

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

209B




FROM: TLMA – Planning Department

SUBMITTAL DATE:


July 13, 2016

SUBJECT: APPEAL OF PLANNING COMMISSION'S DECISION TO APPROVE PLOT PLAN NO. 25422 and CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 547 – Applicant: Tom Simmons/Blackridge – Engineer/Representative: Warren Williams/DRC Engineering – First Supervisorial District – March Zoning District – Lake Mathews / Woodcrest Area Plan: Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) – Location: southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street – 54.39 Gross Acres – Zoning: Industrial Park (I-P) – REQUEST: To approve appellant's request to withdraw its appeal of the Planning Commission's approval of Plot Plan No. 25422, reinstating the Planning Commission's approval of the project and certification of the EIR. The Plot Plan proposes an industrial development comprised of 2 buildings totaling 814,630 square feet. (100% Deposit Based Funding)

Departmental Concurrence


Steve Weiss, AICP
Planning Director
SW:rb

(Continued on next page)


Juan C. Perez
TLMA Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS: DBF

Budget Adjustment: N/A

For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY:

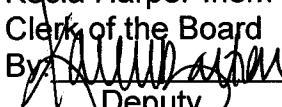
County Executive Office Signature


Tina Grande

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: July 26, 2016
xc: Planning

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: 4-12-16; 5-17-16; 6-21-16

District: 1

Agenda Number:

16-1

- ☐ A-30
- ☐ Positions Added
- ☐ 4/5 Vote
- ☐ Change Order

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: APPEAL OF PLANNING COMMISSION'S DECISION TO APPROVE PLOT PLAN NO. 25422 and
CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 547**

DATE: July 13, 2016

PAGE: Page 2 of 2

RECOMMENDED MOTION: That the Board of Supervisors:

APPROVE the appellant's request to withdraw its appeal, which will reinstate the Planning Commission's approval of PLOT PLAN NO. 25422 and certification of EIR No. 537.

BACKGROUND:

Summary

Plot Plan No. 25422, also known as the Alessandro Commerce Center, proposes to entitle two industrial buildings totaling 814,630 square feet. A similar project was previously approved as Plot Plan No. 22925 in 2010, but a lawsuit and settlement agreement required the approvals to be vacated and reprocessed with inclusion of a biological corridor. Consequently, Plot Plan No. 25422 includes a Stephens Kangaroo Rat (SKR) corridor habitat area, and the project revises the use as well as the layout and number of structures, with impacts generally reduced by the new design and use. A new revised focused EIR (EIR No. 537) was drafted, which built on portions of the EIR originally prepared for Plot Plan No. 22925.

The Planning Commission approved Plot Plan No. 25422 on March 16, 2016. An administrative appeal to that approval was filed on March 23, 2016 by the SoCal Environmental Justice Alliance (represented by the Law Firm Blum|Collins LLP), and the same organization filed a lawsuit in Riverside Superior Court on April 20, 2016. The filing of the administrative appeal triggered a de novo hearing before the Board of Supervisors to be scheduled within 30 days of the filing of the appeal. Such a hearing was scheduled on April 12, 2016, but, at the request of all parties, was continued to May 17, 2016. At the request of all parties, that hearing was continued again to June 21, 2016 and was continued again to July 26, 2016. The appellant and applicant have come to a resolution of the dispute, and the appellant has requested to withdraw their appeal. Staff recommends that the Board approve the request to withdraw the administrative appeal.

Impact on Citizens and Businesses

All potential impacts of this project were analyzed in Environmental Impact Report No. 537.

ATTACHMENTS:

A. LETTER FROM APPELLANT REQUESTING WITHDRAWAL OF ITS APPEAL

BLUM|COLLINS LLP

Aon Center
707 Wilshire Boulevard
Suite 4880
Los Angeles, California
90017

213.572.0400 phone
213.572.0401 fax

June 20, 2016

Melissa Cushman, Esq.
Riverside County Counsel
3960 Orange Street, 5th Fl.
Riverside, CA 92501

VIA FIRST-CLASS MAIL AND EMAIL

Re: *Alessandro Commerce Centre, State Clearinghouse No. 2008061136*
Board of Supervisors Appeal Hearing Date, Plot Plan No. 25422,
Environmental Impact Report No. 537 (collectively, the "Project")

Dear County of Riverside:

On behalf of our client SoCal Environmental Justice Alliance, which filed the March 23, 2016 appeal of Plot Plan No. 25422, and EIR No. 537, from the decision of the Riverside County Planning Commission made on March 16, 2016 (Planning Commission vote) and March 18, 2016 (letter of decision), we request on behalf of the appellant that the Board of Supervisors dismiss our appeal.

We have reached a tentative settlement with the applicant that addresses our client's concerns about the planning commission approval. We have shared the terms with county counsel.

This request that our appeal be dismissed is without prejudice to, and without waiving, our right to pursue our appeal if the Board of Supervisors decides not to dismiss this appeal. In other words, while we ask that the Board of Supervisors dismiss our appeal, if the Board of Supervisors elects instead to hear the appeal then we will assert our objections to the project as stated in our March 23, 2016 Application for Appeal and accompanying exhibits.

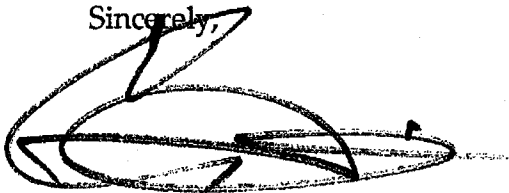
Melissa Cushman

June 20, 2016

Page 2

This is necessary to fulfill our duty to exhaust administrative remedies in the event the matter is not resolved on the terms in our settlement agreement. We would also, in the event the Board of Supervisors elects to hear the appeal rather than dismissing it, reserve our right to pursue the action we filed in Riverside County Superior Court challenging the Project subject to the terms of our settlement agreement with the applicant.

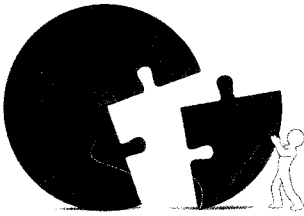
Sincerely,

A handwritten signature in black ink, appearing to read 'Craig M. Collins', with a large, stylized flourish extending from the end of the signature.

Craig M. Collins

BLUM | COLLINS LLP

Cc: Mr. Steve Weiss, AICP (via email)
Mr. Juan Perez (via email)
Mr. Russel Brady (via email)
Mr. John Condas (via email)



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss, AICP
Planning Director

DATE: 7/15/16

TO: Clerk of the Board of Supervisors

FROM: Planning Department – Riverside

SUBJECT: APPEAL OF PLANNING COMMISSION'S DECISION TO APPROVE PLOT PLAN NO. 25422 AND CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 547

(Charge your time to these case numbers)

209B

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Place on Administrative Action | <input checked="" type="checkbox"/> Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA) |
| <input type="checkbox"/> Receive & File | |
| <input type="checkbox"/> EOT | |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input checked="" type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | **SELECT Advertisement** |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> **SELECT CEQA Determination** |
| <input type="checkbox"/> Place on Policy Calendar (Resolutions; Ordinances; PNC) | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Section Initiation Proceeding (GPIP) | <input type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided) |

Please Place on July 26, 2016 Agenda

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

Desert Office • 77-588 Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7040

"Planning Our Future... Preserving Our Past"

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



16-1

10:30 a.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding Public Hearing on the Appeal of the Planning Commission's Approval of Plot Plan No. 25422 – Environmental Impact Report No. 537, which proposes an industrial development comprised of three (3) buildings totaling 918,150 square feet. The appeal of the project cited concerns with the conditions of approval and the mitigation measures. The project is located southerly of Alessandro Boulevard, easterly of Gem Lane and westerly of Brown Street in the Lake Mathews / Woodcrest Area, 1st District.

On motion of Supervisor Tavaglione, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, July 26, 2016 at 10:30 a.m.

Roll Call:

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on June 21, 2016 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: June 21, 2016

(seal)

Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By 

Deputy

AGENDA NO.

16-1

xc: Planning, COB



JAY E. ORR
COUNTY EXECUTIVE OFFICER

MEMORANDUM

COUNTY OF RIVERSIDE

EXECUTIVE OFFICE

GEORGE A. JOHNSON
CHIEF ASSISTANT COUNTY EXECUTIVE OFFICER

ROB FIELD
ASSISTANT COUNTY EXECUTIVE OFFICER
ECONOMIC DEVELOPMENT AGENCY

MICHAEL T. STOCK
ASSISTANT COUNTY EXECUTIVE OFFICER
HUMAN RESOURCES

ZAREH SARAFIAN
ASSISTANT COUNTY EXECUTIVE OFFICER
HEALTH SERVICES

PAUL McDONNELL
ASSISTANT COUNTY EXECUTIVE OFFICER
COUNTY FINANCE DIRECTOR

TO: Kecia Harper-Ihem, Clerk of the Board

FROM: George A. Johnson, Chief Assistant CEO

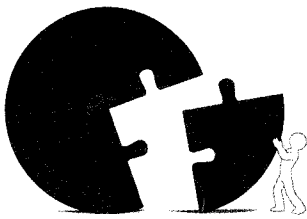
DATE: June 17, 2016

RE: CONTINUANCE

The department requests that the following item be continued to July 26, 2016:

- 16-1 TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING:
Public Hearing on the Appeal of the Planning Commission's Approval of
PLOT PLAN NO. 25422 – ENVIRONMENTAL IMPACT REPORT NO.
537, which proposes an industrial development comprised of three (3)
buildings totaling 918,150 square feet. The appeal of the project cited
concerns with the conditions of approval and the mitigation measures.
The project is located southerly of Alessandro Boulevard, easterly of Gem
Lane and westerly of Brown Street in the Lake Mathews / Woodcrest
Area, 1st District. [\$0] (16-1 of 05/17/2016)

16.1



Steve Weiss AICP
Planning Director

RIVERSIDE COUNTY

PLANNING DEPARTMENT

Memorandum

Date: June 16, 2016

To: Board of Supervisors

From: Steve Weiss, Planning Director

RE: Agenda Item 16-1 Appeal to Plot Plan 25422, the Alessandro Commerce Center; District 1

The appeal to the project was before the Board on April 12, 2016 and May 17, 2016. The item was continued by the Board of Supervisors at the request of the applicant to June 21, 2016. The applicant is further requesting that the appeal hearing be continued to allow more time to review the appeal. The appellant does not object to the continuance.

Planning staff is in support of this continuance to a date certain of July 26, 2016.

Y:\Planning Case Files-Riverside office\PP25422\PC and BOS\Appeal\June 21 2016\Letterhead Memo to BOS.docx

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

Desert Office • 77-588 El Duna Court, Suite H
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"Planning Our Future... Preserving Our Past"

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



16-1

10:30 a.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding Public Hearing on the Appeal of the Planning Commission's Approval of Plot Plan No. 25422 – Environmental Impact Report No. 537, which proposes an industrial development comprised of three (3) buildings totaling 918,150 square feet. The appeal of the project cited concerns with the conditions of approval and the mitigation measures. The project is located southerly of Alessandro Boulevard, easterly of Gem Lane and westerly of Brown Street in the Lake Mathews / Woodcrest Area, 1st District.

The following people spoke on the matter:

Ms. Miller

On motion of Supervisor Benoit, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, June 21, 2016 at 10:30 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Tavaglione, Benoit and Ashley
Nays: None
Absent: None
Abstained: Washington

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on May 16, 2016 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: May 16, 2016

(seal)

Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: _____

Deputy

AGENDA NO.

16-1

xc: Planning, CQB

16-1



JAY E. ORR
COUNTY EXECUTIVE OFFICER

MEMORANDUM

COUNTY OF RIVERSIDE

EXECUTIVE OFFICE

GEORGE A. JOHNSON
CHIEF ASSISTANT COUNTY EXECUTIVE OFFICER

ROB FIELD
ASSISTANT COUNTY EXECUTIVE OFFICER
ECONOMIC DEVELOPMENT AGENCY

MICHAEL T. STOCK
ASSISTANT COUNTY EXECUTIVE OFFICER
HUMAN RESOURCES

ZAREH SARRAFIAN
ASSISTANT COUNTY EXECUTIVE OFFICER
HEALTH SERVICES

PAUL McDONNELL
ASSISTANT COUNTY EXECUTIVE OFFICER
COUNTY FINANCE DIRECTOR

TO: Kecia Harper-Ihem, Clerk of the Board

FROM: George A. Johnson, Chief Assistant CEO

DATE: May 11, 2016

RE: CONTINUANCE

Please continue the following item to June 21, 2016:

TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on the Appeal of the Planning Commission's Approval of PLOT PLAN NO. 25422 – ENVIRONMENTAL IMPACT REPORT NO. 537, which proposes an industrial development comprised of three (3) buildings totaling 918,150 square feet. The appeal of the project cited concerns with the conditions of approval and the mitigation measures. The project is located southerly of Alessandro Boulevard, easterly of Gem Lane and westerly of Brown Street in the Lake Mathews / Woodcrest Area, 1st District. [\$0]

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



16-2

10:30 a.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding Public Hearing on the Appeal of the Planning Commission's Approval of Plot Plan No. 25422 – Environmental Impact Report No. 537, which proposes an industrial development comprised of three (3) buildings totaling 918,150 square feet. The appeal of the project cited concerns with the conditions of approval and the mitigation measures. The project is located southerly of Alessandro Boulevard, easterly of Gem Lane and westerly of Brown Street in the Lake Mathews / Woodcrest Area, 1st District.

Matt Straight, Contract Planner Supervisor, presented the matter.

The following people spoke on the matter:

Ms. Miller

James Thomson

Andrew Silva

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, May 17, 2016 at 10:30 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley

Nays: None

Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on April 12, 2016 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: April 12, 2016

(seal)

Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: _____

Deputy

AGENDA NO.

16-2

xc: Planning, CQB

FORM APPROVED COUNTY COUNSEL
BY: *M. C. Williams* 4-6-16
DATE: 4-6-16

Departmental Concurrence

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



FROM: TLMA – Planning Department

SUBMITTAL DATE:
MARCH 28, 2016

SUBJECT: APPEAL of PLANNING COMMISSION'S DECISION TO APPROVE PLOT PLAN NO. 25422 ENVIRONMENTAL IMPACT REPORT NO. 537 – Applicant: Tom Simmons/Blackridge – Engineer/Representative: Warren Williams/DRC Engineering - First Supervisorial District – March Zoning District – Lake Mathews / Woodcrest Area Plan: Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) – Location: southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street – 54.39 Gross Acres - Zoning: Industrial Park (I-P) - REQUEST: To take action on the appeal and the project, including the certification of the EIR. The appeal of the project cited concerns with the conditions of approval and the mitigation measures. The Plot Plan proposes an industrial development comprised of 2 buildings totaling 814,630 square feet. The Revised Draft EIR studies the impacts of the project. (100% Deposit Based Funding)

Steve Weiss

Steve Weiss, AICP
Planning Director

(Continued on next page)

Juan C. Perez FOR

Juan C. Perez
TLMA Director
Patricia Romo

Assistant Director of Transportation
FOR TRANSPORTATION

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	(per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>

SOURCE OF FUNDS: N/A

Budget Adjustment: N/A

For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*

County Executive Office Signature

Tina Grande

MINUTES OF THE BOARD OF SUPERVISORS

☐ A-30
☐ 4/5 Vote
☐ Positions Added
☐ Change Order

Prev. Agn. Ref.:

District:1

Agenda Number:

16-1

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: APPEAL of PLANNING COMMISSION'S DECISION TO APPROVE PLOT PLAN NO. 25422,
ENVIRONMENTAL IMPACT REPORT NO. 537
DATE: March 28, 2016
PAGE: Page 2 of 3

RECOMMENDED MOTIONS: That the Board of Supervisors:

DENY the appellant's request for the Board of Supervisors to overturn the Planning Commission's approval of PLOT PLAN NO. 25422 and Certification of EIR No. 537; and

ADOPT RESOLUTION NO. 2016-087 Certifying Environmental Impact Report No. 531 based on the findings and conclusions set forth in the resolution and EIR No. 531; and,

APPROVE Plot Plan No. 25422, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

BACKGROUND:

Summary

The Plot Plan, also known as the Alessandro Commerce Center, proposes to entitle two industrial buildings totaling 814,630 square feet. Building 1 is intended as a logistics warehouse and will occupy 598,190 square feet and Building 2 will be designated for general or multi-tenant warehousing and will occupy 216,440 square feet. The project will also include 581 parking spaces, a truck parking area and two detention basins and a temporary rock crushing plant. An EIR was prepared to study the environmental impacts of the proposed project.

A lot line adjustment was studied in the EIR as well but is not part of this action.

A similar project was previously approved as Plot Plan 22925. A subsequent lawsuit and settlement agreement required the approvals to be vacated and reprocessed with the inclusion of a biological corridor. Consequently, Plot Plan No. 25422 has a changed layout and number of structures. Impacts are generally reduced by the new design and use. An Environmental Impact Report (EIR) was previously done for the site, EIR No. 510, which was also vacated. A new revised focused EIR (EIR No. 537) has been drafted building on the contents of EIR No. 510. As part of the settlement agreement for the litigation a 6.69 acre Stephens Kangaroo Rat (SKR) corridor/ habitat area was added to the project design.

The Planning Commission approved the project on March 16, 2016. An appeal to the approval was filed on March 23, 2016 by the SoCal Environmental Justice Alliance (represented by the Law Firm Blum|Collins LLP). The filing of the appeal requires a new de-novo hearing before the Board of Supervisors within 30 days.

Please see the attached Board appeal staff report for a detailed response to the appeal. In summary, the Planning Staff has determined that the conditions of approval are appropriate and the CEQA analysis contained in the EIR are adequate and sufficient. Additionally, Staff is proposing the addition of a number of conditions of approval that were not presented to the Planning Commission and were not part of its approval of the project. While reviewing the appeal Staff felt it was important to add these additional conditions to address the concerns of the appeal letter. Please see the appeal staff report for more detail on these new proposed conditions of approval. At this time staff does not request any changes to the documents and recommend the Board uphold the Planning Commission's approval of the project with the additional conditions of approval provided in the attached staff report.

Impact on Citizens and Businesses

All potential impacts were analyzed in the Environmental Impact Report No. 537.

ATTACHMENTS:

- A. **RESOLUTION NO. 2016-087**
- B. **APPEAL STAFF REPORT**

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: APPEAL of PLANNING COMMISSION'S DECISION TO APPROVE PLOT PLAN NO. 25422,
ENVIRONMENTAL IMPACT REPORT NO. 537**

DATE: March 28, 2016

PAGE: Page 3 of 3

- C. APPEAL APPLICATION**
- D. PLANNING COMMISSION MEMOS (2)**
- E. PLANNING COMMISSION STAFF REPORT**

To Whom It May Concern:

My name is Ronald Andrew Adkins and I am a property owner at 14080 Camino del Oro in Riverside California. My property is adjacent to the property off Alessandro, Plot Plan No. 25422. The proposed project of Plot Plan No. 25422 will be an industrial development consisting of 3 buildings. This new project is going to impact and diminish our property value. Industrial development has been studied and noted as one of the least desirable uses of land, especially when it will be in such close proximity to a residential neighborhood. The equity in our property will be directly affected and reduced as a result of this proposed plan. What sold the house for my wife and I in the first place was the view from our lot. The proposed development will completely cover our view. We have three children in our home all under the age of 3 years, one child being a newborn. This development will have an environmental impact upon my family as well. We recommend that the Board of Supervisors take our concerns as property owners, who are directly affected, into consideration before granting or dismissing final approval.

Thank you,

Ronald Andrew Adkins

951-675-9174

Ronaldadkins1983@yahoo.com

Ronald Andrew Adkins

April 6, 2016

*Enclosed with this letter are pictures of our current view and a letter from our realtor.

116-2
4/12/16

2016-4-131375

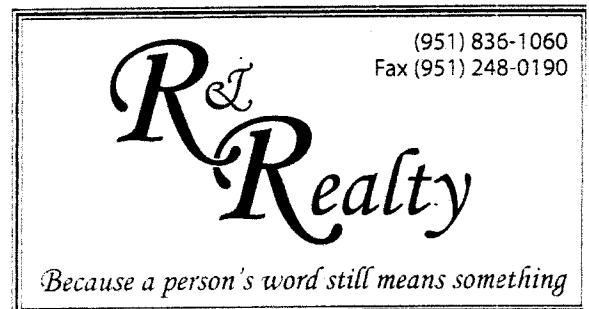
In regards to Mr. and Mrs. Adkins,

This is to inform anyone asking that one of the main reasons for the Adkins purchasing their home on Camino del Oro was the unobstructed view out the back of the home looking at the mountains. I had been working with the Adkins as their realtor for quite some time and out of all the homes we looked at this one in particular was the one they chose.

I also feel that if the view would be diminished it might have an adverse outcome on their value.

Sincerely,

Randall Reeves









DATE	ORDER NUMBER	PO Number	PRODUCT	SIZE	AMOUNT
4/2/16	0010151339	PP 25422	PE Riverside	2 x 77 Li	223.30

RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS
2016 APR - 8 PM 12:19

*Planning
16-2 of 04/12/16*

Placed by: cecilia gil

Legal Advertising Invoice

BALANCE DUE

223.30

SALES/CONTACT INFORMATION	ADVERTISER INFORMATION			
Kristin Gribbin 951-368-9223	BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
	04/02/2016	1100141323	1100141323	BOARD OF SUPERVISORS

FREEDOM
NEWS GROUP

THE PRESS-ENTERPRISE

Legal Advertising Invoice

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

ADVERTISER/CLIENT NAME		
BOARD OF SUPERVISORS		
BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER
04/02/2016	1100141323	1100141323
BALANCE DUE	ORDER NUMBER	TERMS OF PAYMENT
223.30	0010151339	DUE UPON RECEIPT

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
'P.O. BOX 1147'
RIVERSIDE, CA 92502

The Press-Enterprise
Dept LA 24453
Pasadena, CA 91185-4453

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: PP 25422

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

04/02/2016

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Apr 02, 2016

At: Riverside, California


Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
P.O. BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0010151339-01

P.O. Number: PP 25422

Ad Copy:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE A PLOT PLAN AND ENVIRONMENTAL IMPACT REPORT IN THE FIRST SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, April 12, 2016, at 10:30 A.M.**, or as soon as possible thereafter, to consider the appeal filed by Tom Simmons / Blackridge - Warren Williams / DRC Engineering, of the Planning Commission's approval of **Plot Plan No. 25422**, which proposes an industrial development comprised of three (3) buildings totaling 918,150 square feet. The appeal of the project cited concerns with the conditions of approval and the mitigation measures. The project is located southerly of Alessandro Boulevard, easterly of Gem Lane and westerly of Brown Street in the Lake Mathews / Woodcrest Area, First Supervisorial District.

The Planning Commission recommended denial of the appellant's request for the Board of Supervisors to overturn the approval of the project and certification of **Environmental Impact Report No. 537**.

The proposed project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Clerk of the Board of Supervisors at 4080 Lemon Street, 1st Floor, Riverside, California 92501, and at the Riverside County Planning Department, 4080 Lemon Street, 12 Floor, Riverside, CA 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT MATT STRAITE, PROJECT PLANNER, AT (951) 955-8631 OR EMAIL: mstraite@rctma.org.

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

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

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, Post Office Box 1147, Riverside, CA 92502-1147.

Dated: March 30, 2016
Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

4/2

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE A PLOT PLAN AND ENVIRONMENTAL IMPACT REPORT IN THE FIRST SUPERVISORIAL DISTRICT

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Dated: March 30, 2016

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

16-2 of 04/12/16

9250645532 003 92502114747

BC: 92502114747 *1004-14803-30-43

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

NIXIE 914 DE 1 0004/04/16

RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS

2016 APR -6 PM 1:06

ASMT: 263250071, APN: 263250071
HAVADJIA HOLDINGS INC, ETAL
C/O TONY R PADILLA
6095 OROZCO DR
RIVERSIDE CA 92505

PUBLIC HEARING NOTICE
This may affect your property

Riverside County Clerk of the Board
County Administrative Center
4080 Lemon Street, 1st Floor Annex
P. O. Box 1147
Riverside, CA 92502-1147



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FIRST CLASS



UNITED STATES POSTAGE
02 1M
0004265228
\$00.43
MAR 30 20
MAILED FROM ZIP CODE 92505
PRINCE BOWEN



REMOVE SIDE EDGES FIRST
THEN FOLD AND TEAR THIS STUB ALONG PERFORATION



To Whom It May Concern:

My name is Ronald Andrew Adkins and I am a property owner at 14080 Camino del Oro in Riverside California. My property is adjacent to the property off Alessandro, Plot Plan No. 25422. The proposed project of Plot Plan No. 25422 will be an industrial development consisting of 3 buildings. This new project is going to impact and diminish our property value. Industrial development has been studied and noted as one of the least desirable uses of land, especially when it will be in such close proximity to a residential neighborhood. The equity in our property will be directly affected and reduced as a result of this proposed plan. What sold the house for my wife and I in the first place was the view from our lot. The proposed development will completely cover our view. We have three children in our home all under the age of 3 years, one child being a newborn. This development will have an environmental impact upon my family as well. We recommend that the Board of Supervisors take our concerns as property owners, who are directly affected, into consideration before granting or dismissing final approval.

Thank you,

Ronald Andrew Adkins

951-675-9174

Ronaldadkins1983@yahoo.com

Ronald Andrew Adkins

April 6, 2016

*Enclosed with this letter are pictures of our current view and a letter from our realtor.

110-2
4/12/10
2010-4-131375

In regards to Mr. and Mrs. Adkins,

This is to inform anyone asking that one of the main reasons for the Adkins purchasing their home on Camino del Oro was the unobstructed view out the back of the home looking at the mountains. I had been working with the Adkins as their realtor for quite some time and out of all the homes we looked at this one in particular was the one they chose.

I also feel that if the view would be diminished it might have an adverse outcome on their value.

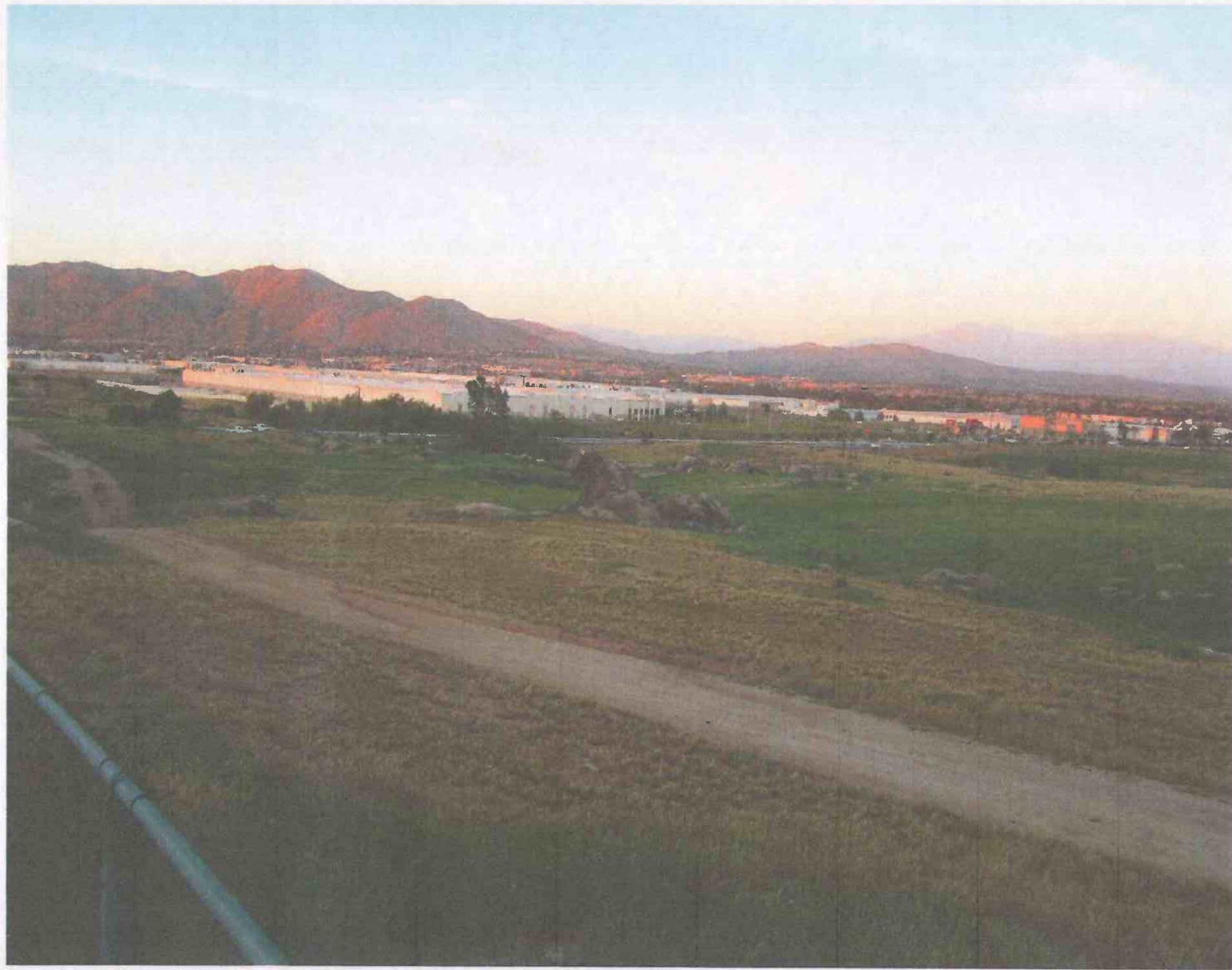
Sincerely,

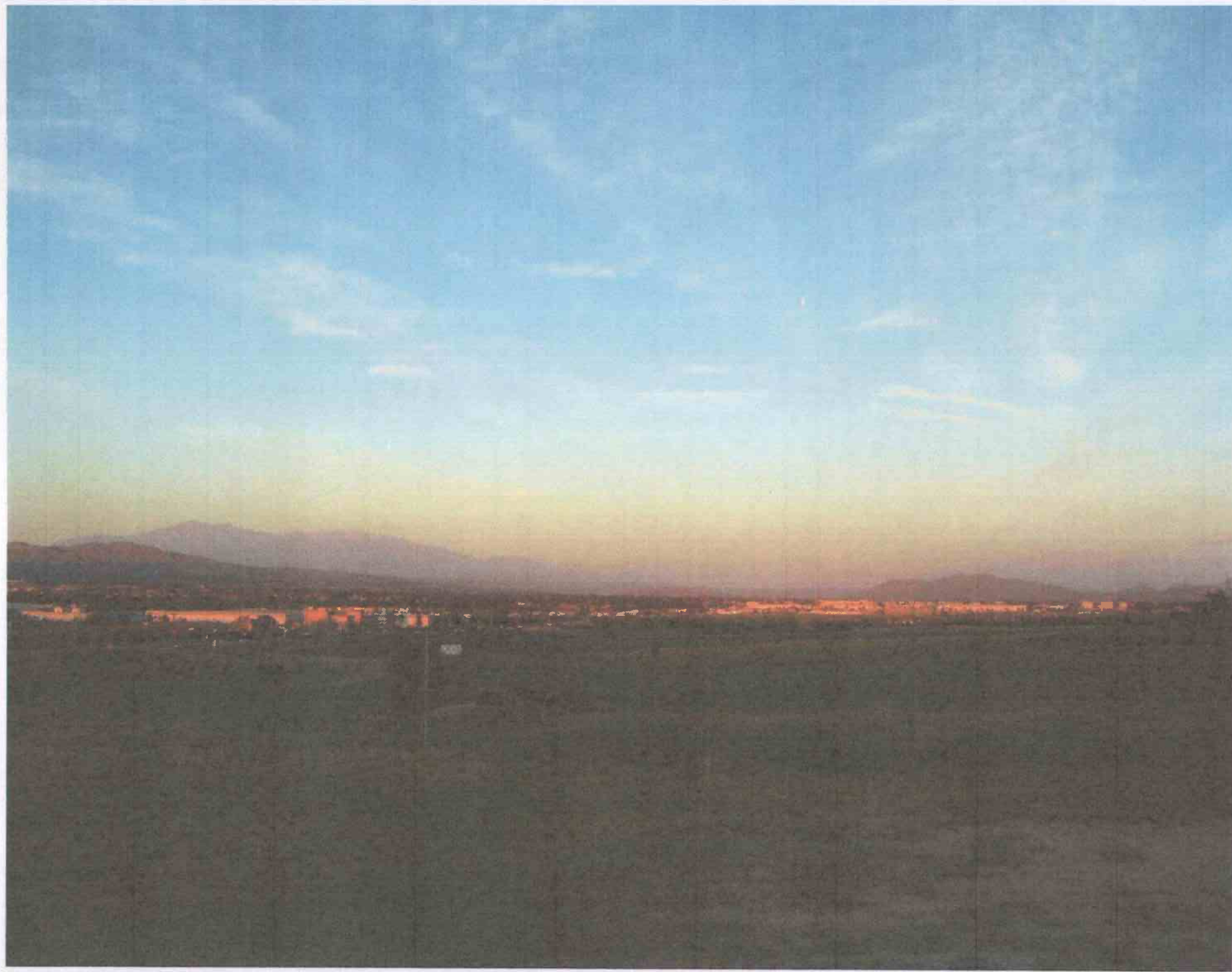
Randall Reeves

R & Realty

(951) 836-1060
Fax (951) 248-0190

Because a person's word still means something







**Riverside County Board of Supervisors
Request to Speak**

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

SPEAKER'S NAME: Ms Miller

Address: www.globalhermynetwork.org
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: no more use home

Date: _____ **Agenda #** 16-2

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** ☒ **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

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

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

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

Power Point Presentations/Printed Material:

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

Individual Speaker Limits:

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

Group/Organized Presentations:

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

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**Riverside County Board of Supervisors
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SPEAKER'S NAME: James Thomson

Address: 20735 Caminus Del Sol
(only if follow-up mail response requested)

City: RIVERSIDE **Zip:** 92507

Phone #: 951-324-0105

Date: 4/12/16 **Agenda #** 25422

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support X **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support **Oppose** **Neutral**

I give my 3 minutes to: _____

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SPEAKER'S NAME: Andrew Silva

Address: # 14015 Camino Del Oro
(only if follow-up mail response requested)

City: RIVERSIDE **Zip:** 92508

Phone #: (323) 240 3213

Date: 04-12-06 **Agenda #** 16-2

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support **Oppose** **Neutral**

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for "Appeal", please state separately your position on
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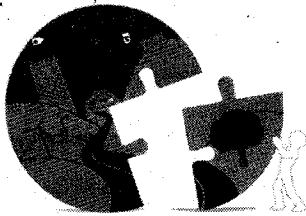
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Juan C. Perez
Interim Planning Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

RIVERSIDE COUNTY
CLERK OF THE BOARD
OF SUPERVISORS

PAID

APPLICATION FOR APPEAL

DATE: 3-23-16
AMOUNT: \$483.28
REC'D BY: Ashley Aparicio

DATE SUBMITTED: March 23, 2016

Appeal of application case No(s): Plot Plan No. 25422, EIR No. 537

List all concurrent applications

Name of Advisory Agency: Riverside County Planning Commission

Date of the decision or action: March 16, 2016 Planning Commission vote (March 18 Letter of Decision)

Appellant's Name: SoCal Environmental Justice Alliance E-Mail: collins@blumcollins.com

Mailing Address: c/o Blum Collins LLP, 707 Wilshire Blvd., Suite 4880

Los Angeles

CA

90017

City

State

ZIP

Daytime Phone No: (213) 572-0400

Fax No: (213) 572-0400

ADVISORY AGENCY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	<ul style="list-style-type: none"> Board of Supervisors for: Temporary Outdoor Events, Substantial Conformance Determination for WECS, Variances, and Fast Track Plot Plans. Planning Commission for: all other decisions. 	<ul style="list-style-type: none"> Clerk of The Board for: Appeals before the Board of Supervisors. Planning Department for: Appeals before the Planning Commission.
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

TYPE OF CASES BEING APPEALED	FILING DEADLINE
<ul style="list-style-type: none"> Change of Zone denied by the Planning Commission Commercial WECS Permit Conditional Use Permit Hazardous Waste Facility Siting Permit Public Use Permit Variance Specific Plan denied by the Planning Commission Substantial Conformance Determination for WECS Surface Mining and Reclamation Permit 	Within 10 days after the notice of decision appears on the Board of Supervisors Agenda.

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

Desert Office • 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

APPLICATION FOR APPEAL

<ul style="list-style-type: none">• Land Division (Tentative Tract Map or Tentative Parcel Map)• Revised Tentative Map• Minor Change to Tentative Map• Extension of Time for Land Division (not vesting map)	Within 10 days after the notice of decision appears on the Board of Supervisor's Agenda.
<ul style="list-style-type: none">• Extension of Time for Vesting Tentative Map	Within 15 days after the notice of decision appears on the Board of Supervisor's agenda.
<ul style="list-style-type: none">• General Plan or Specific Plan Consistency Determination• Temporary Outdoor Event	Within 10 days after date of mailing or hand delivery of decision of the Planning Director.
<ul style="list-style-type: none">• Environmental Impact Report	Within 10 days of receipt of project sponsor or Planning Director determination, or within 7 days after notice of decision by Planning Commission appears on the Board's agenda.
<ul style="list-style-type: none">• Plot Plan• Second Unit Permit• Temporary Use Permits• Accessory WECS	Within 10 calendar days after the date of mailing of the decision.
<ul style="list-style-type: none">• Letter of Substantial Conformance for Specific Plan	Within 7 days after the notice of decision appears on the Board of Supervisor's agenda.
<ul style="list-style-type: none">• Revised Permit	Same appeal deadline as for original permit.
<ul style="list-style-type: none">• Certificate of Compliance• Tree Removal Permit	Within 10 days after the date of the decision by the Planning Director.
<ul style="list-style-type: none">• Revocation of Variances and Permits	Within 10 days following the mailing of the notice of revocation by the Director of Building and Safety, or within 10-days after the notice of decision of the Planning Commission appears on the Board of Supervisor's agenda.

PLEASE STATE THE REASONS FOR APPEAL.

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

APPLICATION FOR APPEAL

This appeal concerns the County's compliance with the California Environmental Quality Act (CEQA).

First, to properly mitigate biological resource impacts, Condition of Approval 60.EPD.1 (EPD - MBTA Survey) should have required nesting bird surveys from January 1 - September 15 rather than from February 1.

Second, there were a number of conditions for mitigation of air quality and greenhouse gas impacts that were not imposed: (a) the conditions of approval should have prohibited the use of refrigerated trucks or refrigerated storage under any circumstances, (b) the conditions of approval should have required tenants or users of the space to use 2010 or later model year trucks, or to apply for funding for such trucks to the ARB and SCAQMD if they did not have them, (c) the conditions of approval should have limited the daily number of trucks permitted onsite to the number analyzed in the Revised Focused Draft Environmental Impact Report (RFDEIR), (d) the conditions of approval should have required electric vehicle charging stations for trucks, since plugins will become more available during the lifetime of the project and the project should be ready for them, and (e) the conditions failed to require any alternatively fueled trucks, even though they are available and would reduce the significant impacts of the Project.

Third, the RFDEIR should have analyzed cumulative impacts to air quality from the projects nearby including at the March Joint Powers Authority Properties and the multiple other warehouse and high cube warehouse projects in the vicinity. [continued on following pages]

Use additional sheets if necessary.

Craig Collins
on behalf of SoCal Environmental Justice Alliance

PRINTED NAME OF APPELLANT

SIGNATURE OF APPELLANT

March 23, 2016

DATE

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

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

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

**APPEAL OF PLOT PLAN NO. 25422,
ENVIRONMENTAL IMPACT REPORT NO. 537
On behalf of SoCal Environmental Justice Alliance
3/23/16
Continuation Page**

Fourth, regarding Air Quality, (a) the RFDEIR did not include assumptions for its analysis for regional and localized emissions, (b) neither the localized significance thresholds analysis nor the health risk assessment used AERMOD, but rather used the earlier SCREEN3 model, and (c) the RFDEIR ignored California Air Resources Board guidance calling for a 1000 foot buffer between truck traffic and sensitive receptors.

Fifth, the Project would violate the nighttime standard for noise, which the RFDEIR conceded is 45 dBA L_{eq} , and the RFDEIR failed to find this was a significant impact of the Project. Accordingly, it should have been subject to mitigation.

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

R1603338

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

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: SIMMONS TOM

\$983.28

paid by: CK 002425

paid towards: PP25422

NOT EXEMPT FROM CEQA

at parcel #:

appl type: PP03

By _____ Mar 23, 2016 13:33
MGARDNER posting date Mar 23, 2016

Account Code	Description	Amount
200063130100230168	CMP TRANS PLAN	\$28.00
100001000100777520	CLERK OF THE BOARD	\$26.00
202033100200772210	LMS SURCHARGE	\$19.28
100003120100777180	PLANNING: APPEALS	\$910.00

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

Additional info at www.rctlma.org

Craig M. Collins, Inc.
707 Wilshire Blvd, Suite 4880
Los Angeles, CA 90017

City National Bank
525 South Flower St.
Los Angeles, CA 90071
16-1806/1220

002425

DATE 3/22/2016

PAY TO THE
ORDER OF County of Riverside

\$ **983.28

Nine Hundred Eighty-Three and 28/100 ***** DOLLARS

County of Riverside

MEMO

Appeal of Plot Plan No. 25422



AUTHORIZED SIGNATURE

MP

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈002425⑈ ⑆122016066⑆ 210163255⑈

Craig M. Collins, Inc.
County of Riverside
Court Expenses

3/22/2016

002425

983.28

City National Bank-32 Appeal of Plot Plan No. 25422

983.28

Craig M. Collins, Inc.
County of Riverside
Court Expenses

3/22/2016

002425

983.28

City National Bank-32 Appeal of Plot Plan No. 25422

983.28



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

March 30, 2016

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

TEL : (951) 368-9225
E-MAIL: legals@pe.com

RE: NOTICE OF PUBLIC HEARING: APPEAL OF PLOT PLAN NO. 25422

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) Time on Saturday, April 2, 2016.**

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

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

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

Thank you in advance for your assistance and expertise.

Sincerely,

Cecilia Gil

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

Gil, Cecilia

From: PEC Legals Master <legalsmaster@pe.com>
Sent: Wednesday, March 30, 2016 8:40 AM
To: Gil, Cecilia
Subject: Re: FOR PUBLICATION: PP 25422

Received for publication on 4/2

Legal Advertising Phone: 1-800-880-0345 / Fax: 951-368-9018 / E-mail: legals@pe.com

Please Note: Deadline is 10:30 AM, three (3) business days prior to the date you would like to publish. **Additional days required for larger ad sizes**

****Employees of The Press-Enterprise are not able to give legal advice of any kind****

The Press-Enterprise PE.COM / UNIDOS
A Freedom News Group Company

From: Gil, Cecilia <CCGIL@rcbos.org>
Sent: Wednesday, March 30, 2016 8:26 AM
To: PEC Legals Master
Subject: FOR PUBLICATION: PP 25422

Good morning!

Attached is a Notice of Public Hearing, for publication on Saturday, April 2, 2016. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant
Clerk of the Board of Supervisors
(951) 955-8464
MS# 1010

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE A PLOT PLAN AND ENVIRONMENTAL IMPACT REPORT IN THE FIRST SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, April 12, 2016, at 10:30 A.M.**, or as soon as possible thereafter, to consider the appeal filed by Tom Simmons / Blackridge – Warren Williams / DRC Engineering, of the Planning Commission's approval of **Plot Plan No. 25422**, which proposes an industrial development comprised of three (3) buildings totaling 918,150 square feet. The appeal of the project cited concerns with the conditions of approval and the mitigation measures. The project is located southerly of Alessandro Boulevard, easterly of Gem Lane and westerly of Brown Street in the Lake Mathews / Woodcrest Area, First Supervisorial District.

The Planning Commission recommended denial of the appellant's request for the Board of Supervisors to overturn the approval of the project and certification of **Environmental Impact Report No. 537**.

The proposed project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Clerk of the Board of Supervisors at 4080, Lemon Street, 1st Floor, Riverside, California 92501, and at the Riverside County Planning Department, 4080 Lemon Street, 12 Floor, Riverside, CA 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT MATT STRAITE, PROJECT PLANNER, AT (951) 955-8631 OR EMAIL: mstraite@rctlma.org.

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

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

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, Post Office Box 1147, Riverside, CA 92502-1147.

Dated: March 30, 2016

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

CERTIFICATE OF POSTING

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

I, Cecilia Gil, Board Assistant to Kecia Harper-Ihem, Clerk of the Board of Supervisors, for the County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on March 30, 2016, I forwarded to Riverside County Clerk & Recorder's Office a copy of the following document:

NOTICE OF PUBLIC HEARING

PLOT PLAN NO. 25422 EIR 537

to be posted in the office of the County Clerk at 2724 Gateway Drive, Riverside, California 92507.

Board Agenda Date: April 12, 2016 @ 10:30 A.M.

SIGNATURE: Cecilia Gil
Cecilia Gil

DATE: March 30, 2016

Gil, Cecilia

From: Meyer, Mary Ann <MaMeyer@asrcrkrec.com>
Sent: Wednesday, March 30, 2016 9:17 AM
To: Gil, Cecilia; Acevedo, Amy; Buie, Tammie; Kennemer, Bonnie
Subject: RE: FOR POSTING: PP 25422

Received and will be posted

From: Gil, Cecilia [mailto:CCGIL@rcbos.org]
Sent: Wednesday, March 30, 2016 8:28 AM
To: Acevedo, Amy; Buie, Tammie; Kennemer, Bonnie; Meyer, Mary Ann
Subject: FOR POSTING: PP 25422

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

Cecilia Gil

Board Assistant
Clerk of the Board of Supervisors
(951) 955-8464
MS# 1010

CERTIFICATE OF MAILING

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

I, Cecilia Gil, Board Assistant, for the County of Riverside, do hereby certify that I am
not a party to the within action or proceeding; that on March 30, 2016, I mailed a copy
of the following document:

NOTICE OF PUBLIC HEARING

PLOT PLAN NO. 25422

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

Board Agenda Date: April 12, 2016 @ 10:30 AM

SIGNATURE: Cecilia Gil DATE: March 30, 2016
Cecilia Gil

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN, certify that on 3/23/2016

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers PP25422 For

Company or Individual's Name Planning Department,

Distance buffered 600'.

Pursuant to application requirements furnished by the Riverside County Planning Department, Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: Vinnie Nguyen

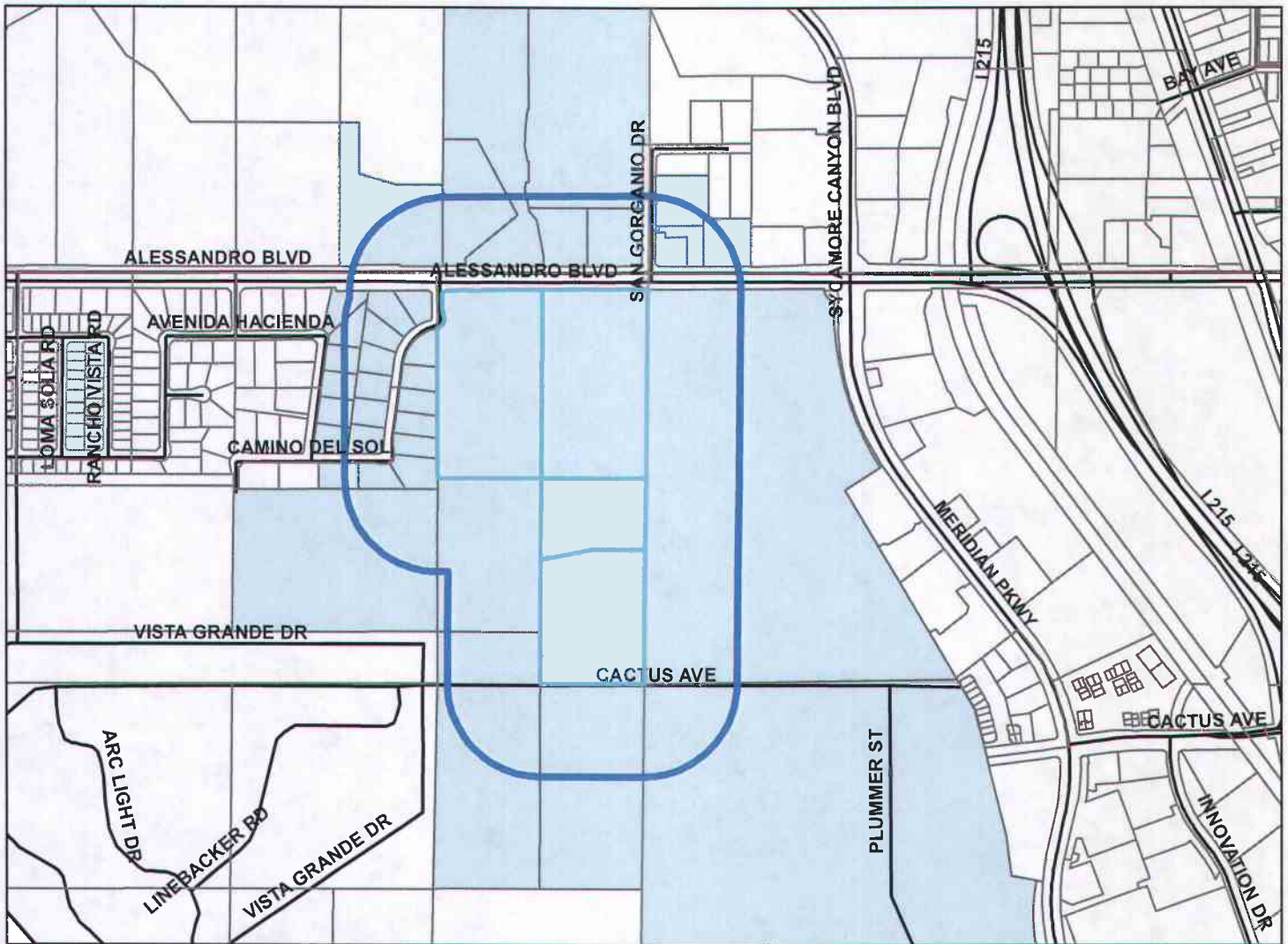
TITLE GIS Analyst

ADDRESS: 4080 Lemon Street 2nd Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

PP25422



Selected Parcels

297-061-005 297-080-007 297-080-008 297-080-009 297-080-010 297-061-012 297-061-010 263-060-042 263-060-043 263-060-039
 263-060-040 263-060-041 297-073-006 263-250-072 297-073-005 263-060-032 297-073-001 297-073-004 297-072-004 263-250-069
 297-072-002 297-080-004 297-080-005 297-090-003 297-090-004 297-100-026 297-110-011 297-061-007 297-061-011 297-063-001
 297-061-009 297-072-001 297-072-005 263-250-071 297-073-003 297-073-002 263-250-015 297-061-006 297-063-002 297-061-008
 297-072-003



1,000 500 0 1,000 Feet

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

OWNER	AMSTAR	APPLICANT	ARCHITECT	LANDSCAPE	CIVIL
<p>WALSH CONSULTING, LLC 1000 AVENUE OF THE STARS SUITE 1000 BOULDER, CO 80501</p>	<p>AMSTAR 1000 AVENUE OF THE STARS SUITE 1000 BOULDER, CO 80501</p>	<p>WALSH CONSULTING, LLC 1000 AVENUE OF THE STARS SUITE 1000 BOULDER, CO 80501</p>	<p>WALSH CONSULTING, LLC 1000 AVENUE OF THE STARS SUITE 1000 BOULDER, CO 80501</p>	<p>WALSH CONSULTING, LLC 1000 AVENUE OF THE STARS SUITE 1000 BOULDER, CO 80501</p>	<p>WALSH CONSULTING, LLC 1000 AVENUE OF THE STARS SUITE 1000 BOULDER, CO 80501</p>

SHEET INDEX

ARCHITECTURAL

11	SEE PLAN
11A	SEE PLAN
11B	DETAILED SEE PLAN
11C	SEE PLAN
11D	PROPOSED FENCE PLAN
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11F	SEE PLAN
11G	SEE PLAN
11H	SEE PLAN
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61-2	PROTECTIVE SEE PLAN
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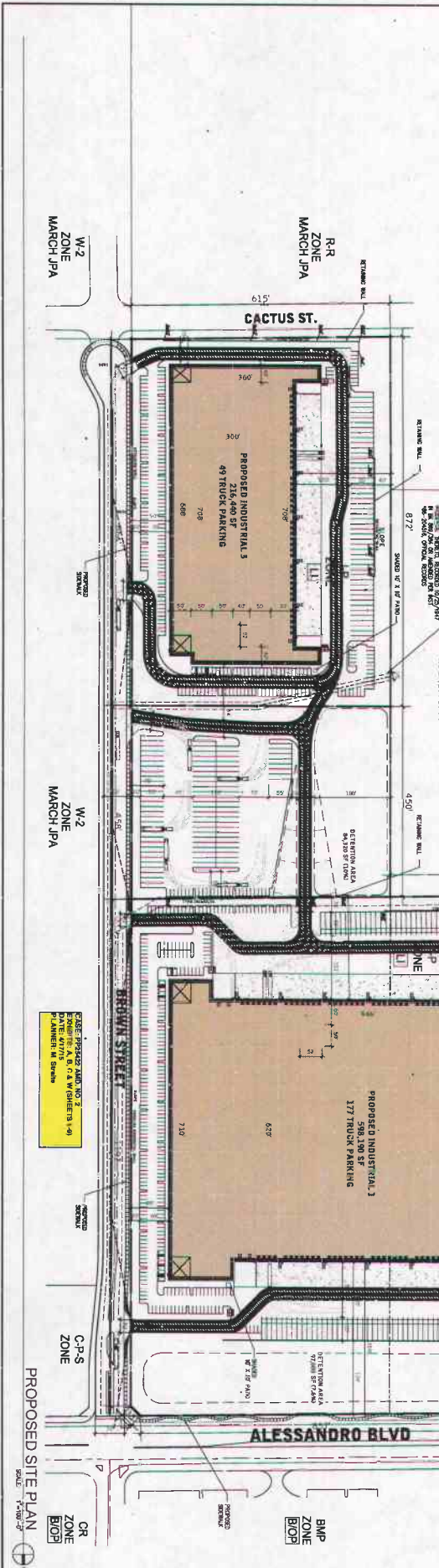
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PROJECT DATA								
ENVIRONMENTAL CORRIDOR								
SITE AREA	DETENTION	NET SITE AREA	BUILDING AREA	FAR NET	PARKING	PARKING	LAND USE	ZONING
6.69 AC	291,624 SF							
SITE AREA 1								
SITE AREA	DETENTION	NET SITE AREA	BUILDING AREA	FAR NET	PARKING	PARKING	EXIS./PROP.	EXIS./PROP.
27.11 AC	1,279,526.78 SF	97,000.00 SF	26.94 AC 1,179,328.78 SF	0.51	337	0.56(100)	L	IP
SITE AREA 2								
SITE AREA	DETENTION	NET SITE AREA	BUILDING AREA	FAR NET	PARKING	PARKING	EXIS./PROP.	EXIS./PROP.
0.61 AC	279,281.97 SF	1.94 AC	64,330 SF	4.47 AC	104,961.91 SF	0.5F	0.00	26
							L	IP
TOTALS								
12.26 AC	533,993.86 SF	0.00 AC	0.00 SF	12.26 AC	533,993.86 SF	23.40 SF	0.40	213
							0.98(100)	
							L	IP
SITE AREA 3								
SITE AREA	DETENTION	NET SITE AREA	BUILDING AREA	FAR NET	PARKING	PARKING	EXIS./PROP.	EXIS./PROP.
47.28 AC	2,093,802.41 SF	4.10 AC	181,350 SF	43.67 AC	1,992,482.41 AC	93.40 SF	0.43	376
							0.71(100)	
							L	IP





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SCALE

A1.1a

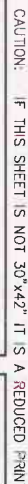
[illegible]

ALESSANDRO COMMERCE CENTER
PP25422
 **AMSTAR** 2 INDUSTRIAL BUILDINGS
E. ALESSANDRO BLVD.
RIVERSIDE, CALIFORNIA

architecture
planning
interiors
graphics
civil engineering

10 edalman
77000 california 92618
p 949.660.9128
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ASMT: 297061012, APN: 297061012
ANDREW SILVA
14015 CAMINO DEL ORO
RIVERSIDE, CA. 92508

ASMT: 297072005, APN: 297072005
CHRISTINE ODELL, ETAL
14105 CAMINO DEL ORO
RIVERSIDE, CA. 92508

ASMT: 297063002, APN: 297063002
KIMBERLY ADKINS, ETAL
14080 CAMINO DEL ORO
RIVERSIDE, CA. 92508

ASMT: 297073002, APN: 297073002
RELPHA MELOCOTON
14140 CAMINO DEL ORO
RIVERSIDE, CA. 92508

ASMT: 297072001, APN: 297072001
KAREN VINSON, ETAL
P O BOX 51015
RIVERSIDE CA 92517

ASMT: 297073003, APN: 297073003
PATRICIA LAURMAN
14212 CAMINO DEL ORO
RIVERSIDE, CA. 92508

ASMT: 297072002, APN: 297072002
OPHELIA ALVARADO, ETAL
20630 CAMINO DEL SOL
RIVERSIDE, CA. 92508

ASMT: 297073004, APN: 297073004
LORI THOMSON, ETAL
20735 CAMINO DEL SOL
RIVERSIDE, CA. 92508

ASMT: 297072003, APN: 297072003
BECKY PAULSON, ETAL
14205 CAMINO DEL ORO
RIVERSIDE, CA. 92508

ASMT: 297073005, APN: 297073005
JANICE OIEN, ETAL
20685 CAMINO DEL SOL
RIVERSIDE, CA. 92508

ASMT: 297072004, APN: 297072004
KIM CHAU, ETAL
14135 CAMINO DEL ORO
RIVERSIDE, CA. 92508

ASMT: 297073006, APN: 297073006
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35

appeal PP25422

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LUPE GONZALES, ETAL
14050 AVENIDA LUNA
RIVERSIDE, CA. 92508

ASMT: 297061007, APN: 297061007
MARILYN SUTTON
14080 AVENIDA LUNA
RIVERSIDE, CA. 92508

ASMT: 297061008, APN: 297061008
ROY BORQUEZ, ETAL
14110 AVENIDA LUNA
RIVERSIDE, CA. 92508

ASMT: 297061009, APN: 297061009
LOGOMALIEMAT HUDSON, ETAL
14075 CAMINO DEL ORO
RIVERSIDE, CA. 92508

ASMT: 297061011, APN: 297061011
DIANNA KOWALLIS, ETAL
14035 CAMINO DEL ORO
RIVERSIDE, CA. 92508

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ASMT: 297080010, APN: 297080010
AMSTAR KALIBER
C/O TRICIA NOBLE
1050 17TH ST 23RD FL
DENVER CO 80265

ASMT: 263060032, APN: 263060032
GIBSON RIVERSIDE PROP
2410 YATES AVE
COMMERCE CA 90040

ASMT: 297110011, APN: 297110011
MARCH JOINT POWERS AUTHORITY
C/O ELLEN STEPHENS FINANCE MANAGER
23555 MEYER DR
RIVERSIDE CA 92518

ASMT: 263060041, APN: 263060041
CORAC ALESSANDRO
C/O GARY EDWARDS
500 NEWPORT CENTER DR 630
NEWPORT BEACH CA 92660

ASMT: 263060043, APN: 263060043
CITY OF RIVERSIDE
C/O CITY CLERKS OFFICE
3900 MAIN ST
RIVERSIDE CA 92522

ASMT: 263250015, APN: 263250015
RIVERSIDE COUNTY BOARD OF EDUCATION
C/O RIVERSIDE CTY OFFICE OF EDUCATION
P O BOX 868
RIVERSIDE CA 92502

ASMT: 297063001, APN: 297063001
CHARLENE EDMOND, ETAL
535 STARLIGHT LN
ARROYO GRANDE CA 93420

ASMT: 263250069, APN: 263250069
KVM PARTNERS
14252 CULVER DR A358
IRVINE CA 92604

ASMT: 297073001, APN: 297073001
HERM ESPIRITU
46259 JON WILLIAM WAY
TEMECULA CA 92592

ASMT: 263250071, APN: 263250071
HAVADJIA HOLDINGS INC, ETAL
C/O TONY R PADILLA
6095 OROZCO DR
RIVERSIDE CA 92505

ASMT: 297061010, APN: 297061010
CAMINO DEL ORO TRUST, ETAL
C/O TAX SERVICE
19510 VAN BUREN NO F3 162
RIVERSIDE CA 92508

ASMT: 263250072, APN: 263250072
KHOSRO KHALOGHLI, ETAL
1450 IOWA AVE STE 220
RIVERSIDE CA 92507



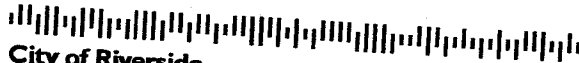
Williams Warren DRC
160 S. Old Springs Road, Suite 210
Anaheim Hills, CA 92808

Tom Simmons
13191 Crossroads Parkway North, 6th Floor
Industry, CA 91746



Amstar Kaliber

C/O Tricia Noble
1050 17th Street, 23rd Floor
Denver, CO 80265



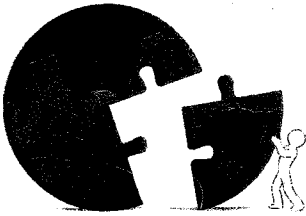
City of Riverside

Community Development Department
Planning Division
3900 Main Street
Riverside, CA 92522



City of Moreno Valley

Planning Department
14177 Frederick St
Moreno Valley, CA 92553



RIVERSIDE COUNTY ORIGINAL PLANNING DEPARTMENT

Steve Weiss, AICP
Planning Director

DATE:

2/25

TO: Clerk of the Board of Supervisors

FROM: Planning Department – Riverside

SUBJECT: Plot Plan No. 25422

(Charge your time to these case numbers)

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Place on Administrative Action | <input type="checkbox"/> Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA) |
| <input type="checkbox"/> Receive & File | |
| <input type="checkbox"/> EOT | |
| <input checked="" type="checkbox"/> Labels provided If Set For Hearing | <input checked="" type="checkbox"/> Publish in Newspaper: |
| <input checked="" type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | (1st Dist) Press Enterprise |
| <input type="checkbox"/> Place on Consent Calendar | <input checked="" type="checkbox"/> Environmental Impact Report |
| <input type="checkbox"/> Place on Policy Calendar (Resolutions; Ordinances; PNC) | <input checked="" type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Section Initiation Proceeding (GPIP) | <input checked="" type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided) |

Designate Newspaper used by Planning Department for Notice of Hearing:
(1st Dist) Press Enterprise

SCHEDULE FOR 04/12/2016 BOS HEARING

3 Extra sets were taken to:
Clerk of the Board

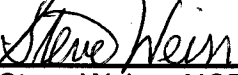
Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7040

"Planning Our Future... Preserving Our Past"

Agenda Item No.:
Area Plan: Lake Mathews/ Woodcrest
Zoning District: March
Supervisory District: First
Project Planner: Matt Straite
Board of Supervisors: April 12, 2016

PLOT PLAN NO. 25422
ENVIRONMENTAL IMPACT REPORT NO. 537
Applicant: Tom Simmons/Blackridge
Engineer/Representative:
Warren Williams/DRC


Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DEPARTMENT APPEAL STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The Planning Commission approved the project on March 16, 2016. An appeal to the approval was filed on March 23, 2016 by the SoCal Environmental Justice Alliance (represented by the Law Firm Blum|Collins LLP). The filing of the appeal requires a new de novo hearing before the Board of Supervisors within 30 days. Said hearing has been scheduled for April 12, 2016.

The Plot Plan, also known as the Alessandro Commerce Center, proposes to entitle two industrial buildings totaling 814,630 square feet. Building 1 is intended as a logistics warehouse and will occupy 598,190 square feet and Building 2 will be designated for general or multi-tenant warehousing and will occupy 216,440 square feet. The project will also include 581 parking spaces, a truck parking area, two detention basins and a temporary rock crushing plant (during construction only). An EIR was prepared to study the environmental impacts of the proposed project.

A lot line adjustment was studied in the EIR as well but is not part of this action.

A project on this site was previously approved as Plot Plan 22925. A subsequent lawsuit and settlement agreement required the approvals to be vacated and reprocessed with the inclusion of a biological corridor. Consequently, the applicant has changed the layout, use (it was retail/office, now it is warehouses) and the number of structures. The new project is Plot Plan No. 25422. Impacts are generally reduced by the new design and use. An Environmental Impact Report (EIR) was previously done for the site, EIR No. 510. A new revised focused EIR (EIR No. 537) has been drafted building on the contents of EIR No. 510. As part of the settlement agreement for the litigation a 6.69 acre Stephens Kangaroo Rat (SKR) corridor/ habitat area was added to the project design along the western edge, between the closest homes and the proposed structures.

The proposed project is located in the First District more specifically its southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street, within the Lake Mathews/Woodcrest Area Plan.

The project is designed with the larger structure located near Alessandro Boulevard. The structure is heavily screened from view along Alessandro Boulevard by a landscaped basin and additional landscaping designed to prevent any view of the truck docks from the street by pedestrians or cars. The smaller structure is located along future Brown Street, which has yet to be constructed. To the west, the structure is buffered from the neighboring structures with a Stephens Kangaroo Rat corridor/habitat conservation area. This corridor was required as part of the settlement agreement with the Center for Biological Diversity. The conservation area will feature natural native landscaping and slopes gradually

towards the proposed warehouse structure. The project is also proposing to construct a 6 foot solid block wall along the property line, between the conservation area and the homes, to help screen the project from the neighboring homes on the west side of the project and to help preserve the conservation area. Additionally, during the Planning Commission hearing the applicant agreed to (and conditions were added to require) plant additional trees and landscaping within a neighbor's property to further screen the proposed project at the applicants expense.

Both proposed structures feature enhanced architectural features on all sides of the structures including spandrel glass and columns to break up the façade and provide light play throughout the day. This helps break up the façade and provide visual interest. Massing was added to the structures at the office locations to make it clear where the offices are in relation to the buildings.

The smaller structure is located along proposed Brown Street. This building will also feature enhanced architecture and added massing at office locations. The structure will be setback from the conservation area to the south of the project to act as a buffer to the conservation. All urban wildland interface requirements have been met to assure no disturbance to the conservation area.

The streetscape will be fully landscaped and feature sidewalks along the project edge. The project will be constructing the full width improvements to Brown Street because the property directly to the east, south, and parts of the west are dedicated for conservation in property under the ownership and jurisdiction of the March Joint Powers Authority (JPA). Because there will be no projects constructed in these conservation areas, there is no one to build the other half of the street (the County normally only asks for half width construction fronting the project). Thus, the applicant will be building the full improvements. All construction in the March JPA will require permits from the JPA.

THE APPEAL:

The appellant submitted a letter to the Planning Commission dated March 14, 2016. The CEQA consultant responded, and both were provided to the Planning Commission for their consideration. The appeal stated concerns that were similar to the letter submitted. The appellant's five concerns (in *italics*) and Planning Staff responses are shown below.

First, to properly mitigate biological resource impacts, Condition of Approval 60.EPD.1 (EPD- MBTA Survey) should have required nesting bird surveys from January 1- September 15 rather than from February 1.

Planning Staff recommends that the Board accommodate this suggestion, the condition has been revised to reflect the extra month. The dates are added as a precaution to the developer that nesting for most birds *could* possibly occur in that window. While the applicant is required to survey during that window, they would be responsible for any bird impacts regardless of the time of year. The use of February as a start date is conservative, changing that to January would likely not result in any additional nesting bird finds, as birds generally do not nest that early in the year. However, the additional month does not place any significant burden on the applicant. So in an abundance of caution, staff recommends the condition be changed pursuant to the appellant's request.

Second, there were a number of conditions for mitigation of air quality and greenhouse gas impacts that were not imposed: (a) the conditions of approval should have prohibited the use of refrigerated trucks or refrigerated storage under any circumstances, (b) the conditions of approval should have required

tenants or users of the space to use 2010 or later model trucks, or to apply for funding for such trucks to the ARB and SCAQMD if they did not have them (c) the conditions of approval should have limited the daily number of trucks permitted onsite to the number analyzed in the Revised Focused Draft Environmental Impact Report (RFDEIR), (d) the conditions of approval should have required electric vehicle charging stations for trucks, since plugins will become more available during the lifetime of the project and the project should be ready for them, and (e) the conditions failed to require any alternatively fueled trucks, even though they are available and would reduce the significant impacts of the project.

The County feels that the CEQA analysis in the EIR was adequate. The mitigation measures suggested are not requirements pursuant to any State or local ordinances. More specifically, in response to the request that all refrigeration be eliminated, the project is proposing "spec" buildings, meaning the tenants have not been determined. The future tenant may require refrigeration units in the structure and on the trucks. Any refrigeration inside or on trucks will be compliant with applicable State and Federal laws. The appellant did not provide any reasoning on why refrigeration should not be used, or any possible environmental impacts that could result from the use of refrigeration. To ban them would be to ban any business that would ship cold products, which is not something Staff is willing to support.

In item (b) above the appellant is requesting that the project use only trucks that are newer than 2010. The EIR adequately addressed this issue as it relates to the requirements of the State, more specifically of AB 32 which requires California Air Resources Board (CARB) to adopt rules and regulations that would reduce Greenhouse Gas (GHG) emissions, equivalent to the statewide levels existing in 1990, by 2020. CARB has required that such measures achieve the maximum technologically feasible and cost-effective reductions in GHGs from sources or categories of sources to achieve the statewide GHG emissions goal for 2020. The traffic and air quality modeling in the EIR has accounted for the more stringent emission limits required by CARB over time, newer vehicle engines, and EPA regulations requiring diesel fuel to have no more than 15 parts per million sulfur content (termed ultra-low sulfur diesel) beginning in 2007. Control for diesel emissions from equipment and trucks are embedded in the compliance for all diesel-fueled engines, trucks, and equipment with the statewide CARB Diesel Reduction Plan. These measures would be implemented by CARB in phases with new rules imposed on existing and new diesel-fueled engines. The applicant, or tenant using the warehouses at that time, shall comply with all existing and future CARB and SCAQMD regulations related to diesel-fueled trucks and equipment. This was explained in detail in the EIR.

Therefore, the appellant's request to have newer engines will be automatically complied with or without the need to add any new requirements to the project. Any addition for new engines would be redundant with the CARB rules. However, in an abundance of caution, Staff is proposing the addition of the conditions of approval on the next page, which includes a phased requirement for engines newer than 2010 within 3 years of project approval to comply with the more stringent CARB request.

In regards to the appellant's request to have the number of trucks limited to the number studied in the analysis, the number studied in the EIR was conservative, in worst case circumstances. The project would not exceed the number used in the EIR. More specifically the EIR states in the Air Quality section on page 4-17:

This shows that even using the very conservative modeling techniques of assuming all 779 daily trucks are the largest T7 diesel-type, all spend 10 minutes idling per trip, all are

co-located at the closest loading area [to residential uses], and the wind constantly blows directly from the loading area to the residences, the health risks are still well below the thresholds of significance. Thus, the actual health risk levels from the project operations would be much less than these estimates. The peak chronic risk is well under the threshold of 1.0.

In regards to the appellant's request to have electric truck charging stations added to the project to accommodate a possible future fleet of electric trucks, at this time the addition of any such infrastructure would be speculative and premature. It is not yet known what requirements an electric truck would require to charge. The voltage, the style and size of the plugs and other infrastructure requirements are not yet known, making the addition of them now inefficient. Even if the project were to speculate on the needs, the technology would likely become outdated by the time the trucks would be available and would need to be replaced. CEQA discourages the use of speculation, see CEQA guidelines section 15145. Further, a similar comment was submitted by the California Air Resources Board in their comment letter to the EIR. The FEIR responded to the comment in full detail on page 34 of the FEIR.

Regarding the appellant's request for alternative fuel use, the CEQA consultant on this project, LSA, responded to the same comment made by the appellant in a previous letter. The response explained:

While there are manufacturers selling natural gas trucks (SCEJA Attachment C), it is unknown how viable they are as replacements for current diesel trucks in terms of economics, maintenance, availability, etc. NG trucks emit substantially less PM10 and CO than diesel, but NOx emissions are not reduced to nearly the same degree. Even if all diesel trucks for the project were switched to NG it is still likely the project would still have significant NOx emissions.

Regarding Air Quality, in response to the appeal and to help assure consistency with other County project approvals, Staff is proposing to add the following conditions of approval to the project:

10.PLANNING.XX 2010 ENGINES REQUIRED

All Heavy-Heavy Duty Haul Trucks (HHD) accessing the project site shall use year 2010 or newer engines during all **construction** activities.

10.PLANNING.XX MAINTENANCE RECORDS

Construction equipment maintenance records and data sheets of equipment design specifications (including the emission control tier of the equipment) shall be kept onsite during construction and subject to inspection by the County of Riverside.

10.PLANNING.XX CONSTRUCTION POWER

Onsite electrical hook ups to a power grid shall be provided for electric construction tools including saws, drills, and compressors, where feasible, to reduce the need for diesel powered electric generators.

10.PLANNING.XX OPERATION REQUIREMENTS

The tenant/operator shall implement the following to reduce emissions from onsite heavy duty trucks within six months after operations commence:

a) Post signs informing truck drivers about the health effects of diesel particulates, the California Air Resources Board diesel idling regulations, and the importance of being a good neighbor by not parking in residential areas.

b) Post signs in all dock and delivery areas containing the following: truck drivers shall turn off engines when not in use; trucks shall not idle for more than five minutes; telephone numbers of the building facilities manager and the California Air Resources Board to report violations.

c) Tenant/operators shall maintain records on its fleet equipment and vehicle engine maintenance to ensure that equipment and vehicles serving the warehouses within the project are in good condition, and in proper tune pursuant to manufacturer's specifications. tenant/operators shall maintain records on its fleet equipment and ensure that all Heavy-Heavy Duty Trucks (HHD) accessing the project site shall comply with the following:

- Within 1 year of project approval 50% of the heavy duty diesel trucks accessing the site shall use 2007 engines, or newer. The remaining 50% of the heavy duty diesel trucks accessing the site shall use 2010 engines, or newer.
- Within 2 years of project approval 25% of the heavy duty diesel trucks accessing the site shall use 2007 engines, or newer. The remaining 75% of the heavy duty diesel trucks accessing the site shall use 2010 engines, or newer.
- Within 3 years of project approval 100% of the heavy duty diesel trucks accessing the site shall use 2010 engines, or newer.
- Applicant shall stipulate this condition of approval in writing to Tenants so that the Tenant and/or Operator shall fulfill the terms and conditions of this condition of approval.

d) The facility operator will ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at California Air Resources Board approved courses (such as the free, one-day Course #512).

Additional Transportation Condition of approval:

The applicant is advised that the County intends to study cumulative traffic impacts related to logistic warehouses being built within the County. This study may be conducted in partnership with other regional transportation agencies, and either separately or as part of an overall Regional Transportation Plan.

The study may lead to the establishment of a new impact fee related to traffic generated by logistic warehouses. Should such a fee be adopted by the County prior to the issuance of the project's first building permit, the project applicant, or successor in interest, shall pay the fee in accordance with the provisions of the ordinance establishing the fee.

Third, the RFDEIR should have analyzed cumulative impacts to air quality from the projects nearby including at the March Joint Powers Authority Properties and the multiple other warehouse and high cube warehouse projects in the vicinity.

The County feels that the CEQA analysis in the EIR was adequate. The appellant made the same comment in a previous letter, to which the CEQA consultant on this project responded explaining:

Cumulative environmental impacts were evaluated extensively in the Original Draft EIR. There are several reasons why the Revised Focused DEIR did not evaluate a new list or plan regarding cumulative impacts. First, a new Notice of Preparation was not issued for the Revised Focused DEIR as it was intended to address the deficiencies noted by the trial court, none of which included cumulative impacts (as discussed in detail in the Introduction of the RFDEIR). Second, the Revised Project produces much less traffic, air pollution, health risks, and noise compared to the Original Project, so the overall evaluation of the Project relative to surrounding development would be on a much smaller scale. Note that the Revised Project is consistent with the General Plan and zoning designations for the site and so the cumulative air quality impacts of industrial land uses in the County were addressed in the County's General Plan EIR. In addition, economic conditions since approval of the Original EIR have been stagnant, as evidenced by the updated traffic counts prepared for the Revised Project which showed actually less area traffic now than when the Original Project was proposed. This indicates cumulative conditions have not worsened since the Original EIR was approved. Finally, as noted earlier the trial court did not find the cumulative analysis in the Original EIR to be deficient, so the County, as lead agency, determined it did not need to be revised for the reasons outlined above.

Fourth, regarding Air Quality, (a) the RFDEIR did not include assumptions for its analysis for regional and localized emissions, (b) neither the localized significance thresholds analysis nor the health risk assessment used AERMOD, but rather used the earlier SCREEN3 model, and (c) the RFDEIR ignored California Air Resources Board guidance calling for a 1,000 foot buffer between truck traffic and sensitive receptors.

The County feels that the CEQA analysis in the EIR was adequate. The appellant made the same comment in a previous letter, to which the CEQA consultant on this project responded explaining:

As indicated by the commenter, the information requested by the SCEJA, and the SCAQMD in their letter dated September 29, 2015, regarding construction and operational activities were included in the project air quality study appendices (RFDEIR Appendices C-1 through C-6) and in Section U-4 of the RFDEIR regarding energy conservation (i.e., "Would the project conflict with the State CEQA Guidelines Appendix F regarding energy conservation?") as outlined on pages 4-92 to 4-96 of the RFDEIR. In addition, the CalEEMod input and output files for the revised project are included in Appendix E of the FEIR. While it is more convenient to show the construction modeling assumptions in the Draft and/or Final EIR, it must be remembered this is a Revised Focused EIR and has now had two detailed environmental analyses consistent with

CEQA, including SCAQMD methodologies and procedures. The information needed to evaluate the air quality analysis and health risk assessment have been provided in the EIR document.

Yes AERMOD is the more detailed model, but SCREEN3 gives conservative results compared to any full air dispersion model (AERMOD, ISCST3, etc.) because it assumes that the wind blows directly from the emissions source to the receptor all the time, rather than using real meteorological data which has winds speed and direction varying. SCREEN3 also has the emissions rate constant throughout the day (and we set it at the peak hourly rate), rather than having the emissions vary based on daily operations. The combination of these differences results in SCREEN3 results being much higher than any full air dispersion model (AERMOD, ISCST3, etc.). If the more conservative SCREEN3 analysis shows results that are less than significant, then any more detailed, accurate, time-consuming AERMOD analysis would be expected to show lower results that are also less than significant.

Regarding the appellant's concern for a 1,000 foot building setback, this issue was fully addressed in the Final EIR on page 35. To summarize, the project already provides a buffer of over 200 feet between the closest sensitive receptors (residences to the west) and truck travel areas for Building 1. The project also provides a buffer of over 850 feet from sensitive receptors to Building 2. Providing a 1,000 foot buffer from Building 1 would make the project infeasible as the project site is only a little over 1,000 feet wide immediately east of the existing residences and would preclude building a warehouse building in this location. The County believes that the project as proposed would provide sufficient buffers between sensitive receptors and onsite uses, as discussed in Section 4.3 of the RFDEIR.

Fifth, the Project would violate the nighttime standard for noise, which the RFDEIR conceded is 45 DBA Leq, and the RFDEIR failed to find this was a significant impact of the Project. Accordingly, it should have been subject to mitigation.

Section 4.11 of the Revised Focused Draft EIR evaluates long-term noise impacts. Page 4-68 states the following noise standard:

The General Plan defines noise levels for industrial uses up to 75 dBA CNEL as "normally acceptable", which means the development of an industrial use is satisfactory with normal conventional construction without special noise insulation requirements.

The EIR did not find noise to be a significant impact. Noise was studied in detail in Section 4.11 (RFDEIR pages 4-68 through 4-70). As pointed out by the appellant, the EIR does explain that the Noise Element of the General Plan includes a residential exterior noise limit not to be exceeded for a cumulative period of more than ten minutes in any hour of 65 dBA Leq for daytime hours of 7 a.m. to 10 p.m. and 45 dBA Leq during the noise sensitive nighttime hours of 10 p.m. to 7 a.m. However, that is the residential standard. The Light Industrial standard is 75 dBA Leq. The General Plan Policies in the Noise element explain that efforts shall be made to limit and mitigate noise. The design of the project includes a buffer, elevation change and block walls to mitigate noise. The General Plan does not directly require an industrial project to mitigate noise to a residential level of less than 45 dBA Leq. The General Plan requires mitigation, which has been added. There is no evidence the Leq standard will be exceeded, but it is at least possible if 24/7 operation actually occurs. Therefore, MM N-4b was added to help assure there would be no significant noise impacts on residents to the west:

MM N-4b If, during project operations, the County Planning Department receives 4 or more noise complaints within a 3-month period from residents living west of the project property, the tenants or occupants of either one or both warehouses will be required to conduct noise assessments along the western property boundary to determine if project operational noise levels exceed County standards. If noise levels are found to exceed County standards, one or both operators shall be required to install noise attenuation improvements or reduce operational activities to reduce noise levels to meet County standards. This requirement shall be made part of conditions for map or conditional use permit approvals for both buildings of the project, and shall be implemented to the satisfaction of the County Planning Department Manager.

ISSUES OF POTENTIAL CONCERN FROM THE PLANNING COMMISSION HEARING:

Neighbors

The project is located next to existing single family homes on Gem Lane. The project property is designated Light Industrial on the General Plan. The proposed project has less possible impacts than many other possible light industrial uses that could build on the property. Additionally, the design of the project addresses many of the concerns. The project is building a 6 foot block wall between the existing homes and the project. This will help screen the project. Additionally, the project is buffered by a 200 foot wide conservation corridor that will remain into perpetuity. Lastly, the warehouse structure is proposed to be constructed at a lower elevation than the existing homes. The top of the proposed structure would be a few feet lower than the top of the 6 foot wall proposed at the back of the residential properties. Thus, the view sheds of the existing residencies will not be significantly impacted by the proposed project, insofar as they will not be looking at the back wall of the warehouse structure.

Hours

The project EIR found no impacts related to 24 hour operation. The conditions reflect the ability to operate 24 hours a day.

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. #5): Light Industrial (L-I)
2. Surrounding General Plan Land Use (Ex. #5): Medium Density Residential (MDR) to the West, City of Riverside to the North and Light Industrial (L-I) to the East.
3. Existing Zoning (Ex. #2): Industrial Park (I-P)
4. Surrounding Zoning (Ex. #2): Controlled Development Areas (W-2) and One-Family Dwellings Mountain Resort (R-A-1) to the West, Rural Residential (R-R) to the South, Scenic Highway Commercial (C-P-S) and Controlled Development areas (W-2) to the East.
5. Existing Land Use (Ex. #1): Vacant land
6. Surrounding Land Use (Ex. #1): Medium Density Residential (MDR) to the West, City of Riverside to the North and Light Industrial (L-I) to the East.

7. Project Data: Total Acreage: 54.53 gross acres
8. Environmental Concerns: See attached EIR

RECOMMENDATIONS:

DENY the appellant's request for the Board of Supervisors to overturn the Planning Commission's approval of PLOT PLAN NO. 25422 and Certification of EIR No. 537; and

ADOPT RESOLUTION NO. 2016-087 Certifying Environmental Impact Report No. 531 based on the findings and conclusions set forth in the resolution and EIR No. 531; and,

APPROVE Plot Plan No. 25422, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings and in the EIR which is incorporated herein by reference.

1. The project site is designated Light Industrial (L-I) within the Lake Mathews/ Woodcrest Area Plan.
2. The proposed use, 2 general or multi-tenant warehouse buildings, is consistent with the Light Industrial (L-I) designation.
3. The project site is surrounded by properties which are designated: Medium Density Residential (MDR) to the West, City of Riverside to the North and Light Industrial (L-I) to the East.
4. The project is consistent with the General Plan including the new update from 2015, more specifically the project is consistent with revised circulation element policy number C-23.1 as it is funding improvements in the form of signal upgrades to a proximal intersection; C-23.3, 4, and 5 do not apply as there is no rail association with the project, and C 23.7 is consistent because the project will participate in regional development impact fees that will address street and highway goods movement. Several other new policies (C 23.10 through C 23.14) pertain to County wide measures and are not specific to this project.
5. The zoning for the subject site is Industrial Park (I-P).
6. The proposed use, 2 general or multi-tenant warehouse buildings, is a permitted use in the Industrial Park (I-P) zone under section 10.1 of Ordinance No. 348.
7. The proposed use, 2 general or multi-tenant warehouse buildings, is consistent with the development standards set forth in the Industrial Park (I-P) zone under section 10.1 of Ordinance No. 348.
8. The project site is surrounded by properties which are zoned: Controlled Development Areas (W-2) and One-Family Dwellings Mountain Resort (R-A-1) to the West, Rural Residential (R-R) to the

South, Scenic Highway Commercial (C-P-S) and Controlled Development areas (W-2) to the East.

9. This project is not located within a Criteria Area of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).
10. The project is adjacent to an SKR core habitat area and a riparian area. The project incorporates a 6.69 acre SKR habitat/ corridor, and mitigation is required for the riparian area.
11. This project is within the City Sphere of Influence of the City of Riverside. They were provided copies to review and the project has addressed all comments and concerns.
12. The Revised Project site, including the MJPA Property, is located eight miles southeast of the Riverside Municipal Airport and is beyond the airport's 60 dBA CNEL noise contour, within the Airport Influence Policy Safety Area II. Because, the March ARB does not have an Airport Master Plan, the Riverside County Airport Land Use Commission utilizes compatibility guidelines set forth in the current Riverside County Airport Land Use Plan. According to the Riverside County Airport Land Use Plan, Area II guidelines allow for light industrial development as contemplated by the Revised Project. Therefore, the development is consistent with the Riverside County Airport Land Use Plan.
13. Pursuant to CEQA Guidelines section 15162, the Riverside County Planning Department has determined that the proposed project will have a significant effect on the environment. All potentially significant effects have been adequately analyzed in the Environmental Impact Report (EIR No. 537) pursuant to applicable legal standards, and most have been avoided or mitigated, including mitigation measures that are required for the project. However, the following impacts cannot be mitigated to below a level of significance after the implementation of relevant standard conditions of approval, regulations and mitigation measures as identified in the Draft EIR and Final EIR (see resolution for more detail):
 - Sections 1.3.1 and 5 of the Original EIR, EIR No. 510, identified the following issues where the Original Project would result in impacts that could not be fully reduced to a less-than-significant level, even after implementation of all feasible mitigation measures:
 - Construction, operational, and cumulative air pollutant emissions;
 - Inconsistency with the Air Quality Management Plan;
 - Exceed PM₁₀ and PM_{2.5} localized significance thresholds;
 - Expose sensitive receptors to substantial pollutant concentrations;
 - Cumulative traffic;
 - Cumulative water supply; and
 - Project contributions to greenhouse gas emissions (e.g., global climate change).

Because these impacts would have been significant and unavoidable consequences of the Project, the Riverside County Board of Supervisors adopted a Statement of Overriding Considerations determining that the Project's economic, social, and technological benefits outweigh its significant environmental effects.

- The Revised Focused EIR (EIR No. 537) has determined that almost all the same environmental impacts are also significant for the current Revised Project, except for cumulative traffic impacts. The Revised Project will generate considerably less traffic onto local streets and regional

freeways compared to the project as previously proposed, so the Revised Focused EIR determined that the Revised Project will not have cumulative traffic impacts. In addition, with respect to impacts related to greenhouse gases, the cumulative impacts were considered to be speculative at the time that the Original EIR was prepared. With the advance of time and available new data the cumulative impacts can now be quantified. Thus the Revised Focused EIR includes a conclusion that impacts related to greenhouse gases are cumulatively considerable. This conclusion is technically not a new impact, but to be conservative the impact is considered to be a significant cumulative contribution. A Statement of Overriding Considerations is required to be adopted by the Planning Commission in connection with the approval of the Revised Project.

Therefore, the significant and unavoidable impacts are:

- o Construction, operational, and cumulative air pollutant emissions;
- o Inconsistency with the Air Quality Management Plan;
- o Exceed PM₁₀ and PM_{2.5} localized significance thresholds;
- o Expose sensitive receptors to substantial pollutant concentrations;
- o Cumulative water supply; and
- o Project contributions to greenhouse gas emissions (e.g., global climate change).

CONCLUSIONS:

1. The proposed project is in conformance with the Light Industrial (L-I) Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Industrial Park (I-P) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is conditionally compatible with the present and future logical development of the area.
5. The proposed project will have a significant effect on the environment.
6. The proposed project will not preclude reserve design for the MSHCP.

INFORMATIONAL ITEMS:

1. One letter from the March JPA dated 11-4-13 was submitted for the project. The letter is attached. All issues from the letter were addressed in the project design, the EIR and the response to comments on the EIR.
2. The project site is not located within:
 - a. A county service area;
 - b. A 100-year flood plain, an area drainage plan, or dam inundation area;
 - c. A fault zone;
 - d. A Criteria Cell of the MSHCP;
 - e. A high fire area; and

- f. A liquefaction area.
- 3. The project site is located within:
 - a. The boundaries of the Lake Mathews/ Woodcrest Area Plan;
 - b. The City of Riverside Sphere of Influence.
- 4. The subject site is currently designated as Assessor's Parcel Numbers 297-080-007, 297-080-008, 297-080-009 and 297-080-010.

**RESOLUTION NO. 2016-087
CERTIFYING ENVIRONMENTAL IMPACT REPORT
NO. 537 (ALESSANDRO COMMERCE CENTRE)**

WHEREAS, in April 2010, the County of Riverside (County) certified Environmental Impact Report 510 (Original EIR) for the development of the Alessandro Commerce Centre Project and approved Tentative Parcel Map No. 35365 and Plot Plan No. 22925 (Original Project). The Original EIR was subsequently successfully challenged by the Center for Biological Diversity (CBD) in the case *Center for Biological Diversity v. County of Riverside*. The court directed the County, as the Lead Agency, to vacate the Original EIR certification, and include data and analyses that require revisions and recirculation of selected portions of the Original EIR. A settlement agreement was entered into to settle this lawsuit.

WHEREAS, subsequent to the court decision, a Revised Project was submitted to the County to be incorporated into a Revised Focused Draft Environmental Impact Report (Revised Focused EIR, EIR No. 537) that would address both the direction from the court on the Original EIR and impacts of the new Revised Project. This Revised Focused EIR for the Revised Project accomplishes the following: (1) incorporates changes made to the Original Project to respond to market demand; (2) addresses the court's direction in its Statement of Decision; and (3) satisfies certain terms of the Settlement Agreement.

WHEREAS, pursuant to the provisions of Government Code Section 65450 et seq., public hearings were held before Riverside County Planning Commission in Riverside, California on March 16, 2016, and before the Riverside County Board of Supervisors on April 12, 2016, to consider the Revised Focused EIR; Plot Plan No. 25422; Environmental Assessment No. 42616; and a blasting permit, if necessary, that includes neighbor notification (collectively referred to herein as Revised Project); and

WHEREAS, all provisions of the California Environmental Quality Act (CEQA) and Riverside County CEQA implementing procedures have been met, and Revised Focused EIR, prepared in connection with the Revised Project, is sufficiently detailed so that all of the potentially significant effects of the Revised Project on the environment and measures necessary to avoid or substantially lessen such effects have been evaluated in accordance with the above referenced Act and Rules; and

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FORM APPROVED COUNTY COUNSEL
BY:  DATE: 3/30/16
MELISSA R. CUSHMAN

1 **WHEREAS**, pursuant to California Code of Regulations, title 14 (State CEQA Guidelines),
2 section 15151, the evaluation of environmental effects is to be completed in light of what is reasonably
3 feasible; and,

4 **WHEREAS**, on June 26, 2008, Riverside County Planning Department (County) circulated a
5 Notice of Preparation (NOP) of an EIR for the Original Project to the State Clearinghouse and interested
6 agencies and persons for a 30-day review period; and

7 **WHEREAS**, on July 26, 2008, the County held an appropriately noticed scoping meeting; and

8 **WHEREAS**, the Revised Focused Draft EIR was circulated for a 45-day public review period
9 beginning August 15, 2015, and ending September 30, 2015 (SCH # 2008061136); and

10 **WHEREAS**, pursuant to Public Resources Code section 20191(d)(2)(A) and State CEQA
11 Guidelines sections 15088 and 15089, the County responded to all environmental comments that were
12 submitted to the Original Draft EIR during the public review period and a Final EIR was completed; and

13 **WHEREAS**, cumulative impacts were analyzed for the Project through a combination of a “list”
14 and “summary of projections” approach, based on information available from the Riverside County
15 Planning Department for recently approved or proposed development projects within the vicinity of the
16 proposed Project, as well as information contained in long-range planning documents (see Original Draft
17 EIR Section 5); and

18 **WHEREAS**, on August 15, 2015, a Notice of Availability for the Final EIR was mailed to
19 interested persons and written responses were provided to agencies who commented on the Original Draft
20 EIR; and

21 **WHEREAS**, the matter was discussed fully in a public hearing at Planning Commission with
22 testimony and documentation presented by the public and affected government agencies; and

23 **WHEREAS**, on March 17, 2016, the Planning Commission voted 4-0 to adopt Planning
24 Commission Resolution No. 2016-004 and approve the Project; and

25 **WHEREAS**, on March 23, 2016, an application for appeal of the Planning Commission’s
26 decision was filed; and

27 **WHEREAS**, the staff report for the April 12, 2016 Board of Supervisors meeting, incorporated
28 herein by reference, described and analyzed the Project, including the Original EIR and Revised Focused

1 EIR, and recommended that the Board of Supervisors deny the appeal, certify the EIR, and approve the
2 Project; and

3 **WHEREAS**, the matter was discussed fully with testimony and documentation presented by the
4 public and affected government agencies to the Board of Supervisors.

5 **NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by
6 the Board of Supervisors of the County of Riverside, in regular session assembled on April 12, 2016,
7 that:

- 8 A. The Original Project proposed industrial and commercial development containing eight
9 buildings, associated parking, and three detention basins. The Project included a
10 Tentative Parcel Map No. 35365, which was a Schedule E subdivision of 54.4 gross
11 (51.21 net) acres into six (6) industrial/commercial parcels. Plot Plan No. 22925
12 proposed eight (8) buildings of approximately 258,100 square feet of office; 42,300
13 square feet of light industrial/multi-tenant; 409,400 square feet of industrial
14 warehouse/distribution; 10,000 square feet of retail on a 54.4 gross (51.21 net) acre site
15 with a total building area of approximately 720,000 square feet (floor area ratio [FAR] of
16 0.32) including 1,784 parking spaces and 974,727 square feet of landscaping area
17 (approximately 40 percent).

18 **BE IT FURTHER RESOLVED** by the Board of Supervisors that:

- 19 A. The Original Project was modified to include up to 814,630 square feet of the following
20 industrial warehouse uses:
- 21 • Building 1: 598,190 square feet (logistics warehousing)
 - 22 • Building 2: 216,440 (general or multi-tenant warehousing)
- 23 B. The Revised Project occupies 54.53 acres, same as the Original Project, and is built out
24 to a FAR of 0.43, which is within County standards. The Revised Project involves a lot
25 line adjustment to rearrange the existing 4 lots with Lot 2 proposed for truck parking
26 (i.e., no new warehouse building). The revised site plan shows 581 parking spaces and
27 includes two detention basins occupying 4.16 acres associated with Buildings 1 and 2.
28 The Revised Project is expected to generate 534 new employees.

- 1 C. The Revised Project would construct Brown Street to its full width south of Alessandro
2 Boulevard. The Revised Project will construct a 6-foot block wall at the top of slope
3 along the western project boundary to provide an additional visual and noise buffer
4 between the Revised Project and the existing residences.
- 5 D. The proposed industrial buildings of the Revised Project will be consistent with the
6 development standards of the County's "Light Industrial" zoning classification. The
7 building height will be a maximum height of 45 feet at the corners for architectural
8 treatments.
- 9 E. The Revised Project will have a 200-foot wide open space/conservation easement
10 established along the western portion of the site. The purpose of this easement or corridor
11 is to help establish a connection between the March Joint Powers Authority (MJP
12 Stephens' kangaroo rat (SKR) habitat conservation lands south of Alessandro Boulevard
13 and the SKR habitat land in the Sycamore Canyon Nature Park north of Alessandro
14 Boulevard. The proposed easement is consistent with the Settlement Agreement, which is a
15 result of the Superior Court Statement of Decision requiring revisions to the environmental
16 baseline. In addition, the developer will provide an endowment to maintain and monitor
17 conditions in the easement in perpetuity.
- 18 F. During the public review process of the Original DEIR, the MJP
19 information on potential impacts to MJP
20 the Revised Project and Brown Street. Based on the revised land plan, approximately 2.4
21 acres of land under MJP
22 basis by the construction of Brown Street. To provide the additional information requested
23 by MJP, LSA Associates, Inc. (LSA) assessed biological and cultural resources on the
24 adjacent MJP property with the approval of MJP. These studies were used to complete
25 the appropriate sections of the Revised Focused DEIR. In addition, LSA also updated the
26 Jurisdictional Delineation for the Revised Project, highlighting any potential impacts on
27 the adjacent MJP property as a result of constructing Brown Street.
- 28

1 G. It is possible that a temporary rock crushing facility will be needed during grading of the
2 site for the Revised Project. If needed, this facility would be located on Lot 3 in the
3 southern end of the site, approximately 880 feet from the closest residence (to the
4 northwest). If this option was utilized at some point in the future, it would be limited to
5 construction activities only and would cease once the site becomes operational. A
6 supplemental noise assessment was prepared for this facility and is included in Appendix
7 D of the Revised Focused DEIR.

8 **BE IT FURTHER RESOLVED** by the Board of Supervisors that, based on analysis contained in
9 the Revised Focused DEIR, the County determined that a number of potential environmental effects of the
10 Revised Project would be insignificant, less than significant, or would be adequately addressed through
11 the County review process. The basis for these conclusions is provided in Revised Focused DEIR, Section
12 4. For these topics, no further environmental assessment was required for preparation of the EIR, in
13 accordance with State CEQA Guidelines section 15128.

14 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the following environmental
15 impacts associated with the project are potentially significant unless otherwise indicated, but each of these
16 impacts will be avoided or substantially reduced to a level that is less than significant by the identified
17 existing regulations, Project Design Features or mitigation measures specified in the attached Mitigation
18 Monitoring and Reporting Program which is incorporated herein by this reference. Accordingly, the
19 County makes the following finding as to each of the following impacts pursuant to State CEQA
20 Guidelines section 15091(a): "Changes or alterations have been required in, or incorporated into, the
21 project which avoid or substantially lessen the significant environmental effect as identified in the final
22 EIR."

23 A. Aesthetics

24 *Impact AES-1. Scenic Vistas*

25 **Threshold:** *Project construction and implementation would not result in impacts to scenic*
26 *vistas*

27 The Revised Project's potential to damage scenic vistas is discussed in Revised
28 Focused Draft EIR page 4-4. The primary scenic vistas visible from the Revised

1 Project site and surrounding land uses are Sycamore Canyon and Box Springs
2 Mountain. However, as was determined in the Original EIR for the Original
3 Project, the Revised Project is consistent with surrounding development, and the
4 overall views of Sycamore Canyon and Box Springs Mountain from the
5 surrounding area would not be marred, and therefore would not result in a
6 significant impact. This is a similar level of impact compared to the Original
7 Project.

8 *Impact AES-2. State Scenic Highways*

9 ***Threshold:*** *Construction and implementation of the Project would not result in impacts to*
10 *a scenic highway corridor or scenic resources.*

11 The Revised Project's potential to substantially damage scenic resources within a
12 State scenic highway is discussed on Revised Focused DEIR page 4-7.
13 Development of the Revised Project will change the current landscape and natural
14 vistas of the site. It should be noted there are no trees or historical buildings on site,
15 and the I-215 Freeway to the east is not a designated scenic highway. There would
16 only be limited views of the Revised Project from the I-215 Freeway a half mile to
17 the east due to distance, intervening topography, and buildings. The Revised
18 Project is not expected to create significant aesthetic impacts that are detrimental to
19 the site or the surrounding community and environment. This is a similar level of
20 impact compared to the Original Project, which was determined to be less than
21 significant and did not require mitigation.

22 *Impact AES-3. Visual Character*

23 ***Threshold:*** *Construction and implementation of the Project would not result in impacts to*
24 *the existing visual character or quality of the site and its surroundings.*

25 The Revised Project's potential to substantially affect the visual character of the
26 site is discussed in Revised Focused DEIR page 4-7. The Original Project proposed
27 many smaller buildings with hundreds of parking spaces closer to the existing
28 residential uses, while the Revised Project would have two warehouse buildings

1 farther from the existing residences. Lot 2 will be used for trailer parking or storage
2 and will comply with the County's standard site screening requirements, which will
3 provide a sufficient visual buffer for residences to the west. The Revised Project
4 incorporates terms in the Settlement Agreement addressing aesthetic impacts, and
5 the County's recently passed nighttime lighting ordinance must be followed. Due to
6 the design of the Revised Project requiring compliance with the foregoing, the
7 Revised Project would not substantially degrade the existing visual character of the
8 site or surrounding residential property. Thus, as was determined in the Original
9 EIR for the Original Project, the Revised Project will not significantly impact
10 surrounding residential property.

11 *Impact AES-4. Light and Glare*

12 ***Threshold:*** *Construction and implementation of the Project would not create a new source*
13 *of substantial light or glare which would adversely affect day or nighttime views in the*
14 *area.*

15 Impact AES-4 is discussed on page 4-8 in the Revised Focused Draft EIR.
16 Development of the Revised Project will include the installation and operation of
17 new lighting features that will increase light levels upon and in proximity to the
18 Project site. These new sources of light are not expected to generate excessive or
19 inordinate light spill or glare that could adversely affect daytime and/or nighttime
20 views in the area. The Revised Project will be required to comply with the County
21 lighting ordinance, which will further mitigate potential light impacts. Accordingly,
22 as was determined in the Original EIR for the Original Project, development of the
23 Revised Project is not expected to produce significant lighting impacts that would
24 adversely affect views.

25 The Revised Project has the potential to impact the residential neighborhood to the
26 west, by introducing light incursion and glare from the Revised Project's building
27 and street/parking lights. As mentioned above, the Revised Project will be required
28 to comply with County lighting ordinance, which will direct potential light and

glare away from existing uses to the extent feasible. The requirements of the private conservation easement will restrict on-site lighting especially for the larger warehouse building on Lot 1, so lighting impacts will likely be reduced from those identified in the Original EIR.

Therefore, development of the Revised Project is not expected to expose residential property to unacceptable light levels. Therefore, construction and operation of Brown Street and related drainage improvements will not create any significant aesthetic impacts that were not identified in the Original EIR.

Cumulative Impacts.

The Original EIR concluded that development of the Project and continued development of other properties in the surrounding area would incrementally increase ambient light and glare, and incrementally degrade "dark skies" conditions assuming that future development is consistent with applicable zoning. As long as new development, including the Revised Project, is similar in appearance and scale to existing development, and meets local planning and design guidelines, it will not induce/produce cumulatively considerable aesthetic impacts. Although the Revised Project has a different mix of land uses, the site will be essentially developed under either project scenario, so the cumulative aesthetic (views) and lighting impacts would be similar to those of the Original Project. Project-level impacts were determined to be less than significant, so the Revised Project will not make a significant contribution to a cumulatively considerable impact relative to aesthetics, and no mitigation is required.

1. Mitigation.

No mitigation is required.

2. Findings.

All impacts are less than significant.

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B. Agricultural and Forestry¹ Resources

Impact AG-1. Convert Farmland to Non-Agricultural Use

Threshold: *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.*

Impact AG-2. Agricultural Zoning

Threshold: *Conflict with existing zoning for agricultural use or a Williamson Act contract or conflict with existing zoning for, or cause rezoning of forest land.*

Impact AG-3. Other Agricultural¹ Impacts

Threshold: *Involve other changes in the existing environment which could result in conversion of Farmland to non-agricultural use or loss of or conversion of forest land to non-forest use.*

Impacts AG-1 through AG-2 are discussed on page 4-9 in the Revised Focused Draft EIR. The Revised Project proposes full development of the project site, similar to the Original Project, including construction of Brown Street and related drainage improvements. Impacts to agricultural uses (including forest resources) are therefore expected to be equivalent to those outlined in the Original EIR (i.e., less than significant and no mitigation recommended). As discussed in the Original EIR, the Revised Project will not impact any ongoing agricultural uses or operations, and the site contains no trees so it is not considered a forest resource. The project site is not currently being utilized for agricultural uses and has not been utilized in the past for such use. The 2.53 acres only represent a very small and isolated portion of farmland of local importance in the east-central portion of the site adjacent to Brown Street. Therefore, Project impacts related to this issue would be less than significant.

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¹ For the purposes of this analysis, the term agricultural resources includes forest resources as neither exists on the project site.

1 *Cumulative Impacts.*

2 The Revised Focused Draft EIR determined that cumulative impacts associated
3 with agricultural resources and forestry resources were the same as those identified
4 in the Original EIR (i.e., less than significant and no mitigation required). For this
5 reason, cumulative impacts would be less than significant.

6 1. Mitigation.

7 No mitigation is required.

8 2. Findings.

9 All impacts are less than significant.

10 C. Air Quality

11 1. Impacts.

12 *Impact AQ-4: Sensitive Receptors*

13 ***Threshold:*** *Project construction and implementation would not create expose sensitive*
14 *receptors to substantial pollutant concentrations.*

15 The closest residence to a truck loading dock is located 450 feet away. Table 4.3.H
16 of the Revised Focused DEIR shows that the peak carcinogenic risk is 0.235 in a
17 million or less even at a 435-foot distance, with the threshold of significance set at
18 10 in a million. The peak chronic risk is well under the threshold of 1.0. This shows
19 that even using the very conservative modeling techniques of assuming all 779
20 daily trucks are the largest T7 diesel-type, all spend 10 minutes idling per trip, all
21 are co-located at the closest loading area, and the wind constantly blows directly
22 from the loading area to the residences, the health risks are still well below the
23 thresholds of significance. The Project would also not generate localized emissions
24 in excess of the South Coast Air Quality Management District's (SCAQMD's)
25 significance thresholds. Thus, the Revised Project would not expose sensitive
26 receptors to substantial pollutant concentrations. Therefore, Revised Project
27 impacts related to this issue would be less than significant. Impacts to sensitive
28

receptors under the Revised Project would be less than those estimated for the Original Project.

Impact AQ-5. Odors

Threshold: *Project construction and implementation would not create objectionable odors affecting a substantial number of people.*

Land uses typically considered to be associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations. The Revised Project does not contain land uses typically associated with emitting objectionable odors. Diesel exhaust and volatile organic compounds (VOCs) will be emitted during construction of the Revised Project, which are objectionable to some; however, emissions will disperse rapidly from the Revised Project site and therefore should not reach a level to induce a negative response. Therefore, as was determined in the Original EIR for the Original Project, the Revised Project will not have significant impacts in regard to odors and no mitigation is necessary.

2. Mitigation.

No mitigation is required.

3. Finding.

Impacts AQ-4 and AQ-5 are less than significant.

D. Biological Resources

1. Impacts.

Impact BR-1. Candidate, Sensitive, or Special Status Species

Threshold: *Project construction and implementation would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status.*

The Revised Project's potential to have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species is discussed on Revised Focused Draft EIR pages 4-25 through 4-26. There is Stephens' kangaroo rat (*Dipodomys stephensi*) (SKR) habitat on the Private Conservation Area property

1 east and south of the Revised Project site. Therefore, SKR was considered to be
2 present on the Revised Project site. The site is located within the boundaries of the
3 County's Habitat Conservation Plan (HCP) Fee Area for SKR and thus must pay
4 the appropriate mitigation fee.

5 The Original DEIR indicated protocol surveys were conducted on site for
6 burrowing owl (*Athene cunicularia*) and least Bell's vireo (*Vireo bellii pusillus*);
7 neither species was observed on site but suitable habitat was present. In June 2013,
8 a new burrowing owl survey was conducted for the project site and the MIPA
9 Brown Street property at the request of MIPA to determine if either of these areas
10 was occupied by burrowing owl. Again, the species was not found on site. Because
11 the burrowing owl is a highly mobile species, it has a potential to subsequently
12 occupy any suitable burrows within the site. Per the Western Riverside County
13 Multiple Species Habitat Conservation Plan (MSHCP) 30-day Pre-Construction
14 Burrowing Owl Survey Guidelines (revised August 17, 2006) a pre-construction
15 survey is required for the burrowing owl within 30 days prior to start of
16 grading/construction activities.

17 The site contains only a few large isolated shrubs and small trees, but there is at
18 least some potential for project development to impact nesting birds and species
19 covered by the Migratory Bird Treaty Act (MBTA). The Revised Project will have
20 the potential for a significant impact to migratory birds, burrowing owl, and least
21 Bell's vireo habitat, as was the case for the Original Project, and mitigation is
22 required.

23 *Impact BR-2. Riparian Habitat or Other Sensitive Natural Community*

24 **Threshold:** *The Project would not have a substantial adverse effect on any riparian*
25 *habitat or other sensitive natural community identified in local or regional plans, policies,*
26 *regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife*
27 *Service.*

1 There is a total of 0.89 acre of MSHCP-Defined Riparian/Riverine areas within the
2 Revised Project survey area. A total of 0.21 acre of MSHCP-Defined
3 Riparian/Riverine areas will be permanently impacted by Revised Project activities
4 (i.e., State jurisdiction areas).

5 The 2008 Jurisdictional Delineation Report concluded that that Area 4 of the
6 Revised Project was potentially jurisdictional with a downstream connection to
7 Ditch 1, which may connect to Sycamore Canyon, a Relatively Permanent Water
8 (RPW). Based on this potential connectivity to an RPW, the U.S. Army Corps of
9 Engineers (USACE) may exert jurisdiction over Area 4. The total potential USACE
10 jurisdictional area within the study area associated with Area 4 is 0.44 acre,
11 although only 0.04 acre is expected to be permanently impacted by the Revised
12 Project development. Since this feature historically conveyed flows and may
13 provide wildlife habitat associated with a streambed, the California Department of
14 Fish and Wildlife (CDFW) may assert jurisdiction over Area 4. It is unlikely that
15 any of the other riparian/riverine areas would fall under the jurisdiction of federal
16 or State agencies relative to water resources. Impacts to drainage features are
17 potentially significant and mitigation is required. This is the same level of impact
18 as the Original Project.

19 *Impact BR-3. Wetlands*

20 ***Threshold:*** *Project construction and implementation would not have a substantial adverse*
21 *effect on federally protected wetlands as defined by Section 404 of the Clean Water Act*
22 *(including, but limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling,*
23 *hydrological interruption, or other means.*

24 A total of 0.44 acre of potential USACE and Regional Water Quality Control
25 Board (RWQCB) jurisdictional areas and 0.89 acre of potential CDFW
26 jurisdictional areas were identified within the study area. A total of 0.04 acre of
27 potential USACE jurisdictional areas and 0.21 acre of CDFW jurisdictional areas
28 will be permanently impacted by the Revised Project activities. It is possible that

1 all or some of the jurisdictional land impacted by the Revised Project can be
2 mitigated on site, which typically results in a 1:1 compensation rate in subsequent
3 permitting through the resource agencies. In contrast, any amount of jurisdictional
4 land that must be compensated for with off-site property is typically mitigated at
5 3:1 compensation ratios. However, impacts to jurisdictional areas are addressed
6 under BR-2, and there are no federally protected wetlands on the project site. This
7 is the same level of impact as the Original Project (i.e., less than significant and no
8 mitigation necessary).

9 *Impact BR-4. Wildlife Movement and Nursery Sites*

10 **Threshold:** *Project construction and implementation would not interfere substantially with*
11 *the movement of any native resident or migratory fish or wildlife species or with*
12 *established native resident or migratory wildlife corridors, or impede the use of native*
13 *wildlife nursery sites.*

14 The Revised Project site does not contain flowing water or standing pools, nor does
15 the site support any vegetation or resources that serve as a habitat for the migratory
16 fish or wildlife. The site does not lie within any known wildlife corridors. Although
17 the site contains a small isolated drainage, it does not contain any nursery areas or
18 resources. Therefore, as was the case for the Original Project as discussed in the
19 Original EIR, implementation of the Revised Project will not have a significant
20 impact on wildlife corridors.

21 *Impact BR-5. Local Policies or Ordinances*

22 **Threshold:** *Project construction and implementation would not conflict with any local*
23 *policies or ordinances protecting biological resources, such as a tree preservation policy*
24 *or ordinance.*

25 The Revised Project site is within the bounds of the MSHCP. As was the case for
26 the Original Project, with compliance and adherence with the guidelines of the
27 MSHCP, (see Impact BR-6 below for details), the Revised Project will be
28 consistent with and not conflict with any local policies and ordinances protecting

1 biological resources. Impacts would remain less than significant with
2 implementation of Mitigation Measure BR-2.

3 *Impact BR-6. Habitat Conservation Plans*

4 **Threshold:** *The Project would not conflict with the provisions of an adopted Habitat*
5 *Conservation Plan, Natural Conservation Community Plan, or other approved local,*
6 *regional, or state conservation plan.*

7 The Revised Project site is not located within an MSHCP Criteria Area; therefore,
8 no analysis of the Revised Project's relationship to MSHCP Reserve Assembly is
9 required. However, the Revised Project site is adjacent to Existing Core D, which
10 consists of two non-contiguous habitat blocks of Public/Quasi-Public (PQP) lands
11 associated with Sycamore Canyon Park. According to the MSHCP, "the Core
12 provides live-in habitat for the granite spiny lizard, a species requiring rock
13 outcrops, and likely provides movement habitat for bobcat." MSHCP requirements,
14 including species surveys, are applicable for this site. The Revised Project DEIR
15 (pages 4-29 through 4-31) analyzes the Revised Project's consistency with the
16 MSHCP. With payment of MSHCP and SKR HCP mitigation fees,, impacts related
17 to MSHCP consistency would be less than significant. This is the same level of
18 impact as the Original Project.

19 *Cumulative Impacts.*

20 Based on the various technical studies, both the Original and Revised Projects are
21 consistent with the MSHCP and no significant biological resources will be
22 impacted by project development with implementation of the recommended
23 mitigation. Therefore, the Revised Project will not contribute to cumulatively
24 considerable impacts to biological resources, and no additional mitigation is
25 required.

26 2. Mitigation.

27 **BR-1a** (Original EIR): Burrowing owl (*Athene cunicularia*) (BUOW) Pursuant to
28 Objective 6 of the Species Account for the BUOW included in the MSHCP, within

30 days prior to the issuance of a grading permit, a pre-construction presence/absence survey for the burrowing owl shall be conducted. A qualified biologist shall conduct the survey and the results of this presence/absence survey shall be provided in writing to the Environmental Programs Department (EPD) at Riverside County. If it is determined that the Project Site is occupied by burrowing owl, take of "active" nests shall be avoided pursuant to the MSHCP and the Migratory Bird Treaty Act (MBTA). However, when the burrowing owl is present, relocation outside of nesting season (March 1 through August 21) by a qualified biologist shall be required. The EPD shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites.

BR-1a: (Revised EIR): Burrowing owl (*Athene cunicularia*) - Pursuant to Objective 6 of the Species Account for the burrowing owl included in the MSHCP, within 30 days prior to the issuance of a grading permit, a pre-construction presence/absence survey for the burrowing owl shall be conducted. A qualified biologist, who has a Memorandum of Understanding (MOU) on record with the County of Riverside, shall conduct the survey. A report documenting results of this presence/absence survey shall be provided in writing to the Riverside County Planning Department, Environmental Programs Division (EPD) for review and approval. If burrowing owl is present on the project site or within a 150-meter buffer zone, take of "active" nests shall be avoided pursuant to the MSHCP and the Migratory Bird Treaty Act. However, when the burrowing owl is present, relocation outside of nesting season (February 1 through August 31) by a qualified biologist shall be required. The EPD shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites.

The County shall consult and coordinate with the Western Riverside County Regional Conservation Authority (RCA) prior to any relocation (passive or active) of burrowing owls from the project site. The County may also consult with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and

Wildlife Service (USFWS). Mitigation for impacts will be consistent with the 2012 “Staff Report on Burrowing Owl Mitigation” published by the Department.

BR-1b (Original EIR): Nesting Birds – The removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season wherever practicable. The avian nesting season, extends from February 15 through August 30. If ground-disturbing activities are scheduled during the nesting season, a survey for nesting birds shall be conducted by a qualified biologist prior to any ground disturbing activities. If active nests are found within 500 feet of the planned impact area, the area of the nest shall be flagged, including an adequate buffer as determined by a qualified biologist, and the flagged area shall be avoided until a qualified biologist has determined that the nest is no longer active. This measure shall be implemented to the satisfaction of the County requirements until said nesting activity has concluded.

BR-1b: (Revised EIR): Nesting Birds - The removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season wherever practicable. The avian nesting season extends from February 15 through August 30. If ground-disturbing activities are scheduled during the nesting season, a survey for nesting birds shall be conducted by a qualified biologist prior to any ground-disturbing activities. If active nests are found within 500 feet of the planned impact area, the area of the nest shall be flagged, including an adequate buffer as determined by a qualified biologist, and the flagged area shall be avoided until a qualified biologist has determined that the nest is no longer active. This measure shall be implemented to the satisfaction of the County requirements until said nesting activity has concluded.

Prior to issuance of a grading permit, the developer shall demonstrate to the MJP and the County Planning Department that potential impacts regarding loss of Stephens’s kangaroo rat (SKR) habitat within the adjacent MJP property have effectively mitigated by payment of an established development impact fee

1 established for such purpose, or by the provision of an appropriate amount of
2 suitable SKR habitat in the surrounding region. Potential fee programs include but
3 are not limited to the County's established MSHCP or the SKR Habitat
4 Conservation Plan (HCP).

5 **BR-2a:** (Original EIR): The Project applicant shall mitigate on-site impacts to
6 riparian/riverine habitat by funding off-site restoration activities at a ratio of 3:1.
7 The restoration will be done through the Santa Ana Watershed Association to
8 ensure high quality habitat is preserved/restored within the same watershed as the
9 impact area.

10 **BR-2a:** (Revised EIR): To the greatest extent feasible, the project applicant will
11 mitigate the riparian/riverine habitat on site through either avoidance or on-site
12 creation of biologically equivalent or superior habitat to ensure replacement of any
13 lost function or value of the riparian/riverine habitat. To the greatest extent feasible,
14 the project applicant will mitigate loss of riparian/riverine habitat on-site through
15 either avoidance or on-site creation of biologically equivalent or superior habitat to
16 ensure replacement of any lost function or value of the riparian/riverine habitat.
17 The applicant shall provide on-site habitat at a ratio of 1:1. If on-site mitigation is
18 determined to be insufficient by the resource agencies, the Project applicant shall
19 mitigate any residual on-site impacts to riparian/riverine habitat by funding off-site
20 restoration activities at a ratio of 3:1. The restoration will be done through the Santa
21 Ana Watershed Association or other conservation organization acceptable to the
22 California Department of Fish and Wildlife, including but not limited to the
23 Department itself, to ensure high quality habitat is preserved/restored within the
24 same watershed as the impact area.

25 **BR-2b:** (Revised EIR): Prior to the issuance of an occupancy permit, the developer
26 shall legally establish a conservation easement along the western boundary of the
27 project property, as shown in the approved site plan and as described in the project
28 Settlement Agreement. The developer shall work with an established conservation

1 organization acceptable to the County Resource Conservation Authority (RCA) to
2 establish the easement. The easement shall meet the requirements of the Settlement
3 Agreement and applicable guidelines in the MSHCP. The selected conservation
4 group will maintain and monitor the easement on a permanent basis.

5 In compliance with the Settlement Agreement resolving *Center for Biological*
6 *Diversity, et al. v. County of Riverside, et al.* Riverside County Superior Court Case
7 no. RIC10009105, the permanent Conservation Easement (CE) shall be established
8 and recorded by the developer and shall name an appropriate designee as the
9 holder/grantee as designated in the Settlement Agreement. The terms, standards,
10 and goals of the CE shall conform to those outlined in the MSHCP. The CE
11 holder/grantee shall have the necessary organizational and fiscal capability to
12 ensure enforcement of the easement in perpetuity. Alternatively, the CE may be
13 transferred in fee title to the RCA as long as the obligations regarding the CE are
14 simultaneously transferred.

15 The developer shall also provide a monetary endowment to the conservation group
16 sufficient for it to maintain and monitor conditions in the easement in perpetuity.
17 The developer shall demonstrate to the CBD and the County Planning Department
18 it has met the requirements of this measure, and applicable portions of the
19 Settlement Agreement in this regard, prior to receiving a certificate of occupancy
20 for the project.

21 Once the easement is established, discing as a means of fire clearance will only be
22 permitted if all other fire clearance methods or mechanisms are prohibited. Weed
23 abatement/fire prevention techniques that shall be employed to the greatest degree
24 feasible include mowing, hand clearance, or grazing. Discing is only permitted
25 upon written demonstration from an appropriate regulatory authority stating that
26 other weed abatement/fire prevent techniques are not permitted.

27 **BR-2c:** (Revised EIR): The developer shall minimize grading within the
28 conservation area to the greatest degree practical. Should any grading within the

1 conservation area occur, the developer shall pay for and complete a one-time
2 restoration of any graded portions of the conservation area with native plants
3 generally supportive of Stephens' kangaroo rat (SKR) habitat including, but not
4 limited to, the plants listed in Exhibit B of the Settlement Agreement. Initial
5 grading of the conservation area shall be completed within six (6) months of the
6 commencement of grading in the conservation area. Restoration of any areas
7 graded in the conservation area shall begin as soon as practical after completion of
8 the initial grading so as to coincide with the fall and winter rainy season, and reach
9 completion by January 20th of the following year. Restoration shall be completed
10 within one year and may include a grow-kill cycle to reduce weeds during the first
11 rainy season if so included in the restoration plan as required by Exhibit B of the
12 Settlement Agreement. The developer shall make an adequate one-time restoration
13 effort to achieve a 70 percent native plant cover (bird's eye view) with the
14 recommended plant palette and a maximum of 10 percent cover by non-native plant
15 species five (5) years after planting. Exhibit B of the Settlement Agreement
16 contains a list of restoration experts and minimum contract requirements of
17 restoration of the conservation area. The one time restoration shall be based on a
18 site specific scientifically based revegetation plan from local native plant sources
19 developed by a restoration expert chosen by the developer from the list in Exhibit B
20 of the Settlement Agreement with proven experience in successful revegetation of
21 western Riverside County and coastal sage scrub and native grasslands. The
22 developer shall provide a report demonstrating that the restoration activities meet
23 the terms of the Settlement Agreement prior to any use or occupancy of the
24 buildings or structures.

25 **BR-2d:** (Revised EIR): Prior to establishment of the conservation easement
26 identified in Mitigation Measure BR-2b, discing within the conservation area as a
27 means of fire clearance will only be permitted if all other fire clearance methods or
28 mechanisms are formally prohibited. Weed abatement/fire prevention techniques

1 that shall be employed to the greatest degree feasible including mowing, hand
2 clearance, or grazing. Discing is only permitted upon written demonstration from
3 an appropriate regulatory authority stating that other weed abatement/fire prevent
4 techniques are not permitted.

5 **BR-2e:** (Revised EIR): Prior to issuance of an occupancy permit, the developer shall
6 demonstrate that all project lighting minimizes lighting impacts on neighbors to the
7 west and adjacent conservation areas to the east and west of the site, in compliance
8 with the project Settlement Agreement. Night lighting shall be directed away from
9 adjacent conservation areas, and those areas shall be treated as separate parcels for
10 the purposes of compliance with Riverside County Ordinance 915. Shielding shall
11 be incorporated to ensure ambient lighting in the adjacent conservation areas does
12 not increase beyond 0.5 foot-candles adjacent to developed lots. Devices that may
13 be employed to control light include lenses, louvers, barn doors, and snoots. A
14 photometric study and engineering plan shall be submitted to the County
15 demonstrating consistency with these lighting provisions prior to any use or
16 occupancy of the site.

17 Prior to review and approval by the County, the developer shall submit the
18 photometric and engineering plans for lighting along Brown Street and the eastern
19 side of the project to MJPA for review and comment.

20 3. Findings.

21 Impacts BR-3 [Federal Wetlands], BR-4 [Wildlife Movement and Nursery Sites],
22 and BR-6 [Habitat Conservation Plans] were determined to be less than significant
23 and did not require mitigation, similar to the findings of the Original DEIR. With
24 implementation of Mitigation Measures BR-1a through BR-2e, Impacts BR-1
25 [Candidate, Sensitive, or Special Status Species], BR-2 [Riparian Habitat or Other
26 Sensitive Natural Community], and BR-5 [Local Policies or Ordinances] would be
27 mitigated to less than significant levels.

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1 E. Cultural Resources

2 1. Impacts.

3 *Impact CR-1. Historic Resources*

4 ***Threshold:*** *Construction of the Project would not cause a substantial adverse change in*
5 *the significance of a historical resource as defined in Section 15064.5.*

6 The original and updated cultural resource assessments indicate the Original
7 Project site and adjacent MIPA Property upon which the Brown Street
8 improvements are proposed (LSA May 2014) do not contain any historical
9 resources as outlined in the State CEQA Guidelines. Therefore, the conclusion is
10 the same as the Original EIR with impacts being less than significant.

11 *Impact CR-2. Archaeological Resources*

12 ***Threshold:*** *Construction of the Project would not cause a substantial adverse change in*
13 *the significance of an archaeological resource with the implementation of mitigation*
14 *measures (refer to Attachment "B," Mitigation Monitoring and Reporting Program.*

15 The cultural resources assessment identified one potential cultural resource area
16 within the MIPA property adjacent to Brown Street, which was designated P-33-
17 022246. This new area was examined in detail during a Phase III assessment by
18 LSA in May 2014 and no significant resources or artifacts were found.
19 Representatives of the Pechanga Tribe were notified of the planned Phase III work
20 and declined to monitor. While this area was determined to not contain potentially
21 significant cultural resources, there remains potential to uncover buried
22 archaeological resources. This impact is potentially significant and mitigation is
23 required. This is the same level of impact as the Original Project.

24 *Impact CR-3. Paleontological Resources*

25 ***Threshold:*** *Construction of the Project would not directly or indirectly destroy a unique*
26 *paleontological resource or site or unique geologic feature.*

27 The geotechnical report and cultural resources report for the project site indicate the
28 area is underlain by shallow bedrock with numerous rock outcroppings of exposed

1 granite. Fossils and other paleontological resources are typically not found under
2 these surface and subsurface conditions, so the potential impacts to paleontological
3 resources is considered to be less than significant, and no mitigation is required.

4 This is the same level of impact as the Original Project.

5 *Impact CR-4. Human Remains*

6 **Threshold:** *Construction of the Project would not disturb any human remains; including*
7 *those interned outside of formal cemeteries with the implementation of mitigation*
8 *measures (refer to Project Resolution Attachment "B," Mitigation Monitoring and*
9 *Reporting Program).*

10 The Original EIR also concluded that impacts to human remains could be
11 potentially significant if unknown remains existed on the Project site and was
12 mitigated to less than significant level by implementation of Mitigation Measure
13 CR-4a. This conclusion also applies to the Revised Project including
14 implementation of CR-4a.

15 *Cumulative Impacts.*

16 The "universe" for cultural resources is the regional extent of the historical,
17 paleontological, and archaeological resources within the County. The Original EIR
18 concluded that cumulative impacts to cultural resources may be potentially
19 significant from development of projects on culturally sensitive areas within the
20 County. If cumulative development conforms to County and local policy and
21 mitigate potential impacts to cultural resources, impacts would be reduced to less
22 than significant levels. The Revised Project involves the same impacts as was the
23 case for the Original Project. Therefore, with mitigation measures imposed, the
24 Revised Project will not have a cumulatively significant impact associated with
25 cultural resources. This conclusion applies to both the Original and the Revised
26 Projects.

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2. Mitigation Measures.

CR-2a: (Original EIR): Phase III data recovery must be completed for Feature 2 (CA-RIV-5457) prior to final approval of grading plans if this area is to be graded. The recovery fieldwork must be completed in its entirety before grading begins, and a Phase III excavation report must be finalized and approved before final inspection. The Phase III excavation must be designed and written to Archaeological Resource Management Reports standards and County of Riverside standards.

CR-2a: (Revised EIR): Phase III data recovery must be completed for Feature 2 (CA-RIV-5457) prior to final approval of grading within the Private Conservation Area. Any recovery fieldwork must be completed in its entirety before grading begins, and a Phase III excavation report must be finalized and approved before final inspection. The Phase III excavation must be designed and written to Archaeological Resource Management Reports standards and County of Riverside standards. The Pechanga Band of Luiseño Indians, The Pechanga and Soboba Tribes will be contacted at least 30 days prior to beginning the data recovery to develop a Cultural Resources Treatment and Monitoring Agreement for participation in the Phase III program. Final copies of the report will be distributed to the landowner/developer, the County, the Eastern Information Center, and the Pechanga Tribe and Soboba Tribes.

CR-2b (Original EIR): The Project Archaeologist must create a mitigation-monitoring program plan prior to earthmoving the Project area, and a pre-grade meeting associated with the details of that plan must occur between the monitoring archaeologist(s) and the grading contractor before grading begins. The abatement plan document must contain a description of how and where artifacts will be curated if found during monitoring, and contingency plans associated with Native American tribal representation if the recovered artifacts are considered sacred items by one or more Native American tribes.

1 **CR-2b:** (Revised EIR): The Project Archaeologist must create a mitigation-
2 monitoring plan prior to earthmoving or blasting in the Project area, and a pre-
3 grade meeting associated with the details of that plan must occur between the
4 monitoring archaeologist(s), Pechanga and Soboba Tribal monitoring
5 representatives, and the grading contractor before grading begins. The plan shall
6 address inadvertent treatment and disposition of the resources. The plan shall be
7 prepared in consultation with the Pechanga Tribe and Soboba Tribes and shall be
8 consistent with the agreement referenced in Mitigation Measure CR-2e.

9 **CR-2c** (Original EIR): Monitoring of development-related excavation is required
10 during all construction-related earthmoving. The Project Archaeologist may, at his
11 or her discretion, terminate archaeological monitoring in any one location on the
12 Project Site if and only if bedrock or sterile soils are encountered during
13 earthmoving at that location.

14 **CR-2c** (Revised EIR) Monitoring of development-related excavation is required
15 during all construction-related earthmoving or blasting activities by a Riverside
16 County certified professional archaeologist (County Condition of Approval 60
17 Planning 016). The Project Archaeologist may, in consultation with the Pechanga
18 Tribe monitor and Soboba tribal monitors, terminate monitoring in any one location
19 on the Project Site if and only if bedrock or sterile soils are encountered during
20 earthmoving at that location.

21 **CR-2d** (Original EIR): Should previously unidentified cultural resource sites by
22 encountered during monitoring, they must be evaluated, and tested if necessary, for
23 significance following the State CEQA Guidelines prior to allowing a continuance
24 of grading in the area. County Condition of Approval 10.Planning.002 addressing
25 inadvertent archaeological finds shall also be implemented.

26 **CR-2d:** (Revised EIR): Should previously unidentified cultural resource sites be
27 encountered during monitoring, they must be evaluated, and tested if necessary, for
28 significance following the State CEQA Guidelines prior to allowing a continuance

1 of grading in the area. County Condition of Approval 10 (Planning 002 and 038)
2 addressing inadvertent archaeological finds shall also be implemented.

3 Consistent with County Condition of Approval 60 (Planning 017), the
4 developer/holder shall prompt the project archaeologist to submit one wet-signed
5 paper copy and one CD of Phase IV Cultural Resources Monitoring Report that
6 complies with the Riverside County Planning Department's requirements for such
7 reports for all ground disturbing activities associated with this grading permit. The
8 report shall follow the County of Riverside Planning Department Cultural
9 Resources (Archaeological) Investigations Standard Scope of Work posted in the
10 TLMA website. The County Archaeologist shall review the report to determine
11 adequate compliance with the approved conditions of approval. Upon determining
12 the report is adequate, a final copy of the report shall be provided to the
13 developer/holder, the Eastern Information Center, and the Pechanga Tribe and
14 Soboba Tribes.

15 **CR-2e** (Original EIR): Native American monitors shall be allowed to monitor all
16 grading, excavation and groundbreaking activities.

17 **CR-2e:** (Revised EIR): Native American monitors from the Pechanga Tribe shall
18 also be allowed to monitor all grading, excavation and groundbreaking activities.
19 Permission is required from March Joint Powers Authority if activities and
20 monitoring occurs on their property. At least 30 days prior to seeking a grading
21 permit, the project applicant shall contact the Pechanga Tribe and Soboba Tribes to
22 notify the tribes of grading, excavation, and the monitoring program, and to
23 coordinate with the County and the Tribes to develop a Cultural Resources
24 Treatment and Monitoring Agreement. The agreement shall address: the treatment
25 of known cultural resources; the designation, responsibilities, and participation of
26 Native American Tribal monitors during grading, excavation, and ground
27 disturbing activities; project grading and development scheduling; terms of
28 compensation; and treatment and final disposal of any cultural resources, sacred

1 sites, and human remains discovered on the site. This is consistent with County
2 Condition of Approval 60 (Planning 018).

3 **CR-2f:** (Revised EIR): All cultural materials that are collected during grading
4 monitoring program and from any previous archaeological studies or excavations
5 on the project site, with the exception of sacred items, burial goods and human
6 remains which will be addressed in the Treatment Agreement outlined in
7 Mitigation Measure CR-2e, shall be curated according to the current professional
8 repository standards. The collections and associated records shall be transferred,
9 including title, to the Pechanga or Soboba Tribe's curation facility, which meets the
10 standards set forth in 36 CRF Part 79 for federal repositories. All sacred sites,
11 should they be encountered within the project area, shall be avoided and preserved
12 as the preferred mitigation, if feasible.

13 **CR-2g:** (Revised EIR): Prior to issuance of grading permits, the project applicant
14 and the Pechanga Tribe and Soboba Tribes shall prepare a Preservation and
15 Maintenance Plan for the long-term care and maintenance of CA-RIV-5457 and
16 any associated cultural features. The plan shall indicate, at a minimum, the specific
17 areas to be included in and excluded from long-term maintenance; prohibited
18 activities; methods of preservation to be employed (fencing, vegetative deterrence,
19 etc.); the entity(s) responsible for the long-term maintenance; maintenance
20 scheduling and notification; appropriate avoidance protocols; monitoring by the
21 Tribes and compensation for services; and necessary emergency protocols. The
22 project manager/landowner shall submit a fully executed copy of the plan to the
23 County to ensure compliance with this mitigation measure.

24 **CR-4a:** (Original and Revised EIR): If human remains are encountered during
25 earth-disturbing activities, all work within 100 feet of the find shall stop
26 immediately and the Riverside County Coroner's office shall be notified. If the
27 Coroner determines the remains are Native American in origin, the Native
28 American Heritage Commission (NAHC) will be notified and, in turn, will notify

the person determined to be the Most Likely Descendant (MLD) who will provide recommendations for treatment of the remains (State CEQA Guidelines, § 15064.5; Health and Safety Code, § 7050.5; Public Resources Code, §§ 5097.94 and 5097.98) (Condition of Approval 10 Planning 037).

3. Findings.

With implementation of Mitigation Measures CR-2a through CR-4a, Impacts CR-2 [Archaeological Resources] and CR-4 [Human Remains] would be less than significant. All other impacts are less than significant.

F. Geology and Soils

1. Impacts.

Impact GS-1. Substantial Adverse Effects from Fault Rupture, Ground Shaking, Ground Failure, Landslides

Thresholds: *Project construction and implementation would not expose people or structures to potential adverse effects from strong seismic ground shaking and seismic related ground failure, including liquefaction and landslides.*

Under both the Original Project and the Revised Project, essentially all of the project site will be graded except under the Revised Project, the far western portion of the site (Lot 4) will include a 6.69-acre, minimum 200-foot wide conservation easement. The buildings and uses are similar in scope and scale and would not represent an increase in the intensity of the site; impacts in that respect would be the same for the Revised Project. The geologic and soil conditions in the adjacent MJPA Brown Street area are equivalent to those of the Original Project site. Therefore, geotechnical and soils impacts of the Revised Project, including the MJPA Brown Street area, are equivalent to those of the Original Project (i.e., less than significant with no mitigation).

Impact GS-2. Soil Erosion

Threshold: *Project construction and implementation would not result in substantial soil erosion or loss of topsoil.*

1 During grading and excavation there would be potential for surface water to carry
2 sediment from on-site erosion into the storm water system and local waterways. In
3 both project scenarios, this is a potentially significant impact that requires
4 mitigation. Mitigation Measures HWQ-1a and HWQ-1b addressed impacts to loss
5 of topsoil, and the same measures, with minor wording changes, will be
6 implemented as part of the Revised Project, as documented in Section 4.8 of the
7 Revised Focused DEIR.

8 With implementation of the proposed mitigation measures, potential erosion
9 impacts of the Revised Project, including to the adjacent MJPA Brown Street area,
10 are reduced to less than significant levels.

11 *Impact GS-3. Unstable Geologic Unit or Soil*

12 **Threshold:** *Project construction and implementation would result in a geologic unit or soil*
13 *to become unstable as a result of the project, resulting in on- or off-site landslide, lateral*
14 *spreading, subsidence, liquefaction, or collapse with implementation of mitigation*
15 *measures (refer to Project Attachment "B," Mitigation Monitoring and Reporting*
16 *Program).*

17 The various geotechnical reports for the Revised Project site indicate that the
18 underlying bedrock is capable of supporting the proposed development.
19 Liquefaction risk is also considered low. However, the Preliminary Geotechnical
20 Investigation by Leighton Consulting, Inc. in 2007 concluded that the topsoil,
21 alluvium/colluvium soil and highly weathered bedrock that exist on site are
22 considered potentially compressible and this material should be removed and
23 recompacted. Therefore mitigation is required. This is the same level of impact as
24 the Original Project (i.e., less than significant with implementation of the
25 recommended mitigation measures).

26 *Impact GS-4. Expansive Soils*

27 **Threshold:** *Project construction and implementation would not potentially expose people*
28 *and/or structures to potential impacts associated with expansive soils.*