvd.
Riverside, CA 92509
(951) 955-2612 / 2600
(951) 955-2630 Fax

County of Riverside
Planning Department
9th Floor, CAC
ATTN: Andrew Gonzalez, Project Planner

June 13, 2007

RE: ~~Plot Plan No. 18879~~- Amended No. 4 - EA No. 39225
APN: 156-360-031 and -041, Concurrent Cases: EIR00450
Applicant: KCT Consultants, Inc.
Engineer / Representative: KCT Consultants, Inc.

Thank you for the opportunity to comment on the proposed construction of one industrial building with mezzanine, office space and 145,480 sq. ft. warehouse. The project consists of 155,480 sq. ft. of total building area, 53,941 sq. ft. of landscaping, and 119 parking spaces on a 7.99 gross acre lot. The project site is located within the Prado-Mira Loma Zoning District, Jurupa Area Plan. The following issues of concern related to public safety and law enforcement are presented:

Pre-Construction & Construction Phases:

1. Current Planned Design:

The proposed design with the plan presents several issues which should be discussed for security reasons and issues of public safety:

A. Employee Work Areas and Loading Docks:

The interior doors should be secured with a heavy duty, commercial type lock which provides additional deterrent to forced entry, as well as, the exterior locking mechanism. Recommend a security alarm system for the each location. The business tenant must provide the servicing alarm vendor with a point of contact, and / or responder in the event of activation. During normal operational hours, the respective businesses should institute some manner of control, access and egress from these employee work areas, loading areas and doors.

The proper use of security measures (i.e. CCTV – digital recording) may prevent the future loss of business equipment and/or merchandise. All loading dock areas shall be equipped with digital video recording camera's.

B. Exterior Lighting Plan: (Refer to Post-Construction Comments)

C. Roof Access:

The design for access to building roofs shall preclude having exterior ladders, equipment, or landscaping (i.e. trees) from being used by unauthorized persons. All roof top vents shall be reinforced to prevent forced access.

D. Landscaping:

The landscape design should be based on the use of planted items which will not overgrow areas of the business and / or property. For example, trees or shrubs, should not be planted directly adjacent to structures or the building, not should they be planted in a manner which will obstruct observation both, into and out of the building.

2. Construction Site:

Prior to construction on any structure, a material storage area should be established and enclosed by a six (6) foot chain link fence to minimize theft of materials, and / or equipment.

It is required that a list of serial and / or license numbers of equipment stored at the location be maintained both, at the site and any off-site main office. The public and non-essential employees should be restricted in access to the construction areas. Current emergency contact information for the project should be kept on file with the Riverside Sheriff's Department.

The developer and / or builder's name, address and phone number should be conspicuously posted at the construction site. Visibility into the construction site should not be intentionally hampered. Areas actually under construction should be lit during hours of darkness. All entrances and exits should be clearly marked.

The construction site should have a clearly designated point of contact, such as a construction trailer or office. Post the emergency and non-emergency phone numbers for the fire department (CDF), ambulance service (AMR) and, the Riverside County Sheriff's Department near any local site phone. The address for the facility should be posted near the above phones at the site. Any phones at the site that are blocked for outgoing calls should not be blocked from dialing 9-1-1.

Designate and establish specific parking areas for construction site workers and employees. The parking areas and commercial areas on the premises should be accessible to emergency vehicles at all times with paved pathways of sufficient width to accommodate such vehicles.

Post Construction & Project Completion:

1. Lighting:

A professional lighting survey should be conducted and remain consistent with the existing property. All exterior lighting standards and fixtures should be resistant to vandalism and tampering. The standards should be of a height to reduce any tampering or damage.

Recommend low pressure sodium type lighting for the reasons of color rendition and increased visibility (i.e. less glare).

2. Graffiti Issues:

Prior to occupancy, the surface of walls, fences, buildings, logo monuments, etc... shall be graffiti resistant either through surface composition, applied paint type and / or planned shielding by landscaping or plants.

3. Business Numbering, Property Directory and Monument:

The property addresses shall be prominently displayed to the business front, visible from the street by the selection of adequate size numbering and contrasting color from the building facade. This will assist in emergency responses by the fire department (CDF) and / or law enforcement.

The project site has two access points from the public street. The Riverside County Sheriff's Department requires the installation of a property directory at each entrance to include a site map with the names and location of existing tenants. The directory shall display an after hours name and phone number for a contact representative of the property owner or leasing firm.

Additionally, the Riverside County Sheriff's Department requires that the property address (numerics) be placed atop the roof of the building. The application of the address numbers will assist emergency responders to the location by being visible from the air by an aircraft or helicopter. The numbers should be large enough (no less than 1 x 4 ') and contrasting in color against the rooftop.

4. Perimeter Fencing & No Trespassing Signs:

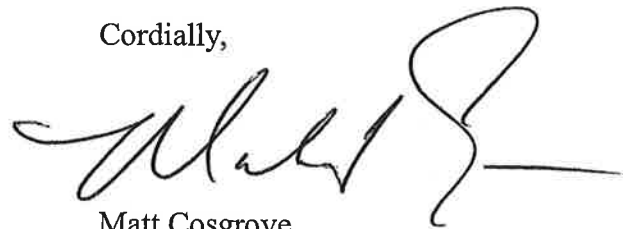
The planned fencing along the perimeter, concrete block walls and annotated gates demonstrate the appropriate use of defensible space, which should deter subjects from loitering or trespassing on the premises. The top portion of the southern wall, which separates the adjoining residential neighborhood, should be equipped with wrought iron rolled outward to prevent incursions over the wall. The premises shall have "No Trespassing or Loitering" signs posted along the perimeter fence line a reasonable distance spaced and at all access points (per 602 P.C. California Penal Code).

5. Property Gates:

The project indicates the installation and use of gates. Installation of the Knox Lock Security System or Rapid Entry Locking Devices will be required. The equipment shall include the dual switch system (Model # 3503). This will allow varying public agencies (i.e. law enforcement or fire) unfettered access to the site for service responses. The Riverside County Fire and Sheriff's Department have independent accounts for key access, this ensures access without compromising accountability or security. The required form(s) may be obtained by contacting Deputy Matt Cosgrove at the Jurupa Valley Station (951) 955-9230. The required forms from the Riverside County Fire may be obtained by contacting their Planning Desk at (951) 955-4777.

Should the planning department, planning commission, developer or construction staff have any questions regarding the above law enforcement and public safety concerns, they may contact Deputy Matt Cosgrove at (951) 955-9230.

Cordially,

A handwritten signature in black ink, appearing to read 'Matt Cosgrove', with a long horizontal line extending to the right.

Matt Cosgrove
Deputy Sheriff
Jurupa Valley Station
C.P.T.E.D. Coordinator

cc: - RSO Admin.
- JVS File

LAND DEVELOPMENT COMMITTEE
(*INITIAL CASE ACCEPTANCE) MEETING AGENDA
RIVERSIDE COUNTY PLANNING DEPARTMENT
9TH FLOOR, CAC - P.O. Box 1409
Riverside, CA 92502-1409

DATE: **October 23, 2003**

| | |
|----------------------------------|---|
| Transportation (4) | Riverside Transit Agency |
| Environmental Health | Jurupa Rec & Park Dist. |
| Flood Control District | Jurupa Unified School Dist. |
| Fire Department | Jurupa Community Services Dist. |
| Building & Safety - Grading | Western municipal Water |
| Building & Safety - John Vasquez | So. Calif. Edison |
| Regional Parks & Open Space | So. Cal Gas |
| Geologist | SBC |
| Biologist | CA Dept of Fish and Game |
| EDA | Caltrans#8 |
| Riv. Co. Sheriff | U.S. Fish & Wildlife Service |
| Riv. Co. Waste | U.S. Postal Service/S.B. |
| Supervisor Tavaglione | EIC(Attachment "A") |
| Commissioner Snell | Center for Community Action & Environmental Justice |

PL PLAN NO.18879 - EA No. 39225 - Applicant: Obayashi Corporation - Engineer/Rep.: KCT Consultants, Inc. - Second Supervisorial District - Prado-Mira Loma Zoning District - Located on the west side of Deforest Circle, south of Nobel Ct. - 8 acres - I-P (Industrial Park) zone - **REQUEST:** Plot Plan No. 18879 proposes the construction of a speculative warehouse facility with 156,150 square foot building, and an additional 10,000 square feet of office space. The project has 62,740 square feet of landscaping and 121 parking places. - Schedule: n/a - APN: 156-360-031, 041 - Related Cases: EIR 450, (1st LDC)

Please review the case described above, along with the attached tentative map/exhibit. This item will be discussed on **November 13, 2003**, by the Land Development Committee. All County LDC Agencies and Departments, please have draft conditions in the Land Management System by the LDC date. If you cannot clear the exhibit, please have LDC corrections in the system and DENY the routing. Once the route is complete, and the approval screen is approved with or without corrections, the case can be scheduled for a public hearing. All other agencies, please have your comments/conditions to the Planning Department as soon as possible, but no later than 14 days after the LDC date. Your comments/ recommendations/conditions are requested so that they may be incorporated in the staff report for this particular case.

Should you have any questions regarding this item, please do not hesitate to contact, **Larry Ross**, Project Planner, at **(909) 955-2046**.

COMMENTS: The Jurupa Unified School District is currently operating at capacity. Additional development projects will impact existing schools and create a need for additional facilities. School impact fees shall be paid pursuant to state law, even after such payment the District's schools will become increasingly impacted and overcrowded.

DATE: *10/23/03* SIGNATURE: *[Signature]*
PLEASE PRINT NAME AND TITLE: Elliott Duchon, Deputy Superintendent of Business Services and Governmental Relations
TELEPHONE: (909) 360-4157

If you do not use this letter for your response, please indicate the project planner's name. Thank you.



Department of **Public Health**
Riverside County Community Health Agency

Date: January 6, 2004

To: Larry Ross
Riverside County Planning Department
4080 Lemon Street, 9th Floor
Riverside, California 92502
Fax: (909) 955-3157

From: Steven T. Uhlman, REHS, CIH, JD *SU*
Public Health Program Chief
Department of Public Health
Office of Industrial Hygiene
P.O. BOX 7600
Riverside, California 92513-7600
Phone: (909) 358-5050 *SU*

Report written by: Steven D. Hinde, REHS, CIH
Senior Industrial Hygienist

Project Reviewed: EIR 450 / Plot Plans 18875 - 18879

Reference Number: **95439**

Applicant: Lesley Turner
KCT Consultants Inc
4344 Latham Street, Suite 200
Riverside, CA 92501

Noise Consultant Giroux & Associates
17744 Sky Park Circle, Suite 210
Irvine, CA 92614

Review Stage: First Review

Information Provided: "Noise Impact Study Mira Loma Industrial Center Riverside County, CA" Project No. P02-045 dated January 9, 2003.



Noise Standards:

For Stationary Noise Sources:

A. Standards

Facility-related noise, as projected to any portion of any surrounding property containing a “habitable dwelling, hospital, school, library or nursing home”, must not exceed the following worst-case noise levels.

- A) 45 dB(A) – 10 minute noise equivalent level (“leq”), between the hours of 10:00 p.m. to 7:00 a.m. (nighttime standard).
- B) 65 dB (A) – 10 minute leq, between 7:00 a.m. and 10:00 p.m. (daytime standard)

B. Requirement For Determination of Community Noise Impact:

1. Noise originating from operations within the facility grounds shall be treated as “stationary” noise sources for which this standard will apply.
2. Noise Modeling Methodology: Noise predictions are to be made by an engineer, acoustical consultant or other similar professional with experience in predicting community noise exposure using standard methods and practices of the noise consulting industry.
3. Required Modeling Parameters for Stationary Sources:
 - i. Stationary sources are to be modeled as “point” sources.
 - ii. Mobile point sources are to be modeled as emanating from the acoustical centroid of the activity, or at its closest approach to potentially impacted residential property lines, which ever yields the worst-case results.
 - iii. Noise modeling for each piece of acoustical equipment, process or activity must be based on Reference Noise Levels (RNL). RNL may be obtained directly from the manufacturer (in case of equipment) or generated from field studies. Regardless, the data must be representative of worst-case conditions. Directionality of the noise source must be taken into consideration if applicable.
 - iv. Predicted noise levels are to be expressed in terms of worst-case “equivalent continuous sound levels” [or, Leq] averaged over a ten minute period.

- v. For modeling purposes, receivers are assumed to be positioned at the property line boundary at an elevation of five feet off the ground.
- vi. Terrain conditions for modeling noise propagation: Assumptions regarding ground effects, atmospheric absorption and other forms of noise attenuation must be fully justified.

Findings:

The consultant's report is adequate. Based on our calculations the recommendation listed below should provide sufficient attenuation to reduce the exterior noise levels to below 65 dB (A) during the day and 45 dB (A) at night.

Recommendations:

The following conditions shall be applied to the project based on the information provided by the acoustical consultant:

1. Facility-related noise, as projected to any portion of any surrounding property containing a **“sensitive receiver, habitable dwelling, hospital, school, library or nursing home”**, must not exceed the following worst-case noise levels 45 dB(A) – 10 minute noise equivalent level (“leq”), between the hours of 10:00 p.m. to 7:00 a.m. (nighttime standard) and 65 dB (A) – 10 minute leq, between 7:00 a.m. and 10:00 p. m. (daytime standard).
2. Whenever a construction site is within one-quarter (1/4) of a mile of an occupied residence or residences, no construction activities shall be under taken between the hours of 6:00 p.m. and 6:00 a.m. during the months of June through September and between the hours of 6:00 p.m. and 7:00 a.m. during the months of October through May. Exceptions to these standards shall be allowed only with the written consent of the building official.

Each Plot Plan is to provide a noise report that provides daily and hourly number of trucks, operating hours, dBA 10 minute Leq levels with worse case scenarios, noise readings from similar operations and distances to the nearest sensitive receivers for the below recommendations to apply or be modified.

3. The proposed 6-foot high separation wall between project parcels adjacent to existing residential uses should be raised to 8 feet if daytime trucking activity occurs within 200 feet of the property line.
4. A 12-foot high perimeter barrier shall be required if nocturnal (10 p.m. to 7 a.m.) loading dock material handling activities are conducted within 300 feet of any residence. If nocturnal trucking activities are conducted simultaneously of the warehouse/loading dock, the 12-foot-high barrier shall be required if such

- combined activities occur within 600 feet of an existing home.
5. No nocturnal loading / unloading shall occur with 100 feet of any residence for Plot Plans 18876 and 18877. No combined trucking movements and unloading /loading shall occur within 200 feet of any residence from 10 p.m. to 7 a.m.
 6. Our Department must receive, review and approve an acoustical report addressing the noise that might be produced from each specific tenant/ plot plan. The Office of Industrial Hygiene will determine which businesses will be required to have an acoustical report.
 7. The applicant shall pay review fees (prior to pulling your building permits) to the Department of Public Health for all time spent in review of this project. Fees will be assessed at the Department's hourly rate for Industrial Hygienists.

Hinojosa, Christian

From: Sarah Morrison [Sarah.Morrison@doj.ca.gov]
Sent: Wednesday, May 12, 2010 6:13 PM
To: Hinojosa, Christian
Subject: Mira Loma Commerce Center EIR No. 450

Dear Mr. Hinojosa,

Thank you for talking to me today regarding the Mira Loma Commerce Center (MLCC), EIR No. 450. As I mentioned, I have been reviewing the MLCC EIR, and I would like to be added to the mailing list for this project. I would appreciate receiving notice of when the final EIR is issued and when the public hearing is scheduled.

I also have questions regarding the projects that were used to determine cumulative impacts. I could not find information on the Riverside County website regarding the APN and the project name for the cumulative projects. It is not clear where these projects are located, and how it was determined that these are appropriate past, present, and probable future projects to be considered in the MLCC EIR. Lastly it was unclear what assumptions were made regarding these projects to arrive at the cumulative emissions in the tables attached to the Air Quality Impact Analysis. Any assistance regarding these matters would be appreciated.

Please contact me if you would like to discuss further.

Thanks, Sarah

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
fax (213) 897-2802

E-mail address: Sarah.Morrison@doj.ca.gov

Please consider the environment before printing this e-mail

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**Response to the
California Attorney General's Office
E-mail dated: May 12, 2010**

The responses provided below clarify the analysis presented in the Draft EIR for the Mira Loma Commerce Center (EIR No. 450) in response to the questions asked by Ms. Sarah Morrison, Deputy Attorney General. The below responses do not present any substantial evidence showing any new or different potentially significant impacts.

AG Comment #1

Thank you for talking to me today regarding the Mira Loma Commerce Center (MLCC), EIR No. 450. As I mentioned, I have been reviewing the MLCC EIR, and I would like to be added to the mailing list for this project. I would appreciate receiving notice of when the final EIR is issued and when the public hearing is scheduled.

Response to AG Comment #1

The Riverside County Planning Department will add Ms. Sarah Morrison's name and address to the project's mailing list and will provide any notices required by law, including notice as to when the public hearing is scheduled.

AG Comment # 2

I could not find information on the Riverside County website regarding the APN and the project name for the cumulative projects.

Response to AG Comment # 2

The following list of Assessor's Parcel Numbers (APN) for the cumulative projects listed in Table 4.3-U (Draft EIR, p. 4.3-73) and Table 6.0-E (Draft EIR, p. 6.0-6) of the Draft EIR. Riverside County does not record the names chosen by developers for their projects and generally refers to project by their project number. These project numbers are listed in the first column of Tables 4.3-U and 6.0-E of the Draft EIR and in the table below. It should be noted that most of the APNs are those listed for each project when the application for each project was submitted to the County of Riverside or the City of Fontana and may no longer be current.

Cumulative Projects Assessor's Parcel Numbers

| Project | Assessor's Parcel Numbers |
|----------------|---|
| PP19748 | 156-111-001 156-111-002 156-111-003 156-113-001 156-113-002 |

| Project | Assessor's Parcel Numbers |
|-----------|--|
| | 156-113-003 156-113-004 156-113-005 156-113-006 156-120-001 156-130-001 156-130-002 156-130-003 156-130-004 156-130-005 156-130-007 156-130-011 |
| PP19980 | 156-210-064 156-210-065 170-330-027 |
| PP21014 | 156-350-032 |
| PP16686 | 156-340-024 156-340-025 |
| PP18351 | 156-360-066 156-360-067 156-360-068 156-360-069 |
| PP18352 | 156-361-007 |
| PP18356 | 156-360-061 156-360-062 156-360-063 156-360-064 |
| PP18504 | 156-361-012 |
| PP19213 | 156-332-022 |
| PP19215 | 156-332-023 |
| PP19215 | 156-140-045 |
| PP19574 | 156-310-049 |
| PP19763 | 156-200-021 |
| PP20378 | 156-360-050 |
| TR33461 | 156-360-051 |
| TR33461 | 160-060-041 |
| TR31644 | 160-060-006 |
| TR31644 | 160-060-036 |
| TR31644 | 160-060-037 |
| DRP04-16* | 0236-141-13 |
| DRP05-38* | 0238-112-16 |
| DRP04-22* | 0238-111-34 |
| DRP05-49* | 0236-091-67 |
| DRP04-39* | 0238-091-45 |
| DRP04-39* | 0238-091-46 |

Note* = Project located in city of Fontana

AG Comment # 3

It is not clear where these projects are located, and how it was determined that these are appropriate past, present, and probable future projects to be considered in the MLCC EIR.

Response to Comment # 3

The location of the cumulative projects is shown on Figure 4-J of the Traffic Study (Appendix J of the Draft EIR), a copy of which is attached.

As discussed in detail in Section 6.0 (Mandatory CEQA Topics) of the MLCC EIR utilizes the "summary of projections" approach in the cumulative analysis, as provided for by Section 15130(d) of the CEQA Guidelines. The cumulative impact analysis is based on information contained in the Riverside County Integrated Project General Plan Final Program Environmental Impact Report and Draft Program EIR (SCH No. 20022051143) certified by the Riverside County Board of Supervisors on October 7, 2003. (Draft EIR, pp. 6.0-1 and 6.0-2).

The Riverside County Integrated Project General Plan Final Program Environmental Impact Report and Draft Program EIR ("RCIP EIR") certified by the Riverside County Board of Supervisors on October 7, 2003 evaluated the potential environmental impacts associated with a theoretical build-out of all unincorporated areas which is expected to occur in 2040 or possibly later. The projections developed and analyzed in this EIR estimated potential population, dwelling units, and employment for unincorporated areas of the County. The General Plan's land uses served as the basis for these projections. The Riverside County General Plan reflects the past, present and probable future development for that area within which the proposed project is located and its Program EIR described and evaluated the conditions contributing to area-wide and regional cumulative impacts. (Draft EIR, pp. 6.0-2 and 6.0-3)

Although the RCIP EIR addressed the range of environmental impacts covered by the proposed project and covers a geographic area that included the project; in those environmental issues that are potentially affected by project square footages (i.e., Air Quality and Transportation/Traffic), the cumulative impact analysis contained within this EIR incorporated the actual impact of the total square footage of the proposed project into the RCIP build-out year (2037) analysis. Additionally, known projects within the vicinity of the proposed project which may not have been incorporated into the RCIP EIR analysis, as shown on **Table 6.0-E, Cumulative Projects Within the Proposed Project Vicinity**, were incorporated into the cumulative impact analysis for Air Quality and Transportation/Traffic impacts in order to provide a worst-case analysis. (Draft EIR, pp. 6.0-5 and 6.0-6) The significance conclusion under this approach was that the Project will result in a significant contribution to cumulative air quality impacts. (Draft EIR, pp. 4.3-74 and 6.0-13)

In order to identify which projects may not have been incorporated into the RCIP EIR analysis, a list of all known project applications within one mile of the proposed project was generated from Riverside County's GIS database, which included project applications as early as October 1989. Inasmuch that on-road motor vehicles contribute most of long-term operational air quality emissions related to area-wide development, it was determined that a one-mile radius would

reasonable encompass all known projects that have the potential to contribute to cumulative traffic on those roadways affected by the proposed Project and thus also contribute to long-term operational air quality emissions. This list of project applications was screened to eliminate those approved projects that had already been constructed (and thus previously incorporated into the RCIP EIR analysis). Project applications that had been approved, but had expired without being constructed, were also eliminated as no longer representing past, present and probable future development. The City of Fontana provided a list of all planning projects within the city limits from August 1997 to present. The City of Fontana projects were screened in the same manner as the Riverside County projects, but also to delete those projects located outside of the identified study area. The City of Ontario indicated that there were no projects located within that portion of the study area located within its boundaries. The remaining projects, regardless of their size, were included in the cumulative projects listed in Table 4.3-U (Draft EIR, p. 4.3-73) and Table 6.0-E (Draft EIR, p. 6.0-6) of the Draft EIR.

AG Comment # 4

Lastly it was unclear what assumptions were made regarding these projects to arrive at the cumulative emissions in the tables attached to the Air Quality Impact Analysis. Any assistance regarding these matters would be appreciated.

Response to AG Comment # 4

The Air Quality Impact Analysis made the assumption that all of the cumulative projects will be constructed and in operation concurrently with the proposed project in order to provide a worst-case scenario for analysis. As recommended by South Coast Air Quality Management District staff, the URBEMIS 2007 for Windows version 9.2.2 computer model was used to quantify cumulative project-related emissions. The emissions modeling used the combined sizes of the cumulative projects, and with the exception of emissions related to landscape maintenance, as described below, used the default settings for projects located within the South Coast Air Quality Management District (SCAQMD) (Draft EIR, p. 4.3-74). These default settings were used because they present typical emissions from land uses within the SCAQMD based upon data from the California Air Resources Board, SCAQMD and the U.S. Environmental Protection Agency.

For example, these default settings assume the following:

- Natural gas is used as the primary source of water and space heating, with the exception of wood used for fireplaces.
- Stoves are used for an average two hours per day during winter months, and 100 days per year (200 hours per year).
- Average annual emissions for landscape maintenance assume that daily emissions would only occur during the summer period of 180 days.
- Consumer product emissions for residential uses are based upon 2.861 persons per dwelling unit.
- Ten percent of total residential and nonresidential building square footage is repainted each year.

- One hundred percent of vehicle miles traveled occur on paved roads.
- The trip speed of project generated traffic is 30.0 mph.
- Residential trips are made up of 32.9% home-work (12.7-mile urban trip length, 17.6-mile rural trip length), 18.0% home-shop (7.0-mile urban trip length, 12.1-mile rural trip length) and 49.1% home-other (9.5-mile urban trip length, 14.9 mile rural trip length).
- Commercial commute trips by land use are 2.0% of warehouse trips, 50.0% of general light industrial trips, and 48.0% of manufacturing trips; all with an urban trip length of 13.3 miles and rural trip length of 15.4 miles.
- Commercial non-work trips by land use are 1.0% of warehouse trips, 25.0% of general light industrial trips, and 24.0% of manufacturing trips; all with an urban trip length of 7.4 miles, and rural trip length of 9.6 miles.
- Commercial customer trips by land use are 97.0% of warehouse trips, 25.0% of general light industrial trips, and 28.0% of manufacturing trips; all with an urban trip length of 8.9 miles and a rural trip length of 12.6 miles.

Although the URBEMIS default settings for landscape maintenance assume that daily emissions would only occur during the summer period of 180 days, the cumulative project analysis assumed that landscape maintenance would occur throughout the year due to climate conditions in southern California and, again, to provide a worst-case impacts scenario for purposes of analysis. The emissions related to landscape maintenance were manually added to the results for winter emissions because URBEMIS only includes landscape maintenance emissions in its summer emissions output.

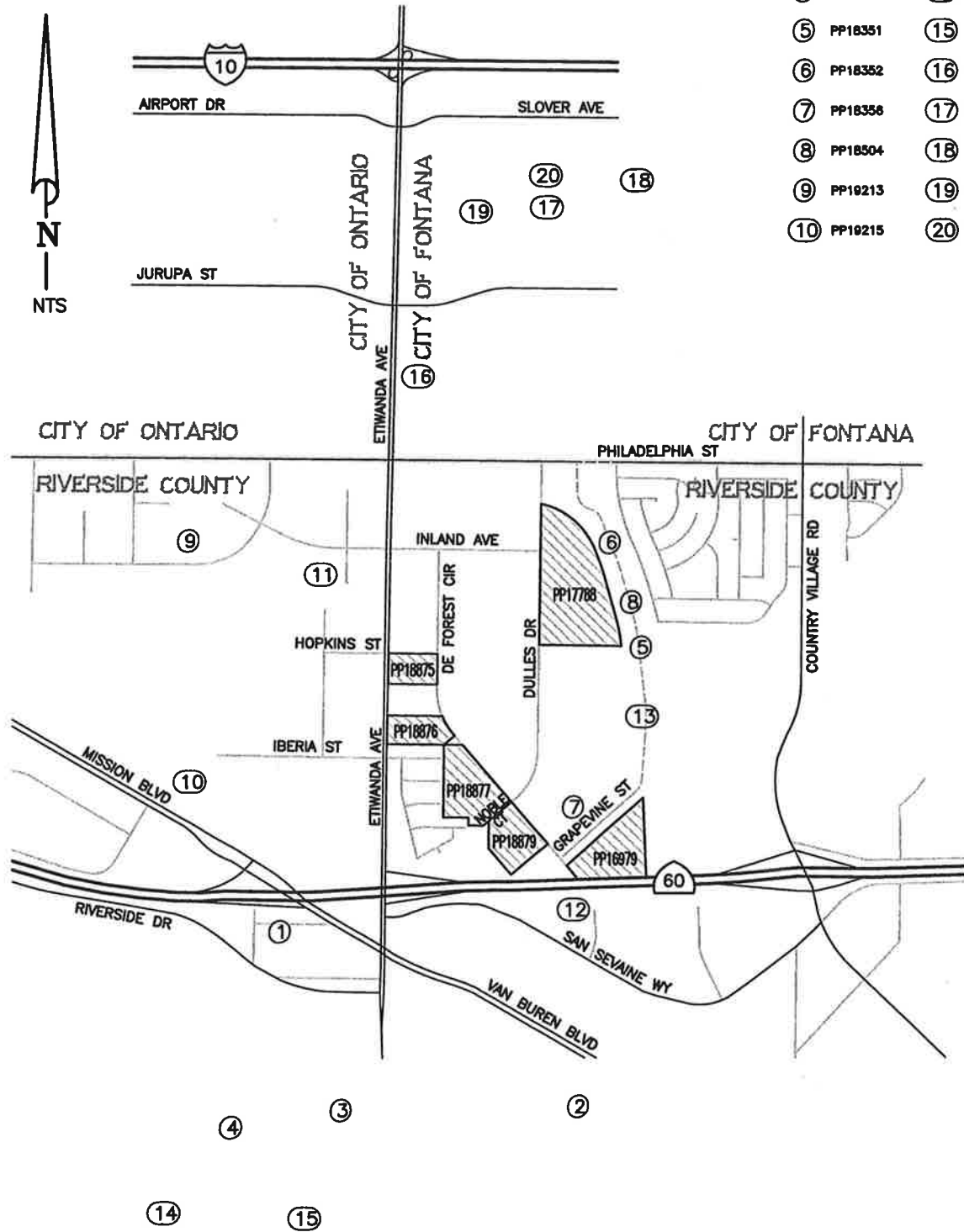
Additionally, in order to generate a worst-case scenario for cumulative impact emissions analysis, it was assumed that there would be no “pass-by trips” or “diverted linked trips” which would reduce the total number of vehicle miles traveled as a result of the cumulative projects; therefore assuming that all cumulative project trips would be “primary trips” made for the specific purpose of traveling to and from the cumulative project.¹ Additionally, it was assumed that no mitigation measures would be used to reduce potential impacts. As a result of this overall worst case analysis, it was determined that potential cumulative impacts will exceed the regional thresholds for ROG, NO_x, CO, PM-10, and PM-2.5 in both summer and winter. Therefore, since the project’s operational emissions also exceed the SCAQMD regional thresholds for ROG, NO_x, and CO in both summer and winter; it was determined that the Project will result in a significant contribution to cumulative air quality impacts. (Draft EIR, pp. 4.3-74 and 6.0-13)

¹ *Primary Trips* are trips made for the specific purpose of visiting the generator. The stop at that generator is the primary reason for the trip. For example, a home to shopping to home combination of trips is a primary trip set.

Pass-By Trips are trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street that contains direct access to the generator. These trips do not require a diversion from another roadway.

Diverted Linked Trips are trips attracted from the traffic volume on roadways within the vicinity of the generator but which require a diversion from that roadway to another roadway to gain access to the site. These roadways could include streets or freeways adjacent to the generator, but without access to the generator.

- ① PP19748
- ② PP19980
- ③ PP21014
- ④ PP18686
- ⑤ PP18351
- ⑥ PP18352
- ⑦ PP18356
- ⑧ PP18504
- ⑨ PP19213
- ⑩ PP19215
- ⑪ PP19574
- ⑫ PP19763
- ⑬ PP20378
- ⑭ TR33461
- ⑮ TR31844
- ⑯ DRP04-16
- ⑰ DRP04-22
- ⑱ DRP04-39
- ⑳ DRP05-38
- ㉑ DRP05-49



ALBERT A.
WEBB
 ASSOCIATES
 ENGINEERING CONSULTANTS

CUMULATIVE PROJECTS
 WITHIN STUDY AREA

MIRA LOMA COMMERCE CENTER (EIR NO. 450)
 RIVERSIDE COUNTY, CALIFORNIA

FIGURE

4-J

W.O. 05-0444

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**Response to
Center for Community Action and Environmental Justice & Natural
Resources Defense Council
Comment letter dated: June 11, 2010**

The Center for Community Action and Environmental Justice and the Natural Resources Defense Council (CCAIEJ/NRDC) provided joint comments regarding Draft EIR No. 450 for Plot Plan 16979, Plot Plan 17788, Plot Plan 18875, Plot Plan 18876, Plot Plan 18877 and Plot Plan 18879 in its letter dated June 11, 2010. The following discussion provides responses to those comments. As explained in Section 1.0 of this Final EIR (*Corrections, Errata, and Changes from Draft EIR to Final EIR*), above, the responses and edits provided below merely clarify and amplify the analysis and conclusions already presented in the Draft EIR. The environmental issues raised in the comment letters and responded to below do not present any substantial evidence showing any new or different potentially significant impacts.

CCAIEJ/NRDC Comment #1

On behalf of the Center for Community Action and Environmental Justice and the Natural Resources Defense Council, we write to provide comments on the Recirculated Environmental Impact Report for the Mira Loma Commerce Center ("EIR"). We request that these comments and the attachments be included in the record for this project. After careful review, we have concluded that the EIR fails in many respects to comply with the requirements of the California Environmental Quality Act ("CEQA"). As described below, the EIR is inadequate because it fails to carry out CEQA's mandates. It does not accurately identify or analyze the significant environmental impacts that would result from the implementation of this major Project in close proximity to sensitive sites, and it fails to provide sufficient mitigation for such impacts as it does identify. The Project also fails to analyze and adopt all feasible mitigation measures as mandated by CEQA. The Project also fails to comply with the County of Riverside's General Plan, which would make certification of this EIR a per se violation of CEQA. Finally, it fails to consider alternatives that effectively protect the environment.

Response to CCAIEJ/NRDC Comment #1

Comment noted. These comments and the attachments are included in the record for this Project. Responses to the remaining comments in this letter describe how the EIR complies with CEQA and the Riverside County General Plan.

This comment letter contained two attachments; 1) the Southern California Association of Governments (SCAG) *2008 Regional Transportation Plan Goods Movement Report*, and 2) Colliers International *West Inland Empire Market Report*. The SCAG *Goods Movement Report* focused on the activities generated by the Ports of Los Angeles and Long Beach and how goods are transported out of the region. As discussed in Response to CCAIEJ/NRDC Comment #3, the propose Project, due to its size and location, will not primarily be associated with Port activities

such as regional long-distance truck trips. This attachment does not provide information that changes any analysis in EIR because it provides background information on goods movement *from the Ports* – not the Project - and the regional strategies that SCAG is proposing to address the challenges associated with regional goods movement in terms of accelerated infrastructure improvements. The Colliers International Market Report addresses the industrial market trends for the first quarter of 2010. In summary, it states that the total vacancy rate and total availability rate for the West Inland Empire has decreased slightly and that the vacancy rate has started to stabilize. It also indicated that for the first time in over two years more space was leased or sold than was brought back to the market vacant, but that further evidence is necessary before a market bottom can be called. The report may relate to the marketability for the Project buildings, but it does not relate to the environmental effects being analyzed in the EIR. Moreover, the report shows that the leasing rate for industrial space is actually increasing, thus providing substantial evidence of the need for the space provided by the Project. Therefore, no information in this report changes the analysis in the EIR.

Moreover, the commenter's conclusory statements above regarding the EIR are not supported by any evidence, much less substantial evidence. No explanation is provided regarding why the commenter believes that these conclusions are correct. In fact, the EIR includes a thorough, complete, and careful analysis of all potentially significant impacts resulting from the Project, and the EIR includes mitigation measures that would be mitigated to the fullest extent feasible all of those potentially significant impacts. Additionally, the EIR includes a complete analysis of the Project's consistency with the County's General Plan and concludes that the Project is consistent with the General Plan. (See Draft EIR § & 4.9 and 5.0.) Finally, the EIR analyzed a range of reasonable alternatives to the proposed Project as is required by CEQA. (See Draft EIR p. 6.0-32 et seq.) These commenter's conclusory statements do not require any further response. (See *Browning-Ferris Industries of California v. City of San Jose* (1986) 181 Cal.App.3d 852 [Where a general comment is made, a general response is sufficient].)

CCA/EJ/NRDC Comment #2

I. The Proposed Project will have an Indelible Impact on Adjacent Communities and the Region in General.

The health impacts and regional air quality impacts from freight activities are well documented. Of all listed Toxic Air Contaminants identified by the California Air Resources Board (“CARB”), diesel particulate matter (“DPM”) is known to present the greatest health risks to Californians.¹ Dozens of studies have shown adverse impacts from DPM and Oxides of Nitrogen (“NO_x”) including respiratory disease, cardiovascular mortality, cancer, and reproductive effects as well as an increase in regional smog and water contamination. CARB has determined that diesel exhaust is responsible for over 70% of the risk from breathing our air statewide and in the South Coast Air Basin (“SCAB”).² Further, the South Coast Air Quality Management District (“SCAQMD”) in the Multiple Air Toxics Exposure Study III (“MATES III”) “indicate[ed] that diesel exhaust is the major contributor to air toxics risk, accounting on average for about 84% of the total” risk from breathing air toxics.³

CARB recently revised its analysis of annual impacts from PM_{2.5} pollution. Previously, CARB estimated that statewide, 2,400 premature deaths annually are linked to goods movement, mostly from particulate pollution and 50% of these deaths are in the SCAB.⁴ Now, as the chart below demonstrates, CARB estimates that there are 3,700 premature deaths statewide associated with PM_{2.5} from Goods Movement activities.⁵

Table 6: Annual premature deaths associated with PM_{2.5} from Goods Movement activities¹

| Pollutant | Low | Mean | High |
|--|--------------|--------------|--------------|
| Primary Diesel PM | 600 | 2,000 | 3,500 |
| Secondary Diesel PM (Nitrates) | 480 | 1,600 | 2,800 |
| Secondary Diesel PM (Organic Aerosols) | 15 | 49 | 85 |
| Other Primary PM _{2.5} ² | 12 | 39 | 68 |
| Statewide Total³ | 1,100 | 3,700 | 6,500 |

¹For the year 2005, these estimates do not include the contributions from particle sulfate formed from SO_x emissions, which is being addressed with several ongoing emissions, measurement, and modeling studies. Results listed are based on the previous emission inventories used in the Goods Movement Emission Reduction Plan in April of 2006 but with the new PM_{2.5}-mortality relationship of 10 percent per 10 µg/m³ increase in PM_{2.5} exposures; these values may change if emissions inventories are updated.

²PM_{2.5} includes tire wear, brake wear, and particles from boilers, which are not covered under primary diesel PM.

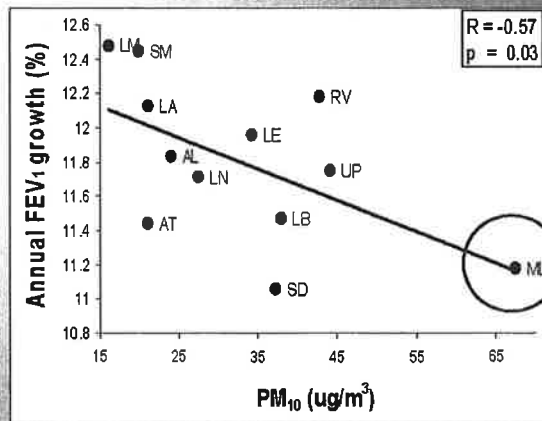
³Totals do not add up due to rounding.

Residents in Inland Empire communities will undoubtedly face additional impacts due to the increased pollution from this project. For sensitive populations, such as children and the elderly, and for those who live and work in close proximity to these major sources of diesel exhaust, the risk will be even higher.

In recent years, environmental health researchers have firmly established the linkage between air pollution exposure and a range of negative health outcomes, including slowed lung growth rates in children (Gauderman et al Cohort C, Cohort D papers), exacerbation of existing respiratory disease (McConnell et al EHP bronchitis/asthmatic paper), increased absences from school due to respiratory illness (Gilliland et al CHS absences paper), and increased mortality. The following charts display the troubling findings of the impacts of air pollution on health of residents in the Inland Empire, including our most vulnerable populations, children.

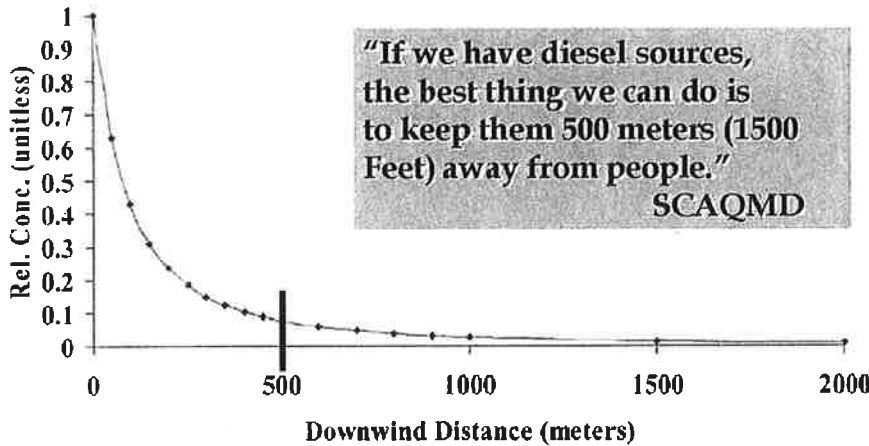
USC Children's Health Study

- University of Southern California (USC), Children's Health Study found children in the Mira Loma area to have the **slowest lung growth** and **weakest lung capacity**.²

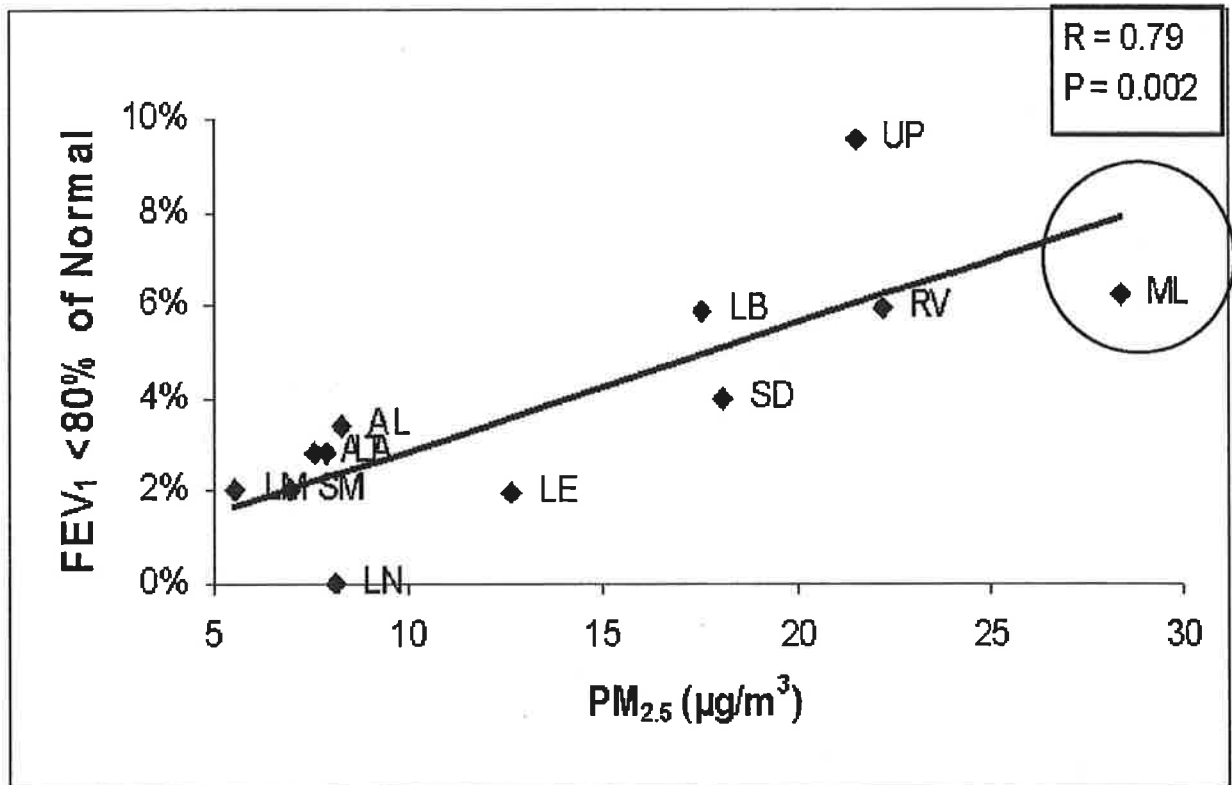


²Association Between Air Pollution and Lung-Function Growth in Southern California Children, *American Journal of Respiratory and Critical Care Medicine*; Gauderman, W. James; McConnell Rob; et al, Department of Preventive Medicine, University of Southern California School of Medicine, Los Angeles.

Sensitivity of Concentrations to Downwind Distance



SCAQMD “Mira Loma Specific Air Management Project”, 2002. Presentation by Mike Nazemi before the Mira Loma Community Committee. August 29, 2002.



South Coast Air Quality Management District, “Multiple Air Toxics Exposure Study in the South Coast Air Basin” (MATES II Study), March 2000.

In addition to the large impacts on residents and workers closest to the sources of emissions, distribution center operations pose a particularly acute threat to regional air quality. The South Coast Air Basin ("SCAB"), where the project area is located, consistently ranks near the top of the lists for the nation's filthiest air quality. Freight transport, including the operations culminating in the Inland Empire, greatly contributes to the persistent failure of the SCAB to meet clean air standards established by the Environmental Protection Agency. Without all feasible mitigation, the SCAB could fail to achieve the federal annual PM_{2.5} standard by 2014. This project proposes to add additional pollution that would not have occurred if the project was not built. Against this backdrop, there are several deficiencies in the EIR that must be addressed.

Response to CCAEJ/NRDC Comment #2

Comment noted. Air quality and health impacts are fully analyzed in the Draft EIR. Descriptions of criteria air pollutants, toxic air contaminants, and their associated health effects are included on pages 4.3-7 through 4.3-11 of the Draft EIR. Additional information on diesel particulate matter (DPM) is provided in the Project's Health Risk Assessment (HRA) included as Appendix B of the Draft EIR. Specifically, page 4.3-7 and 4.3-8 of the Draft EIR describes the impacts of NO_x and ozone being linked to respiratory illness. Smog is also known as ground-level ozone and its impacts are listed in the Draft EIR as stated above. DPM was also described as increasing the risk of cancer on page 4.3-9 of the Draft EIR. Table 2-1 of the 2007 AQMP, referenced in the Draft EIR, indicates that particulate matter (PM-10 and PM-2.5) exacerbates the symptoms of cardiovascular disease in sensitive patients.

The comment that dozens of studies have shown adverse impacts from DPM and Oxides of Nitrogen (NO_x) including reproductive effects and water contamination is not supported by any evidence in the comment letter or the documents the letter cites. A review of research data by Radim J. Sram et. al concerning the possible adverse effects of ambient air pollution on birth outcomes indicates that "overall there is evidence implicating air pollution in adverse effects on different birth outcomes, but the strength of the evidence differs between outcomes" and that "in terms of exposure to specific pollutants, particulates seem the most important for infant deaths, and the effects on intrauterine growth retardation (IUGR) seems linked to polycyclic aromatic hydrocarbons (PAHs), but existing evidence does not allow precise identification of the different pollutants or the timing of exposure that can result in adverse pregnancy outcomes" (2005¹). A recent study by Michael Brauer et. al showed "consistent associations with PM 2.5, but not other pollutants for births < 37, 35, or 30 weeks" (2008²). This study, like other studies addressing similar issues, has important limitations on data obtained, such as the definition of fetal growth restriction, and because the "exposures were estimated only for home addresses, it is also possible to that subject mobility was related to varying degrees of exposure misclassification for the different modeling approaches" (2008). A study by Peneluppi de Medeiros et. al. states that

¹ Radim J.Sram et. Al, *Ambient Air Pollution and Pregnancy Outcomes: A Review of the Literature*, Environmental Health Perspectives Vol. 113, Number 4, April 2005.

² Michael Brauer et.al, *A Cohort Study of Traffic-Related Air Pollution Impacts on Birth Outcomes*, Environmental Health Perspectives Vol. 116, Number 5, May 2008.

“the early neonatal component may be associated with mothers’ exposure to air pollution from traffic near their homes. Although (they) could not provide strong evidence of such association, the consistent literature and the biologic plausibility indicate that motor vehicle exhaust exposures may be important for this outcome” (2009³). Studies found “the highest incidence of preterm birth among mothers lacking prenatal care, who are young and old age, who are African-American race, who experienced previous low-weight births, and who use tobacco during pregnancy” and that studies were limited by lack of information for other known risk factors for preterm birth, such as “marital status and psychosocial stressors, and the birth records (which) did not allow (them) to address adequately factors such as maternal weight, occupation, nutrition, mobility, and active and passive smoking” (Ritz et. al, 2000⁴). As “the biologic mechanisms whereby air pollution may cause preterm birth remain to be determined” (Wilhelm and Ritz, 2003⁵) it is not certain, as stated by the commenter, that DPM and NO_x cause reproductive effects. A study by Edith H van den Hooven et. al stated that “mothers exposed to residential traffic had no higher risk of adverse birth outcomes or pregnancy complications” (2009⁶). Research in this area is on-going in an effort to correlate cause-and-effect and dose-response between ambient pollutants and their reproductive effects.

Health effects from DPM and ozone are presented in Table 1-3 of the CARB *Emissions Reduction Plan* (ERP) cited by the commenter, which does not identify reproductive effects or water contamination as associated effects from these pollutants. Commonly, water quality is of concern from shipping operations at Ports from dredging, waste, ballast waters, and oil spills. In addition, Project-specific Health Risk Assessment (HRA) included in Appendix B also describes health effects of DPM on pages 11-13 and does not identify reproductive effects. In fact, it states “Reproductive or developmental effects from diesel exposure in laboratory animals have been seen, however, there is insufficient information to determine if those same effects are seen in humans (OEHHA 2000).” (HRA p. 12)

While the commenter cited a publication date of May 22, 2008 for the draft CARB document *Methodology for Estimating Premature Deaths Associated with Long-Term Exposures to Fine Airborne Particulate Matter in California*, the latest version of the report is from October 24, 2008. According to the CARB website⁷, the report is not final and the Board directed staff to withdraw the 2008 report to reassess the methodology developed to quantify the association between PM-2.5 exposure and premature deaths because of concerns over the development of the concentration-response factor. The report will be revised again and be available for public review and comment. To date, a revised report has not been published. In the absence of an acceptable methodology for providing further analysis of statewide premature deaths, any such analysis would be speculative. Accordingly, further analysis of this issue is not required under

³ Andrea Paula Peneluppi de Medeiros et. Al, *Traffic-Related Air Pollution and Perinatal Mortality: A Case-Control Study*, Environmental Health Perspectives Vol. 117, Number 1, January 2009.

⁴ Beate Ritz et. Al, *Effect of Air Pollution on Preterm Birth Among Children Born in Southern California Between 1989 and 1993*, Epidemiology Vol. 11, No. 5, September 2000.

⁵ Michelle Wilhelm and Beate Ritz, *Residential Proximity to Traffic and Adverse Birth Outcomes in Los Angeles County, California, 1994-1996*, Environmental Health Perspectives Vol. 111, Number 2, February 2003.

⁶ Edith H van den Hooven et. Al, *Residential Traffic Exposure and Pregnancy-Related Outcomes: A Prospective Birth Cohort Study*, Environmental Health 2009, 8:59.

⁷ http://www.arb.ca.gov/research/health/pm-mort/pm-mort_arch.htm

CEQA. (State CEQA Guidelines, § 15145.) Finally, any discussion in the EIR regarding increased risk of premature death from PM-2.5 exposure would only be for informational purposes. Incorporation of such information would not change the EIR's significance conclusion, but would merely be an expansion of the already-adequate analysis provided by the EIR.

The commenter also listed other adverse health impacts from air pollution: slow lung growth rates in children, exacerbation of existing respiratory diseases, increased school absences from respiratory illness, and increased mortality. The HRA discussed health effects from air pollution, including, but not limited to, lung function growth in children, exacerbation of existing respiratory diseases, and increased absences from school and cited studies by Gauderman et al., McConnell et al., and Gilliland et al. (HRA p. 12-13). As noted above, further discussion regarding potentially increased mortality from particulate matter exposure would only be added to the Final EIR as additional background information, which would not constitute significant new information.

It is because of these known risks and health impacts that protective air quality standards were developed, including those by the South Coast Air Quality Management District (SCAQMD) (e.g., CEQA regional and localized significance thresholds for criteria pollutants, maximum incremental cancer risk of toxic substances, and hazard index for non-cancer health impacts of toxic substances).

The Draft EIR thoroughly analyzed all of these impacts, including those to sensitive receptors. The localized significance threshold (LST) analysis for criteria pollutants concluded that the Project would result in significant short-term construction impacts to nearby sensitive receptors; however, Project operations will not exceed the LST (Final EIR p.4.3-51). Impacts due to localized CO concentrations from vicinity traffic were also found to be less than significant and below applicable standards thus not creating CO hotspots (Final EIR p. 4.3-54). Cancer risk to sensitive receptors from DPM was evaluated in the Final EIR and discussed on pages 4.3-87 – 4.3-95 and concluded to result in significant impacts after mitigation (Final EIR p. 4.3-103). However, non-cancer health effects of DPM (as described above) were found to be less than significant without mitigation required (Final EIR p. 4.3-95).

The CARB ERP contains 11 diesel emissions reduction strategies for trucks that are implemented and enforced by CARB and U.S. EPA. Only 3 of the 11 strategies were yet to be developed when the document was published in 2006 and one of them was for port truck modernization, thus not applicable and another was for enhanced enforcement of existing truck idling limits. All but one strategy is implemented by CARB and it is the Carl Moyer Program which offers monetary incentives to reduce emissions from diesel engines. Through implementation of **MM Air 8** and **MM Air 12**, the Project is required to provide information on this or similar programs to building occupants. Therefore, the Project complies with all the diesel emission reduction control strategies. For additional analysis of other mitigation strategies that were considered, please see Final EIR pages 2.0-95 through 2.0-97 (Response to CCAEJ Comment #3).

The proposed Project has implemented mitigation measures to reduce the significant and unavoidable air quality impacts to the fullest extent feasible. The Project does propose

development on currently vacant land; however, this vacant land is within the existing 288 acre Mira Loma Commerce Center (MLCC) industrial park and is considered in-fill (Draft EIR p. 1.0-1). Because of the existing land use designations, it is reasonable to assume that this land would not remain vacant and would develop with uses similar to those of the proposed Project.

CCA/EJ/NRDC Comment #3

II. The Revised EIR Fails to Adequately Analyze Air Quality and Traffic Impacts.

The South Coast Air Quality Management District critiqued the air quality analysis in the EIR on several grounds. We have similar concerns that the Air Quality analysis was designed to mask the true impacts of this project. The air quality analysis uses an unduly narrow trip length that is unrealistic given the type of project proposed for this facility. The primary business in the Inland Empire is from the Ports of Los Angeles and Long Beach, which is much further than the 8.9 miles used for the EIR analysis.⁶

By excluding large portions of the truck trips, the EIR severely understates the Project's traffic impacts and associated air quality impacts. The California Supreme Court has emphasized that "an EIR may not ignore the regional impacts of a project approval, including those impacts that occur outside of its borders; on the contrary, a regional perspective is required."⁷ An EIR must analyze environmental impacts over the entire area where one might reasonably expect these impacts to occur.⁸ This principle stems directly from the requirement that an EIR analyze all significant or potentially significant environmental impacts.⁹ An EIR cannot analyze all such environmental impacts if its study area does not include the geographical area over which these impacts will occur. Here, the fact that trucks will travel to and from the ports is not only corroborated by the South Coast Air Quality Management District, but also meets the low threshold of "reasonable expectat[i]ons" that the freight moves from the port areas as detailed in the 2008 Regional Transportation Plan to the Inland Empire.

Response to CCA/EJ/NRDC Comment #3

The Air Quality Impact Analysis (AQIA) was not designed to mask or underestimate the Project's impacts. Response to SCAQMD Comment # 2, provided below and on Final EIR p. 2.0-65), provides an explanation of why the analysis used the default urban trips lengths for Riverside County and why they are appropriate for this Project:

The comment correctly states the trip lengths utilized in the Air Quality Impact Analysis for this project. The values used are the default urban trip lengths listed in URBEMIS 2007 for Riverside County. As the western Riverside County is an urban environment, the urban setting was selected. The URBEMIS 2007 computer model, approved by both

California Air Resources Board (CARB) and SCAQMD⁸, was last updated in February 2008 and did not contain any updates to the average trip length assumptions used in the model demonstrating that they were still accurate. According to staff at SCAQMD⁹, there are no published documents that describe how to adjust trip lengths for development projects. This is particularly the case when there are no building occupants identified. Suggested document to review for potential trip length information included the 2003 Fontana Truck Trip Generation Study, the Mira Loma PM₁₀ Monitoring report prepared by SCAQMD in 2001. Upon further review, these studies did not include information on trip lengths. Additional research was also conducted by the County, including review of documents from CARB, the Californian Department of Transportation (Caltrans), and regional metropolitan planning organizations, to determine reasonable assumptions for altering the default trip length.¹⁰ No methodology was found that could provide a more accurate trip length for speculative buildings. Regarding sources of trip lengths, URBEMIS 2007 *Software User's Guide*, prepared for the SCAQMD, "More detailed breakdowns may be available from the Regional Transportation Planning Agency in your area." (User's Guide Appendix C, p. C-6.) The Southern California Association of Governments (SCAG), the regional transportation agency for the South Coast Air Basin does not have any published data for altering trip lengths. The default trip length in URBEMIS was relied upon in the absence of published documentation.

While it is understandable that other warehouse projects in the region have chosen to use a 40-mile one-way trip length, it is not as applicable to the proposed project as described herein. The project consists of six separate plot plans, two of which are business/industrial park uses rather than warehouses. Businesses draw local, short-distance trips in comparison to warehouses and because the project includes businesses, the average trip lengths generated will be shorter than if the project was entirely warehousing. The remaining four plot plans are smaller scale warehouse uses ranging from 104,210 square feet to 426,212 square feet in size. Typically, the larger warehouses over 250,000 square feet accommodate goods that may come from the ports. Only one plot plan of this project is over 250,000 square feet and there are no plot plans with very large regional-type warehouses over one million square feet in size. The smaller size of the majority of the project's plot plans makes them more suitable for local distribution facilities. It is also reasonable to assume that goods may be traveling to the project site from the Ontario Airport only five miles west of the project site.

⁸ <http://www.arb.ca.gov/planning/urbemis/urbemis2007/urbemis2007.htm>; <http://www.aqmd.gov/ceqa/models.html>

⁹ Personal communication with James Koizumi on 8/27/09.

¹⁰ These documents included, as examples, the CARB's *Goods Movement Action Plan*, SCAG's *Goods Movement Truck Count Study*, SCAG's 2008 *Regional Transportation Plan*, Federal Highway Administration's *Heavy-Duty Truck Activity Data*, Caltrans' Traffic Data Branch, *Annual Average Daily Truck Traffic*, Maricopa Association of Governments' *MAG Internal Truck Travel Survey and Truck Model Development Study*, and document posted on both the websites for the Ports of Los Angeles and Long Beach at [http://www.portoflosangeles.org/environment/studies_reports.asp and <http://www.polb.com/environment/air/emissions.asp>; <http://www.arb.ca.gov/gmp/gmp.htm>

Additionally, the *Subregional Freight Movement Truck Access Study* prepared by SCAG and the San Bernardino Association of Governments in 2004¹¹ reported that heavy-duty truck trips to/ from the Ports and Western Riverside County were a total of approximately eight trips during three peak hours periods (AM, Midday, and PM) in 1999 and will decrease by 2030 to four trips during three peak hours periods. Peak hour traffic is a fraction of total daily traffic. The total daily Port traffic will increase by a proportional amount when compared to the peak hour estimates, regardless of the area analyzed. Therefore, the peak hour estimates can be used as an indicator of the percentages of Port-related truck traffic traveling to different areas within the region. The western Riverside County area receives the least amount of truck trips related to the Ports, second only to the Coachella Valley/Idyllwild which receives no truck trips. This is also the only area to decrease heavy-duty truck trips in 2030. This further justifies that the project area is not frequently served by the Ports.

Because the project's trips will primarily be localized, short-distance trips associated with business matters or warehouse trips to Ontario Airport – and not regional, long-distance trips associated with Port warehouse activities – the average trip lengths used in the air quality analysis (which are URBEMIS default trip lengths) are accurate.

For these reasons, the mobile sources emissions were not recalculated as the trip lengths used in the Draft EIR are deemed appropriate.

The comment that "The primary business in the Inland Empire is from the Ports of Los Angeles and Long Beach" is inaccurate and taken out of context. The citation given in support of that statement is from a study on Port related goods movement and pertains to a discussion on Port related trucking. The study did not focus on all commerce in the Inland Empire nor did it discuss what the majority of commerce in the Inland Empire is from the Ports. Further, that data provided in the study related to Port traffic (Table 9 and Appendix A) doesn't even include freeway segments that are in the Project vicinity. The closest freeway segment cited in the study is SR-60 between SR- 57 and I-605 approximately 16 and a half miles west of the site. Table 9 of the report also estimated Port trucks as a percentage of total daily truck volume on each segment. Port truck traffic along the segment nearest the Project site only represented 6.7 percent of total daily truck volume. As stated above, the Project's trips will primarily be localized and not regional, long-distance trips associated with the Ports. Therefore, the comment does not apply to this Project and no further response is necessary. No new environmental issues have been raised by this comment and no modification of the Draft EIR is required.

¹¹ http://www.scag.ca.gov/goodsmove/pdf/SFM_Truck_Access_Study_0704.pdf

CCA EJ/NRDC Comment #4

III. The Revised EIR Includes an Improper Greenhouse Gas Emissions Analysis.

The deficiencies with the air quality analysis also taints the greenhouse gas analysis for this project. The curtailed trip analysis dramatically underestimated the emissions of greenhouse gasses associated with this project.

Response to CCA EJ/NRDC Comment #4

Because the AQIA used appropriate assumptions for mobile source trip distances, as outlined above, it is not deficient and therefore, the related greenhouse gas emissions were also estimated adequately. No further comments were provided by the commenter on this issue, and therefore no further response is required.

No new environmental issues have been raised by this comment and no modification of the Draft EIR is required.

CCA/EJ/NRDC Comment #5

IV. The Mitigation Measures Fail to Comply with CEQA.

Mitigation of a project's significant impacts is one of the "most important" functions of CEQA.¹⁰ Under CEQA, feasible mitigation measures must be adopted that will avoid or substantially lessen significant environmental effects.¹¹

i. The Construction Mitigation Measures Must be Improved.

The mitigation measures for construction are vague. We recommend that the construction mitigation comply with the following requirements:

Construction Equipment

Equipment¹² greater than 25 horsepower must:

- (1) Meet current emission standards¹³ *and*
- (2) Be equipped with Best Available Control Technology (BACT)¹⁴ for emissions reductions of PM and NOx, *or*
- (3) Use an alternative fuel.

Diesel Trucks

On-road trucks used at construction sites, such as dump trucks, must:

- (1) Meet current emission standards, *or*
- (2) Be equipped with BACT¹⁵ for emissions reductions of PM and NOx, *and*
- (3) Any trucks hauling materials such as debris or fill, must be fully covered while operating off-site (i.e. in transit to or from the site).

Generators

Where access to the power grid is limited, on-site generators must:

- (1) Meet the equivalent current off-road standards for NOx, *and*
- (2) Meet a 0.01 gram per brake-horsepower-hour standard for PM, *or*
- (3) Be equipped with Best Available Control Technology (BACT) for emissions reductions of PM.

Special Precautions Near Sensitive Sites

All equipment operating on construction sites within 1,000 feet of a sensitive receptor site (such as schools, daycares, playgrounds and hospitals)¹⁶ would either:

- (1) Meet US EPA Tier IV emission standards *or*
- (2) Install ARB Verified "Level 3" controls (85% or better PM reductions), and
- (3) Notify each of those sites of the project, in writing, at least 30 days before construction activities begin.¹⁷

Response to CCAEJ/NRDC Comment #5

Contrary to the commenter's unsupported assertion, the mitigation measures proposed in the Draft EIR are not vague as demonstrated in Section 3.0, Mitigation Monitoring and Reporting Protocol of the Final EIR. However, additional feasible air quality mitigation measures were incorporated into the Final EIR in response to agency comments.

The comment recommends that mitigation for construction equipment greater than 25 horsepower must meet current emissions standards and be equipped with BACT for PM and NO_x emissions reductions *or* use an alternative fuel. As noted in footnote 13 of the comment letter, Tier 4 engines automatically meet the BACT requirement. Thus, a requirement to utilize Tier 4 standards or alternative fuel vehicles would fulfill the commenter's request. Please see page 4.3-28 of the Final EIR for further discussion of the off-road regulations and note that the US EPA Tier 4 standards apply to the various different engine ratings (horsepower) and take affect between 2011 and 2015 for engines over 25 horsepower, just as the commenter requested.¹² Accordingly, the Project will comply with the measure recommended by the commenter.

Mitigation measure **MM Air 3a** was added to the Final EIR in response to comments from the Southern California Association of Governments (SCAG). **MM Air 3a** requires Tier 3 or better engines or alternative fuels be used in construction equipment and has been modified herein to address CCAEJ/NRDC recommendations:

In order to reduce emissions from project construction equipment, the following mitigation measures implementing those contained within the Southern California Association of Governments' 2008 Regional Transportation Plan (RTP) Program EIR shall be implemented:

MM Air 3a: The project developer shall require, by contract specification, that, low sulfur and diesel powered vehicles with Tier 4 engines (once available on the market) or retrofitted/repowered—to meet equivalent emissions standards as Tier 4 engines—be used in construction equipment. Contract specifications shall be included in project construction documents, which shall be reviewed by the Department of Building and Safety's Grading Division prior to issuance of a grading permit.

The comment recommends that mitigation for on-road diesel trucks used during construction must meet current emission standards *or* be equipped with BACT and be fully covered while hauling materials. As demonstrated in **MM Air 3a**, above, all diesel-fueled vehicles used during construction must meet Tier 4 or equivalent emissions standards. Therefore, diesel vehicles used during construction will meet the current emissions standards either through new engines or through repowered or retrofitted engines to meet equivalent standards.

Recommendation "(3)" under Diesel Trucks is addressed through regulatory compliance with SCAQMD Rule 403 for fugitive dust and was also incorporated into **MM Air 3d** in response to

¹² <http://www.epa.gov/nonroad-diesel/2004fr/420f04032.htm>

comments from SCAQMD. **MM Air 3d** has been modified to address CCAEJ/NRDC's recommendation as shown below.

MM Air 3d: The project developer will implement the following dust control measures consistent with SCAQMD Rule 403 – Fugitive Dust during construction phases of the proposed project:

- Application of water and/or approved nontoxic chemical soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas that have been inactive for 10 or more days).
- Periodic watering for short-term stabilization of disturbed surface areas and haul roads to minimize visible fugitive dust emissions. Watering, with complete coverage, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.
- Suspension of all excavation and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.
- Requiring all trucks hauling dirt, sand, soil, or other loose materials are to be covered.
- Sweeping of streets at the end of the day if visible soil material is carried over to adjacent roads.
- Installation of wheel washers or gravel construction entrances where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.
- Posting and enforcement of traffic speed limits of 25 miles per hour or less on all unpaved roads.

Mitigation measure **MM Air 3c** was incorporated into the Final EIR in response to comments from SCAG, shown below, which requires the usage of electricity from power poles instead of temporary gasoline or diesel-fueled generators. Therefore, the "Generators" recommended measures in this comment are inapplicable because there will be no "on-site generators."

MM Air 3c: Electricity from power poles shall be used instead of temporary diesel- or gasoline-powered generators to reduce the associated emissions. Approval will be required by the Department of Building and Safety's Grading Division prior to issuance of a grading permit.

The mitigation recommendations for "Special Precautions Near Sensitive Sites" state all equipment operating on construction sites within 1,000 feet of sensitive receptors should either meet Tier 4 emissions standards *or* install CARB verified Level 3 controls and notify each of the sensitive receptor sites, in writing, of the Project within at least 30 days before construction begins. As shown in **MM Air 3a**, above, equipment used during construction must meet Tier 4 or equivalent emissions standards. Therefore, diesel vehicles used during construction will meet the current emissions standards either through new engines or through repowered or retrofitted engines to meet equivalent standards.

Regarding written notification of construction activities to sensitive sites, the construction intensity for the proposed Project is not unique and does not warrant special notice to sensitive sites. California's open meeting laws and CEQA itself specify the circumstances in which notices are required. The County will fully comply with those laws regarding the provision of notices. Nonetheless, as a convenience to the public, the County will impose the following additional mitigation measure to provide a community liaison contact number as the commenter requested.

Mitigation measure **MM Air 3f** will be included in the Mitigation Monitoring and Reporting Program to provide contact information for the public to call should a specific air quality issues arise.

MM Air 3f: Prior to issuance of grading permit, the project developer shall post contact information on the construction site for the public to call if specific air quality issues arise.

CCA/EJ/NRDC Comment #6

ii. The Project's Operational Mitigation Measures Must be Made Enforceable and Augmented.

Given the significant environmental impacts to air quality associated with this project, the EIR should require additional mitigation. For heavy duty trucks, the Ports of Los Angeles and Long Beach recently adopted a program that will require only 2007 EPA compliant trucks to perform port drayage service by 2012. This program is expected to reduce port truck emissions by at least 80%.¹⁸ These types of requirements should be imposed for this project.

In addition to the vagueness of the existing mitigation measures, the EIR also fails to consider and adopt additional feasible mitigation. We recommend that the operational mitigation comply with the following requirements:

Diesel Trucks

On-road trucks serving a facility, must:

- A. If a facility is served by a centrally controlled fleet, trucks should
 - (1) Be electrified to the extent feasible, *and*
 - (2) Meet current US EPA emission standards.
- B. All independently operated trucks shall meet the following standards, enforced by gate personnel.
 - (1) Meet current US EPA emission standards, *or*
 - (2) Be equipped with BACT¹⁹ for emissions reductions of PM and NOx, *and*

Equipment

Equipment²⁰ greater than 25 horsepower must:

- (1) Meet current US EPA emission standards²¹ *and*
- (2) Be equipped with Best Available Control Technology (BACT)²² for emissions reductions of PM and NOx, *or*
- (3) Use an alternative fuel.²³

Refrigeration Units

Each warehousing facility must include the following if it is used for any refrigerated cargo:

- (1) Provide ample space for refrigerated cargo to be kept cool without the use of transportation refrigeration units or other temporary or inefficient refrigeration means;
- (2) All loading docks must be equipped to provide electrical hook-ups for refrigerated cargo;
- (3) All trucks transporting refrigerated cargo must be equipped with the ability to connect to electrical power from the loading docks; *and*
- (4) On-board refrigeration units on all trucks may not be employed when a vehicle is not in use *and* must meet current US EPA standards.

Recommendations to Limit Global Warming Pollution from Warehousing:

- (1) Prohibit all non-essential idling of vehicles and equipment onsite.
- (2) All vehicles and equipment should be the most efficient models available; heavy-duty trucks should be US EPA SmartWay certified.²⁴
- (3) Use the lowest carbon fuels possible (such as biodiesel or other alternative fuels).
- (4) Electrify operations to the extent possible. All generators, forklifts and equipment that can be electrified, should be.
- (5) All constructed buildings should meet the Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ including the use of locally sourced materials where possible.²⁵

Response to CCAEJ/NRDC Comment #6

The first paragraph of the comment describes how the Ports of Los Angeles and Long Beach recently adopted a program to require only 2007 compliant trucks and states that the proposed Project should be required to do the same. This type of program is not feasible or applicable for this type of project where the building occupants are unknown and the various developers and/or County have no control over the truck fleets that may frequent the sites. If such a requirement were imposed, it would severely limit the number of potential building occupants which would significantly affect the economic viability of the Project. A tenant of a particular building may not even have control over the trucks used to transport goods to and from the facility. Specifically, in a competitive market like that which exists today, imposing measures that prohibit any tenant with even a single older truck from operating at the Project will likely result in the Project standing vacant. According to a 2004 study by the Bay Area Economic Forum, "Vacant buildings, along with their large parking lots, can attract litter, graffiti, and vandalism, as well as loiterers and homeless populations. A decaying building both worsens its own prospects for refurbishment and weakens the vitality of the buildings around it."¹³ Because the imposition of the measures proposed by the commenter would make the Project unmarketable and, thus, likely to remain vacant, the implementation of those measures would introduce other potentially significant impacts associated with aesthetics, hazards, and other environmental effects. Accordingly, they are rejected as infeasible for environmental reasons as well. Further, CARB has already adopted a regulation (referred to as the Truck and Bus Regulation) to reduce emissions from on-road diesel trucks which starts phasing in requirements for most fleets in January 2011¹⁴. However, and as required by mitigation measures **MM Air 8** and **MM Air 12**, the Project is required to do what is feasible by providing information to tenants about incentive programs and other technologies that support "clean" truck fleets so that the Project's future tenants can take advantage of those programs to reduce overall emissions. Ultimately, and as another example of the EIR's conservatism, the EIR concluded that this measure, even when combined with other feasible mitigation measures, would not reduce the health risks impacts associated with the production of diesel particulate matter to a less than significant level. (Draft

¹³ <http://www.bayeconfor.org/pdf/PPRSCscreen11.2.pdf>

¹⁴ <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>

EIR p. 4.3-72) Accordingly, the revisions suggested by the CCAEJ/NRDC are infeasible, and the existing analysis provided in the EIR is adequate.

The mitigation measures presented in the Draft EIR are not vague, as detailed in the Mitigation Monitoring and Reporting Protocol (Final EIR Section 3.0) and all feasible mitigation was considered. Additional mitigation measures were recommended in agency comments (SCAG and SCAQMD) and the feasible measures were incorporated into the Final EIR which will further reduce the Project's impacts to air quality. However, to be conservative, no direct reductions are taken and the Project's impacts continue to be considered significant.

Regarding the comment which recommended measures for diesel trucks, **MM Air 8** and **MM Air 12**, as discussed above provide information to tenants about incentive programs and other technologies that support "clean" truck fleets so that the Project's future tenants can take advantage of those programs to reduce overall emissions. Because the building occupants are unknown and the various developers and/or County have no control over the truck fleets that may frequent the sites, it is infeasible to impose the recommended measure for diesel trucks as proposed. Additionally, and as discussed above, the imposition of such measures would result in the Project remaining vacant and the introduction of potentially significant aesthetic and safety and hazard effects. Accordingly, the measures proposed by the commenter are infeasible for those reasons as well.

Regarding the comment-recommended measures for equipment, **MM Air 6**, as shown below, currently requires that service equipment be low-emission propane (an alternative fuel) or electric. Electric equipment does not emit any emissions and properly maintained propane engines produce significantly fewer carbon monoxide, hydrocarbon, particulate matter and nitrogen oxide emissions than gasoline- or diesel-fueled forklifts. US EPA and CARB Standards and BACT apply to emissions from diesel engines and diesel fuel used in forklifts and other non-road equipment. Since electric or propane powered equipment is required by **MM Air 6** as written, the current mitigation measure meets or exceeds the emission reductions of the measure proposed by the commenter.

Therefore, no additional measure is required.

MM Air 6: Service equipment at the facilities will be either low-emission propane powered or electric (i.e., forklifts).

Regarding the comment-recommended measures for refrigeration units, **MM Air 5** as shown below currently requires electrical hookups to be installed where refrigeration units are in use. However, in response to this comment, **MM Air 5** shall be modified as shown below. The comment-recommended measure to ensure that ample space for refrigerated cargo to be kept cool without the use of TRUs or other temporary or inefficient refrigeration does include any proposed performance standard regarding how much space is "ample." However, the Project will necessarily include adequate refrigerated space to store refrigerated goods as a Project feature, because it is good business practice and because it is required to ensure that any food products are maintained at safe temperatures as mandated by the Health and Safety Code. In the absence of adequate space to store refrigerated goods, the goods would spoil and create an

economic loss for the Project's operations, such that there is a business incentive to assure that ample refrigerated space is provided. Moreover, cold storage is a permitted use in the Riverside County Zoning Ordinance for both types of Project zoning (Manufacturing – Medium (M-M) and Industrial Park (I-P)). In addition, **MM Air 7** currently prohibits all vehicles from idling in excess of five minutes.

MM Air 5: Where transport refrigeration units (TRUs) are in use, electrical hookups will be installed at all loading and unloading stalls in order to allow TRUs with electric standby capabilities to use them. Trucks shall be equipped to connect with the electrical hookups provided and be prohibited from running TRUs when the truck is not in use.

MM Air 7: Prohibit all vehicles from idling in excess of five minutes.

Regarding the recommended measures to limit global warming pollution from warehousing, the measures already discussed above (**MM Air 5** through **8** and **MM Air 12**) address items “(1)” through “(4)” by requiring that tenants be provided with information on “clean” truck fleets and incentive programs as well as restrict onsite idling and electrify equipment. As already discussed above, the building occupants are unknown and the various developers and/or County have no control over the truck fleets that may frequent the sites, thus it is infeasible to impose the recommended measure for heavy duty trucks and their fuels, items “(2)” and “(3)”, as proposed. Additionally, and as discussed above, imposing the recommended measures would prevent any tenant with even a single older truck from operating at the Project. This would likely result in the Project sitting vacant, as tenants would opt for other sites with less onerous requirements, and this vacancy would contribute to potentially significant aesthetic and safety/hazard impacts. Accordingly, the proposed measures are rejected as infeasible for these reasons.

Item “(5)” recommends that the Project meet LEED certification standards. The Project is already implementing some of these measures, including, but not limited to construction waste-recycling and grassrecycling and/or composting. The Project is also subject to local regulations like County Ordinance 859 promoting the use of water efficient landscaping and water conservation (Final EIR p. 1.0-24). Additionally, and as noted above, the Project is implementing many other measures to reduce energy consumption, such as low-emission or alternative fuel powered service equipment and limited idling time. Furthermore, the 2010 California Green Buildings Standards Code (known as CALGreen) becomes effective in January 2011 and applies to all new non-residential buildings, as described on page 4.3-85 of the Final EIR. The intent was to incorporate existing green building practices from the many existing programs, such as LEED, into CALGreen rather than develop new practices. Many of the measures contained in LEED credits are CALGreen requirements although a slightly higher requirement for LEED credits in most categories will be needed. Similarly to the Title 24 Building Code, the CALGreen Code will be updated about every three year and will be increasing the requirements with each update. Along with the design features being implemented, the Project is further reducing the associated impacts with building this development. Finally, as discussed on page 4.3-59 of the Final EIR, the majority of the Project's GHG emissions are from vehicle usage representing approximately 82 percent of the operational emissions. The second largest source of GHG emissions was electricity usage at 12 percent. Mitigation was imposed to reduce all sources of emissions as shown on page 4.3-96 through 4.3-98 of the Final EIR. Based on Project design, the existing

regulations, and existing mitigation measures, requiring LEED certification as mitigation is not “roughly proportional” to the impact for non-vehicular emissions and therefore is not required pursuant to State CEQA Guidelines Section 15126.4 (4)(B). Finally, the cost of LEED certification can be as much as \$30,000 to \$50,000 whereas the CALGreen Code no additional costs beyond existing Certificates of Occupancy. For all these reasons, the Project features and requirements applicable to the Project already reduce GHG and air quality emissions by an amount equivalent to the reductions that would be achieved through LEED certification, but at a smaller cost. Accordingly, this proposed measure will not be adopted because the Project is already complying with equally effective Project features and measures.

CCA EJ/NRDC Comment #7

iii. The Project Should Include Mitigation Measures for Sensitive Populations.

To avoid injury to public health, the project must mitigate its impacts through the reduction of emissions to as near zero as possible, and this comment letter offers numerous measures that should be used in pursuing that goal. Given that increases in pollution are likely even after these measures are implemented and given the lasting effects of baseline pollution, further mitigation is needed to address the extraordinary impact of freight related emissions on the respiratory health of communities in the vicinity of this project.

Many residents of freight movement communities and workers at distribution centers have already suffered irreparable long term damage to their lungs – as noted earlier, diminished lung function in children generates lifelong health effects. The ports should fund the establishment of one or several medical facilities dedicated to the respiratory and general health of the people most affected by distribution center emissions – those living in the neighborhoods closest to the major distribution centers, including this project area, and workers at the distribution centers.

Many of the goods movement adjacent neighborhoods in Riverside and along the I-60 and other routes are heavily populated with low and moderate income families unable to afford health insurance. Similarly, while some workers in the Inland Empire's logistics industry earn relatively high wages with good benefits, thousands of others earn low wages with few or no benefits.

Thus, funding for clinics should be sufficient not only to construct appropriate facilities, but also include adequate support for operations so that two classes of patients – residents of the identified freight movement adjacent communities and distribution center workers can access the facility without out of pocket cost regardless of insurance status.

Finally, the Project should include installation of air filtration system to protect residents from harmful levels of air pollution. The Port of Los Angeles agreed through the TraPac MOU to fund filtration systems in school in the vicinity of that project, and this Project should also include this type of mitigation. Moreover, the Port of Long Beach also developed a school filtration program related to its Middle Harbor Redevelopment Project.

Response to CCAEJ/NRDC Comment #7

The first paragraph for the comment discusses the need to reduce emissions to as near zero as possible. CEQA does not require the reduction of impacts to as near zero as possible. CEQA only requires a project to reduce potentially significant impacts to a less than significant level. Further, if all feasible mitigation has been imposed but impacts cannot be reduced below the level significance, CEQA then allows for statements of overriding considerations when approving a project whose benefits outweigh the environmental risks (CEQA Guidelines Section 15093).

The remaining content of this comment references more background information on the goods movement in Riverside and associated health impacts but incorrectly implies the Project is associated with the Ports of Los Angeles and Long Beach saying "The ports should fund the establishment of one or more medical clinics." The content of these remaining paragraphs questions whether or not the comments are intended for this Project. The commenter also implies that there is a disproportion air quality impact on low and moderate income communities

along the 60 freeway. This comment is addressed below in Response to Comment # 10. Additionally, and contrary to the commenter's suggestion,

The only mitigation suggested by the commenter is for the either the Ports or the Project, it is unclear which, to fully fund the construction and operation of clinics which the commenter suggest should provide medical care "without out of pocket cost" being paid by the patient. First, if the proposed measure is directed at the Ports, then it is not mitigation that would reduce this Project's potentially significant impacts, and thus it need not be discussed further. Assuming, however, that this measure is proposed to mitigate for the Project's impacts, it is economically infeasible. This is a single Project of modest size, and it is economically infeasible for this Project to singularly provide the hundreds or millions of dollars that would be required to construct and operate free-of-charge clinics. This is evidenced by the fiscal impact analysis, which confirms that the Project's total value (ignoring operating expenses and salaries, etc.) would be on the order of \$65 million. (Draft EIR 7.0-3.) Similarly, the installation of filtration systems in hundreds of homes around the Project site, sufficient "to protect residents from harmful levels of air pollution" – much of which is not emitted by this Project – is infeasible because of its cost. According to a July 2010 quote from Abatement Technologies Inc., a provider of such filtration systems, the cost per dwelling unit to install the filters alone would be between \$1,400 and \$1,800. *This cost does not include the costs of replacing the forced air unit or the installation of duct-work to accommodate the filtration system – improvements which a great many homes are likely to need given their age.* Accordingly, assuming that the number of homes surrounding the Project site is only 300 (a conservative estimate) and that none of the homes would need replacement air units or ductwork, the cost to provide filtration would still range between \$420,000 and \$540,000. Given that the total construction costs for the three Project plot plans that do not have existing buildings between them and residences will cost approximately, \$28,200,000¹⁵ (see Draft EIR Appendix L), the addition of the cost of filtration would *at least* increase the costs of construction by 2%. Requiring that a Project increase construction costs by approximately 2% to accommodate a single mitigation measure – particularly given that the percentage is actually likely to be much higher once ductwork and unit replacement costs are included – is infeasible. Finally, there are no schools within ¼ mile of the proposed Project (Draft EIR p. 4.7-5). Accordingly, the installation of school filters as the commenter suggests would not result the impacts of this Project and thus, is infeasible.

CCA/EJ/NRDC Comment #8

¹⁵ As shown in Appendix L, the total one-time major fees of \$3,103,929 (Table 3-3) were added to the total estimated construction costs for the project are \$53,254,344 (Table 5-1) for a total of \$56,358,273. Divided equally, each plot plan would cost approximately \$9.4 million.

V. The Revised EIR is Inconsistent with the County of Riverside's General Plan.

The County of Riverside General Plan includes the following provisions related to sensitive receptors—

Sensitive Receptors

Sensitive receptors refer to those segments of the population most susceptible to poor air quality (i.e. children, elderly and the sick) and to certain at-risk sensitive land uses such as schools, hospitals, parks, or residential communities. The intent of the following policies is to reduce the negative impacts of poor air quality on the County's sensitive receptors.

Policies:

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. (AI 114)

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. (AI 114)

AQ 2.3 Encourage the use of pollution control measures such as landscaping, vegetation and other materials, which trap particulate matter or control pollution. (AI 114).²⁶

The project violates many of the relevant provisions relating to sensitive populations. As the EIR mentions, three of the proposed plot developments are located within 25 meters of the nearest sensitive receptor.²⁷ The EIR also mentions that another plot is within 50 meters of a sensitive receptor.²⁸ First, this location for these large industrial sources of pollution violates Policy AQ 2.1 because of their proximity to the senior community of Country Village and Mira Loma Village. Second, this project violates AQ 2.2 because as currently designed the project includes no "barriers and/or distance from emissions sources." Moreover, the EIR fails to provide a credible analysis of why these measures may not be "possible." Third, the project does not include any of the "pollution control measures" to trap or control pollution required by AQ 2.3. Despite these clear inconsistencies, the EIR determines that the Project will be compatible "with existing and planned surrounding land uses or inconsistent with the land use designations and policies of the Riverside County General Plan (including those of any applicable Specific Plan)."²⁹ This approach of ignoring general plan provisions and the associated inconsistencies amounts to a CEQA violation, which renders the EIR invalid as a lawful document to allow decision-makers to make an informed decision.

This failure to comply with General Plan requirements necessitates a revision to the EIR and the project. For example, the County has rejected the siting of warehouse development in the past because of these considerations.

Moreover, the discussion of land use impacts in the EIR conveniently ignores the impacts to the low income minority community of Mira Loma Village. This occurs despite the fact that EIR used as a significance threshold whether the proposed project will "disrupt or divide the physical arrangement of an established community (including a low income or minority community.)"³⁰ Here, adding more than 8,000 trips per day in the community area will certainly disrupt the community of Mira Loma Village, which has been an established community since the 1930s. This failure to appropriately catalogue the land use impacts similarly means the EIR is deficient, and this flaw must be cured in future iterations of the EIR.

Response to CCAEJ/NRDC Comment #8

The Project does not violate the relevant provisions of the General Plan relating to sensitive receptors. General Plan Policy AQ 2.1 states that planning efforts shall separate and protect sensitive receptors from polluting point sources to the greatest extent possible. The proposed Project is located within the existing MLCC industrial park and is in-fill. The Project proposes a development consistent with the General Plan land use designations and is located in an area that contains predominantly industrial and manufacturing uses.

The Project does not violate Policy AQ 2.2. In fact, as discussed in both the Draft EIR (p. 3.0-1 and 3.0-4) and Final EIR (p. 2.0-88) the proposed Project has gone through extensive redesign to reduce impacts to residents:

In October 2004, the proposed six plot plans were evaluated in a Draft Environmental Impact Report which was circulated to the general public on or about October 18, 2004. During and after the 45-day public comment period (October 19, 2004 to December 2, 2004), and subsequently at the public hearing on the proposed projects, additional information was requested from a number of public agencies and concerns from the surrounding community were raised regarding the size and potential environmental and public health impacts of the industrial projects.

Since that time, the proposed plot plans which about the Mira Loma Village development have been modified whereby single industrial warehouses with large numbers of loading bays have been replaced with smaller individual buildings averaging 11,271 square feet in size. Additionally, the smaller buildings are not intended to be warehouses, and the exterior dock-high loading areas have been eliminated and replaced with interior ground-level loading areas.

By redesigning some of the larger buildings into numerous smaller buildings the overall square footage decreased which in turn reduces the amount of traffic associated with the Project.

Smaller building size also discourages larger regional distribution facilities from operating provides a more suitable facility for smaller business park uses that are less truck-intensive.

Additional discussion of reconfiguring the Project via set-backs is found in Response to CCAEJ Comment #3. This issue has already been addressed and no modification of the Draft EIR is required.

The Project does not violate General Plan Policy AQ 2.3. Policy AQ 2.3 describes landscaping, vegetation, and other materials as examples of pollution control measures that trap particulate matter. The Project's landscaping plans have been submitted along with the Project, pursuant to County requirements. In addition, the Project includes numerous mitigation measures to reduce particulate matter and other emissions from operation of the proposed developments (**MM Air 4** through **MM Air 15**). Required compliance with Title 24 will also ensure that the indoor air quality in the proposed building meets current standards. Therefore, the Project complies with this policy.

The Draft EIR correctly determines that the Project will be compatible with existing and planned surrounding land uses as described on p. 4.9-20 and will not be inconsistent with the land use designations and policies of the Riverside County General Plan as described above. The EIR is valid and has not ignored any general plan provisions nor is it inconsistent with any general plan policies. The Project does not require any revisions nor does the EIR.

The EIR does not ignore discussions of land use impacts to the low income community of Mira Loma Village. The proposed will not disrupt or divide the physical arrangement of an established community as discussed on p. 4.9-20 of the Draft EIR. The proposed Project will not divide the community; the Project-related traffic will merely drive by it along Etiwanda Avenue, a General Plan designated Urban Arterial Highway (six-lane divided road) (Draft EIR p. 4.15-2). Therefore the EIR is adequate and no modification is necessary.

CCA/EJ/NRDC Comment #9

VI. The DEIR/S Does Not Adequately Discuss Alternatives to the Proposed Project.

The analysis of alternatives to the proposed project lies at “[t]he core of an EIR.”³¹ In this analysis, the EIR must consider a reasonable range of alternatives that would avoid or substantially lessen this impact while feasibly attaining most of the Project’s basic objectives.³² If the EIR refuses to consider a reasonable range of alternatives or fails to support its analysis with substantial evidence, the purposes of CEQA are subverted and the EIR is legally inadequate.³³ If a feasible alternative exists that will meet the project’s objectives while reducing or avoiding its significant environmental impacts, the project may not be approved.³⁴

An adequate alternatives analysis is a crucial component of complying with CEQA. Further, CEQA contains a clear mandate that the alternatives must be explored in depth and with the same level of detail as the proposed action. The analysis of the alternatives throughout the document fails in this respect.

A reasonable range of alternatives must include proposals that “offer substantial environmental advantages” over the proposed project.³⁵ In the present case, the EIR fails to examine an alternative that would utilize the ample open warehouse space that currently exists in Mira Loma to accommodate the additional freight desired by the County.³⁶ Colliers International estimates that approximately 14.4% of the warehouse space in Mira Loma is vacant.³⁷ The EIR fails to analyze whether this vacant space could be used instead of building new facilities that would expose several communities to additional toxic exposure.

Response to CCA/EJ/NRDC Comment #9

The comment describes the requirements of an alternative’s analysis under CEQA. However, CEQA does not require that the alternatives be explored “with the same level of detail as the proposed action.” In fact, Section 15126.6 (d) states that the “ EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison of the proposed project...the significant effects of the alternative shall be discussed, but in less detail than significant effects of the project as proposed.” Therefore, the Project’s alternatives analysis meets the requirements of CEQA with regards to level of analysis.

A reasonable range of four alternatives were analyzed in the Draft EIR, including variations of the “No Project” scenario where the Project would not be built in its present location. (See summary at Draft EIR p. 6.0-52.0) Although the commenter suggests that putting the Project in another location is a “new” alternative that has not yet been considered, it is actually yet another variation of the “no project” and “alternative site” alternatives that were already analyzed in the EIR. As with alternatives analyzed in detail in the EIR, the alternative proposed in the comment is not feasible because it would not meet the Project’s objectives or necessarily result in

avoidance of potentially significant impacts. (See Draft EIR p. 6.0-52 through 6.0-57.) Accordingly, it is rejected as infeasible.

As stated in Response to CCAEJ/NRDC Comment #1, the Colliers International Market Report addresses the industrial market trends for the first quarter of 2010 for the West Inland Empire. The report may relate to the marketability for the Project buildings, but it does not relate to the environmental effects being analyzed in the EIR and will not affect the EIR conclusions on environmental impacts. Therefore, no information in this report changes the analysis in the EIR. Moreover, and as discussed above, the report confirms that the leasing rate for industrial space is actually increasing, thus providing substantial evidence of the need for the space provided by the Project.

CCAIEJ/NRDC Comment #10

VII. The EIR Contains No Environmental Justice Analysis Despite Critical Environmental Justice Impacts.

It is no secret that freight operations implicate several environmental justice concerns. Accordingly, we find the lack of any reference to environmental justice impacts deeply disturbing. This lack of information renders the EIR an inadequate informational tool to help the County weigh the benefits against the environmental degradation and health impacts that will result from this project.

Response to CCAIEJ/NRDC Comment #10

The comment states that information on environmental justice was not provided in the EIR and therefore could not be considered by County when comparing the Project's benefits to its negative impacts. The following discussion is also contained in Response to CCAIEJ Comment # 2.

Pursuant to several prior Presidential executive orders issued under the authority of Title VI of the Civil Rights Act of 1964, an analysis of Environmental Justice is a required element of environmental review under the National Environmental Policy Act ("NEPA"). NEPA requires that federal agencies consider Environmental Justice as well as other social impacts in their NEPA documents. (See United States Code, tit. 42, §§ 4331(a), 4342, 4344.) Here, however, NEPA is inapplicable. Instead, this Project is subject to environmental analysis pursuant to the requirements of CEQA.

In contrast to NEPA, CEQA review requires that lead agencies focus on a project's potentially significant adverse impacts to the physical environment. "Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment." (Cal. Code Regs., tit. 14 ["State CEQA Guidelines"], § 15064(f)(6).) Indeed, the California Supreme Court has explained that, "[a]n EIR is to disclose and analyze the direct and the reasonably foreseeable indirect environmental impacts of a proposed project if they are significant....

Economic and social impacts of proposed projects, therefore, are outside CEQA's purview." (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1182 [citing State CEQA Guidelines, §§ 15126.2, 15064(d)(3)] [emphasis in original].) Accordingly, it is only "[w]hen there is evidence ... that economic and social effects caused by a project ... could result in a reasonably foreseeable indirect environmental impact, such as urban decay or deterioration, then the CEQA lead agency is obligated to assess this indirect environmental impact." (*Ibid.*)

Here, there is no evidence that the Project will result in social effects that will give rise to physical impacts on the environment. Although the Draft EIR acknowledges and discloses potentially significant air quality impacts and attendant health risks, those are physical impacts on the environment and are not evidence of social injustice or economic impacts giving rise to further physical environmental effects. The proposed Project will not result in any blight or economic/social impacts for several reasons. First, the proposed Project will directly generate between 567 and 1,101 jobs in the local area (Draft EIR, p. 5.0-4). The creation of these jobs is considered to be a positive socioeconomic impact. Secondly, the proposed Project is not expected to cause existing businesses to close or otherwise experience adverse economic impacts. For example, if the competition provided by a new, large, low-cost retail store causes existing retail stores in a nearby urban center to close, resulting in urban blight, that blight may be considered a physical effect on the environment. However, the proposed Project proposes a mix of industrial park uses that will accommodate light industrial and warehouse type uses, rather than retail uses. Although specific tenants for the proposed Project have not been identified, future tenants are expected locate within the proposed project due to its location and proximity to local and regional transportation corridors and the Ontario Airport, rather than specifically to compete with existing light industrial and warehouse uses. Furthermore, the rate and order of Project development will be determined based on assessments by the individual Project developers of local and regional market demand for such development; thereby further reducing the potential that existing industrial park development would suffer adverse economic impacts as a result of the proposed Project. Accordingly, the socioeconomic effects of the proposed Project will not result in adverse physical changes, such as blight, to the environment.

The County has undertaken a lengthy and detailed environmental review process prior to making a decision regarding the proposed Project and has adequate information regarding the benefits and negative environmental impacts that would result from approval of this Project.

CCAIEJ/NRDC Comment #11

VIII. A Revised Draft EIR Must Be Prepared and Recirculated.

Because of the inadequacies discussed above, the County's EIR cannot form the basis of a lawful EIR. CEQA requires preparation and recirculation of a supplemental draft "[w]hen significant new information is added to an environmental impact report" after public review and comment on the earlier draft EIR.³⁸ The opportunity for meaningful public review of significant new information is essential "to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom."³⁹ An agency cannot simply release a draft report "that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review."⁴⁰

In order to cure the panoply of EIR defects identified in this letter, the County must obtain substantial new information to adequately assess the proposed Project's environmental impacts, and to identify effective mitigation and alternatives capable of alleviating the Project's significant impacts. This new information will clearly necessitate recirculation. CEQA requires that the public have a meaningful opportunity to review and comment upon this significant new information in the form of a recirculated draft supplemental EIR.

Response to CCAIEJ/NRDC Comment #11

The Draft EIR does not require recirculation. CEQA requires that an EIR be recirculated only in the limited circumstances where significant new information of substantial importance, such as a new potentially significant impact comes to light after an EIR is circulated but prior to its certification. (State CEQA Guidelines, § 15088.5.) Here, significant new information was not presented after public review of the Draft EIR. Indeed, the significance conclusions in the EIR remain accurate. Although additional mitigation measures were imposed through the responses to comments process, those mitigation measures further mitigate impacts but do not change the ultimate significance conclusions from the EIR. Further, the Draft EIR did not defer more detailed analyses to the Final EIR. Instead, additional explanation of some issues was provided in response to the comments received on the EIR, but that information merely "clarifies or amplifies" the discussion already presented in the Draft EIR for public review. Accordingly, recirculation is not required. (See *ibid.*) The impacts from the proposed Project remain the same as those identified in the Draft EIR and no recirculation is needed.

Goldberg, Sherry

From: Martinez, Adriano
Sent: Friday, June 11, 2010 10:17 AM
To: jchilder@rctlma.org
Cc: Martinez, Adriano; Penny Newman; Goldberg, Sherry
Subject: JOINT COMMENTS ON RECIRCULATED ENVIRONMENTAL IMPACT REPORT FOR MIRA LOMA COMMERCE CENTER (SCH# 2002121128)
Attachments: Mira Loma Commerce Center CEQA Comments 6-11-2010 Final.pdf; Exhibit A.pdf; Exhibit B.pdf

Mr. Childers:

I have attached a comment letter and attachments for the CEQA document related to the Mira Loma Commerce Center. Please include this email and the attachments to this email in the CEQA record for this document. A copy of this comment letter and attachments will also be sent via Federal Express.

Please do not hesitate to contact me if you have any questions.

Best,
Adrian

Adrian Martinez
Natural Resources Defense Council
1314 Second St.
Santa Monica, CA 90401
y: 310.434.2300
.. 310.434.2399

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**CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
NATURAL RESOURCES DEFENSE COUNCIL**

June 11, 2010

Mr. Jeffrey Childers, Project Planner
County of Riverside
4080 Lemon Street, 9th Floor
P.O. Box 1409
Riverside, CA 92502-1409
Email: jchilder@rctlma.org

**RE: JOINT COMMENTS ON RECIRCULATED ENVIRONMENTAL IMPACT
REPORT FOR MIRA LOMA COMMERCE CENTER (SCH# 2002121128)**

Dear Mr. Childers:

On behalf of the Center for Community Action and Environmental Justice and the Natural Resources Defense Council, we write to provide comments on the Recirculated Environmental Impact Report for the Mira Loma Commerce Center ("EIR"). We request that these comments and the attachments be included in the record for this project. After careful review, we have concluded that the EIR fails in many respects to comply with the requirements of the California Environmental Quality Act ("CEQA"). As described below, the EIR is inadequate because it fails to carry out CEQA's mandates. It does not accurately identify or analyze the significant environmental impacts that would result from the implementation of this major Project in close proximity to sensitive sites, and it fails to provide sufficient mitigation for such impacts as it does identify. The Project also fails to analyze and adopt all feasible mitigation measures as mandated by CEQA. The Project also fails to comply with the County of Riverside's General Plan, which would make certification of this EIR a per se violation of CEQA. Finally, it fails to consider alternatives that effectively protect the environment.

**I. The Proposed Project will have an Indelible Impact on
Adjacent Communities and the Region in General.**

The health impacts and regional air quality impacts from freight activities are well documented. Of all listed Toxic Air Contaminants identified by the California Air Resources Board ("CARB"), diesel particulate matter ("DPM") is known to present the greatest health risks to Californians.¹ Dozens of studies have shown adverse impacts from DPM and Oxides of Nitrogen ("NO_x") including respiratory disease, cardiovascular mortality, cancer, and reproductive effects as well as an increase in regional smog and water contamination. CARB has determined that

¹ CARB, *Emissions Reduction Plan for Ports and Goods Movement in California*, 7 (2006)(hereinafter "ERP").

diesel exhaust is responsible for over 70% of the risk from breathing our air statewide and in the South Coast Air Basin (“SCAB”).² Further, the South Coast Air Quality Management District (“SCAQMD”) in the Multiple Air Toxics Exposure Study III (“MATES III”) “indicate[ed] that diesel exhaust is the major contributor to air toxics risk, accounting on average for about 84% of the total” risk from breathing air toxics.³

CARB recently revised its analysis of annual impacts from PM2.5 pollution. Previously, CARB estimated that statewide, 2,400 premature deaths annually are linked to goods movement, mostly from particulate pollution and 50% of these deaths are in the SCAB.⁴ Now, as the chart below demonstrates, CARB estimates that there are 3,700 premature deaths statewide associated with PM2.5 from Goods Movement activities.⁵

Table 6: Annual premature deaths associated with PM2.5 from Goods Movement activities¹

| Pollutant | Low | Mean | High |
|--|--------------|--------------|--------------|
| Primary Diesel PM | 600 | 2,000 | 3,500 |
| Secondary Diesel PM (Nitrates) | 480 | 1,600 | 2,800 |
| Secondary Diesel PM (Organic Aerosols) | 15 | 49 | 85 |
| Other Primary PM2.5 ² | 12 | 39 | 68 |
| Statewide Total³ | 1,100 | 3,700 | 6,500 |

¹For the year 2005, these estimates do not include the contributions from particle sulfate formed from SO_x emissions, which is being addressed with several ongoing emissions, measurement, and modeling studies. Results listed are based on the previous emission inventories used in the Goods Movement Emission Reduction Plan in April of 2006 but with the new PM2.5-mortality relationship of 10 percent per 10 µg/m³ increase in PM2.5 exposures; these values may change if emissions inventories are updated.

²PM2.5 includes tire wear, brake wear, and particles from boilers, which are not covered under primary diesel PM.

³Totals do not add up due to rounding.

² ERP, at 7.

³ SCAQMD, Multiple Air Toxics Exposure Study for the South Coast Air Basin-III, at ES-3 (September, 2008) available at <http://www.aqmd.gov/prdas/matesIII/Final/Document/ab-MATESIIIExecutiveSummary-Final92008.pdf> (hereinafter “MATES III”).

⁴ ERP, What’s New-1 at 4.

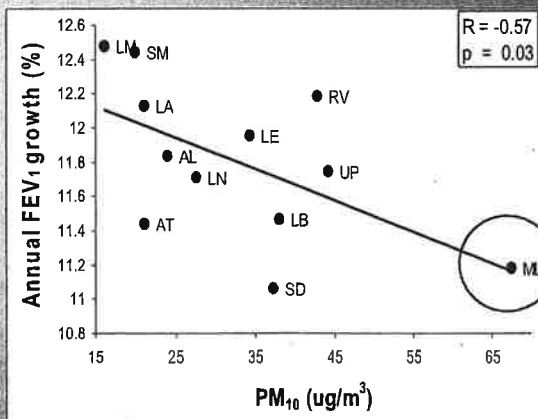
⁵ CARB, *Methodology for Estimating Premature Deaths Associated with Long-Term Exposures to Fine Airborne Particulate Matter in California Draft Staff Report*, (May 22, 2008).

Residents in Inland Empire communities will undoubtedly face additional impacts due to the increased pollution from this project. For sensitive populations, such as children and the elderly, and for those who live and work in close proximity to these major sources of diesel exhaust, the risk will be even higher.

In recent years, environmental health researchers have firmly established the linkage between air pollution exposure and a range of negative health outcomes, including slowed lung growth rates in children (Gauderman et al Cohort C, Cohort D papers), exacerbation of existing respiratory disease (McConnell et al EHP bronchitis/asthmatic paper), increased absences from school due to respiratory illness (Gilliland et al CHS absences paper), and increased mortality. The following charts display the troubling findings of the impacts of air pollution on health of residents in the Inland Empire, including our most vulnerable populations, children.

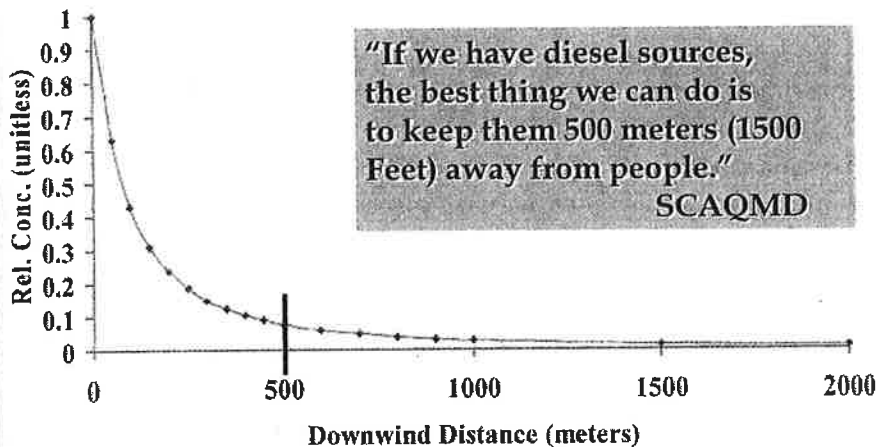
USC Children's Health Study

- University of Southern California (USC), Children's Health Study found children in the Mira Loma area to have the slowest lung growth and weakest lung capacity.²

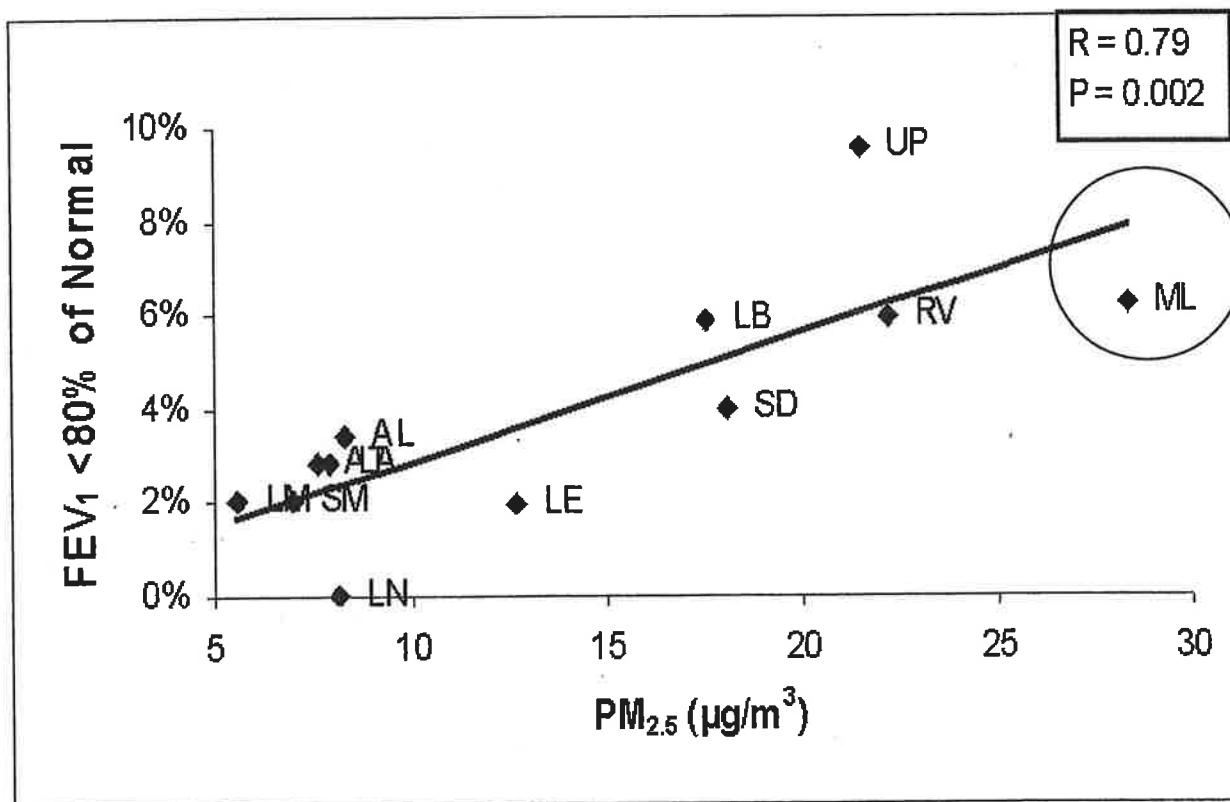


²Association Between Air Pollution and Lung Function Growth in Southern California Children. *American Journal of Respiratory and Critical Care Medicine*; Gauderman, W. James; McConnell Rob; et al, Department of Preventive Medicine, University of Southern California School of Medicine, Los Angeles.

Sensitivity of Concentrations to Downwind Distance



SCAQMD “Mira Loma Specific Air Management Project”, 2002. Presentation by Mike Nazemi before the Mira Loma Community Committee. August 29, 2002.



South Coast Air Quality Management District, “Multiple Air Toxics Exposure Study in the South Coast Air Basin” (MATES II Study), March 2000.

In addition to the large impacts on residents and workers closest to the sources of emissions, distribution center operations pose a particularly acute threat to regional air quality. The South Coast Air Basin ("SCAB"), where the project area is located, consistently ranks near the top of the lists for the nation's filthiest air quality. Freight transport, including the operations culminating in the Inland Empire, greatly contributes to the persistent failure of the SCAB to meet clean air standards established by the Environmental Protection Agency. Without all feasible mitigation, the SCAB could fail to achieve the federal annual PM2.5 standard by 2014. This project proposes to add additional pollution that would not have occurred if the project was not built. Against this backdrop, there are several deficiencies in the EIR that must be addressed.

II. The Revised EIR Fails to Adequately Analyze Air Quality and Traffic Impacts.

The South Coast Air Quality Management District critiqued the air quality analysis in the EIR on several grounds. We have similar concerns that the Air Quality analysis was designed to mask the true impacts of this project. The air quality analysis uses an unduly narrow trip length that is unrealistic given the type of project proposed for this facility. The primary business in the Inland Empire is from the Ports of Los Angeles and Long Beach, which is much further than the 8.9 miles used for the EIR analysis.⁶

By excluding large portions of the truck trips, the EIR severely understates the Project's traffic impacts and associated air quality impacts. The California Supreme Court has emphasized that "an EIR may not ignore the regional impacts of a project approval, including those impacts that occur outside of its borders; on the contrary, a regional perspective is required."⁷ An EIR must analyze environmental impacts over the entire area where one might reasonably expect these impacts to occur.⁸ This principle stems directly from the requirement that an EIR analyze all significant or potentially significant environmental impacts.⁹ An EIR cannot analyze all such environmental impacts

⁶ See generally, SCAG, 2008 Regional Transportation Plan, Goods Movement Report, at 13, available at http://www.scag.ca.gov/rtp2008/pdfs/finalrtp/reports/fGoods_Movement.pdf ("Most port truck cargo movements associated with intermodal yards, transload facilities, and warehouses are primarily related to import containers from the SPB ports")[Attached as Exhibit A].

⁷ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 575.

⁸ See *Kings County Farm Bureau*, 221 Cal. App. 3d at 721-23.

⁹ See Pub. Res. Code §§ 21061, 21068; see also *Citizens to Preserve the Ojai v. County of Ventura* (1986) 176 Cal. App. 3d 421, 432-33 (finding "an absolute

if its study area does not include the geographical area over which these impacts will occur. Here, the fact that trucks will travel to and from the ports is not only corroborated by the South Coast Air Quality Management District, but also meets the low threshold of “reasonable expectat[i]ons” that the freight moves from the port areas as detailed in the 2008 Regional Transportation Plan to the Inland Empire.

III. The Revised EIR Includes an Improper Greenhouse Gas Emissions Analysis.

The deficiencies with the air quality analysis also taints the greenhouse gas analysis for this project. The curtailed trip analysis dramatically underestimated the emissions of greenhouse gasses associated with this project.

IV. The Mitigation Measures Fail to Comply with CEQA.

Mitigation of a project’s significant impacts is one of the “most important” functions of CEQA.¹⁰ Under CEQA, feasible mitigation measures must be adopted that will avoid or substantially lessen significant environmental effects.¹¹

i. The Construction Mitigation Measures Must be Improved.

The mitigation measures for construction are vague. We recommend that the construction mitigation comply with the following requirements:

Construction Equipment

Equipment¹² greater than 25 horsepower must:

- (1) Meet current emission standards¹³ and

failure to comply [with CEQA]” where information relevant to project’s impacts was omitted).

¹⁰ *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990).

¹¹ Pub. Res. Code § 21002.

¹² Equipment refers to vehicles such as excavators, backhoes, bulldozers propelled by an off-road diesel internal combustion engine.

¹³ These standards are described in Division 3 Chapter 9, Article 4, Section 2423(b)(1)(A) of Title 13 of the California Code of Regulations, as amended. An explanation of current and past engine standards can also be accessed at <http://www.dieselnet.com/standards/>. Currently all new equipment are meeting the US EPA Tier II standards and most equipment also meets Tier III standards (all 100HP to 750HP equipment). Note that Tier IV standards would automatically meet the BACT requirement.

- (2) Be equipped with Best Available Control Technology (BACT)¹⁴ for emissions reductions of PM and NOx, *or*
- (3) Use an alternative fuel.

Diesel Trucks

On-road trucks used at construction sites, such as dump trucks, must:

- (1) Meet current emission standards, *or*
- (2) Be equipped with BACT¹⁵ for emissions reductions of PM and NOx, *and*
- (3) Any trucks hauling materials such as debris or fill, must be fully covered while operating off-site (i.e. in transit to or from the site).

Generators

Where access to the power grid is limited, on-site generators must:

- (1) Meet the equivalent current off-road standards for NOx, *and*
- (2) Meet a 0.01 gram per brake-horsepower-hour standard for PM, *or*
- (3) Be equipped with Best Available Control Technology (BACT) for emissions reductions of PM.

Special Precautions Near Sensitive Sites

All equipment operating on construction sites within 1,000 feet of a sensitive receptor site (such as schools, daycares, playgrounds and hospitals)¹⁶ would either:

- (1) Meet US EPA Tier IV emission standards *or*
- (2) Install ARB Verified "Level 3" controls (85% or better PM reductions), *and*
- (3) Notify each of those sites of the project, in writing, at least 30 days before construction activities begin.¹⁷

ii. The Project's Operational Mitigation Measures Must be Made Enforceable and Augmented.

¹⁴ Here BACT refers to the "Most effective verified diesel emission control strategy" (VDECS) which is a device, system or strategy that is verified pursuant to Division 3 Chapter 14 of Title 13 of the California Code of Regulations to achieve the highest level of pollution control from an off-road vehicle.

¹⁵ Here BACT also refers to most effective VDECS as defined by the California Air Resources Board (CARB).

¹⁶ Sensitive sites are defined and described in the CARB Air Quality and Land Use Planning Guidelines, 2005; <http://www.arb.ca.gov/ch/landuse.htm>.

¹⁷ Notification shall include the name of the project, location, extent (acreage, number of pieces of equipment operating and duration), any special considerations (such as contaminated waste removal or other hazards), and contact information for a community liaison who can answer any questions.

Given the significant environmental impacts to air quality associated with this project, the EIR should require additional mitigation. For heavy duty trucks, the Ports of Los Angeles and Long Beach recently adopted a program that will require only 2007 EPA compliant trucks to perform port drayage service by 2012. This program is expected to reduce port truck emissions by at least 80%.¹⁸ These types of requirements should be imposed for this project.

In addition to the vagueness of the existing mitigation measures, the EIR also fails to consider and adopt additional feasible mitigation. We recommend that the operational mitigation comply with the following requirements:

Diesel Trucks

On-road trucks serving a facility, must:

- A. If a facility is served by a centrally controlled fleet, trucks should
 - (1) Be electrified to the extent feasible, *and*
 - (2) Meet current US EPA emission standards.
- B. All independently operated trucks shall meet the following standards, enforced by gate personnel.
 - (1) Meet current US EPA emission standards, *or*
 - (2) Be equipped with BACT¹⁹ for emissions reductions of PM and NOx, *and*

Equipment

Equipment²⁰ greater than 25 horsepower must:

- (1) Meet current US EPA emission standards²¹ *and*
- (2) Be equipped with Best Available Control Technology (BACT)²² for emissions reductions of PM and NOx, *or*

¹⁸ Port of Los Angeles, Press Release, http://www.portoflosangeles.org/newsroom/2008_releases/news_061708ctp.asp

¹⁹ Here BACT also refers to most effective VDECS as defined by the California Air Resources Board (CARB), for example, a particulate filter for PM and selective catalytic reduction for NOx.

²⁰ Equipment refers to vehicles such as yard tractors, forklifts, or other vehicles propelled by an off-road diesel or spark ignition internal combustion engine.

²¹ These standards are described in Division 3 Chapter 9, Article 4, Section 2423(b)(1)(A) of Title 13 of the California Code of Regulations, as amended. An explanation of current and past engine standards can also be accessed at <http://www.dieselnets.com/standards/>. Currently all new equipment are meeting the US EPA Tier II standards and most equipment also meets Tier III standards (all 100HP to 750HP equipment). Note that Tier IV standards would automatically meet the BACT requirement.

²² Here BACT would apply to diesel equipment and refers to the "Most effective verified diesel emission control strategy" (VDECS) which is a device, system or strategy that is verified pursuant to Division 3 Chapter 14 of Title 13 of the

- (3) Use an alternative fuel.²³

Refrigeration Units

Each warehousing facility must include the following if it is used for any refrigerated cargo:

- (1) Provide ample space for refrigerated cargo to be kept cool without the use of transportation refrigeration units or other temporary or inefficient refrigeration means;
- (2) All loading docks must be equipped to provide electrical hook-ups for refrigerated cargo;
- (3) All trucks transporting refrigerated cargo must be equipped with the ability to connect to electrical power from the loading docks; *and*
- (4) On-board refrigeration units on all trucks may not be employed when a vehicle is not in use *and* must meet current US EPA standards.

Recommendations to Limit Global Warming Pollution from Warehousing:

- (1) Prohibit all non-essential idling of vehicles and equipment onsite.
- (2) All vehicles and equipment should be the most efficient models available; heavy-duty trucks should be US EPA SmartWay certified.²⁴
- (3) Use the lowest carbon fuels possible (such as biodiesel or other alternative fuels).
- (4) Electrify operations to the extent possible. All generators, forklifts and equipment that can be electrified, should be.
- (5) All constructed buildings should meet the Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ including the use of locally sourced materials where possible.²⁵

iii. The Project Should Include Mitigation Measures for Sensitive Populations.

California Code of Regulations to achieve the highest level of pollution control from an off-road vehicle.

²³ This could include natural gas or biodiesel, which is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, meeting the requirements of ASTM D 6751. However, biodiesel must be proven to be sourced from sustainable feedstocks including waste grease, fats or oil and under certain circumstances, farmed oils that can be proven to be sustainable.

²⁴ SmartWay is a USEPA partnership with transport companies to reduce fuel use and pollution through improved efficiency. See <http://www.epa.gov/smartway/transport/index.htm>

²⁵ For information on LEED standards, see the U.S. Green Building Council: <http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>

To avoid injury to public health, the project must mitigate its impacts through the reduction of emissions to as near zero as possible, and this comment letter offers numerous measures that should be used in pursuing that goal. Given that increases in pollution are likely even after these measures are implemented and given the lasting effects of baseline pollution, further mitigation is needed to address the extraordinary impact of freight related emissions on the respiratory health of communities in the vicinity of this project.

Many residents of freight movement communities and workers at distribution centers have already suffered irreparable long term damage to their lungs – as noted earlier, diminished lung function in children generates lifelong health effects. The ports should fund the establishment of one or several medical facilities dedicated to the respiratory and general health of the people most affected by distribution center emissions – those living in the neighborhoods closest to the major distribution centers, including this project area, and workers at the distribution centers.

Many of the goods movement adjacent neighborhoods in Riverside and along the I-60 and other routes are heavily populated with low and moderate income families unable to afford health insurance. Similarly, while some workers in the Inland Empire's logistics industry earn relatively high wages with good benefits, thousands of others earn low wages with few or no benefits.

Thus, funding for clinics should be sufficient not only to construct appropriate facilities, but also include adequate support for operations so that two classes of patients – residents of the identified freight movement adjacent communities and distribution center workers can access the facility without out of pocket cost regardless of insurance status.

Finally, the Project should include installation of air filtration system to protect residents from harmful levels of air pollution. The Port of Los Angeles agreed through the TraPac MOU to fund filtration systems in school in the vicinity of that project, and this Project should also include this type of mitigation. Moreover, the Port of Long Beach also developed a school filtration program related to its Middle Harbor Redevelopment Project.

V. The Revised EIR is Inconsistent with the County of Riverside's General Plan.

The County of Riverside General Plan includes the following provisions related to sensitive receptors—

Sensitive Receptors

Sensitive receptors refer to those segments of the population most susceptible to poor air quality (i.e. children, elderly and the sick) and to certain at-risk sensitive land uses such as schools, hospitals, parks, or residential communities. The intent of the following policies is to reduce the negative impacts of poor air quality on the County's sensitive receptors.

Policies:

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. (AI 114)

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. (AI 114)

AQ 2.3 Encourage the use of pollution control measures such as landscaping, vegetation and other materials, which trap particulate matter or control pollution. (AI 114).²⁶

The project violates many of the relevant provisions relating to sensitive populations. As the EIR mentions, three of the proposed plot developments are located within 25 meters of the nearest sensitive receptor.²⁷ The EIR also mentions that another plot is within 50 meters of a sensitive receptor.²⁸ First, this location for these large industrial sources of pollution violates Policy AQ 2.1 because of their proximity to the senior community of Country Village and Mira Loma Village. Second, this project violates AQ 2.2 because as currently designed the project includes no "barriers and/or distance from emissions sources." Moreover, the EIR fails to provide a credible analysis of why these measures may not be "possible." Third, the project does not include any of the "pollution control measures" to trap or control pollution required by AQ 2.3. Despite these clear inconsistencies, the EIR determines that the Project will be compatible "with existing and planned surrounding land uses or inconsistent with the land use designations and policies of the Riverside County General Plan (including those of any applicable Specific Plan)."²⁹ This approach of ignoring general plan provisions and the associated inconsistencies amounts to a CEQA violation, which renders the EIR invalid as a lawful document to allow decision-makers to make an informed decision.

²⁶ County of Riverside 2003 General Plan, Chapter 9, available at http://www.tlma.co.riverside.ca.us/genplan/content/gp/chapter09.html#TOC3_2.

²⁷ EIR, at 4.3-44.

²⁸ *Id.*

²⁹ EIR, at 4.9-20.

This failure to comply with General Plan requirements necessitates a revision to the EIR and the project. For example, the County has rejected the siting of warehouse development in the past because of these considerations.

Moreover, the discussion of land use impacts in the EIR conveniently ignores the impacts to the low income minority community of Mira Loma Village. This occurs despite the fact that EIR used as a significance threshold whether the proposed project will “disrupt or divide the physical arrangement of an established community (including a low income or minority community.)”³⁰ Here, adding more than 8,000 trips per day in the community area will certainly disrupt the community of Mira Loma Village, which has been an established community since the 1930s. This failure to appropriately catalogue the land use impacts similarly means the EIR is deficient, and this flaw must be cured in future iterations of the EIR.

VI. The DEIR/S Does Not Adequately Discuss Alternatives to the Proposed Project.

The analysis of alternatives to the proposed project lies at “[t]he core of an EIR.”³¹ In this analysis, the EIR must consider a reasonable range of alternatives that would avoid or substantially lessen this impact while feasibly attaining most of the Project’s basic objectives.³² If the EIR refuses to consider a reasonable range of alternatives or fails to support its analysis with substantial evidence, the purposes of CEQA are subverted and the EIR is legally inadequate.³³ If a feasible alternative exists that will meet the project’s objectives while reducing or avoiding its significant environmental impacts, the project may not be approved.³⁴

An adequate alternatives analysis is a crucial component of complying with CEQA. Further, CEQA contains a clear mandate that the alternatives must be explored in depth and with the same level of detail as the proposed action. The analysis of the alternatives throughout the document fails in this respect.

A reasonable range of alternatives must include proposals that “offer substantial environmental advantages” over the proposed project.³⁵ In the present case, the

³⁰ EIR, at 4.9-3.

³¹ *Citizens of Goleta Valley II*, 52 Cal. 3d at 564; see also Pub. Res. Code § 21002.1(a) (“The purpose of an environmental impact report is to identify alternatives to the project”).

³² See § 21100(b)(4); CEQA Guidelines § 15126.6(a).

³³ *San Joaquin Raptor*, 27 Cal. App. 4th at 735-38; *Kings County Farm Bureau*, 221 Cal. App. 3d at 736-37.

³⁴ Pub. Res. Code § 21002.

³⁵ See *Citizens of Goleta Valley*, 52 Cal. 3d at 565-66.

EIR fails to examine an alternative that would utilize the ample open warehouse space that currently exists in Mira Loma to accommodate the additional freight desired by the County.³⁶ Colliers International estimates that approximately 14.4% of the warehouse space in Mira Loma is vacant.³⁷ The EIR fails to analyze whether this vacant space could be used instead of building new facilities that would expose several communities to additional toxic exposure.

VII. The EIR Contains No Environmental Justice Analysis Despite Critical Environmental Justice Impacts.

It is no secret that freight operations implicate several environmental justice concerns. Accordingly, we find the lack of any reference to environmental justice impacts deeply disturbing. This lack of information renders the EIR an inadequate informational tool to help the County weigh the benefits against the environmental degradation and health impacts that will result from this project.

VIII. A Revised Draft EIR Must Be Prepared and Recirculated.

Because of the inadequacies discussed above, the County's EIR cannot form the basis of a lawful EIR. CEQA requires preparation and recirculation of a supplemental draft "[w]hen significant new information is added to an environmental impact report" after public review and comment on the earlier draft EIR.³⁸ The opportunity for meaningful public review of significant new information is essential "to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom."³⁹ An agency cannot simply release a draft report "that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review."⁴⁰

In order to cure the panoply of EIR defects identified in this letter, the County must obtain substantial new information to adequately assess the proposed Project's environmental impacts, and to identify effective mitigation and alternatives capable of alleviating the Project's significant impacts. This new information will clearly necessitate recirculation. CEQA requires that the public

³⁶ See generally, Colliers International, West Inland Empire Market Report (First Quarter 2010). [Attached as Exhibit B].

³⁷ *Id.* at 3.

³⁸ Pub. Resources Code § 21092.1.

³⁹ *Sutter Sensible Planning, Inc. v. Sutter County Board of Supervisors*, 122 Cal. App. 3d 813, 822 (1981); *City of San Jose v. Great Oaks Water Co.*, 192 Cal. App. 3d 1005, 1017 (1987).

⁴⁰ *Mountain Lion Coalition v. California Fish and Game Comm'n*, 214 Cal.App.3d 1043, 1052 (1989).

June 11, 2010
Page 14 of 14

have a meaningful opportunity to review and comment upon this significant new information in the form of a recirculated draft supplemental EIR.

We appreciate your consideration of our comments. Please feel free to contact us if you have any questions.

Sincerely,



Adriano L. Martinez
Project Attorney
Natural Resources Defense Council



Penny Newman
Executive Director
Center for Community Action and Environmental Justice

ATTACHED LITERATURE

- (1) 2008 Regional Transportation Plan, Goods Movement Report
- (2) Colliers International, West Inland Empire Market Report (First Quarter 2010)