

Under both the Original Project and the Revised Project, essentially all of the project site will be graded except the far western portion of the site (Lot 4) under the Revised Project, which will be the conservation easement. The geologic and soil conditions in the adjacent MJPA Brown Street area are equivalent to those of the Original Project site, as described in Section GS-2, above. Therefore, expansive soils impacts of the Revised Project, including the adjacent MJPA Brown Street area, are equivalent to those of the Original Project. Thus, as was the case for the Original Project, the Revised Project impacts are less than significant and do not require mitigation.

Impact GS-5. Septic Tanks

Threshold: *The project would not result in adverse impacts as a result of soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.*

Under both the Original Project and the Revised Project, the project will connect to the City of Riverside sewer system.

The Revised Project will not create any impacts related to soil constraints of using septic or alternative wastewater disposal systems since the project will connect to an existing piped sewer collection system; therefore, there will be no significant impacts in this regard. Similar to in the Original Project, this is a less than significant impact.

Cumulative Impacts.

The Revised Focused Draft EIR determined that cumulative impacts associated with geological resources were the same as those identified in the Original EIR. Each development project is required to mitigate its own potential project-level geotechnical impacts, including the Original and Revised Projects, therefore, cumulative impacts would be less than significant.

2. Mitigation Measures.

1 **GS-2a:** (Original and Revised EIR): Refer to the mitigation measures MM HWQ
2 1a- and HWQ 1-b (See DEIR section 4.8 Hydrology and Water Quality), and all
3 other applicable water quality standards and requirements.

4 **GS-3a:** (Original EIR): The developer shall implement the grading
5 recommendations identified in the Preliminary Geotechnical Report (2007). Prior
6 to the commencement of building construction, the applicant shall retain a qualified
7 engineer to design foundations adequate to support the project structures where
8 necessary, based on the recommendations of the Preliminary Geotechnical Report
9 (2007). Settlement analysis shall be performed once the structural design loads and
10 foundation system geometry have been defined for each building.

11 **GS-3a:** (Revised EIR): The developer shall implement the grading
12 recommendations identified in the Preliminary Geotechnical Report (2007).. Prior
13 to the commencement of building construction, the applicant shall retain a qualified
14 engineer to design foundations adequate to support the Proposed Project's
15 structures where necessary, based on the recommendations of the Preliminary
16 Geotechnical Report (2007). Settlement analysis shall be performed once the
17 structural design loads and foundation system geometry have been defined for each
18 building.

19 Any additional geotechnical evaluation that covers or applies to the Brown Street
20 improvements, or that affects the adjacent MJPA land, shall be submitted to MJPA
21 and their Civil Engineer for review and comment prior to submitting grading plans
22 to the County. Final engineering and grading plans shall be modified if necessary to
23 reflect comments by MJPA to the greatest degree practical. Brown Street will be a
24 County road so it must meet County geotechnical, engineering plan, and grading
25 plan requirements.

26 3. Findings.

27 With implementation of Mitigation Measures GS-3a, Impact GS-3 [Unstable
28 Geologic Unit or Soil] would be less than significant. Mitigation Measures HWQ-

1 1a and HWQ-1b from the Hydrology and Water Quality section of the DEIR would
2 address Impact GS-2 [Soil Erosion]. All other impacts are less than significant.

3 G. Greenhouse Gas Emissions

4 1. Impacts.

5 *Impact GhG-1. Greenhouse Gas Emissions and Impact GhG-2. Applicable Plan, Policy, or*
6 *Regulation*

7 ***Thresholds:*** *Project implementation would result in an increase in greenhouse gas*
8 *emissions, either directly or indirectly, that may have a significant impact on the*
9 *environment and would conflict with an applicable plan, policy, or regulation adopted for*
10 *the purpose of reducing the emissions of greenhouse gases.*

11 A supplemental air quality assessment was prepared for the Revised Project that
12 indicates the Revised Project would generate 11,000 metric tons of CO₂ equivalents
13 (CO₂e) without the mitigation outlined in the air quality section of the Original EIR
14 and 10,000 metric tons with the mitigation (see Revised Focused DEIR Tables
15 4.16.A and 4.16.B). This amount of greenhouse gas emissions is substantially
16 lower than those estimated for the Original Project (i.e., 51 percent less or
17 approximately half), due mainly to the use of the newer CalEEMod computer
18 program which generally results in higher amounts of greenhouse gas emissions
19 when compared to URBEMIS, and the nature of the Revised Project and its land
20 uses (i.e., warehousing vs. mixed uses under the Original Project such as office,
21 retail, and warehousing). Implementation of the proposed mitigation measures
22 would reduce greenhouse gas emissions from the Revised Project by approximately
23 9 percent. Using Lot 2 for parking and/or storage would incrementally reduce the
24 estimated greenhouse gas emissions of the Project by reducing the amount of
25 warehouse building on the site. The Revised Project's greenhouse gas emissions
26 will be over the 10,000-ton threshold suggested by the SCAQMD. This is a
27 potentially significant impact and mitigation is required.

28 2. Mitigation Measures.

Measures AQ-1i and AQ-1j from the air quality section of the Revised Focused DEIR would slightly reduce GHG emissions. It would be infeasible to try to control vehicular emissions from the two warehouses because it is unlikely the users will have their own truck fleets. No additional mitigation is required for the Revised Project due to the similar or reduced level of greenhouse gas emissions estimated compared to the Original Project, and as explained due to operational limits on the type of land use proposed (warehousing produces substantially less traffic compared to mixed use retail and office uses).

3. Findings.

The Revised Focused DEIR concludes that direct project impacts related to greenhouse gas emissions would be significant even with implementation of Mitigation Measures AQ-1i (meet LEED building requirements) and AQ-1j (install solar hot water heating and recycle construction materials) as recommended in the air quality section and the Revised Project requirements outlined in the Settlement Agreement (see Section 2.8 and Appendix G) because they exceed the SCAQMD's suggested threshold. This is the same conclusion the Original EIR came to regarding greenhouse gas impacts for the Original Project and includes the proposed MIPA Brown Street improvements. In addition, the project will also have a cumulative impact related to greenhouse gas emissions, which is different than was concluded in the Original Draft EIR for the reasons stated above.

H. Hazards and Hazardous Materials

1. Impacts.

Impact HHM-1. Transport, Use, or Disposal of Hazardous Materials

Thresholds: *Project construction and implementation would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.*

Impact HHM-1 is discussed on page 4-50 of the Revised DEIR. Similar to the Original Project, the Revised Project will utilize light industrial type chemicals and

1 materials, which are regulated by State and federal laws. The addition of Brown
2 Street would not increase the amount of chemicals or materials used by the Revised
3 Project compared to the Original Project. The small areas of dark stained soil were
4 reexamined by LSA on June 22, 2015 and no visible signs of contamination were
5 present. While no impacts are anticipated from contaminated soils based upon the
6 small amount of dark oil stains, if soils are later determined to be contaminated
7 during the course of construction for the Revised Project, all standard hazardous
8 remediation, removal, and disposal procedures will be adhered to. Therefore, the
9 potential impacts of the Revised Project relative to hazards and hazardous materials
10 will be similar for those identified for the Original Project (i.e., less than significant
11 with compliance with existing laws and regulations regarding hazardous materials,
12 including the County Fire and Health Departments).

13 *Impact HHM-2. Release of Hazardous Materials*

14 ***Threshold:*** *Project construction and implementation would create a significant hazard to*
15 *the public or the environment through reasonably foreseeable upset and accident*
16 *conditions involving the release of hazardous materials in the environment.*

17 The Revised Project's potential to create a hazard through the release of hazardous
18 materials is discussed on pages 4-50 through 4-51 of the Revised DEIR. The
19 adjacent MIPA Brown Street property shows no sign of contamination by
20 hazardous materials, and no buildings that could use hazardous materials will be
21 located in this area (i.e., only the street and related drainage improvements).
22 Therefore, the potential impacts of the Revised Project relative to hazards and
23 hazardous materials will be similar for those identified for the Original Project (i.e.,
24 less than significant).

25 *Impact HHM-3. Existing or Proposed Schools*

26 ***Threshold:*** *Project construction and implementation would emit hazardous emissions or*
27 *handle hazardous or acutely hazardous materials, substances, or waste within one-quarter*
28 *mile of an existing or proposed school.*

1 The Revised Project's potential to emit hazardous emissions or handle hazardous or
2 acutely hazardous materials, substances, or waste within one-quarter mile of an
3 existing or proposed school is discussed on page 4-51 of the Revised Focused
4 DEIR. The Project site is not within one-quarter mile of any existing or proposed
5 schools. The nearest school, Benjamin Franklin Elementary School, is located 1.4
6 miles southwest of the Revised Project site. In addition, implementation of the
7 Revised Project will not produce hazardous emissions or otherwise cause
8 hazardous materials impacts upon school facilities located within the target study
9 radius, and no mitigation is required. This is the same level of impact as the
10 Original Project.

11 *Impact HHM-4. Hazardous Materials Sites*

12 ***Threshold:*** *Project construction and implementation would not create a significant hazard*
13 *to the public or the environment with the implementation of mitigation as a result of being*
14 *included on a list of hazardous materials sites.*

15 The Revised Project's potential to create a significant hazard to the public or the
16 environment as a result of being on a site that is included on a list of hazardous
17 materials sites compiled pursuant to Government Code Section 65962.51 is
18 discussed on page 4-51 of the Revised DEIR. The Revised Project site, including
19 the MJPB Brown Street property, similar to the Original Project site, is not listed
20 on the Cortese List per Government Code Section 65962.5 and therefore there will
21 be no significant impacts in this regard, and no mitigation is necessary.

22 *Impact HHM-5. Airport Land Use Plans*

23 ***Threshold:*** *For a project located within an airport land use plan, or where such a plan*
24 *has not been adopted, within two miles of a public airport or public use airport, would the*
25 *project result in a safety hazard for people residing or working in the project area?*

26 The Revised Project's potential to create a safety hazard for people residing or
27 working in the Revised Project area as a result of being located within an airport
28 land use plan or, where such a plan has not been adopted, within two miles of a

1 public airport or public use airport is discussed on pages 4-51 through 4-53 of the
2 Revised Focused DEIR. The site, located approximately two miles northwest of the
3 March Air Reserve Base (ARB), is within the Airport Influence Policy Area II.
4 Because the March ARB does not have an Airport Master Plan, the Riverside
5 County Airport Land Use Commission utilizes compatibility guidelines set forth in
6 the current Riverside County Airport Land Use Plan. The Revised Project site is
7 located within Area II of the Riverside County Airport Land Use Plan. According
8 to the Riverside County Airport Land Use Plan, Area II guidelines allow for
9 commercial development as proposed by the Revised Project and therefore the
10 development is consistent with the Riverside County Airport land Use Plan. The
11 potential impacts of the Revised Project relative to an airport land use plan would
12 be similar to or less than those identified for the Original Project (i.e., less than
13 significant) including the adjacent MJPA Brown Street property.

14 *Impact HHM-6. Private Air Strips*

15 **Threshold:** *For a Project located within the vicinity of a private airstrip, would the Project*
16 *result in a safety hazard for people residing or working in the Project area?*

17 The Revised Project's potential to create a hazard due to its proximity to private air
18 strips is discussed on page 4-53 of the Revised Focused DEIR. There are no private
19 airstrips or helipads within the immediate vicinity of the Revised Project site, and
20 the there is no plan to develop any such facilities in proximity to the Revised
21 Project site. Accordingly, implementation of the Revised Project, similar to the
22 Original Project, will not result in a safety hazard for people residing or working in
23 the Revised Project site, including the adjacent MJPA Brown Street property, and
24 no mitigation is required.

25 *Impact HHM-7. Adopted Emergency Response Plans or Emergency Evacuation Plans.*

26 **Threshold:** *Project construction and implementation would not impair implementation of,*
27 *or physically interfere with an adopted emergency response plan or evacuation plan.*

1 The Revised Project's potential to impair implementation of or physically interfere
2 with an adopted emergency response plan or emergency evacuation plan is
3 discussed on page 4-53 of the Revised Focused DEIR. The Revised Project's site
4 plan meets the County Fire Department's emergency access requirements regarding
5 the length of a cul-de-sac street for emergency vehicles. In addition, construction of
6 project-related improvements along the south side of Alessandro Boulevard will be
7 short-term and is not expected to significantly impact traffic or safety along
8 Alessandro Boulevard. As discussed in the Traffic section, the Revised Project
9 would not create a substantial number of truck trips that would interfere with any
10 key emergency evacuation plans or routes. Therefore, the Revised Project will have
11 less than significant impacts regarding emergency access, response, or evacuation
12 and no mitigation is required. This is the same level of impact as the Original
13 Project.

14 *Impact HHM-8. Wildland Fires*

15 The Revised Project's potential to expose people or structures to a significant risk
16 of loss, injury, or death involving wildland fires is discussed on page 4-53 of the
17 Revised Focused DEIR. The Project site is not located within or adjacent to the
18 "Wildfire Susceptible Area" as depicted in the Riverside County Integrated Project,
19 Figure S-11. Therefore, the Revised Project site, including the MJPB Brown Street
20 property, similar to the Original Project, will not create significant impacts related
21 to wildland fire hazards and no mitigation is required.

22 *Cumulative Impacts.*

23 The Revised Focused Draft EIR determined that cumulative impacts associated
24 with impacts from hazards and hazardous materials were the same as those
25 identified in the Original EIR. Each development project is required to mitigate its
26 own potential project-level impacts related to hazards and hazardous materials,
27 including the Original and Revised Projects, therefore, cumulative impacts would
28 be less than significant.

1 2. Mitigation Measures.

2 **HHM-1a:** (Original and Revised EIR): Stained soils, as identified in Phase 1
3 Environmental Site Assessment (ESA), shall be removed to prior to any ground-
4 disturbing activities. The removal process shall be in compliance with the County
5 hazardous materials removal/handling regulatory guidelines and work will be
6 performed to the satisfaction of the County Environmental Health staff.

7 **HHM-5a** (Original EIR): Prior to issuance of occupancy permits, information on
8 users, uses, and use of hazardous materials within the Project Site will be
9 transmitted to the MJP A for review. The County Planning, Environmental Health,
10 and/or Fire Departments shall have authority to modify any use or occupancy
11 permits to restrict or preclude uses that involve materials that could cause a
12 demonstrable hazard to March ARB flight activities.

13 **HHM-5a:** (Revised EIR): Prior to the issuance of occupancy permits, information
14 on users, uses, and use of hazardous materials within the Project site will be
15 transmitted to the MJP A for review and comment. The County Planning,
16 Environmental Health, and/or Fire Departments shall have authority to modify any
17 use or occupancy permits to restrict or preclude uses that involve materials that
18 could cause a demonstrable hazard to March ARB flight activities. The applicant
19 shall comply with and certify to the County and MJP A the following:

- 20 a. No project facilities located within one-quarter miles of the existing school
21 shall store, handle or use toxic or highly toxic gases as defined in the most
22 currently adopted County fire code at quantities that exceed exempt amount
23 as defined in the most currently adopted fire code.
- 24 b. Facilities that store, handle or use regulated substances as defined in the
25 California Health and Safety Code 25532 (g) in excess of threshold
26 quantities shall prepare risk management plans (RMP) for determination of
27 risks to the community. The RMP shall be submitted to the March Air
28 Reserve Base Civil Engineering Unit, and the March Joint Powers

Authority Planning Department, for review and comment prior to the Issuance of a Certificate of Occupancy by the County for future tenants of the project.

3. Findings.

With implementation of Mitigation Measure HHM-1a, Impact HHM-1 [Routine Transport, Use, or Disposal of Hazardous Waste] would be less than significant.

With implementation of Mitigation Measure HHM-5a, Impact HHM-5 [Located Within an Airport Land use Plan] would be less than significant. All other impacts are less than significant.

I. Hydrology and Water Quality

1. Impacts.

Impact HWQ-1. Violate Water Quality Standards

Threshold: *Project construction and implementation would not violate any water quality standards or waste discharge requirements with the implementation of mitigation nor would the Project otherwise substantially degrade water quality (refer to Project Resolution Attachment "B," Mitigation Monitoring and Reporting Program).*

Impact HWQ-1 is discussed on Revised Focused DEIR pages 4-56 and 4-57. Mitigation Measures HWQ-1a and HWQ-1b require compliance with the County's Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) requirements and would result in less than significant impacts to short-term and long-term water quality. Therefore, Revised Project impacts related to water quality standards would be less than significant, same as the Original Project.

Impacts HWQ-2. Deplete Groundwater Supplies

Threshold: *Project implementation would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.*

Impact HWQ-2 is discussed on Revised Focused DEIR page 4-58. The Revised Project site has shallow bedrock and exposed granitic rock outcroppings, so

1 infiltration in this area is relatively low. Therefore, potential impacts to
2 groundwater supplies or recharge are considered to be less than significant and no
3 mitigation is required. This is the same level of impact as the Original Project.

4 *Impact HWQ-3. Substantial Erosion or Siltation*

5 **Threshold:** *Project implementation would not result in substantial erosion or siltation on-*
6 *or off-site.*

7 Impact HWQ-3 is discussed on page 4-58 in the Revised Focused DEIR. The
8 Revised Project will result in an increase in surface runoff by increasing the amount
9 of impervious surfaces and decreasing the amount of permeable surfaces. This
10 lowers the infiltration rate through the Revised Project site, resulting in the
11 necessity for an on-site drainage system that is proposed as part of the Revised
12 Project. Therefore, potential impacts of the Revised Project on drainage patterns are
13 considered to be less than significant and no mitigation is required.

14 *Impact HWQ-4. Existing Drainage Pattern*

15 **Threshold:** *Project implementation would not substantially alter the existing drainage*
16 *pattern of the site or area.*

17 Impact HWQ-4 is discussed on Revised Focused DEIR pages 4-58 and 4-59. The
18 Revised Project does not involve any alterations to any streams or rivers. The
19 drainage report for the Revised Project includes the portion of the adjacent MIPA
20 property that will be needed for proposed Brown Street and related drainage
21 improvements and concludes that existing runoff from the Revised Project site will
22 be maintained at or below existing levels. Therefore, potential impacts of the
23 Project on drainage patterns are considered to be less than significant and no
24 mitigation is required. This is the same level of impact as the Original Project.

25 *Impact HWQ-5. Contribute to Runoff Water*

26 **Threshold:** *Project implementation would not substantially increase the rate or amount or*
27 *surface runoff in a manner that would result in flooding onsite or offsite; or create or*
28

1 *contribute runoff water; which would exceed the capacity of existing or planned*
2 *stormwater drainage systems or provide substantial additional sources of polluted runoff.*

3 Impact HWQ-5 is discussed on page 4-59 of the Revised Focused DEIR. The
4 Revised Project would increase the runoff flow due to the creation of additional
5 impervious surfaces on the Revised Project site. The Revised Project will be
6 required to maintain existing runoff from the Revised Project site at or below
7 existing levels through the construction and maintenance of two on-site detention
8 basins. The design of the drainage plan for the Revised Project keeps runoff from
9 the MIPA site on MIPA property so there will be no increase in runoff volume or
10 velocity on the Revised Project site. The Revised Project will be required to
11 complete an NPDES permit, which will require the preparation of an SWPPP for
12 construction activities and a WQMP for ongoing activities. Therefore, the potential
13 impacts of the Revised Project relative to runoff water will be less than significant
14 and no mitigation is required. This is the same level of impact as the Original
15 Project.

16 *Impact HWQ-6. Place Housing Within a 100-Year Flood Zone*

17 **Threshold:** *Project implementation would not place housing within a 100-year flood*
18 *hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate*
19 *Map or other flood hazard delineation map.*

20 Impact HWQ-6 is discussed on Revised Focused DEIR page 4-59. The Revised
21 Project does not include the construction of residential uses within the Revised
22 Project site. The Revised Project site is not located within a 100-year floodplain or
23 other flood hazard delineation area. Similar to the Original Project, no impact will
24 occur and no mitigation is required.

25 *Impact HWQ-7. Structures Within a 100-Year Flood Zone*

26 **Threshold:** *Project implementation would not place structures within a 100-year flood*
27 *hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate*
28 *Map or other flood hazard delineation map.*

1 Impact HWQ-7 is discussed on Revised Focused DEIR page 4-59. The Revised
2 Project site is not within a 100-year flood hazard area according to the Federal
3 Emergency Management Agency (FEMA). Therefore, implementation of the
4 Revised Project would not result in the construction of improvements within a
5 flood hazard area that would impede or redirect flood flows and, similar to the
6 Original Project, impact will be less than significant.

7 *Impact HWQ-8. Dam or Levee Failure*

8 **Threshold:** *Project implementation would not expose people or structures to a significant*
9 *risk of loss, injury or death involving flooding, including flooding as a result of the failure*
10 *of a levee or dam.*

11 Impact HWQ-8 is discussed on Revised Focused DEIR page 4-60. The Revised
12 Project site is within 10 miles of approximately 10 dams in the region. The two
13 closest dams with similar or higher elevations than the site are Perris Dam, 1,560
14 ft., and Box Springs Dam, 1,680 ft. According to Figure 5-10, Dam Failure
15 Inundation Zones (RivCo 2003a), the Revised Project site is located in an area
16 classified as having zero risk of being inundated from floodwaters from a dam
17 failure. Therefore, potential dam failure impacts upon individuals/property or the
18 Revised Project site will be less than significant. This is the same level of impact as
19 the Original Project.

20 *Impact HWQ-9. Inundation by seiche, tsunami, or mudflow*

21 **Threshold:** *Project implementation would not be subject to inundation by seiche, tsunami,*
22 *or mudflow.*

23 Impact HWQ-9 is discussed on Revised Focused DEIR page 4-50. The Revised
24 Project site is not located near the coastline of the Pacific Ocean, or near any large
25 continental bodies of water. Therefore, implementation of the Revised Project will
26 not result in impacts related to a tsunami. Due to the Project site's distance from
27 Lake Matthews and Lake Perris, the Revised Project will not be subject to impacts
28 associated with a seiche. The Revised Project site and its surroundings vicinity is

1 relatively flat. The nearest topographic relief to the Project site is approximately 10
2 miles north of the Project site. Therefore, the potential for mudflow affecting the
3 Project site is not substantial, and the impact will be less than significant and no
4 mitigation is required.

5 *Cumulative Impacts.*

6 New development is required to have grassy swales, detention basins, or other
7 improvements to treat “first flush” urban pollutants. As growth continues, there
8 may be cumulatively considerable impacts to water resources, mainly flood control
9 and water quality. The Original EIR determined that implementation of the
10 proposed mitigation measures would reduce water quality impacts to less than
11 significant levels. In many ways, the Revised Project is similar to the Original
12 Project and will have two detention basins that will help control not only runoff but
13 water quality. Furthermore, compliance with the Santa Ana MS4 NPDES
14 requirements will help ensure cumulative impacts related to water quality remain
15 less than significant. Therefore, with mitigation measures imposed, the Revised
16 Project would not cause cumulative watershed and water quality impacts for the
17 region and its proportion of potential impacts is not cumulatively considerable.

18 2. Mitigation Measures.

19 **HWQ-1a:** (Original and Revised EIR): Prior to the issuance of grading permits for
20 any portion or phase of the Proposed Project, the Project applicant shall submit to
21 and receive County approval of a Storm Water Pollution Prevention Plan (SWPPP)
22 and Grading Plan that identify specific actions and Best Management Practices
23 (BMPs) to prevent storm water pollution from construction sources. The plans shall
24 identify a practical sequence for site restoration, BMP implementation, contingency
25 measures, responsible parties, and agency contacts. The applicant shall include
26 conditions in construction contracts requiring the plans to be implemented and shall
27 have the ability to enforce the requirement through fines and other penalties. The
28 plans shall incorporate control measures in the following categories:

- Soil stabilization practices;
- Sediment and runoff control practices;
- Monitoring protocols; and
- Waste management and disposal control practices.

Once approved by the County, the applicant's contractor shall be responsible, throughout the duration of the Project for installing, constructing, inspecting, and maintaining the control measures included in the Storm Water Pollution Prevention Plan and Grading Plan.

HWQ-1b: (Original and Revised EIR): Prior to final building inspection for any portion or phase of the Project, the applicant shall receive County approval of a Water Quality Management Plan (WQMP) that identifies specific long-term actions and Best Management Practices to prevent storm water pollution from ongoing site operations. The Water Quality Management Plan shall identify a practical sequence for BMP implementation, contingency measures, responsible parties, and agency contacts. The County and the applicant shall enforce the requirement through fines and other penalties, as necessary.

Once approved by the County, the applicant shall be responsible throughout the duration of the Project for installing, constructing, inspecting, and maintaining the control measures included in the Water Quality Management Plan.

The Water Quality Management Plan shall identify potential pollutant sources that could affect the quality of storm water discharges from the Project site. Control practices shall include those that effectively treat target pollutants in stormwater discharges anticipated from the Project site. To protect receiving water quality, the Water Quality Management Plan shall include, but is not limited to, the following elements:

- Permanent erosion control measures such as detention basins, inlet protection, and temporary revegetation or other groundcover that shall be employed for disturbed areas after initial construction is finished.

- No disturbed surfaces will be left without erosion control measures in place during the winter and spring months (September 30 – March 30).
- Sediment shall be retained on site by a system of sediment basins, traps, or other appropriate measures. Of critical importance is the protection of existing catch basins that eventually drain to Sycamore Canyon.
- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the Project site to prevent, eliminate, or reduce discharge of materials to storm drains.
- Best Management Practices performance and effectiveness shall be determined either by visual means where applicable (i.e., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination, (inadvertent petroleum release) is required to determine adequacy of the measure.

3. Findings.

With implementation of Mitigation Measures HWQ-1a and HWQ-1b, Impact HWQ-1 [Violate Water Quality Standards] would be less than significant. All other impacts are less than significant.

J. Land Use and Planning

1. Impacts.

Impact LUP-1. Divide Established Community

Threshold: *The Project would not divide any established communities.*

Impact LUP-1 is discussed on Revised Focused DEIR page 4-64. The Revised Project will be constructed on vacant, undeveloped land. The Revised Project site does not consist of any established communities. A residential neighborhood exists along Gem Lane, the western boundary of the Revised Project site. However, the remaining land adjacent to the Revised Project site is either undeveloped (south and east) or developed as a roadway. Therefore the Revised Project does not have the

1 potential to divide an established community, so this impact, similar to the Original
2 Project, is less than significant and no mitigation is required.

3 *Impact LUP-2. Conflict With Applicable Land Use Policies*

4 **Threshold:** *The Project would not conflict with any applicable land use plan, policy, or*
5 *regulation of an agency with jurisdiction over the Project (including but not limited to the*
6 *general plan, specific plan, local coastal program, or zoning ordinance) adopted for the*
7 *purpose of avoiding or mitigating an environmental effect.*

8 Impact LUP-2 is discussed on Revised Focused DEIR page 4-64. The Revised
9 Project site is within an unincorporated area in the County of Riverside, and
10 therefore, it is subject to the County's General Plan goals and policies. The site is
11 designated as Light Industrial (LI) under the foundation component of Community
12 Development in the General Plan. This designation allows for a variety of uses
13 including industrial, manufacturing, service, and commercial. The Revised Project
14 is consistent with the existing General Plan (Light Industrial or LI) and zoning
15 classifications of the site (Industrial Park or IP). Therefore, similar to the Original
16 Project, no significant land use or planning impacts are expected from
17 implementation of the Revised Project and no mitigation is required.

18 *Impact LUP-3. Consistency with Applicable Habitat Conservation Plan*

19 **Threshold:** *The Project would not conflict with any applicable habitat conservation plan*
20 *or natural community conservation plan.*

21 Impact LUP-3 is discussed on Revised Focused DEIR page 4-64. The planned
22 construction of Brown Street and related drainage improvements will create a
23 permanent boundary between project development and the Private Conservation
24 Land immediately east of the Revised Project site. No significant land use impacts
25 to either MJP or the Center for Natural Lands Management, the organization that
26 manages the Private Conservation Area, are expected to result from these
27 improvements. The Private Conservation Easement will incrementally increase
28 SKR habitat around the Revised Project site and provide a connection between the

SKR inhabiting Sycamore Canyon and those inhabiting the MJPA preserve lands. Therefore, similar to the Original Project, no significant land use or planning impacts related to conservation plans are expected from implementation of the Revised Project.

Cumulative Impacts.

The Revised Focused Draft EIR determined that cumulative impacts associated with land use and planning were the same as those identified in the Original EIR. Each development project is required to mitigate its own potential project-level planning and land use impacts, and the Original and Revised Projects were found to have less than significant land use and planning impacts. For this reason, cumulative impacts would be less than significant.

2. Mitigation.

No mitigation is required.

3. Finding.

All land use and planning impacts are less than significant.

K. Mineral Resources

1. Impacts.

Impact MR-1. Loss of Known Mineral Resource

Threshold: *Project implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.*

Impact MR-1 is discussed on Revised Focused DEIR page 4-65. Similar to the Original Project, the Revised Project, including the MJPA Brown Street improvements, would develop essentially the entire project site, so impacts to known mineral resources would be the same as those identified in the Original EIR (i.e., less than significant) and no mitigation is required.

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1 *Impact MR-2. Loss of Mineral Site*

2 ***Threshold:*** *Project construction and implementation would not result in the loss of*
3 *availability of a locally-important mineral resource recovery site delineated in the local*
4 *general plan, specific plan, or other land use plan.*

5 Impact MR-2 is discussed on Revised Focused DEIR page 4-66. The underlying
6 geology and soils of the MIPA property is similar to that of the Original Project site
7 (i.e., shallow topsoil and colluvium underlain by relatively shallow granitic
8 bedrock). Similar to the Original Project, the Revised Project, including the MIPA
9 Brown Street improvements, would develop essentially the entire Revised Project
10 site, except for the approximately 6.69-acre, 200-foot wide conservation easement
11 along the western border, so impacts would be the same as those identified in the
12 Original EIR (i.e., less than significant) and no mitigation is required.

13 *Cumulative Impacts.*

14 The Revised Focused Draft EIR determined that cumulative impacts associated
15 with mineral resources were the same as those identified in the Original EIR. For
16 this reason, cumulative impacts would be less than significant.

17 2. Mitigation.

18 No mitigation is required.

19 3. Finding.

20 All impacts to mineral resources are less than significant.

21 L. Noise

22 1. Impacts.

23 *Impact N-1. Noise in Excess of Standards*

24 ***Threshold:*** *Project construction and implementation would not expose people to or*
25 *generate noise levels in excess of standards established in the local general plan or noise*
26 *ordinance, or applicable standards of other agencies.*

27 Impact N-1 is discussed on pages 4-68 through 4-70 in the Revised Focused DEIR.
28 The trip generation assessment (Appendix E) determined that the Revised Project

1 would generate only a third of the total vehicular trips (in Passenger Car
2 Equivalents or PCEs) than the Original Project so it is likely the Revised Project,
3 including the MIPA Brown Street improvements, would have substantially less
4 impact on land uses along truck routes serving the project, and would also be less
5 than significant as the noise impacts of the Original Project were determined to be
6 less than significant.

7 *Impact N-2. Groundborne Vibration*

8 **Threshold:** *Would the project result in the exposure of persons to or generation of*
9 *excessive ground-borne vibration or ground-borne noise levels?*

10 Impact N-2 is discussed on page 4-70 in the Revised Focused DEIR. During
11 construction, there will be a significant amount of fill importation and leveling. The
12 nearest sensitive receptor to the proposed project construction is over 200 feet to
13 the west. Vibration decreases the further away the receptor gets from the source.
14 Considering the distance of the nearest sensitive receptor to the potential vibration
15 source (50 feet), the vibration experienced at that location would be well below 80
16 VdB. Further, impacts at the site of the closest sensitive receptor are unlikely to be
17 sustained during the entire construction period, but rather only during the time that
18 heavy construction equipment is operating in the immediate vicinity, or when rock-
19 crushing activities are ongoing. Construction on the site will also be required to
20 abide by the Riverside County Noise Ordinance (see Ordinance 847). Brown Street
21 is on the east side of the Project while the residences are west of the site,
22 representing a separation of over 1,200 feet. Therefore, the impact of the Revised
23 Project, including the MIPA Brown Street improvements, will be less than
24 significant and no mitigation is required. This is the same conclusion that was
25 determined by the analysis of the Original Project.

26 *Impact N-3. Permanent Increase in Ambient Noise Levels*

27 **Threshold:** *Project implementation would result in a substantial permanent increase in*
28 *ambient noise levels in the project vicinity and would expose persons to (or result in) noise*

1 levels in excess of standards established in the local general plan or noise ordinance, or
2 applicable standards of other agencies.

3 Impact N-3 is discussed on page 4-70 in the Revised Focused DEIR. As outlined
4 above under Impact N-1, the Revised Project will not result in significant short-
5 term or long-term increases in ambient noise levels as long as the recommended
6 mitigation is implemented. This is the same conclusion that was determined by the
7 analysis of the Original Project (i.e., less than significant with no mitigation
8 needed).

9 *Impact N-4. Periodic Increase in Ambient Noise Levels*

10 **Threshold:** *Project construction would not result in periodic ambient noise impacts that*
11 *may exceed County noise standards with the implementation of mitigation measures (refer*
12 *to Project Resolution Attachment "B," Mitigation Monitoring and Reporting Program).*

13 Impact N-4 is discussed on pages 4-70 and 4-71 in the Revised Focused DEIR. A
14 supplemental noise assessment was prepared for the Revised Project for the
15 possible use of an on-site rock crushing facility. The rock crushing machinery
16 would be at least 880 feet from the closest sensitive receptor. The assessment
17 indicates that rock crushing would result in noise levels of 62 dBA L_{max} and 51.4
18 dBA L_{eq} under worst-case conditions while it is more likely noise levels would be
19 59 dBA L_{max} and 48.4 dBA L_{eq} , all of which are within County noise requirements
20 and therefore do not constitute a significant impact. This activity was not identified
21 in the Original EIR.

22 The noise study for the Original DEIR estimated the maximum construction noise
23 from the Original Project would be during grading and would equal 81 dbA at 150
24 feet. The Revised Project now has a private conservation easement along the
25 western side of Building 1 so grading would be over 250 feet from the closest
26 residence, further reducing potential noise impacts. Assuming maximum noise
27 levels of 90 dB at 50 feet during grading or construction, maximum noise levels
28 would be less than 70 dB during daytime hours and would not occur during

1 evenings. This anticipated noise level would be within the County's 75 dBA and 70
2 dBA L_{max} for daytime and nighttime stationary source noise levels, respectively.

3 The Revised Project noise levels, including activities associated with the MIPA
4 Brown Street improvements would be equivalent to or less than those of the
5 Original Project since the estimated operational traffic for the Revised Project
6 would be 80 percent less than the Original Project. Therefore, the Revised Project
7 would have roadway noise level impacts equal to or less than those of the Original
8 Project (i.e., less than significant after implementation of mitigation N-4a).

9 *Impact N-5. Public Airport Land Use Plan.*

10 **Threshold:** *For a project located within an airport land use plan or, where such a plan*
11 *has not been adopted, within two miles of a public airport or public use airport, would the*
12 *project expose people residing or working in the project area to excessive noise levels?*

13 Impact N-5 is discussed on the Revised Focused DEIR pages 4-71 and 4-72. The
14 Revised Project site, including the MIPA Property, is located eight miles southeast
15 of the Riverside Municipal Airport and is beyond the airport's 60 dBA CNEL noise
16 contour. The Project site is located two miles northwest of March ARB and the site
17 is within the Airport Influence Policy Safety Area II. Because, March ARB does
18 not have an Airport Master Plan, the Riverside County Airport Land Use
19 Commission utilizes compatibility guidelines set forth in the current Riverside
20 County Airport Land Use Plan. According to the Riverside County Airport Land
21 Use Plan, Area II guidelines allow for light industrial development as contemplated
22 by the Revised Project. Therefore, the development is consistent with the Riverside
23 County Airport Land Use Plan.

24 The Project site is located within the 60 dBA CNEL noise contour for March ARB.
25 However, the County noise ordinance has the threshold of 70 dBA, which is
26 applicable for the Project site. Therefore, there will not be a significant noise
27 impacts to the on-site people within the Project site because of the proximity of
28 March ARB and no mitigation is required. The Revised Project site is in the same

1 location as the Original Project; therefore, the potential impacts of the Revised
2 Project relative to airport land use plans will be similar for those identified for the
3 Original Project (i.e., less than significant) and no mitigation is required.

4 *Impact N-6. Private Airstrip*

5 **Threshold:** *For a Project within the vicinity of a private airstrip, would the Project expose*
6 *people residing or working in the Project area to excessive noise levels?*

7 Impact N-6 is discussed on the Revised Focused DEIR, page 4-72. There are no
8 private airstrips in the Project vicinity, including the MJPA property. The nearest
9 private airstrip, Flabob Airport is located 8 miles northwest of the Project site. The
10 site is beyond the airport's 60 dBA CNEL noise contour. Therefore, the impacts
11 from a private airstrip would be less than significant. The Revised Project site is in
12 the same location as the Original Project; therefore, the potential impacts of the
13 Revised Project relative to private airstrips will be similar to those identified for the
14 Original Project (i.e., less than significant) and no mitigation is required.

15 *Cumulative Impacts.*

16 According to the Original EIR, construction would be temporary so ambient noise
17 levels would not experience a permanent increase and, therefore, no cumulatively
18 considerable noise impacts would occur. The Revised Project would result in
19 construction and operational vibration but they would not exceed significance
20 thresholds at the nearest noise-sensitive land uses (the residences west of the
21 project site). Therefore, potential noise impacts would not be cumulatively
22 considerable. Vehicular trips generated by the Project would not cause ambient
23 noise levels along any affected roadway segments to exceed acceptable noise
24 standards under opening year or build-out conditions. The Revised Focused DEIR
25 also evaluated potential noise impacts of 24/7 warehouse operation and a temporary
26 rock crushing facility in Lot 3 and found its noise impacts to be less than
27 significant. Therefore, the Revised Project would not have a cumulative
28 considerable impact related to increased ambient noise levels on nearby roadways.

1 As long as future development within the project area conforms to the County's
2 building standards and noise ordinance, cumulative impacts related to noise will be
3 less than significant. This conclusion applies to both the Original Project and to the
4 Revised Project. Therefore, the Revised Project would not have a cumulative
5 considerable impact related to increased ambient noise levels at surrounding land
6 uses.

7 2. Mitigation.

8 N-4a (Original EIR): Prior to grading permit issuance, the Project applicant shall
9 submit a Construction Noise Mitigation Plan to the County for review and
10 approval. The plan shall depict the location of construction equipment and describe
11 how noise would be mitigated through methods such as, but not limited to, locating
12 stationary noise-generating equipment (such as pumps and generators), as far as
13 possible from nearby noise-sensitive receptors. Where practicable, noise-generating
14 equipment will be shielded from nearby noise-generating equipment will be
15 shielded from nearby noise-sensitive receptors by noise-attenuating buffers such as
16 structures or haul, trucks and trailers. Onsite noise sources located less than 200
17 feet from noise-sensitive receptors will be equipped with noise-reducing engine
18 housings. Portable acoustic barriers able to attenuate at least 6 dB will be placed
19 around noise-generating equipment located within 200 feet of residences. Water
20 tanks and equipment storage, staging, and warm-up areas will be located as far
21 from noise-sensitive receptors as reasonably possible. The noise attenuation
22 measures identified in the plan shall be incorporated into the proposed Project.

23 N-4a: (Revised EIR): Prior to grading permit issuance, the project applicant shall
24 submit a Construction Noise Mitigation Plan to the County for review and
25 approval. The plan shall depict the location of construction equipment and describe
26 how noise would be mitigated through methods such as, but not limited to, locating
27 stationary noise-generating equipment (such as pumps and generators) as far as
28 possible from nearby noise-sensitive receptors. Where practicable, noise-generating

equipment will be shielded from nearby noise-sensitive receptors by noise-attenuating buffers, such as structures or haul trucks and trailers. On-site noise sources located less than 200 feet from noise-sensitive receptors will be equipped with noise-reducing engine housings. Portable acoustic barriers able to attenuate at least 6 dB will be placed around noise-generating equipment located within 200 feet of residences. Water tanks and equipment storage, staging, and warm-up areas will be located as far from noise-sensitive receptors as reasonably possible. The noise attenuation measures identified in the plan shall be incorporated into the project as conditions of approval of the grading and construction plans as appropriate. Any rock-crushing equipment must be located within Lot 3, preferably as far from existing residences as possible, to minimize noise impacts. Rock-crushing equipment can only be operated on weekdays between 9 a.m. and 4 p.m. to further reduce noise impacts on residents.

N-4b: (Original and Revised EIR): During construction, all equipment shall utilize noise reduction features (e.g., mufflers, engine shrouds, etc.) that are no less effective than those originally installed by the manufacturer.

3. Findings.

Implementation of the additional mitigation measures controlling rock-crushing and warehouse operations will ensure that potential noise impacts do not exceed County noise standards. With implementation of Revised Mitigation Measures N-4a and N-4b, Impact N-4 [Periodic Increase in Ambient Noise Levels] would be a less than significant impact. All other impacts are less than significant.

M. Population and Housing

1. Impacts.

Impact P-1. Population Growth

Threshold: *Would the project induce substantial population growth in an area either directly or indirectly?*

1 Impact P-1 is discussed in the Revised DEIR on page 4-76. The Revised Project
2 would not construct any new housing or add any new population, either directly or
3 indirectly. The Revised Project is consistent with County zoning and land use
4 designations, so population and housing projections would not be negatively
5 affected by development of the Revised Project, either directly or indirectly.
6 Therefore, the Revised Project would still not have any significant impacts on
7 population or housing, and no mitigation is needed or recommended.

8 *Impact P-2. Displace Housing*

9 ***Threshold:*** *Would the project displace substantial numbers of existing housing,*
10 *necessitating the construction of replacement housing elsewhere?*

11 Impact P-2 is discussed in the Revised DEIR on page 4-76. The Revised Project
12 would not construct any new housing or add any new population, either directly or
13 indirectly. The Revised Project is consistent with County zoning and land use
14 designations, so population and housing projections would not be negatively
15 affected by development of the Revised Project, and is not expected to create a
16 need to build replacement housing. Therefore, the Revised Project would still not
17 have any significant impacts on population or housing, and no mitigation is needed
18 or recommended.

19 *Impact P-3. Displace People*

20 ***Threshold:*** *Would the project displace substantial numbers of people, necessitating the*
21 *construction of replacement housing elsewhere?*

22 Impact P-3 is discussed in the Revised DEIR on page 4-76. The Revised Project
23 would not construct any new housing or add any new population, either directly or
24 indirectly. The Revised Project is consistent with County zoning and land use
25 designations, so population and housing projections would not be negatively
26 affected by development of the Revised Project. The majority of the new
27 employees would be anticipated to come from the existing area. The Revised
28 Project is not the type that would lead to greater development of the area nor create

1 an enticement for greater numbers of people to relocate to-or to move away from-
2 the area. Therefore, the Revised Project would still not have any significant impacts
3 on population or housing, and no mitigation is needed or recommended.

4 *Cumulative Impacts.*

5 The Revised Focused Draft EIR determined that cumulative impacts associated
6 with population and housing were the same as those identified in the Original EIR
7 (i.e., less than significant and no mitigation needed). Both the Original and Revised
8 Projects were determined to have less than significant impacts related to housing
9 and population as they would make no contributions to either, so they would not
10 make any significant contributions to housing or population in the surrounding
11 area. For this reason, cumulative impacts would be less than significant.

12 2. Mitigation.

13 No mitigation is required.

14 3. Findings.

15 As was concluded in the Original EIR, all impacts for the Revised Project are less
16 than significant.

17 N. Public Services

18 1. Impacts.

19 *Impact PSR-1. Fire Protection Facilities*

20 ***Threshold:*** *Project implementation would result in impacts to fire protection services.*

21 Impact PSR-1 is discussed on pages 4-78 and 4-79 of the Revised Focused DEIR.
22 The Original DEIR indicated the site was within a 5-minute response time from
23 Fire Station No. 6, and the Revised Project would have a similar response time
24 since they are at the same location. Therefore, the Revised Project will create an
25 equal or reduced demand for fire protection services compared to the Original
26 Project. The developer of the Revised Project is required to pay existing
27 Development Impact Fees (DIFs) for anticipated fire protection service impacts. To
28

1 ensure impacts to fire protection facilities are reduced to less than significant,
2 Mitigation Measure PSR-1 is required.

3 *Impact PSR-2. Police Protection Facilities*

4 ***Threshold:*** *Project implementation would result in impacts to police protection services.*

5 Impact PSR-2 is discussed on page 4-79 of the Revised Focused DEIR. The
6 Original DEIR indicated that the closest County law enforcement services available
7 to the Project site are located at the Perris Station. This would be the same for the
8 Revised Project. The Revised Project proposes different land uses than the Original
9 Project, but they are light industrial in nature (i.e., warehousing) and are not
10 expected to result in significant increases in the need for police protection services
11 compared to those of the Original Project. Although the Revised Project has 13
12 percent more developed area than the Original Project, the Original Project
13 contained retail commercial uses and a fast food restaurant, which are open at night
14 and can attract the public to an otherwise deserted industrial site, possibly
15 increasing the need for police (i.e., County Sheriff) services. Therefore, the Revised
16 Project will create an equal or reduced demand for police protection services
17 compared to the Original Project. The developer of the Revised Project is required
18 to pay existing DIFs for anticipated police protection service impacts. The Revised
19 Project would provide DIFs to the County of Riverside for capital improvements to
20 the Sheriff's Department facilities. These fees would be used to fund
21 improvements/construction of land, equipment, and facilities. The impact fees
22 would lower the impact of the Revised Project to a less than significant level.

23 *Impact PSR-3. School Facilities*

24 ***Threshold:*** *Project implementation would result in impacts to school facilities.*

25 Impact PSR-3 is discussed on page 4-79 of the Revised Focused DEIR. Both the
26 Original Project and Revised Project were non-residential in nature so they would
27 be expected to only generate a minimal number of additional students for local
28 schools. The Revised Project would be required to pay the applicable non-

1 residential school impact fee to the Moreno Valley Unified School District
2 (MVUSD), which is considered full mitigation of potential school impacts under
3 CEQA. No significant impact to schools would occur.

4 *Impact PSR-4. Park Land; Impact PSR-5. Trails; Impact PSR-7. Recreational Facilities*

5 ***Thresholds:*** *Project implementation would result in a need for: new or physical altered*
6 *parks, safety improvements to local or regional trails, and new or physically altered*
7 *recreational facilities.*

8 Impacts PSR-4, PSR-5, and PSR-7 are discussed on page 4-80 of the Revised
9 Focused DEIR. The Original DEIR indicated the Original Project is served by the
10 County of Riverside Recreation and Parks Department. This agency would also
11 serve the Revised Project. The Revised Project would result in an incremental
12 increase in the demand for existing park facilities and trails, but these impacts are
13 not expected to be significant due to the nature of the project (i.e., non-residential),
14 and payment of the County's DIFs for parks and trails is expected to ensure that
15 project impacts will be less than significant in this regard.

16 *Impact PSR-6. Government Facilities*

17 ***Threshold:*** *Project implementation would result in a need for new or physically altered*
18 *government facilities.*

19 Impact PSR-6 is discussed on Revised Focused DEIR page 4-80. The Original
20 DEIR indicated the Original Project is served by the County of Riverside. This
21 agency would also serve the Revised Project. The Revised Project would result in
22 an incremental increase in the demand for existing government services and
23 facilities, but these impacts are not expected to be significant due to the nature of
24 the project (i.e., non-residential), and payment of the County's DIFs for various
25 governmental services is expected to ensure that project impacts will be less than
26 significant in this regard.

27 ///

28 ///

1 *Cumulative Impacts.*

2 The Revised Focused DEIR determined that cumulative impacts associated with
3 public services were the same as those identified in the Original EIR (i.e., the
4 Project would not generate any need for any additional government services or
5 facilities, so it would not make a substantial contribution to any significant
6 cumulative impacts relative to other government facilities or services). For this
7 reason, cumulative impacts would be less than significant.

8 2. Mitigation.

9 **PSR-1:** (Revised EIR): Prior to issuance of building permits, the Riverside County
10 Fire Department shall notify the developer if a development agreement is required
11 to help fund improvements to the regional integrated fire protection response
12 system that are in addition to those of the Development Impact Fee (DIF) program.
13 This notification shall demonstrate a nexus and rough proportionality for any
14 additional mitigation specifically required by the Alessandro Commerce Centre
15 Project. In no case will the additional mitigation cost for new facilities and/or
16 equipment exceed the proportion of Project square footage to the standard
17 identified in the Riverside County Fire Protection Master Plan (currently one new
18 station per 3.5 million square feet of new commercial/industrial development).

19 3. Findings.

20 Implementation of Mitigation Measure PSR-1 would reduce Impact PSR-1 [Fire
21 Protection Facilities] to less than significant levels. All other public facility impacts
22 are considered less than significant.

23 O. Transportation/Traffic

24 1. Impacts.

25 *Impact T-1. Increase in Traffic*

26 **Threshold:** *Would the project cause an increase in traffic, which is substantial in relation*
27 *to the existing traffic load and capacity of the street system?*

1 Impact T-1 is discussed on Revised Focused DEIR pages 4-84 through 4-86. A trip
2 generation comparison was conducted of the Original vs. the Revised Project by
3 Kunzman Associates in September 2014. The analysis determined that the Revised
4 Project would generate only 1,797 total trips (PCE) compared to 8,953 PCE trips
5 for the Original Project, a reduction of almost 80 percent. Therefore, actual project-
6 related impacts on local intersections and roadways would be substantially less
7 under the Revised Project.

8 Due to the substantial reduction in traffic from the Revised Project compared to the
9 Original Project it is concluded that the Revised Project would have less than
10 significant impacts on area traffic, including the three intersections identified in the
11 Original DEIR, and no mitigation is required. This is a different conclusion than
12 was reached in the Original DEIR regarding traffic impacts.

13 However, in an abundance of caution, the mitigation measures adopted for the
14 Original Project (T-1a through T-1g) are included as a part of the Revised Project,
15 including the proposed MIPA Brown Street improvements. This represents a less
16 than significant impact.

17 *Impact T-2. Level of Service*

18 ***Threshold:*** *Would project implementation exceed, either individually or cumulatively, a*
19 *level of service standard established by the county congestion management agency for*
20 *designated roads or highways?*

21 Impact T-2 is discussed on Revised Focused DEIR page 4-86. Impacts to level of
22 service standards established by the County Congestion Management Agency by
23 the Original Project were potentially significant. According to the new trip
24 generation comparison for the Revised Project, the overall trips from the project
25 would be reduced by almost 80 percent. Therefore, actual project-related impacts
26 on local intersections and roadways would be proportionally less.

1 The less than significant conclusion of the Revised Project for this section is
2 different than the potentially significant conclusion set forth in the Original EIR for
3 the Original Project and impacts are actually decreased for the Revised Project.

4 *Impact T-3. Air Traffic Pattern*

5 ***Threshold:*** *The project will not result in a change in air traffic patterns.*

6 Impact T-3 is discussed on Revised Focused DEIR page 4-86. The employee
7 density of the Revised Project is less than that of the Original Project since the
8 Revised Project proposes only warehouse uses and does not include retail or office
9 uses, which have higher employee densities. Therefore, potential impacts of the
10 project relative to the March ARB Airport Influence Area are less than significant
11 under the Revised Project, including the MJPA Brown Street improvements,
12 similar to the Original Project. The Revised Project will not result in a change to air
13 traffic patterns.

14 *Impact T-4. Hazards Due to Design Features*

15 ***Threshold:*** *Construction of the Project would not substantially increase hazards due to a*
16 *design feature.*

17 Impact T-4 is discussed on Revised Focused DEIR page 4-86. The Revised Project
18 is directly accessible from Alessandro Boulevard, and both the Original and
19 Revised Projects required improvements to Brown Street, which will improve
20 emergency access to the site. Both Alessandro Boulevard and Brown Street will
21 have linear alignments so no new road hazards are expected from these
22 improvements. Therefore, as was the case for the Original Project, impacts are less
23 than significant and no mitigation is required.

24 *Impact T-5. Inadequate Emergency Access*

25 ***Threshold:*** *Construction of the Project would not result in inadequate emergency access.*

26 Impact T-5 is discussed on pages 4-86 and 4-87 in the Revised Focused DEIR. The
27 Revised Project is directly accessible from Alessandro Boulevard, and both the
28 Original and Revised Projects' required improvements to Brown Street, which will

1 improve emergency access to the site. Brown Street meets the emergency access
2 requirements of the County Fire Department. The Revised Project will also not
3 interfere with any emergency roadways or cause undue traffic delays during
4 construction or operations on existing roadways that would create any impacts
5 related to emergency access. Therefore, as was the case for the Original Project,
6 impacts are less than significant and no mitigation is required.

7 *Impact T-6. Alternative Transportation*

8 **Threshold:** *Construction of the Project would conflict with adopted policies, plans, or*
9 *programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease*
10 *the performance of safety of such facilities.*

11 Impact T-6 is discussed on page 4-87 in the Revised Focused DEIR. The Revised
12 Project will provide all improvements regarding alternative transportation, such as
13 bicycle racks, as required by the County during its development review process and
14 as required as part of the State Green Building Code. The site is adjacent to
15 Alessandro Boulevard, which supports several regional bus routes. If the Riverside
16 County Transportation Authority requires a bus stop adjacent to the Project site, it
17 will be provided as part of the County's development review process. Therefore,
18 similar to the Original Project, impacts of the Revised Project, including the MIPA
19 Brown Street improvements, are less than significant and no mitigation is required.

20 *Cumulative Impacts.*

21 The Original EIR concluded that traffic generated by the Original Project, as well
22 as other future projects, would make cumulatively considerable contributions to
23 regional transportation and circulation impacts. However, the Revised Project will
24 have substantially reduced project specific trip generation and less than significant
25 project traffic compared to the Original Project. Therefore, the Revised Project, in
26 combination with future projects, will not result in any cumulatively considerable
27 impacts to transportation with previous project level mitigation measures. This is a
28 different conclusion than was reached for the Original Project in the Original EIR.

2. Mitigation.

T-1a: (Original EIR): Prior to building permit issuance, the applicant shall be responsible for the following improvements:

- The intersection of the Project Access (NS) at Alessandro Boulevard (EW) shall provide the following geometrics:
 - Northbound: One right turn lane – stop control. SB: N/A
 - Eastbound: Two through lanes, one shared through/right turn lane.
 - Westbound: Three through lanes.
- The intersection of the San Gorgonio Drive/Brown Street (north-south) at Alessandro Boulevard (east-west) shall provide the following geometrics:
 - Northbound: One left-turn lane, one through lane, one right turn lane with overlap.
 - Southbound: One left turn lane, one shared through/right turn lane.
 - Eastbound: One left turn lane, one striped out are for a future left turn lane, two through lanes, one shared through/right turn lane.
 - Westbound: Two left turn lanes, three through lanes, one right turn lane.

Prior to building permit issuance, the applicant shall pay applicable TUMF and other fees as mitigation for impacts at the following intersections:

- Trautwein Road (north-south) and Alessandro Boulevard (east-west):
 - Construct an additional northbound left-turn lane.
- I-215 Northbound Ramps (north-south) and Alessandro Boulevard (east-west):
 - Restripe existing shared left-turn/right-turn lane to an exclusive left-turn lane.

T-1b: (Original EIR and Revised EIR): Prior to building permit issuance, the applicant shall dedicate a 50-foot half-width Secondary right-of-way along the Project frontage of Brown Street from Alessandro Boulevard to the southern

1 Project boundary. The applicant shall construct the Brown Street approach to
2 Alessandro Boulevard to its full Secondary intersection cross-section width. Prior
3 to building permit issuance, the applicant shall construct Brown Street from south
4 of Alessandro Boulevard intersection improvements to the southern boundary of
5 the Project as a half-section width as an Industrial Collector plus a painted median
6 and a northbound travel lane including landscaping and parkway improvements in
7 conjunction with development. The applicant shall make an appropriate transition
8 from the Secondary cross-section at the Alessandro Boulevard intersection
9 improvements to the Industrial Collector cross-section.

10 **T-1c:** (Original EIR): Prior to building permit issuance, the developer shall
11 construct landscape and sidewalk improvements along Alessandro Boulevard from
12 the west Project boundary to San Gorgonio Drive/Brown Street per the direction of
13 the county Landscape Architect. Landscaping will conform to Riverside County's
14 updated water-efficient landscape ordinance.

15 **T-1c:** (Revised EIR): Prior to building permit issuance, the developer shall
16 construct Alessandro Boulevard from the west Project boundary to San Gorgonio
17 Drive/Brown Street at its ultimate half-section width as an Urban Arterial (152 foot
18 right-of-way) including landscaping and parkway improvements in conjunction
19 with development.

20 **T-1d:** (Original and Revised EIR): Prior to final building inspection, the developer
21 shall provide sufficient on-site parking to meet the County of Riverside parking
22 code requirements.

23 **T-1e:** (Original and Revised EIR): Prior to grading permit issuance, the developer
24 shall provide construction plans for road sight distance at the Project Access. Plans
25 shall be reviewed by the County, with respect to California Department of
26 Transportation/County of Riverside standards in conjunction with the preparation
27 of final grading, landscaping, and street improvement plans. The developer shall
28

provide evidence to the County that construction plans were reviewed and approved.

T-1f: (Original and Revised EIR): Prior to final building inspection, the developer shall implement on-site traffic signing and striping in conjunction with detailed construction plans for the Proposed Project.

T-1g: (Original and Revised EIR): Prior to building permit issuance, the developer shall participate in the phased construction of off-site traffic signals within the study area through payment of traffic signal mitigation fees on a per square foot basis. The traffic signals within the study area at buildout should specifically include an inter-connect of the traffic signals to function in a coordinated system.

3. Findings.

With Implementation of Mitigation Measures T-1a through T-1g Impact T-1 [Increase in Traffic] would be reduced to less than significant. All other impacts are considered less than significant.

P. Utilities and Service Systems

1. Impacts.

Impact U-1. Wastewater Treatment Capacity

Threshold: *Operation of the proposed Project would not result in impacts to wastewater treatment capacity or requirements.*

Impact U-1 is discussed on Revised Focused DEIR pages 4-90 and 4-91. Using the same factors that were used in the Original DEIR, it is estimated the Revised Project will have 534 employees so its daily wastewater generation will be 53,400 gallons or 19.5 million gallons per year. This is less than 0.7 percent of the plant's excess capacity above the average peak flow. Because the existing wastewater treatment capacity is sufficient for the Proposed Project as well as other contemplated projects, the Proposed Project implementation will not necessitate the construction of a new wastewater treatment facility. Like the Original Project, the Revised Project will have no significant impact so no mitigation is required.

1 *Impact U-2. New/expanded Wastewater Treatment Facilities*

2 ***Threshold:*** *Operation of the proposed Project would not result in the need for new or*
3 *expanded wastewater treatment or storm sewer facilities and infrastructure.*

4 Impact U-2 is discussed on Revised Focused DEIR page 4-91. The Revised Project
5 would have 13 percent more development in terms of square footage compared to
6 the Original Project but would have only 534 employees since all of its uses would
7 now be warehousing. The Revised Project would therefore consume 106,800
8 gallons of water per day or 39 million gallons per year, equal to 120 acre-feet per
9 year. The Western Municipal Water District has indicated reclaimed water is now
10 available to this project for landscape irrigation, which was not available at the time
11 the Original Project was processed. Since landscaping consumes at least 75 percent
12 of industrial property water, using reclaimed water for the landscaping would
13 reduce the use of potable water to 26,700 gallons of potable water per day
14 compared to 260,000 gallons per day for the Original Project. This would be a
15 reduction of 90 percent, which is well in excess of the latest State Department of
16 Water Resources drought reduction guidelines for urban areas (i.e., maximum 36
17 percent). This is a substantial reduction in potable water use compared to the
18 Original Project, which would have required approximately 291.27 acre-feet per
19 year.

20 Since the Revised Project would use up to 90 percent less potable water than the
21 Original Project, the Revised Project would have sufficient water supply and no
22 regional water improvements would be needed to serve the project. Therefore, the
23 Revised Project will not have significant impacts on water infrastructure and no
24 mitigation is required. This conclusion is similar to the one reached for the Original
25 Project in the Original EIR.

26 *Impact U-3. Storm Water Drainage*

27 ***Threshold:*** *Operation of the proposed Project would not result in the construction of new*
28 *storm water drainage facilities or expansion of existing facilities.*

1 Impact U-3 is discussed on Revised Focused DEIR page 4-92. Development of the
2 Revised Project will result in increased storm water flows off the site. The
3 infiltration of the presently undeveloped site will be decreased by the construction
4 of the Revised Project and approximately 60 percent of the site will be covered by
5 impervious surfaces. The Revised Project design will accommodate this increase in
6 storm water with the implementation of two detention basins. New developments
7 within the Santa Ana Watershed region must mitigate their post-construction water
8 quality impacts by complying with Section 6 of the Drainage Area Management
9 Plan (DAMP). The Project may also require coverage under the SWRCB NPDES
10 permit General Permit for Storm Water Discharges Associated with Construction
11 Activity (Construction Activity General Permit), since the Proposed Project will
12 disturb more than one acre of land. Therefore, since the development would abide
13 by all applicable storm water regulations, the impacts relating to capital
14 improvements of storm water facilities will be less than significant, and no
15 mitigation is required. This is a similar impact compared to the Original Project.

16 *Impacts U-4. Energy Conservation*

17 **Threshold:** *Operation of the proposed Project would not result in conflict with the State*
18 *CEQA Guidelines Appendix F regarding energy conservation.*

19 Impact U-4 is discussed on Revised Focused DEIR pages 4-92 through 4-96.
20 Development of the Revised Project will result in increased consumption of energy
21 in the form of electricity, natural gas, and vehicular fuels. The Revised Project
22 construction would consume approximately 239,375 gallons of fuel. All diesel-
23 fueled construction vehicles used for the project will meet the latest emissions
24 standards and idling will be minimized. This will improve construction fuel
25 efficiency. The development associated with proposed project would also be
26 required to utilize diesel construction equipment that complies with Tier 3-level
27 emissions standards during all construction phases. The use of Tier-3 off-road
28 engines would not only reduce exhaust emissions, but would also improve the fuel

1 economy of the equipment fleet. Therefore, it is expected that construction fuel
2 consumption associated with the Revised Project would not be any more
3 inefficient, wasteful, or unnecessary than other similar development projects of this
4 nature.

5 The operation of the Revised Project is estimated to consume approximately 5,730
6 gallons of fuel daily. The Revised Project would not result in any unusual
7 characteristics that would result in excessive long-term operational fuel
8 consumption. The project is located in close proximity to existing bus transit stops.
9 The Riverside Transit Agency (RTA) provides bus service within the general
10 project area. The proximity of the project site to existing transit and to neighboring
11 residential uses could reduce the number of trips to and from the project site. Fuel
12 consumption associated with vehicle trips generated by the Revised Project would
13 not be considered inefficient, wasteful, or unnecessary in comparison to other
14 similar developments in the region.

15 Mitigation Measures AQ-1i and AQ-1j require the Revised Project to meet LEED
16 building standards including energy conservation. Furthermore, the County
17 requires new development to meet or exceed the State Green Building Code
18 standards for water and energy conservation, including installation of ENERGY
19 STAR appliances, installation of lighting that uses an average of 5 percent less
20 energy than conventional lighting, and use of low-VOC paints. The Revised Project
21 would be expected to demand less than 1 million kilowatt hours (kWh) of
22 electricity per year and approximately 1 billion British Thermal units (BTU) of
23 natural gas per year. The Revised Project would incorporate several water, energy,
24 solid waste, and land use efficiency measures through compliance with various
25 County development requirements. Therefore, the Revised Project would not be
26 considered inefficient, wasteful, or unnecessary in comparison to other similar light
27 industrial development within the region, and impacts would remain at less than
28 significant levels.

1 *Cumulative Impacts.*

2 The Original EIR concluded that the project would contribute to long-term
3 cumulative water supply impacts, and that regional condition has been exacerbated
4 by the extensive drought conditions throughout California in recent years.
5 However, the Revised EIR determined that the Revised Project would use 90
6 percent less water than anticipated for the Original Project, and the Revised Project
7 can take advantage of reclaimed water for landscape irrigation. The reduction to
8 26,700 gallons per day for the Revised Project equates to only 0.0819 acre-feet of
9 water per day, which is approximately 29.89 acre-feet of potable water per year.
10 This is a substantial reduction in potable water use compared to the Original
11 Project, which would have required approximately 291.27 acre-feet per year.
12 Therefore, the Revised Project is not expected to make a significant contribution to
13 cumulative water supply impacts for the region. This is a different conclusion than
14 was reached for the Original Project in the Original EIR.

15 2. Mitigation.

16 Impact U-4 would be reduced to less than significant levels by implementation of
17 the air quality mitigation measures AQ-1i and AQ-1j. The rest of the impacts
18 would be less than significant and no mitigation is required.

19 3. Findings.

20 All impacts are less than significant.

21 **BE IT FURTHER RESOLVED** by the Board of Supervisors that, as authorized by Public
22 Resources Code Section 21081(a)(1) and State CEQA Guidelines sections 15091 and 15092, the EIR is
23 required to identify the significant impacts that cannot be reduced to a less than significant level through
24 mitigation measures. All applicable regulatory requirements and feasible mitigation measures to reduce
25 environmental impacts have been considered and are applied as conditions of Project approval, yet the
26 following impacts to Air Quality [AQ-1; AQMP Consistency], Air Quality [AQ-2: Violate Air Quality
27 Standards], Air Quality [AQ-3: Criteria Pollutant Emissions], Cumulative Air Quality , and Cumulative
28 Greenhouse Gas Emissions cannot be fully mitigated and will be only partially avoided or lessened by the

mitigation measures hereinafter specified; a statement of overriding considerations is therefore included herein.

A. Air Quality

1. Impacts.

Impact AQ-1. AQMP Consistency Analysis

Threshold: *Implementation of the Project would not conflict with or obstruct implementation of the applicable air quality plan with the implementation of mitigation measures (refer to Project Resolution Attachment "B," Mitigation Monitoring and Reporting Program).*

Impact AQ-1 is discussed on Revised Focused DEIR page 4-12. The Air Quality Management Plan (AQMP) for the South Coast Air Basin is based on regional growth projections developed by the Southern California Association of Governments (SCAG). The Revised Project is a warehousing project that meets the "regionally significant" project criteria under CEQA; therefore, it meets the SCAG's Intergovernmental Review (IGR) criteria. The proposed land use is consistent with the General Plan and zoning designations for the project site (Light Industrial); therefore, the project is consistent with SCAG growth projections that are the basis of the AQMP and so is consistent with the AQMP in this regard.

However, the Revised Project would still exceed daily NO_x emission thresholds established by the SCAQMD even with the reduced emissions after mitigation. Therefore, both the Original Project and Revised Project would have significant and unavoidable impacts relative to the AQMP.

Impact AQ-2. Violate Air Quality Standards

Threshold: *Project construction and implementation would violate air quality standard or contribute substantially to an existing or projected air quality violation.*

Impact AQ-2 is discussed on pages 4-12 through 4-16 of the Revised Focused DEIR. Construction emission impacts of the Revised Project would be reduced compared to the impacts from the Original Project. The construction emissions for

1 the Original Project were projected to be significant and unavoidable because they
2 exceeded the daily SCAQMD threshold for Volatile Organic Compounds (VOC).
3 In contrast, construction emissions of the Revised Project would not exceed any
4 daily SCAQMD thresholds, so its short-term impacts would be less than significant
5 (i.e., reduced impacts from those of the Original Project).

6 Operational emissions for the Original Project were projected to exceed the
7 SCAQMD daily thresholds for Reactive Organic Gases (ROG, reported as VOC at
8 that time), NO_x, CO, and PM₁₀. By comparison, the Revised Project would only be
9 significant for NO_x using the most current CalEEMod software. Therefore, the
10 Revised Project's emissions will be significant for operational emissions for NO_x
11 only, and ROG, CO, and PM₁₀ will no longer represent significant regional air
12 quality impacts.

13 *Impact AQ-3. Criteria Pollutant Emissions*

14 ***Threshold:*** *Project construction and operation would result in a cumulatively*
15 *considerable net increase of any criteria pollutant for which the project region is non-*
16 *attainment under an applicable federal or state ambient air quality standard.*

17 Impact AQ-3 is discussed on page 4-16 of the Revised Focused DEIR. As
18 described in the preceding Impact AQ-2 analysis, long-term air pollutant emissions
19 from the Revised Project will still be significant for NO_x, which is a criteria air
20 pollutant for which the region is in non-attainment, so mitigation is required.
21 Mitigation Measures AQ-1a through AQ-1n will substantially reduce long-term
22 project emissions for NO_x, but will not reduce them to less than significant levels.
23 Therefore, impacts related to this issue are considered significant. This is the same
24 conclusion as reached in the Original EIR for the Original Project except that the
25 Original Project was also significant for VOC (now reported as ROG).

26 *Cumulative Impacts.*

27 The analysis area for evaluation of cumulative impacts to air quality includes the
28 South Coast Air Basin, which is identical to the boundaries of the SCAQMD. The

Original EIR concluded that project emissions of VOC, NO_x, CO, and PM₁₀ may contribute to the background concentration of ozone and cumulatively cause health effects. The Revised Project could result in a significant cumulative contribution of NO_x to the basin. This project-level impact was determined to be significant, and it also represents a cumulatively considerable air quality impact for both the Original and the Revised Project.

2. Mitigation.

AQ-1a: All diesel-powered construction equipment in use in excess of 50 horsepower shall meet the Tier 4 emission standards. Diesel haul trucks shall meet EPA 2010 emission requirements. If the developer can demonstrate to the County that 2010 vehicles are not readily available within a 50-mile radius of the project, trucks meeting the EPA 2007 model year NO_x emission requirements may be used at the discretion of the County.

AQ-1b: Construction equipment will be properly maintained at an off-site location; maintenance shall include proper tuning and timing of engines. Equipment maintenance records and equipment design specification data sheets shall be kept on-site during construction.

AQ-1c: As a matter of law, all construction equipment, whether or not it is used for this Project, is required to meet State of California emissions requirements, which are administered by the California Air Resources Board. Specifically, all off-road diesel-fueled vehicles will comply with Sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, California Code of Regulations. The developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or to limit equipment idling to less than 5 minutes.

- 1 AQ-1d Prior to Project construction, the Project proponent will provide a
2 traffic control plan that will require:
- 3 • Construction parking to be configured such that traffic
4 interference is minimized;
 - 5 • Dedicated turn lanes for movement of construction trucks
6 and equipment on and off site;
 - 7 • Schedule construction activities that affect traffic flow on the
8 arterial system to off-peak hours to the extent practicable;
 - 9 • Reroute construction trucks away from congested streets or
10 sensitive receptor areas; and
 - 11 • Improve traffic flow by temporary signal synchronization if
12 possible.
- 13 AQ-1e: The developer shall use low Volatile Organic Compound-content
14 paints and require painting to be applied using either high volume
15 low-pressure spray equipment or by hand application.
- 16 AQ-1f: Grading activities shall be limited to no more than 5 acres per day of
17 disturbed area.
- 18 AQ-1g: Prior to the issuance of a grading permit, the developer will provide
19 documentation to the County indicating that workers will carpool to
20 the greatest extent practical. Workers will be informed in writing
21 and a letter placed on file at the County documenting the extent of
22 carpooling anticipated.
- 23 AQ-1h: Install wheel washers where vehicles enter and exit the construction
24 site onto paved roads or wash off trucks and any equipment leaving
25 the site each trip.
- 26 AQ-1i: As described in the Leadership in Energy and Environmental Design
27 (LEED) for New Construction, Version 2.2 Rating System, the
28 Project shall comply with LEED Silver requirements and implement

1 the following activities consistent with County requirements.
2 Documentation of compliance with this measure shall be provided to
3 the Riverside County Planning Department and Building Official for
4 review and approval prior to issuance of building permit(s) and
5 approval of the following features shall be confirmed by the County
6 Building Official prior to certificate of occupancy.

- 7 i) SS Credit 7.2 - Use roofing materials having a Solar
8 Reflectivity Index (SRI) equal to or greater than 78 for a
9 minimum of 75 percent of the roof surface.

10 AQ-1j: Documentation of compliance with the following measures shall be
11 provided to the Riverside County Planning Department and Building
12 Official for review and approval prior to issuance of building
13 permit(s) and approval of features shall be confirmed by the County
14 Building Official prior to certificate of occupancy.

- 15 i) The Project shall install solar water heating for the office
16 portions of warehouse buildings to the extent practical, as
17 determined by the County.
- 18 ii) The Project shall recycle construction debris to the extent
19 practical, consistent with County requirements/programs.
- 20 iii) The Project shall provide material recycling including, but
21 not limited to, mixed paper and cardboard, consistent with
22 County programs/requirements.
- 23 iv) The Project shall allow natural lighting to the extent practical
24 to help reduce or minimize the use of internal electrical
25 illumination.
- 26 v) The Project shall not provide refrigerated warehouse space
27 or demonstrate that emissions from onsite warehousing will
28

1 not exceed the limits identified in the EIR including any
2 proposed refrigeration.

- 3 vi) Each warehouse building will provide two electric vehicle
4 charging stations in conjunction with the office uses of each
5 building.

6 AQ-1k: As described in the LEED for new construction, Version 2.2 Rating System,
7 the Project shall comply with the following activities and as consistent with
8 County requirements. Documentation of compliance with this measure shall
9 be provided to the Riverside County Planning Department and Building
10 Official for review and approval prior to the issuance of building permit(s)
11 and approval of features shall be confirmed by the County Building Official
12 prior to certificate of occupancy.

13 AQ-1l: Documentation of compliance with the following measures shall be
14 provided to the Riverside County Planning Department and Building
15 Official for review and approval prior to issuance of building permit(s) and
16 approval of features shall be confirmed by the County Building Official
17 prior to certificate of occupancy.

- 18 i) The Project shall install solar water heating for the office
19 buildings to the extent practical, as determined by the
20 County.

- 21 ii) The Project shall recycle construction debris to the extent
22 practical, consistent with County requirements/programs.

- 23 iii) The Project shall provide material recycling including, but
24 not limited to, mixed paper and cardboard, consistent with
25 County programs/requirements.

- 26 iv) The Project shall allow natural lighting to the extent practical
27 to help reduce or minimize the use of internal electrical
28 illumination.

AQ-1m: Project proponent shall designate a person(s) to act as a community liaison concerning issues related to PM10 fugitive dust.

AQ-1n: Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.

Findings.

All feasible mitigation has been adopted. As such, the Project has been modified to avoid or lessen significant impacts; however, impacts related to AQMP consistency, criteria pollutant emissions, violations to air quality standards, and cumulative air quality impacts would remain significant and unavoidable.

B. Greenhouse Gas Emissions

1. Impacts.

Cumulative Impacts.

The Original EIR evaluated the Original Project relative to the goals of both AB 32 and the Governor's Executive Order S-3-5 and determined the project was generally consistent with their guidance. The air quality mitigation proposed in the Original EIR will incrementally reduce greenhouse gas emissions of the Revised Project as well, and the Revised Project's greenhouse gas emissions will be slightly over the 10,000-ton threshold suggested by the SCAQMD.

Using the most current evaluation criteria, the project is considered to have significant cumulative impacts related to greenhouse gas emissions, in addition to the original conclusion that project-level impacts are significant. While this is a technical change in significance conclusions, this is NOT a new impact (i.e., the project would not have substantially different greenhouse gas emissions than those identified in the Original EIR), and no additional mitigation is proposed or required. However, this is a different conclusion than was reached for the Original Project in the Original EIR.

1 2. Mitigation.

2 No feasible mitigation available.

3 3. Findings.

4 No feasible mitigation is available. As such, the Project impacts from cumulative
5 greenhouse gas emissions would remain significant and unavoidable.

6 **BE IT FURTHER RESOLVED** by the Board of Supervisors that State CEQA Guidelines
7 section 15126(g) requires an EIR to discuss how a proposed project could directly or indirectly lead to
8 economic, population, or housing growth. A project may be growth inducing if it removes obstacles to
9 growth, taxes community services facilities or encourages other activities which cause environmental
10 effects. The Project's potential to directly or indirectly lead to economic, population, or housing growth is
11 discussed on Revised Focused DEIR page 6-1 and is summarized herein:

12 A. The Original EIR determined that the project in a worst case scenario would potentially
13 directly induce growth by incrementally increasing the population in the unincorporated
14 area of the County of Riverside due to the project creating 1,300 jobs. However, under the
15 Revised Project, it is expected that this number in actuality will be substantially lower due
16 to the assumption that many of the employees will already reside in Riverside County. By
17 comparison, it is estimated the proposed Revised Project would generate a need for
18 approximately 534 employees, mainly warehouse workers, rather than a mix of retail,
19 office, and warehouse workers that would have been generated by the Original Project.
20 With the removal of office and retail uses and an increase only in employment for
21 industrial uses under the Revised Project, any potential for growth-inducing impacts is
22 minimal.

23 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the EIR also discusses,
24 pursuant to State CEQA Guidelines sections 15126(c) and 15126.2(c), significant irreversible
25 environmental changes and provides in Revised Focused DEIR page 6-2 the following: Both the Original
26 and Revised Projects would not significantly consume agricultural resources due to the small size of land
27 identified as farmland of local importance and the proposed uses of the project site will be consistent with
28 the identified light industrial use of the site. Although the site will consume non-renewable resources

1 during construction and operation, construction impacts to nonrenewable resources would be short-term
2 and would be essentially the same for either the Original or Revised Project. The operation of the project
3 would also be required to comply with mandatory requirements of Title 24 concerning energy efficient
4 building design and to utilize energy conservation measures during operations of the facilities within the
5 Revised Project.

6 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it has considered the following
7 alternatives identified in Revised Focused EIR in light of the environmental impacts which cannot be
8 avoided or substantially lessened and has rejected those alternatives as failing to meet most of the
9 project's objectives, as failing to reduce or avoid the project's significant impacts or as infeasible for the
10 reasons hereinafter stated:

11 A. Pursuant to Public Resources Code Section 21002 and the State CEQA Guidelines section
12 15126.6(a), an EIR must assess a reasonable range of alternatives to the project action or
13 location. Section 15126.6(a) places emphasis on focusing on the discussion on alternatives
14 which provide opportunities for eliminating any significant adverse environmental
15 impacts, or reducing them to a level of insignificance, even if these alternatives would
16 impede to some degree the attainment of the project objectives, or would be more costly.
17 In this regard, the EIR must identify an environmentally superior alternative among other
18 alternatives. As with cumulative impacts, the discussion of alternatives is governed by the
19 "rule of reason." The EIR need not consider an alternative whose effect cannot be
20 reasonably ascertained, or does not contribute to an informed decision-making and public
21 participation process. The range of alternatives is defined by those alternatives, which
22 could feasibly attain the objectives of the project. As directed in State CEQA Guidelines
23 section 15126.6(c), an EIR shall include alternatives to the project that could feasibly
24 accomplish most of the basic objectives of the project.

25 B. The Project incorporates the following objectives:

- 26 1. Develop a vacant and underutilized lot in a unique and innovative way in order to
27 spur development and employment opportunity in the area.
28

2. Provide a light-scale industrial Project in the western portion of the County that would provide opportunities for a range of employment with transportation of goods and services.
3. Create a cohesive identity for the Project site, and provide a consistent Project theme, development standards and design guidelines that allow design flexibility to respond to market needs under the County's General Plan zone designation of Light Industrial (LI).
4. Provide a reasonable transition of land use from existing residential development on the west to planned industrial and business park uses on the east.
5. Be consistent with and implement the policies and goals of the County's General Plan, Development Code and development guidelines and policies.
6. Design and landscape the project to create an aesthetically pleasing industrial center.

As directed in State CEQA Guidelines section 15126.6(c), an EIR shall include alternatives to the project that could avoid or substantially reduce one or more of the significant effects. Because not all significant effects can be substantially reduced to a less-than-significant level either by adoption of mitigation measures, Project Design Features, existing regulations or by the standard conditions of approval, the following section considers the feasibility of the Project alternatives as compared to the proposed Project. As explained below, these findings describe and reject, for reasons documented in the Final EIR and summarized below, each one of the Project alternatives.

A. No Project – No Build Alternative:

1. The No Build Scenario assumes that the proposed Project would not occur, and the Project site would remain in its vacant condition. This alternative would eliminate all four significant air quality impacts and the cumulative traffic impacts relative to construction and operation of the proposed Project. However, this alternative does not achieve any of the objectives of the proposed Project.

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1 B. Reduced Density Alternative:

- 2 1. To reduce air quality impacts, this alternative would eliminate approximately
- 3 360,000 square feet of warehouse, distribution, office, and retail building space,
- 4 resulting in a total development of approximately 359,000 square feet of uses
- 5 similar in proportion and distribution. This alternative would eliminate
- 6 approximately half the buildings under the current proposed Project. The road
- 7 system would be similar to that of the proposed Project; however, there would be
- 8 additional open space between the buildings. It is not known what specific changes
- 9 this Project design would have on utility systems, but it is assumed the entire site
- 10 would still be developed for buildings or parking.
- 11 2. The reduced density alternative is likely to have reduced impacts related to long-
- 12 term uses of the Project site since it would allow the development of fewer
- 13 warehouse, distribution, office, and retail square-footage compared to the Proposed
- 14 Project (359,000 sq. ft vs 720,000 sq. ft or 50 percent less). Development of
- 15 warehouse, distribution, office, and retail uses under this alternative is similar in
- 16 nature to the proposed Project. This alternative would reduce air quality impacts
- 17 from grading and construction to less than significant levels, whereas the proposed
- 18 Project has significant and unavoidable impacts on air quality. Although the
- 19 proposed alternative will meet air quality thresholds, it does not meet the objectives
- 20 to the same degree as the proposed Project. This alternative may not contain
- 21 sufficient building space to fund needed infrastructure improvements.

22 C. Commercial Office Use Alternative:

- 23 1. To reduce air quality impacts, this alternative would have mainly commercial uses
- 24 (i.e., general office and office park) on the Project site. The proposed alternative
- 25 would include 100,000 square feet of general office space and 200,000 square feet
- 26 of office park, totaling approximately 300,000 square feet. The road system would
- 27 be similar to that of the proposed Project; however, it is not known what specific
- 28 impacts this Project design would have on utility systems.

2. Although commercial use impacts are similar to that of the proposed Project, the commercial office use alternative would have fewer impacts related to long-term uses of the Project site since it would allow the development of less square footage (300,000 sq. ft. vs 720,000 sq. ft). This alternative would reduce air quality impacts from grading and construction to less than significant levels, whereas the proposed Project has significant and unavoidable impacts on air quality. Although the proposed alternative will meet air quality thresholds, it does not meet the objectives to the same degree as the proposed Project. This alternative may not contain sufficient building space to find needed infrastructure improvements.

D. Revised Project Alternative:

1. The Revised Project is in a sense an alternative to the Original Project, but it has received a much more robust analysis of potential environmental impacts as a Revised Project in this Revised Focused DEIR. The Revised Focused DEIR actually had reduced impacts and less significant impacts compared to the Original Project, and did not identify any new or substantially different significant environmental impacts of the Revised Project compared to the Original Project. Therefore, there is no need for the Revised Focused EIR to examine any additional or modified alternatives.

BE IT FURTHER RESOLVED by the Board of Supervisors that the Project will implement applicable elements of the Riverside County General Plan as follows:

A. Land Use Element

The Revised Project does not include any General Plan or Zone Changes. The site is designated as Light Industrial (LI) under the foundation component of Community Development in the General Plan. This designation allows for a variety of uses including industrial, manufacturing, service, and commercial. The Revised Project is consistent with the existing General Plan (Light Industrial or LI) and zoning classifications of the site (Industrial Park or IP). Therefore, the project is consistent with the land use element of the County's General Plan.

1 B. Circulation Element

2 The Project will construct or contribute fees toward improvements of roadways and certain
3 intersections. As described above, the Project will implement mitigation measures that
4 address Project-specific and cumulative transportation and traffic impacts, and based
5 thereon, the Board of Supervisors finds that the Project is consistent with the General Plan.
6 In addition, the Revised Project would provide for a variety of transportation options. The
7 Project would provide streets, bike lanes and pedestrian trails that connect to an existing
8 street and trail network west of the Project site.

9 Analysis of applicable policies of the Circulation Element is presented in DEIR Table
10 IV.K-3 and concludes that the Project would not conflict with any applicable policies of
11 the General Plan. The proposed Project is consistent with the General Plan Circulation
12 Element, and is therefore consistent with the General Plan.

13 C. Multipurpose Open Space Element

14 The Multipurpose Open Space Element of the General Plan describes an open space
15 system which includes methods for the acquisition, maintenance, and operation of a variety
16 of open spaces. The County's open spaces are utilized for visual relief, natural resources
17 protection, habitat protection, recreational uses, and protection from natural hazards for
18 public health and safety. The northeastern portion of the Project site is proposed for open
19 space/conservation. This area contains habitat targeted by the MSHCP for preservation and
20 contributes to a regional wildlife linkage for various animal species. At least 127.2 acres
21 (37 percent of total site) are planned as Open Space-Conservation; of that acreage, 106.6
22 acres would be preserved in perpetuity as Open Space-Conservation Habitat. In addition,
23 an existing riparian corridor on the northwestern portion of the site would be preserved as
24 Open Space- Conservation Habitat.

25 With respect to cultural resources, Revised Focused Draft EIR pages IV.F-35 through
26 IV.F-40, include a description of the significance of the cultural sites. Pages IV.F-40
27 through IV.F-43 include a description of how impacts will be mitigated, as determined by
28 the significance of the cultural sites. In short, the Project as currently proposed, has no

1 potential to directly or indirectly affect the significance of the San Diego Aqueduct (CA-
2 RIV-8195H; 33-015734) and thus, no impact would occur. Consistent with the
3 recommendation in this comment, the area labeled "Avoided Cultural Resource" on the
4 land use map (on file with the County) must be avoided during the Project's construction
5 phase, as required by Mitigation Measure F-4. Furthermore, the proposed Project would
6 provide adequate on-site facilities to meet the local parkland and open space requirements
7 of Riverside County Ordinance 460, Section 10.35, and State Quimby Act requirements.

8 Analysis of applicable policies of the Multipurpose Open Space Element is presented in
9 Revised Focused DEIR Table IV.K-3 and concludes that the Project would not conflict
10 with any applicable policies of the General Plan.

11 The proposed Project is consistent with the General Plan's Multipurpose Open Space
12 Element, and is therefore consistent with the General Plan.

13 D. Safety Element

14 The Project complies with all applicable building codes, County Ordinances, and State and
15 federal laws. The Project complies with all applicable provisions of the Alquist-Priolo
16 Earthquake Fault Zoning Act, and as concluded by the Project geotechnical study, the
17 Project site is not subject to significant hazards associated with earthquake induced
18 liquefaction, landsliding, or settlement (assuming the implementation of mitigation). In
19 addition, the proposed Project would not be subject to flood or dam inundation. The
20 Project also would comply with all applicable standards for fire safety and be consistent
21 with the Riverside County Fire Protection Master Plan. Furthermore, Project impacts
22 associated with hazardous waste and materials on the Project site would be mitigated
23 below a level of significance, and the proposed Project would not conflict with any disaster
24 preparedness plans nor subject individuals to significant risk of loss, injury, or death
25 involving wildland fires, erosion, seismic activity, blowsand, or flooding.

26 Analysis of applicable policies of the Safety Element is presented in Revised Focused
27 DEIR Table IV.K-3 and concludes that the Project would not conflict with any applicable
28 policies of the General Plan.

1 The proposed Project is consistent with the General Plan Safety Element, and is therefore
2 consistent with the General Plan.

3 E. Noise Element

4 The Project's residential uses are not a noise-producing land use (other than associated
5 traffic). The Project provides buffering along the project boundaries to protect future
6 residents from other sources of noise through the use of open space, existing watercourses,
7 and recreational lands as community separators.

8 Construction activity would result in temporary increases in ambient noise levels in the
9 Project area on an intermittent basis. However, these noise levels would be mitigated
10 through compliance with County regulations governing construction noise. Mitigation
11 should reduce construction noise levels at nearby sensitive receptors to less than-
12 significance levels. Noise impact from stationary sources is considered significant but
13 mitigatable. Mobile noise levels at six offsite locations would increase ambient noise levels
14 to a "clearly unacceptable level." Vehicular noise would be mitigated to the extent feasible.
15 Analysis of applicable policies of the Noise Element is presented in Revised Focused
16 DEIR Table IV.K-3 and concludes that the Project would not conflict with applicable
17 policies of the General Plan.

18 The proposed Project is consistent with the General Plan Noise Element, and is therefore
19 consistent with the General Plan.

20 F. Air Quality Element

21 Not unlike other development projects in Riverside County, and as disclosed in the EIR
22 No. 441 for the General Plan, direct and cumulative impacts to air quality, despite all
23 feasible mitigation, would remain significant and unavoidable.

24 Further, the Project is required to implement mitigation measures intended to reduce direct
25 and cumulative air quality impacts to the greatest feasible extent.

26 Although the Project would have significant direct air quality impacts and its contribution
27 to air quality impacts would be cumulatively considerable, mitigation measures presented
28

1 would reduce those impacts to the greatest extent possible, in accordance with SCAQMD,
2 EPA, and CARB requirements.

3 Analysis of applicable policies of the Air Quality Element is presented in Revised Focused
4 DEIR Table IV.K-3 and concludes that the Project would not conflict with applicable
5 policies of the General Plan.

6 The proposed Project is consistent with the General Plan Air Quality Element, and is
7 therefore consistent with the General Plan Housing Element. The purpose of the General
8 Plan Housing Element is to meet the needs of existing and future residents in Riverside
9 County through the establishment of policies to guide County decision-making and to
10 establish an action plan to meet the County's housing goals in the next seven years.

11 G. Housing Element

12 The Project would further the goals of the General Plan Housing Element by reducing the
13 use of energy and water in residences and providing higher density residential units that
14 would contribute to meeting the County's housing needs. Although the land uses proposed
15 by the Project would require GPAs, there are no characteristics of the Project that would
16 inhibit the County's ability to achieve the goals set forth by the General Plan Housing
17 Element. Accordingly, the proposed Project would be consistent with the General Plan
18 Housing Element and General Plan.

19 H. Administration Element

20 The Administration Element contains information regarding the structure of the General
21 Plan as well as general planning principles and a statement regarding the vision for
22 Riverside County.

23 The General Plan Amendment proposed by the Project would be consistent with the
24 Administration Element policies governing Foundation Amendments, Technical
25 Amendments and Entitlement/Policy Amendments, as set forth in Resolution No. 2014-
26 228 incorporated herein by reference.

27 ///

28 ///

1 I. Healthy Communities Element (March 23, 2011)

2 Most of the policies and goals of this element are related to residential or mixed use
3 communities or neighborhoods. The Revised Project is an industrial warehouse project and
4 very few of the goals or policies of this element apply to industrial projects. The only
5 related goal requires providing sidewalks and access to transit as applicable is HC 2.2. The
6 Revised Project will provide a sidewalk along the south side of Alessandro Boulevard
7 adjacent to the project site, and the Project will allow construction of a bus stop if required
8 by the County as part of the development review process. Therefore, the Revised Project is
9 consistent with the County's Healthy Communities Element.

10 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the Alessandro Commerce
11 Centre project is consistent with the Riverside County General Plan.

12 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the Project is consistent with
13 the MSHCP and would not conflict with the conservation requirements of the MSHCP in that:

- 14 A. A discussion of the Project's consistency with the MSCHP and consistency with local
15 policies or ordinances protecting biological resources is included on Revised Focused
16 DEIR pages IV.E-64 through IV.E-77. Project consistency with the MSHCP conservation
17 goals for each of the Criteria Cells within which the Project site is located is discussed in
18 the Draft EIR.
- 19 B. The Regional Conservation Authority (RCA) completed their Joint Project Review and
20 stated by the RCA, "The project is consistent with both Criteria and Other Plan
21 requirements." (14-02-06-01).
- 22 C. Further, the Project is consistent with provisions of the County Code and objectives of the
23 MSHCP and SKR Mitigation Fees following implementation of mitigation measures.

24 **BE IT FURTHER RESOLVED** by the Board of Supervisors, pursuant to Public Resources Code
25 Section 20181(b) and the State CEQA Guidelines sections 15093 and 15043, that the Project has balanced
26 the "economic, legal, social, technological, and other benefits of the project" against the unavoidable
27 adverse environmental impacts related to regional air quality and consistency with regional operational
28

emissions, consistency with the Air Quality Management Plan, and impacts related to greenhouse gas emissions associated with the Project as identified in the Revised Focused DEIR and FEIR.

BE IT FURTHER RESOLVED by the Board of Supervisors that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project by adopting all feasible mitigation measures with respect thereto, and has determined that these unavoidable adverse environmental impacts may be considered "acceptable" due to the following specific considerations of the Project's benefits outweighing the unavoidable adverse environmental impacts of the Project. Each of the following below-stated benefits of the Project is determined to be, unto itself and independent of the other Project benefits, a basis for overriding all identified unavoidable adverse environmental impacts and warranting approval of the Project:

- A. Increase in property tax revenue to the county in excess of \$500,000 minimum per year;
- B. Increase in property tax base by approximately \$40,000,000;
- C. New employment base of almost 600 full time workers;
- D. Setting aside of 6.69 acres of permanent endangered species habitat;
- E. Contributions to preserve biological resources in the region; and
- F. Regional roadway improvements to improve vehicular transportation efficiency.

BE IT FURTHER RESOLVED that the Board of Supervisors has reviewed and considered the information in the EIR. The EIR reflects the independent judgment of the County. The Board of Supervisors finds that Alessandro Commerce Centre Final EIR is an accurate and objective statement that complies with CEQA and that is incorporated herein by this reference. In response to comments from the public and other public agencies, some revision to the Revised Focused DEIR were incorporated into the Final EIR, as described in Section IV of the Final EIR. Pursuant to CEQA, on the basis of the review and consideration of the Final EIR, the County finds the following:

- A. Factual corrections and minor changes have been set forth as clarifications and modifications to the Revised Focused DEIR;
- B. The factual corrections and minor changes to the Revised Focused DEIR are not substantial changes in the DEIR that would deprive the public of a meaningful opportunity

1 to comment on a substantial adverse environmental effect of the Project, a feasible way to
2 mitigate or avoid such an effect, or a feasible project alternative;

3 C. The factual corrections and minor changes to the Revised Focused DEIR will not result in
4 new significant environmental effects or substantially increase the severity of the
5 previously identified significant effects disclosed in the Revised Focused DEIR;

6 D. The factual corrections and minor changes in the Revised Focused DEIR will not involve
7 mitigation measures or alternatives that are considerably different from those analyzed in
8 the Revised Focused DEIR that would substantially reduce one or more significant effect
9 on the environment; and the factual corrections and minor changes to the Revised Focused
10 DEIR do not render the Revised Focused DEIR so fundamentally inadequate and
11 conclusory in nature that meaningful public review and comment would be precluded.
12 Thus, none of the conditions set forth in CEQA requiring recirculation of a Revised
13 Focused DEIR have been met. Incorporation of the factual corrections and minor changes
14 to the Revised Focused DEIR into the Revised Focused FEIR does not require the Revised
15 Focused FEIR to be circulated for public comment.

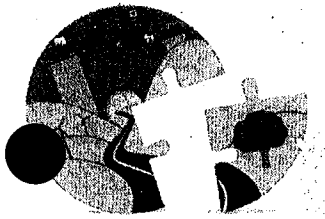
16 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it **CERTIFIES** EIR No. 537,
17 **ADOPTS** the Mitigation Monitoring and Reporting Program attached as Attachment B hereto, and
18 **ADOPTS** the statement of overriding considerations. To the extent that there are inconsistencies between
19 the mitigation measures set forth in EIR No. 537 and those set forth in the Mitigation Monitoring and
20 Reporting Program, the latter shall control.

21 **BE IT FURTHER RESOLVED** by the Board of Supervisors that Plot Plan No. 25422 on file
22 with the Clerk of the Board, including the final exhibits and related cases, is hereby **ADOPTED** for the
23 real property described and shown in Plot Plan No. 25422, and said real property shall be developed
24 substantially in accordance with Plot Plan No. 25422, unless an amendment to the plot plan is approved
25 by the appropriate hearing body.

26 **BE IT FURTHER RESOLVED** by the Board of Supervisors that copies of Revised Focused EIR
27 shall be placed on file in the Office of the Clerk of the Board, Office of the Planning Director and Office
28 of the Building and Safety Director and that no applications for subdivision maps, conditional use permits

1 or other development approvals shall be accepted for real property described and shown in the plan,
2 unless such applications are substantially in accordance therewith.

3 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodians of the
4 documents upon which this decision is based are the Clerk of the Board of Supervisors and the County
5 Planning Department and that such documents are located at 4080 Lemon Street, Riverside, California,
6 92502.



Juan C. Perez
Interim Planning Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

RIVERSIDE COUNTY
CLERK OF THE BOARD
OF SUPERVISORS

APPLICATION FOR APPEAL

PAID
DATE: 3-23-16
AMOUNT: \$983.28
RECD 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

Street
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

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

M* REPRINTED * R1603338

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

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 694-5242

38686 El Cerrito Rd
Indio, CA 92211
(760) 863-8271

Received from: SIMMONS TOM
paid by: CK 002425
paid towards: PP25422
at parcel:
appl type: PP03

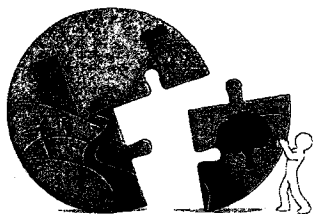
\$983.28

NOT EXEMPT FROM CEQA

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

Account Code	Description	Amount
200063130100230168	CMP TRANS PLAN	\$28.00
100001000100777520	CLERK OF THE BOARD	\$26.00
02033100200772210	LMS SURCHARGE	\$19.28
100003120100777180	PLANNING: APPEALS	\$910.00

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



Steve Weiss AICP
Planning Director

RIVERSIDE COUNTY

PLANNING DEPARTMENT

Memorandum

Date: March 8, 2016

To: Planning Commission

From: Matt Straite, Planning Staff

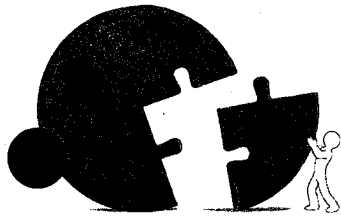
RE: Revised Recommendations and a Resolution to Adopt the EIR for Agenda Item 3.1

- 1) Resolution No. 2016-004 is attached for your review and consideration. All EIR's are adopted at the County by Resolution. At the time the staff report was distributed we did not yet have this resolution completed.
- 2) Because the Resolution is completed, staff is no longer proposing Tentative recommendations as shown in the staff report. We are now proposing final recommendations. The revised recommendations are shown below:

~~**TENTATIVELY CERTIFY** EIR No. 537, based on the findings incorporated in the initial study and the conclusion that the project will have a significant effect on the environment, pending adoption of the EIR resolution; and,~~

ADOPT PLANNING COMMISSION RESOLUTION NO. 2016-004 Certifying Environmental Impact Report No. 531 based on the findings and conclusions set forth in the resolution and EIR No. 531;and,

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



Steve Weiss AICP
Planning Director

RIVERSIDE COUNTY **PLANNING DEPARTMENT**

Memorandum (2)

Date: March 16, 2016

To: Planning Commission

From: Matt Straite, Planning Staff

RE: Additional Information for Agenda Item 3.1

- After the staff report was printed staff received seven emails from Mr. Thomson with concerns regarding the view. Please see the staff report for information regarding the view. All the issues raised were addressed in the staff report and the EIR.
- Please see attached Indemnification Agreement.
- A letter from Blum|Collins LLP dated March 14, 2016 was received after the staff report was printed. The letter and a response letter drafted by the CEQA consultant, LSA dated March 15, are attached for your review. The Blum|Collins letter also included several hundred pages of attachments which were provided to the Planning Commission Secretary and are considered part of the public record. The attachments include:
 - A Natural History Summary and Survey Protocol for the Southwestern Willow Flycatcher
 - Final Report- NCCP/MSCP Raptor Monitoring
 - Least Bell's Vireo
 - Comparison of Regulatory Design Concentrations
 - Natural Gas: Technology You Can Bank On
 - Air Quality and Land Use Handbook: A Community Health Perspective
 - SoCal Environmental Justice Alliance Letter

Straite, Matt

From: Jim Thomson <Thom1961@Verizon.net>
Sent: Tuesday, March 15, 2016 4:46 PM
To: Straite, Matt
Subject: FW: Landscape drawings

Categories: Blue Category

I am in Construction and I am also a draftsman of 42 years so I looked at the site plan and it is totally bogus. See the actual fact as verified from Tom Simmons "The Developers Agent"

Now I am 100% certain about what I am talking about however the board members do not seem to realize the effects of a ½ million square foot 47'-0 building.

I can't tell if my property finish floor is 1602' per the architect or 1620' either case the finish floor of the building is 1591' so either 11' or 29'-0 below but add 47'-0 - 11' = 36'-0 above my property site line or 18'-0 either which way the drawing is totally misrepresenting my perspective! The Majority of my property is -8'-0 below my finish floor so I am looking directly at Empire State Building in my eyes! Similar to sitting in the front row of the movies and looking over the screen top is closer to the actual representation. My neighbors have a dirt hill between them and the project I do not and my land is much lower than theirs!

Respectfully,

James Thomson

www.Riversidesteel.com

(951) 324 - 0105

(951) 697 - 7638 Fax

From: Tom Simmons [mailto:tsimmons@blackridgereg.com]
Sent: Friday, March 11, 2016 3:20 PM
To: Thom1961@Verizon.net
Subject: RE: Landscape drawings

Jim,

I was able to get with DRC Engineering to get more information.

The finish floor for the northern building is proposed at 1591'.

The building maximum height is 47' with a combined elevation proposed at 1638'.

Your property's elevation appears to be 1620' from the topographic survey, which would mean that the upper 18' of the building would be visible from the finish floor of your lot.

A rough measurement of the distance from your eastern property line and the proposed building wall is +/- 350'.

From: Jim Thomson [mailto:Thom1961@Verizon.net]
Sent: Friday, March 11, 2016 2:34 PM
To: Tom Simmons
Subject: RE: Landscape drawings
Importance: High

Tom,

Did you manage to get an answer on the height as per previous submitted question?

Respectfully,

James Thomson

www.Riversidesteel.com

(951) 324 - 0105

(951) 697 - 7638 Fax

From: Tom Simmons [<mailto:tsimmons@blackridgereg.com>]

Sent: Friday, March 11, 2016 10:01 AM

To: Thom1961@Verizon.net

Subject: RE: Landscape drawings

I need to confirm the building height, but I think you are going down the right path based on the information provided from the civil engineer.

From: Jim Thomson [<mailto:Thom1961@Verizon.net>]

Sent: Friday, March 11, 2016 9:43 AM

To: Tom Simmons

Subject: RE: Landscape drawings

Importance: High

Tom thanks for the drawing. Am I to understand that the Finish Floor elevation of the proposed building to be +1591'-0 then add the building height of 48'-0 = 1639'-0 Top of roof? Thus top of building to be 41'-0 lower than our house finish floor elevation of +1680'-0?

Please clarify.

Thanks Tom!

Respectfully,

James Thomson

www.Riversidesteel.com

(951) 324 - 0105

(951) 697 - 7638 Fax

From: Tom Simmons [<mailto:tsimmons@blackridgereg.com>]

Sent: Friday, March 11, 2016 9:25 AM

To: Thom1961@Verizon.net

Subject: FW: Landscape drawings

m,

Please see the attached sketch from the project's civil engineer calling out the elevations of the homes in relation to the finish floor of the proposed warehouse.

Hopefully this gets you some of the information you were looking for.

From: Warren Williams [mailto:warren@drc-eng.com]

Sent: Friday, March 11, 2016 8:30 AM

To: Tom Simmons

Subject: RE: Landscape drawings

Tom,

I can't follow James' concern without a little more information, but I attached a plot with all of the topo that I have to the west. I sketched in the approximate floor levels of the homes assuming they are typical relative to the grades around them. I also labeled the highest floor level of the building. I couldn't recall the building height to add to the FF. Take a look at this and let me know what you think we need to add.

Thanks,

Warren Williams

DRC Engineering

714-685-6860 x302 office

714-936-4806 cell

From: Tom Simmons [mailto:tsimmons@blackridgereg.com]

Sent: Thursday, March 10, 2016 2:44 PM

To: Warren Williams

Subject: FW: Landscape drawings

Importance: High

Warren,

At the ALUC hearing today I met Jim Thomson, one of the neighbors to the Alessandro property.

In his email below, I believe he is looking for information with respect to the proposed elevations of the buildings in relation to his property on the western border of the project.

Does DRC have conceptual civil drawings that would show the various elevations of what the project proposes for the three lots in addition to the current elevation of those residences that I can share with Jim?

If so, please send to me so I can forward to Jim.

Thanks.

Best,

TS

From: Jim Thomson [mailto:Thom1961@Verizon.net]

Sent: Thursday, March 10, 2016 2:12 PM

To: Tom Simmons

Subject: RE: Landscape drawings

Importance: High

Tom,

The drawings are incorrect the orientation of the property line! It is very easy to see looking out my kitchen window. The fence in the middle of my back fence is not perpendicular to my fence or even close. Looking from my kitchen window I will literally be looking at a parking lot and I really don't like that. I don't understand why the building has to be up so high above Alessandro level. I really want to get someone out here to see for themselves and guarantee I don't end up with a shitty view out my back yard.

I want to know the actual elevation drops from my view. I have a laser and a site and transit and I can shoot the elevations myself to verify. The property lines shown on the plans are incorrect visually so it is misrepresented as to what is and is not going to be visible! I have been doing drawings for 40 years and I know when drawings are not correct!

I am going to physically check everything out to see.

Respectfully,

James Thomson

www.Riversidesteel.com

(951) 324 - 0105

(951) 697 - 7638 Fax

From: Tom Simmons [<mailto:tsimmons@blackridgereg.com>]

Sent: Thursday, March 10, 2016 12:33 PM

To: herncane@msn.com; thom1961@verizon.net

Subject: Landscape drawings

Here are those landscape drawings that were too big to send with the architectural plans. Again, please don't hesitate to reach out to me with your questions.

Best regards,

Tom

Straite, Matt

From: Jim Thomson <Thom1961@Verizon.net>
Sent: Tuesday, March 15, 2016 2:57 PM
To: Straite, Matt
Subject: RE: Allesandro Commerce Center

Importance: High

Categories: Blue Category

Another Concern is why is it that they can't remove more dirt and lower the damn building so it is not 20'-0" Above my finish floor level? If it was lower and I could see past it that would work also. Originally they had single level tilt ups figured which would have been 20'-0" tall. We could have seen past them and there was landscaping figured to look nice. Now we will be obstructed from Morning Light, 85% of my view is gone, we will have diesel trucks driving on the border of the corridor for the Krat which is brilliant.

In addition anybody stop to think how a Kangaroo rat is to cross 6 lanes of traffic going 55 mph = 24 tires + 6 lanes = 30. So the Crossing Kangaroo Rats have a 4% chance of crossing safely by chance! Not very conducive to their survival!

I do indeed wish to talk at the meeting and so will my neighbors please let me know the time and place.

Respectfully,

James Thomson

www.Riversidesteel.com

(951) 324 - 0105

(951) 697 - 7638 Fax

From: Straite, Matt [mailto:MSTRAITE@rctlma.org]

Sent: Tuesday, March 15, 2016 1:20 PM

To: 'Thom1961@Verizon.net'

Subject: RE: Allesandro Commerce Center

I will pass this comment on to the Commission. You are welcome to attend the hearing tomorrow and speak at the hearing. We do not normally allow the Commissioners to meet individually with members of the public, that's why we have hearings, so everything can be done in the open, on the record and with full transparency.

Understand, the property is and has been designated for light industrial development. If this application went away, the property would still have a light industrial designation and another application would likely be filled for the property. The proposed project is consistent with the General Plan designation of light industrial and the zoning for the site. This is the kind of use the County has planned for the site. This project is actually far less impacting than a manufacturing use which would also be permitted in this location.

Matt Straite

Riverside County Planning
4080 Lemon Street 12th Floor
Riverside, CA 92501
951-955-8631



From: Jim Thomson [<mailto:Thom1961@Verizon.net>]
Sent: Monday, March 14, 2016 3:18 PM
To: Straite, Matt
Subject: RE: Allesandro Commerce Center
Importance: High

Matt,

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I would have to make my house 3 stories to regain partial view of what I currently enjoy! And that is not realistic.

Please provide me with the contacts at the Planning Commission that we can meet with to resolve some concerns.

Thanks Matt!

Respectfully,

James Thomson

www.Riversidesteel.com

(951) 324 - 0105

(951) 697 - 7638 Fax

From: Straite, Matt [<mailto:MSTRAITE@rctdma.org>]
Sent: Monday, March 14, 2016 2:56 PM
To: 'Thom1961@Verizon.net'
Subject: RE: Allesandro Commerce Center

Yes sir.

Matt Straite



From: Jim Thomson [<mailto:Thom1961@Verizon.net>]

Sent: Monday, March 14, 2016 1:49 PM

To: Straite, Matt

Subject: RE: Allesandro Commerce Center

Importance: High

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James Thomson

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From: Straite, Matt [<mailto:MSTRAITE@rctlma.org>]

Sent: Monday, March 14, 2016 7:25 AM

To: 'Thom1961@Verizon.net'

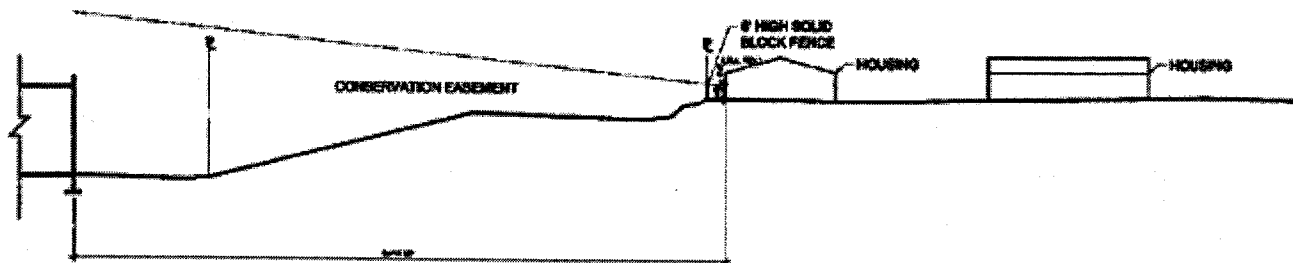
Subject: RE: Allesandro Commerce Center

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Matt Straite
Riverside County Planning
4080 Lemon Street 12th Floor
Riverside, CA 92501
951-955-8631



From: Jim Thomson [<mailto:Thom1961@Verizon.net>]
Sent: Friday, March 11, 2016 9:41 PM
To: Straite, Matt
Subject: Allesandro Commerce Center
Importance: High

Matt,

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Please accept this as my notice to you that I will begin legal action if changes are not made to take our wellbeing into consideration!

Respectfully,

James Thomson

www.Riversidesteel.com

Straite, Matt

From: Jim Thomson <Thom1961@Verizon.net>
Sent: Tuesday, March 15, 2016 2:45 PM
To: Straite, Matt
Subject: RE: Allesandro Commerce Center

Importance: High

Categories: Blue Category

Matt,

I am not opposed to Construction going on there. I am opposed to the face that my house is situated in the way that the property line projects in my yard it is in line with my Garage and every window in my house was focused on that direction when built in 1987. My entire view will be staring at Damn Semi Trucks. If the project was closer to Alessandro I would not oppose anything. I just happen to have the worst possible view if building doesn't move over. If it was all blocked with landscaping it would help. I will see nothing but Semi Trucks in a Parking lot from my house. If I wanted that I would have purchased at a truck stop!

When and Where is the meeting tomorrow?

Respectfully,

James Thomson

www.Riversidesteel.com

(951) 324 – 0105

(951) 697 – 7638 Fax

From: Straite, Matt [mailto:MSTRAITE@rctlma.org]

Sent: Tuesday, March 15, 2016 1:20 PM

To: 'Thom1961@Verizon.net'

Subject: RE: Allesandro Commerce Center

I will pass this comment on to the Commission. You are welcome to attend the hearing tomorrow and speak at the hearing. We do not normally allow the Commissioners to meet individually with members of the public, that's why we have hearings, so everything can be done in the open, on the record and with full transparency.

Understand, the property is and has been designated for light industrial development. If this application went away, the property would still have a light industrial designation and another application would likely be filled for the property. The proposed project is consistent with the General Plan designation of light industrial and the zoning for the site. This is the kind of use the County has planned for the site. This project is actually far less impacting than a manufacturing use which would also be permitted in this location.

Matt Straite

Riverside County Planning
4080 Lemon Street 12th Floor
Riverside, CA 92501



From: Jim Thomson [mailto:Thom1961@Verizon.net]
Sent: Monday, March 14, 2016 3:18 PM
To: Straite, Matt
Subject: RE: Allesandro Commerce Center
Importance: High

Matt,

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I would have to make my house 3 stories to regain partial view of what I currently enjoy! And that is not realistic.

Please provide me with the contacts at the Planning Commission that we can meet with to resolve some concerns.

Thanks Matt!

Respectfully,

James Thomson

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Sent: Monday, March 14, 2016 2:56 PM
To: 'Thom1961@Verizon.net'
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Yes sir.

Matt Straite
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4080 Lemon Street 12th Floor
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951-955-8631



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Subject: RE: Allesandro Commerce Center
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They can lower the building, move it closer to Alessandro Landscape the barrier between us etc. I bought my house in 1999 knowing that there was a Kangaroo rat preserve and that for 30 years no changes were going to be made and since widening the freeway this land was designated for the Dipadomy Stephens Kangaroo Rat and now I lose all my natural view, Nature and I have semi trucks to replace it! My value of my house will lose \$200,000. The sketch below is a gross misrepresentation of actual conditions!

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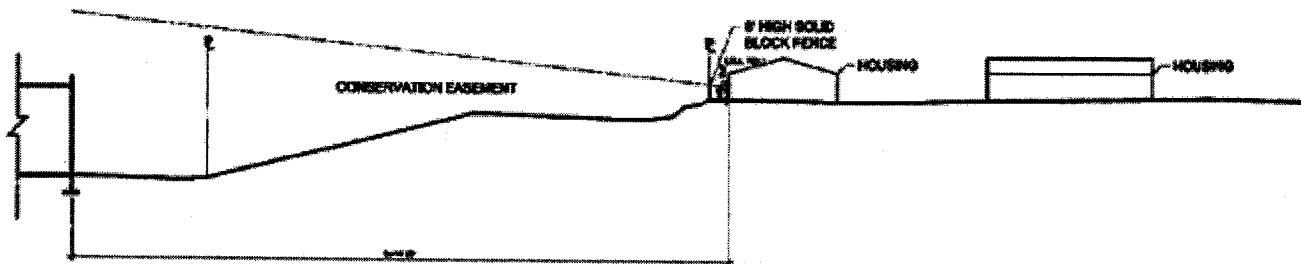
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Neighbors

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

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Importance: High

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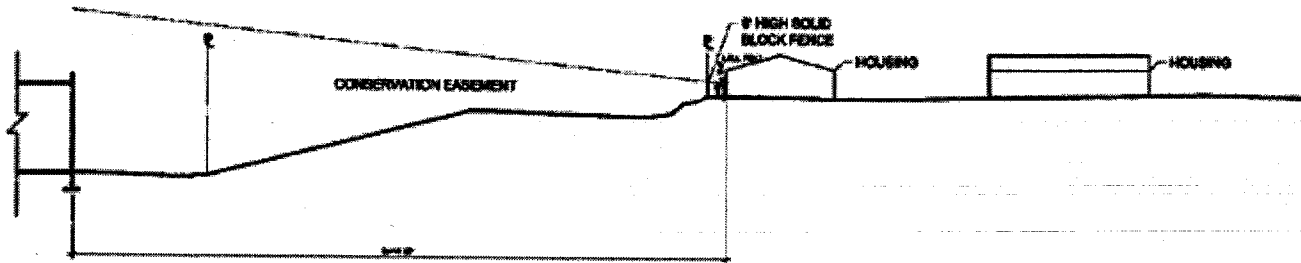
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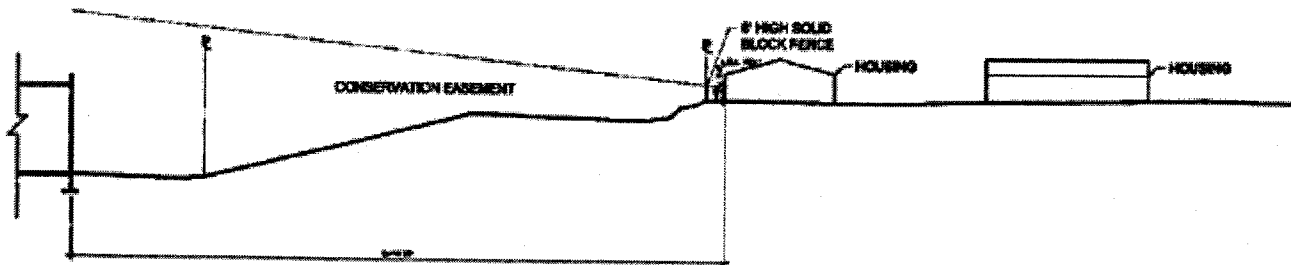
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Subject: Allesandro Commerce Center

Importance: High

Categories: Blue Category

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Straite, Matt

From: Jim Thomson <Thom1961@Verizon.net>
Sent: Friday, March 11, 2016 9:37 AM
To: Straite, Matt
Subject: Re: Building off of Alessandro in the K rat preserve

Importance: High

Categories: Blue Category

Matt,

I am very upset that it has been determined that building is allowed on the Kangaroo Rat preserve. I bought my house in 1999 with the understanding that no building was going to take place behind my house. My entire decision for moving here was based on our beautiful view of Moreno Valley lights at night and the Mountains visible all day long. It is soon to be a thing of the past. I will no longer be able to enjoy the view I so love. I will be staring at a damn parking lot for semi trucks. I am 100% against this and I feel the need to make a change immediately to accommodate both our needs.

They can lower the height of the pad to which they intent to bid and move the building closer to Alessandro!

Please advise me as to my options other than moving!

Respectfully,

James Thomson

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INDEMNIFICATION AGREEMENT

This INDEMNIFICATION AGREEMENT ("Agreement"), made by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("COUNTY"), and Amstar/Kaliber, LLC, a Delaware Limited Liability Company registered in the State of California ("PROPERTY OWNER"), relating to the PROPERTY OWNER'S indemnification of the COUNTY under the terms set forth herein:

WITNESSETH:

WHEREAS, the PROPERTY OWNER has a legal interest in the certain real property described as APN 297-080-007, 297-080-008, 297-080-009 and 297-080-010 ("PROPERTY"); and,

WHEREAS, on August 22, 2013, PROPERTY OWNER filed an application for Plot Plan No. 25422 ("PROJECT"); and,

WHEREAS, judicial challenges of projects requiring discretionary approvals, including, but not limited to, California Environmental Quality Act determinations, are costly and time consuming. Additionally, project opponents often seek an award of attorneys' fees in such challenges; and,

WHEREAS, since property owners are the primary beneficiaries of such approvals, it is appropriate that such owners bear the expense of defending against any such judicial challenge, and bear the responsibility of any costs, attorneys' fees and damages which may be awarded to a successful challenger; and,

WHEREAS, in the event a judicial challenge is commenced against the PROJECT, the COUNTY has requested and the PROPERTY OWNER has agreed to defend, indemnify and hold harmless the COUNTY, its agents, officers, or employees from any claim, action or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void or annul any approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PROJECT or its associated environmental documentation ("LITIGATION"); and,

WHEREAS, this Agreement is entered into by the COUNTY and PROPERTY OWNER to establish specific terms concerning PROPERTY OWNER'S indemnification obligation for the PROJECT.

NOW, THEREFORE, it is mutually agreed between COUNTY and PROPERTY OWNER as follows:

1. ***Indemnification.*** PROPERTY OWNER, at its own expense, shall defend, indemnify and hold harmless the COUNTY, its agents, officers, and employees from and against any claim, action or proceeding brought against the

COUNTY, its agents, officers, and employees to attack, set aside, void or annul any approval of the PROJECT including any associated costs, damages, and expenses including, but not limited to, costs associated with Public Records Act requests submitted to the COUNTY related to the PROJECT and an award of attorneys' fees and costs incurred or arising out of the above-referenced claim, action or proceeding brought against the COUNTY ("Indemnification Obligation.")

2. ***Defense Cooperation.*** PROPERTY OWNER and the COUNTY shall reasonably cooperate in all aspects of the LITIGATION. Nothing contained in this Agreement, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, appeal or to decline to settle or to terminate or forego defense or appeal of the LITIGATION. It is also understood and agreed that all litigation pleadings are subject to review, revision and approval by COUNTY's Office of County Counsel.

3. ***Representation and Payment for Legal Services Rendered.*** COUNTY shall have the absolute right to approve any and all counsel retained to defend COUNTY in the LITIGATION. PROPERTY OWNER shall pay the attorneys' fees and costs of the legal firm retained by PROPERTY OWNER to represent the COUNTY in the LITIGATION. Failure by PROPERTY OWNER to pay such attorneys' fees and costs may be treated as an abandonment of the PROJECT and as a default of PROPERTY OWNER's obligations under this Agreement.

4. ***Payment for COUNTY's LITIGATION Costs.*** Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. LITIGATION costs include any associated costs, fees, damages, and expenses as further described in Section 1. herein as Indemnification Obligation. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the PROJECT, PROPERTY OWNER shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). PROPERTY OWNER shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. Within ten (10) days of written notice from COUNTY, PROPERTY OWNER shall make such additional deposits. Collectively, the initial deposit and additional deposits shall be referred to herein as the "Deposit."

5. ***Return of Deposit.*** COUNTY shall return to PROPERTY OWNER any funds remaining on deposit after ninety (90) days have passed since final adjudication of the LITIGATION.

6. ***Notices.*** For all purposes herein, notices shall be effective when personally delivered, delivered by commercial overnight delivery service, or sent by

certified or registered mail, return receipt requested, to the appropriate address set forth below:

COUNTY:
Office of County Counsel
Attn: Melissa Cushman
3960 Orange Street, Suite 500
Riverside, CA 92501

PROPERTY OWNER:
Amstar/Kaliber, LLC
Attn: Karyn Reed
305 N. Harbor Blvd., Ste. 215
Fullerton, CA 92832

With a copy to:
Tom Simmons
4590 Macarthur Blvd., Ste. 240
Newport Beach, CA 92660

7. ***Default and Termination.*** This Agreement is not subject to termination, except by mutual agreement or as otherwise provided herein. In the event of a default of PROPERTY OWNER's obligations under this Agreement, COUNTY shall provide written notification to PROPERTY OWNER of such alleged default and PROPERTY OWNER shall have ten (10) days after receipt of written notification to cure any such alleged default. If PROPERTY OWNER fails to cure such alleged default within the specified time period or otherwise reach agreement with the COUNTY on a resolution of the alleged default, COUNTY may, in its sole discretion, do any of the following or combination thereof:

- a. Deem PROPERTY OWNER's default of PROPERTY OWNER's obligations as abandonment of the PROJECT and as a breach of this Agreement;
- b. Rescind any PROJECT approvals previously granted;
- c. Settle the LITIGATION.

In the event of a default, PROPERTY OWNER shall remain responsible for any costs and attorney's fees awarded by the Court or as a result of settlement and other expenses incurred by the COUNTY related to the LITIGATION or settlement.

8. ***COUNTY Review of the PROJECT.*** Nothing in this Agreement shall be construed to limit, direct, impede or influence the COUNTY's review and consideration of the PROJECT.

9. ***Complete Agreement/Governing Law.*** This Agreement represents the complete understanding between the parties with respect to matters set forth herein. This Agreement shall be construed in accordance with the laws of the State of California.

10. ***Successors and Assigns.*** The obligations specific herein shall be made, and are binding on the successors in interest of the PROPERTY OWNER, whether the succession is by agreement, by operation of law or by any other means.

11. ***Amendment and Waiver.*** No modification, waiver, amendment or discharge of this Agreement shall be valid unless the same is in writing and signed by all parties.

12. ***Severability.*** If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

13. ***Survival of Indemnification.*** The parties agree that this Agreement shall constitute a separate agreement from any PROJECT approval, and if the PROJECT, in part or in whole, is invalidated, rendered null or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Agreement, which shall survive such invalidation, nullification or setting aside.

14. ***Interpretation.*** The parties have been advised by their respective attorneys, or if not represented by an attorney, represent that they had an opportunity to be so represented in the review of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be applied in interpreting this Agreement.

15. ***Captions and Headings.*** The captions and section headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit or affect the construction or interpretation of any term or provision hereof.

16. ***Jurisdiction and Venue.*** Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed in the Courts of Riverside County, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court or jurisdiction.

17. ***Counterparts; Facsimile & Electronic Execution.*** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. To facilitate execution of this Agreement, the parties may execute and exchange facsimile or electronic counterparts, and facsimile or electronic counterparts shall serve as originals.

18. ***Joint and Several Liability.*** In the event there is more than one PROPERTY OWNER, the liability of PROPERTY OWNER shall be joint and several, and PROPERTY OWNER each of them shall be jointly and severally liable for performance of all of the obligations of PROPERTY OWNER under this Agreement.

19. **Effective Date.** The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed by their authorized representatives as of the date written.

COUNTY:

COUNTY OF RIVERSIDE,
a political subdivision of the State of California

By: Steven Weiss
Steven Weiss
Riverside County Planning Director

FORM APPROVED COUNTY COUNSEL
BY: Melissa R. Cushman 3/10/16
MELISSA R. CUSHMAN / DATE

Dated: 3-10-16

PROPERTY OWNER:

Amstar/Kaliber, LLC, a Delaware Limited Liability Company

By: Amstar-20, LLC, a Colorado Limited Liability Company
Its Manager

By: G. Douglas Wiley, II
G. Douglas Wiley, II
Manager

Dated: 3/3/16

By: Edward C. Kerzner
Edward C. Kerzner
Manager

Dated: 2/25/16

By: Joseph M. Zuber
Joseph M. Zuber
Manager

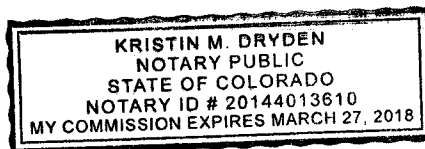
Dated: 3/3/16

State of Colorado
County of Denver

The foregoing document, the Indemnification Agreement, was acknowledged before me this 3rd
day of March, 2016, by G. Douglas Wiley, II, as Manager of Amstar/Kaliber, LLC.

Kristin M. Dryden

My commission expires 3/27/2018

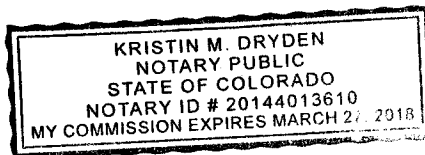


State of Colorado
County of Denver

The foregoing document, the Indemnification Agreement, was acknowledged before me this 25th
day of February, 2016, by Edward J. Kerzner, as Manager of Amstar/Kaliber, LLC.

Kristin M. Dryden

My commission expires 3/27/2018

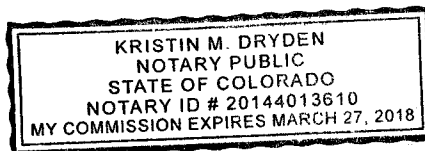


State of Colorado
County of Denver

The foregoing document, the Indemnification Agreement, was acknowledged before me this 3rd
day of March, 2016, by Joseph M. Zuber, as Manager of Amstar/Kaliber, LLC.

Kristin M. Dryden

My commission expires 3/27/2018



BLUM | COLLINS LLP

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

213.572.0400 phone
213.572.0401 fax

March 14, 2016

Planning Commission & Department of Planning
County of Riverside
4080 Lemon Street
Riverside, CA 92502
c/o Matt Straite, mstraite@rctlma.org

Via Email & U.S. Mail

Re: *Further Comments on Alessandro Commerce Centre Proposed Warehouse Facility: Responses to FEIR*

Dear Mr. Straite, the Planning Commission & the Department of Planning:

Prior to the Planning Commission's hearing on this matter we wanted to respond to some of the responses to comments in the FEIR for the revised Alessandro Commerce Centre project.

Biological Resources. We agree with CDFW that surveys for nesting birds should occur year-round. At a minimum, they should occur from January 1 (for nesting raptors), through September 15 (for the least Bell's vireo and the southwestern willow flycatcher). See Attachments A1, A2, and A3.

Air Quality. Neither the RFDEIR nor the RFFEIR included the assumptions relied upon for construction or operation air quality analysis. These assumptions should have been in the RFDEIR, not the Appendices. Additionally, you've argued that the HRA analysis based on SCREEN3 was adequate. SCREEN3 is based on the older ISC3 model, which we believe is also referred to as ISCST3. You have stated that you believe SCREEN3 represents a "conservative" analysis. We do not believe that is the case according to Attachment B submitted herewith (*see* Appendix A thereto). You further responded to SCAQMD that there are no commercially available low or zero-emission trucks. Please see Attachment C which is a reprint from www.freightlinertrucks.com/Trucks/Alternative-Power-Trucks/Natural-Gas/. Regarding SCAQMD's comment that you should create a minimum buffer of 1,000 feet between truck traffic and sensitive receptors, please see Attachment D, the CARB Air Quality and Land Use Handbook.

Cumulative Impacts. The RFDEIR did not, to our knowledge, disclose whether you were relying on a list of projects or a summary of projections method for analysis, contrary to

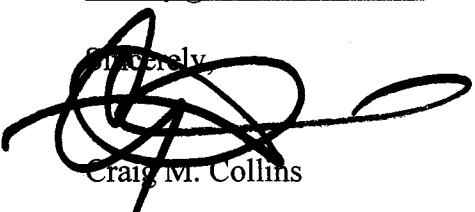
Planning Commission & Department of Planning, Riverside County
c/o Matt Straite
March 14, 2016
Page 2

the CEQA Guidelines. We believe there could be significant air quality impacts for pollutants beyond merely NO_x. Air Quality impacts from other projects could be significant given the light industrial designation of the adjacent March Joint Powers Authority properties as well as other regional warehouse facilities planned and approved for the area.

You also omitted our comment letter from the RFFEIR. We can see that you got it based on the response to comments but to make sure it is in the record an additional copy is provided as Attachment E.

We look forward to your response. You can contact us at collins@blumcollins.com and bentley@blumcollins.com. Thank you.

Sincerely,



Craig M. Collins

Attachments: A1-3 through E

Date: March 15, 2016
To: Matt Straite, RCTLMA
From: Kent Norton, LSA
Subject: Alessandro Commerce Centre Final EIR – Responses to SCEJA Comments

On March 14, the Southern California Environmental Justice Alliance (SCEJA) transmitted a comment letter and attached materials on the Final EIR for the Alessandro Commerce Centre project (see attached). The following are responses to those SCEJA comments.

Comment 1: Biological Resources. *We agree with CDFW that surveys for nesting birds should occur year-round. At a minimum, they should occur from January 1 (for nesting raptors), through September 15 (for the least Bell's vireo and the southwestern willow flycatcher). See Attachments A1, A2, and A3.*

Response 1: Regarding nesting birds, the County acknowledges that nesting periods may vary depending on the type or species of bird involved. However, this runs counter to the County's currently established development review procedures and CEQA mitigation requirements. The County believes this new precedent (i.e., conducting nesting bird surveys on a year-round basis) would place unreasonable burdens and uncertainty on property owners and/or developers. The County knows of no scientific data or studies, or other regulatory or legislative direction, requiring or identifying the need for year-round nesting bird surveys. Until such documentation is published or otherwise available, the County will continue to require nesting bird surveys from February 15 to August 30 per currently established County procedures. It should be noted the California Department of Fish and Wildlife (CDFW) made a similar comment in their DEIR comment letter dated September 29, 2015 to which the County responded in a similar manner. It should also be noted that Mitigation Measures BR-1a and BR-1b were modified consistent with the CDFW's recommendations regarding burrowing owls and nesting birds.

The EIR did evaluate potential impacts to least Bell's vireo and southwestern willow flycatcher and found neither species was present onsite and there was no suitable habitat for either found. However, nesting bird surveys will be conducted at appropriate times of the year prior to grading, as outlined in BR-1b. If either species is in fact present on the site, the nesting survey will indicate such and work will be halted per Mitigation Measure BR-1b until nesting is completed.

Comment 2: Air Quality. *Neither the RFDEIR nor the RFFEIR included the assumptions relied upon for construction or operation air quality analysis. These assumptions should have been in the RFDEIR, not the Appendices. Additionally, you've argued that the HRA analysis based on SCREEN3 was adequate. SCREEN3 is based on the older ISC3 model, which we believe is also referred to as ISCST3. You have stated that you believe SCREEN3 represents a "conservative" analysis. We do not believe that is the case according to Attachment B submitted herewith (see Appendix A thereto). You further responded to SCAQMD that there are no commercially available low or zero-emission trucks. Please see Attachment C which is a reprint from www.freightlinertrucks.com/Trucks/Alternative-Power-Trucks/Natural-Gas/. Regarding SCAQMD's comment that you should create a minimum buffer of 1,000 feet between truck traffic and sensitive receptors, please see Attachment D, the CARB Air Quality and Land Use Handbook.*

Response 2: 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.

Feasibility related to the availability of low or zero-emission trucks is not a "cut and dried" issue. 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 the CARB Air Quality and Land Use Handbook, this reference contains many recommendations but are not legal land use or environmental regulatory requirements (i.e., it is advisory only). The recommendations are only there for early screening of projects or those that do not have a detailed environmental analysis. In this case, the EIR for the proposed project does include a detailed environmental analysis that demonstrates there are no significant health risks to local residents from project emissions, so CARB's general guidelines are not applicable.

Comment 3: *Cumulative Impacts. The RFDEIR did not, to our knowledge, disclose whether you were relying on a list of projects or a summary of projections method for analysis, contrary to the CEQA Guidelines. We believe there could be significant air quality impacts for pollutants beyond merely NO_x. Air Quality impacts from other projects could be significant given the light industrial designation of the adjacent March Joint Powers Authority properties as well as other regional warehouse facilities planned and approved for the area.*

Response 3: 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.

Comment 4: *You also omitted our comment letter from the RFFEIR. We can see that you got it based on the response to comments but to make sure it is in the record an additional copy is provided as Attachment E.*


Response 4: Yes, your comment letter dated October 5, 2015 was inadvertently omitted from the Final EIR document, but responses to all of the comments in the letter were provided in the Final EIR (see Letter J).

Summary: The comments made and the issues raised by the SCEJA have already been addressed in the Draft and Final EIR documents for this project, and do not result in the need for recirculation or the addition of mitigation. Therefore, no changes are proposed to the EIR at this time.

Attachments: SCEJA Letter dated March 14, 2016
SCEJA Attachments A-1 through A-3 and B through E
SCEJA Letter dated October 5, 2015

Agenda Item No.: **3.1**
Area Plan: Lake Mathews/ Woodcrest
Zoning District: March
Supervisory District: First
Project Planner: Matt Straite
Planning Commission: March 16, 2016
Continued from: February 17, 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 STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

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 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 screening landscaping designed to prevent any view of the truck docks from the street by pedestrians or cars. The smaller structure is located along 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 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. Both structures proposed feature enhanced architectural features on all sides of the structures including spandrel glass and columns to break up the façade and provide light play on the