

All other transmitted entities, please have your comments, questions and recommendations to the Planning Department on or before the above date. Your comments/recommendations/conditions are requested so that they may be incorporated in the staff report for this particular case.

Should you have any questions regarding this project, please do not hesitate to contact **Matt Straite**, Contract Planner, at **(951) 955-8631** or email at [mstraite@rctlma.org](mailto:mstraite@rctlma.org) / **MAILSTOP# 1070**.

COMMENTS:

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

PLEASE PRINT NAME AND TITLE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

*If you do not include this transmittal in your response, please include a reference to the case number and project planner's name. Thank you.*

**LAND DEVELOPMENT COMMITTEE**  
**3<sup>rd</sup> CASE TRANSMITTAL**  
**RIVERSIDE COUNTY PLANNING DEPARTMENT - RIVERSIDE**  
**P.O. Box 1409**  
**Riverside, CA 92502-1409**

DATE: April 17, 2015

**TO**

Riv. Co. Transportation Dept.  
Riv. Co. Fire Dept.

Riv. Co. Building & Safety – Grading  
Riv. Co. Environmental Programs Dept.

P.D. Landscaping Section-Mark Hughes

**PLOT PLAN NO. 25422 AMENDED NO. 1 (with new date of 4-17-15) – EA41468 – Applicant:** Tom Simmons/Blackridge – Engineer/Representative: Warren Williams/DRC Engineering - First Supervisorial District – March Zoning District – Lake Mathews / Woodcrest Area Plan: Community Development: Light Industrial (CD: LI) (0.43 Floor Area Ratio) – Location: southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street – 54.53 gross acres - Zoning: Industrial Park (I-P) - **REQUEST:** The **Plot Plan** proposes to develop 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 3 will be designated for general or multi-tenant warehousing and will occupy 216,440 square feet. The project will also include 581 parking spaces and two detention basins. The Draft Screencheck EIR studies the environmental impacts of the proposed project. **Note:** This project was previously approved as Plot Plan 22925. A subsequent law suit required the approvals to be vacated and reprocessed with the inclusion of a biological corridor. The project has changed layout and the number of structures. Impacts are generally reduced by the new design. **The attached exhibits are only slightly revised to address trans concerns and have NOT been given a new route or LDC date. They have the same AMD number as the previous route but with a new date to differentiate them from the previous transmittal. Please review and UPDATE your existing route as required.**

Routes in LMS have only been added for those departments that previously required corrections (denials).

Should you have any questions regarding this project, please do not hesitate to contact **Matt Straite**, Contract Planner, at **(951) 955-8631** or email at [mstraite@rctlma.org](mailto:mstraite@rctlma.org) / **MAILSTOP# 1070**.

COMMENTS:

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

PLEASE PRINT NAME AND TITLE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

*If you do not include this transmittal in your response, please include a reference to the case number and project planner's name. Thank you.*



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

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County Administrative Center  
4080 Lemon St., 14<sup>th</sup> Floor.  
Riverside, CA 92501  
(951) 955-5132

[www.rcaluc.org](http://www.rcaluc.org)

March 16, 2016

Mr. Matt Straite, Project Planner  
County of Riverside Planning Department  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside CA 92501  
(VIA HAND DELIVERY)

**RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW**  
File No.: ZAP1179MA16  
Related File No.: PP25422 (Plot Plan)  
APNs: 297-080-007 through 297-080-010

Dear Mr. Straite:

On March 10, 2016, the Riverside County Airport Land Use Commission (ALUC) found County of Riverside Case No. PP25422 (Plot Plan), a proposal to develop two industrial (predominantly warehousing) buildings totaling 814,630 square feet on 54.4 gross acres located southerly of Alessandro Boulevard, easterly of Gem Lane and Camino Del Sol, westerly of a straight-line southerly extension of San Gorgonio Drive, and westerly of Meridian Parkway, **CONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, subject to the following conditions:

## CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Wastewater management facilities, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, incinerators, and other hazards to flight.
  - (f) Children's schools, day care centers, libraries, hospitals, skilled nursing and care facilities, congregate care facilities, hotels/motels, places of assembly, restaurants, aboveground storage or manufacturing of hazardous or flammable materials, and noise sensitive outdoor nonresidential uses.
3. Prior to issuance of any building permits, the landowner shall convey and have recorded an avigation easement to March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.
  4. The attached notice shall be given to all prospective purchasers of the property and tenants of the buildings. While not required, the applicant and its successors-in-interest are encouraged to provide a copy of said notice to employees who would regularly be working at this location.
  5. The proposed detention basin(s) on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees that produce seeds, fruits, or berries.
  6. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
  7. Office area within Building 1 shall be limited to no more than 15,000 square feet in any single-acre (210'x210') area. Further ALUC review is required if proposed office area through any initial or subsequent tenant improvements result in more than 15,000 square feet. ALUC would review the amount and location of the office area and other use areas within the building to determine whether such future proposals comply with the Compatibility Zone B1 average and single-acre criteria.
  8. Zoned fire sprinkler systems shall be required throughout Building 1 located within Compatibility Zone B1.
  9. Office space must have sound attenuation features sufficient to reduce interior noise levels from exterior aviation-related sources to no more than CNEL 45 dB. The County of Riverside shall require an acoustical study to ensure compliance with this requirement.
  10. **The Federal Aviation Administration has conducted aeronautical studies of the proposed structures (Aeronautical Study Nos. 2016-AWP-1130-OE and 2016-AWP-1133) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any)**

shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.

11. The maximum height of the proposed northerly Building 1 shall not exceed 47 feet above ground level, and the maximum elevation of the proposed structure (including all roof-mounted equipment, if any) at top point shall not exceed 1678 feet above mean sea level. The maximum height of the proposed southerly Building 2 shall not exceed 42 feet above ground level, and the maximum elevation of the proposed structure (including all roof-mounted equipment, if any) at top point shall not exceed 1684 feet above mean sea level.
12. The specific coordinates, height, and top point elevation of the proposed structures shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration: provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.
13. Temporary construction equipment used during actual construction of the structures shall not exceed the height of the structures, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
14. Within five (5) days after construction of the structures reaches its greatest height, FAA Form 7460-2 (Part II). Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the structures.

Condition Nos. 10 through 14 were added at the Airport Land Use Commission meeting.

If you have any questions, please contact Paul Rull, Urban Regional Planner IV, at (951) 955-6893, or John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



Edward C. Cooper, ALUC Director

PR/JG

Attachment: Notice of Airport in Vicinity  
Aeronautical Study Nos. 2016-AWP-1130-OE and 2016-AWP-1133-OE

cc: Amstar-Kaliber, LLC (applicant)  
Blackridge, Tom Simmons (representative)  
James Thomson (surrounding property owner)  
Patricia Laurman (surrounding property owner)  
Gary Gosliga, Airport Manager, March Inland Port Airport Authority  
Denise Hauser or Sonia Pierce, March Air Reserve Base  
ALUC Case File



CENTER for BIOLOGICAL DIVERSITY

DATE

AGENCY  
ADDRESS  
Phone:

Re: Settlement Agreement resolving *Center for Biological Diversity, et al. v. County of Riverside, et al.*, Riverside County Superior Court Case No. RIC10009105

To Whom It May Concern:

This letter recognizes that the conservation groups involved in the case *Center for Biological Diversity, et al. v. County of Riverside, et al.*, Riverside County Superior Court Case No. RIC10009105 support the settlement agreement resolving the aforementioned case and do not oppose the project as it has been revised by Amstar pursuant to the settlement agreement.

The conservation groups find that the settlement agreement provides several substantial benefits to the environment in relation to the previously approved project including the following:

- Setting aside a conservation area on the western edge of the project site that will be restored with native vegetation, minimize invasive species, and provide for wildlife movement across the conservation area;
- Taking substantial steps to allow for north-south wildlife movement between the protected Sycamore Canyon Wilderness Park and March Stephens' Kangaroo Rat Preserve;
- Designing an on-site detention basin to benefit water quality that also maximizes native habitat value in the existing riparian areas;
- Relying upon green building and increased energy efficiency principals for the project;
- Reducing the project's edge effects by minimizing night lighting, noise, and human disturbance on adjacent open spaces and wildlife, and prohibiting the use of harmful plants identified in local conservation plans.

The conservation groups appreciate the opportunity to voice our support for the settlement agreement resolving the case above and the steps that Amstar has taken to improve the project design.

Sincerely,

Error! Main Document Only. Alaska • Arizona • California • Florida • Minnesota • Nevada • New

Error! Main Document Only. Jonathan Evans, Toxics and Endangered Species Campaign Director & Staff Attorney

351 California St., Ste. 600 • San Francisco, CA 94104  
tel: (415) 436-9682 x 318 fax: (415) 436.9683 email: jevans@biologicaldiversity.org  
www.BiologicalDiversity.org

# **SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE**

<b>TITLE:</b> CENTER FOR BIOLOGICAL DIVERSITY, et al. v. COUNTY OF RIVERSIDE, et al.	<b>DATE &amp; DEPT:</b> 12/08/11      D10	<b>NUMBER:</b> RIC10009105
<b>COUNSEL:</b> None present	<b>REPORTER:</b> None	
<b>PROCEEDING:</b> STATEMENT OF DECISION		

## **STATEMENT OF DECISION**

Petitioners, Center for Biological Diversity, San Bernardino Valley Audubon Society and Friends of Riverside's Hills (petitioners) challenge respondent, County of Riverside's (County) approvals made in conjunction with the Alessandro Commerce Centre Project (hereafter referred to as the Project), a 54-acre business development, proposed by real parties in interest, Amstar/Kaliber LLC, Amstar Group and Reed Property Group (real parties), in unincorporated Riverside County.<sup>1</sup> The Project calls for the construction of 8 large commercial and industrial warehouses and office buildings, with 1,784 parking spaces and associated roads and infrastructure. The remaining 40 percent of the project (974,727 sq. ft.) is to be graded and landscaped. The site is immediately south of Alessandro Blvd., north of March Air Reserve Base and 1/2 mile west of the I-215. There is residential development to the west, commercial development to the northeast, and a proposed development to the north, but otherwise much of the surrounding land is undeveloped open space. Immediately adjacent to the southwest, south and east is an area once designated as the March SKR Preserve, which is still being managed by the Center for Natural Lands Management as a wildlife preserve benefiting biological

<sup>1</sup> The County and real parties filed a joint opposition to the petitioner. Accordingly, where this statement of decision refers to both County and real parties, they will be referred to as respondents.

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resources, including the Stephens Kangaroo Rat (SKR). Across Alessandro Blvd. to the northwest is City of Riverside's Sycamore Canyon Wilderness Park and the state-owned Sycamore Canyon Ecological Reserve, managed for wildlife species and used for passive public recreation and enjoyment.

The Project site is within the jurisdiction of two regional Habitat Conservation Plans, the SKR HCP, and the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). It is also located within the South Coast Air Basin, within the jurisdiction of the South Coast AQMD.

On June 24, 2008, the County issued an Initial Study and Notice of Preparation of a Draft EIR for the Project. Following comments, County released the Draft EIR on January 15, 2009. It found the Project's impact on biological resources less than significant because of the Project's consistency with the SKR HCP and other local policies and ordinances, including the MSHCP. That finding was based in part on the March SKR Preserve having been traded out of the SKR HCP in exchange for another site in the Potrero Valley (Badlands area) between San Jacinto and Beaumont, and the release of the Reserve for development (AR 400). The DEIR stated that the Property was, however, within the boundaries of County's HCP Fee Area and the appropriate mitigation fee was required. The DEIR also acknowledged the Project would result in significant air quality impacts which would remain significant even after mitigation measures have been implemented. There would also be significant greenhouse gas emissions and climate change impacts, and cumulative impacts to traffic, water supply, and energy resources.

During the DEIR comment period, Petitioners, the Regional Water Board, the Attorney General's Office, and the South Coast AQMD submitted numerous comments and mitigation measures. County adopted some additional measures in the June 2009 Final EIR, which was certified by the Riverside County Planning Director on August 24, 2009. Petitioners and the

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Sierra Club filed an administrative appeal, asking the Planning Commission to either deny or stay the Project and the EIR. On September 30, 2009, the Planning Commission certified the EIR, and a second administrative appeal was filed on October 28, 2009, to the County Board of Supervisors. A subsequent meeting was held with the involved parties, the U.S. Fish and Wildlife Service, and the Riverside County Habitat Conservation Authority, but the dispute was not resolved. On April 20, 2010, the Board of Supervisors filed two Notices of Determination and certified the Final EIR. The instant Petition was filed May 12, 2010, alleging four causes of action:

- (1) Violation of CEQA (EIR Does Not Comply with CEQA);
- (2) Violation of CEQA (Failure to Recirculate EIR);
- (3) Violation of Subdivision Map Act and State Planning and Zoning Law;
- (4) Violation of County Ordinances Nos. 663, 663.10.

Petitioners argue that the EIR fails to adequately describe the environmental setting for the Project because it fails to acknowledge or discuss the impacts on the adjacent March SKR Preserve and the nearby Sycamore Canyon Ecological Reserve; that the EIR fails to comply with Riverside County Ordinances 663 and 663.10 (permitting the payment of mitigation fees under the SKR HCP), because such requires review to determine if on-site mitigation is appropriate; that although the EIR acknowledges the Project's significant greenhouse gas impacts, the County improperly rejected on-site solar panels as mitigation and the proposed greenhouse mitigation measures that were adopted are vague and unenforceable, and that the EIR fails to analyze the Project's energy consumption and conservation efforts as required under CEQA Guidelines Appendix F.

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## **DISCUSSION**

The petition is granted as to the 1st cause of action for the reasons set forth below and denied as to the 4th cause of action. As acknowledged at hearing, Petitioners did not address the 2nd and 3rd causes of action, and the Court therefore deems them abandoned and waived (*Opdyk vs. California Horse Racing Board* (1995) 34 Cal. App. 4th 1826, 1830, fn. 4).

### **Administrative Record and Evidence:**

Petitioners lodged the certified administrative record. In addition, both petitioners and respondents filed requests for judicial notice of portions of the 2003 Multiple Species Habitat Conservation Plan (MSHCP). Both requests indicate all parties previously agreed the MSHCP was an appropriate part of the AR but was omitted due to its extensive size. Based on that representation, the Court grants the requests and takes judicial notice of those MSHCP documents.

Respondents also request the Court take judicial notice of letters dated December 29, 2003, and May 22, 2006, from the United States Fish and Wildlife Service and the California Department of Fish and Game, and a SKR Reserve Map published by Riverside County Habitat Conservation Agency, concerning the Potrero land exchange with the March SKR Preserve. Petitioners do not object to Respondents' Request, and in turn request judicial notice of an April 22, 2010, Settlement Agreement with the United States Fish and Wildlife Service, rescinding the prior approval of the release of the March SKR Preserve for commercial development and eliminating unlimited take of the SKR. Although respondents filed an Objection to that Request, it was later withdrawn at the hearing. The Court therefore grants both parties' requests for judicial notice.

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## First Cause of Action for Violation of CEQA

### STANDARD OF REVIEW

"In reviewing an agency's compliance with CEQA in the course of its legislative or quasi-legislative actions, the courts' inquiry 'shall extend only to whether there was a prejudicial abuse of discretion.' Such an abuse is established 'if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.'" (*Vineyard Area Citizens For Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Ca.4th 412, 426-427, internal citations omitted.)

When plaintiffs challenge CEQA decisions, reviewing courts generally will defer to the agency's substantive judgments while requiring strict compliance with procedures required by law. Courts must not overturn an agency's discretionary decisions and substitute their own opinions as to what constitutes wise public policy. (*El Dorado Union High School Dist. V. City of Placerville* (1983) 144 Cal. App.3d 123, 130.) "The court does not pass upon the correctness of the EIR's environmental conclusions, but only upon its sufficiency as an informative document." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App.3d 185, 189.)

"A court may not set aside an agency's approval of an EIR on the ground that an opposite conclusion would have been equally or more reasonable. A court's task is not to weigh conflicting evidence and determine who has the better argument when the dispute is whether adverse effects have been mitigated or could be better mitigated. We have neither the resources nor scientific expertise to engage in such analysis, even if the statutorily prescribed standard of review permitted us to do so. Our limited function is consistent with the principle that 'The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. CEQA does not, indeed cannot, guarantee that these decisions will always be those which favor environmental considerations.'" (*Laurel*

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*Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 393.) In applying the substantial evidence standard, the reviewing court must resolve reasonable doubt in favor of the administrative findings. Substantial evidence consists of "enough relevant information and reasonable inferences from this information that a fair argument can be made to support the agency's conclusion, even though other conclusions might also be reached." (*Laurel Heights, supra*, 47 Cal.3d, at pp. 392-393.)

### **THE ENVIRONMENTAL SETTING OF THE PROJECT**

Guidelines §15125(a) provides that an EIR must include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the notice of preparation is published, from both a local and regional perspective. "The environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. In using the word 'normally,' §15125(a) necessarily contemplates that physical conditions at other points in time may constitute the appropriate baseline or environmental setting." (*Cherry Valley Pass Acres & Neighbors vs. City of Beaumont* (2010) 190 Cal.App.4th 316, 336). "Neither CEQA nor the CEQA Guidelines mandates a uniform, inflexible rule for determination of the existing conditions baseline: rather, an agency enjoys the discretion to decide, in the first instance, exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence." (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 328.) The EIR describes the existing conditions as including undeveloped land that is under the March Joint Powers Authority to the south and east (AR 336). It states that the SKR Reserve has been modified with the addition of the Potrero Site and the release of the March Air Base Management Area for development (AR 399). The May 22, 2006, joint letter from the U.S. Fish and Wildlife

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Service and California Department of Fish & Game confirmed that with the Wildlife Agencies' approval of the core reserve exchange on December 29, 2003, the former MARB SKR Management Area was no longer a core reserve under the Long-term HCP and was subject to authorized incidental take of SKR in unlimited amounts outside of core reserves within the boundary of the Long-term HCP.

As such, the Preserve legally did not exist at the time the notice of preparation was published. The SKR HCP expressly considered that the Preserve could be released for development and would no longer be part of the SKR HCP (AR 4487-4488), and the environmental impacts were studied and reviewed in the SKR HCP and MSHCP EIRs. The EIR determined that those previous EIRS conducted the appropriate analyses on the impacts on both the onsite SKR and the adjacent Preserve and that no further analysis was required (AR 2302-2303). The Court finds that there is substantial evidence in the record to support the EIR's description of the surrounding physical conditions as they relate to the SKR, and denies the petition on that ground.

However, the Court also finds that the EIR's description of the surrounding physical conditions is otherwise improper. While the protections afforded the SKR may no longer legally exist, the record reflects that the Preserve property has nonetheless continued to exist since the Potrero swap-out. The Preserve property is owned by the March Joint Powers Authority and is managed by the Center for Natural Lands Management. The CNLM continues to provide various monitoring programs for various sensitive bird species such as least Bell's Vireo and burrowing owls (AR 8577). The Preserve property consists of 1,178 acres which includes grasslands, wetlands, and riparian habitats. Despite concerns and comments as to the Project's effects on these environmental and biological conditions, the EIR refused to recognize the need to address the Preserve property with regard to these features.

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"When an EIR omits information, '[t]he relevant inquiry is whether there has been "a prejudicial abuse of discretion." The absence of information in an EIR "does not per se constitute a prejudicial abuse of discretion. A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process.'" (*Santa Monica Baykeeper v. City of Malibu* (2011) 193 Cal.App.4th 1538, 1558, internal citations omitted.)

By excluding the Preserve property from its description of the existing environmental setting, the EIR created an improper baseline and failed to adequately address or analyze Project impacts to these additional protected species and the wetlands and riparian conditions that exist on the Preserve site.

Accordingly, the court grants the petition on this ground.

#### **COUNTY'S REJECTION ON ON-SITE SOLAR PANELS**

Petitioners contend that County improperly rejected on-site solar panels as mitigation without providing any analysis or evidence to support its assertion that the on-site solar panels are not economically feasible. In response to suggested mitigation measures, County determined the solar panels were not feasible because the buildings were not of sufficient size to make the arrays economically feasible and capable of generating all of the project's electrical demand (as proposed by Petitioners). (AR 760, 2316). The Court finds there is substantial evidence in the record to support County's infeasibility findings (AR 8923, 8630, 8938, 9733-9734). Petitioner's own evidence establishes that solar power was not economically competitive with fossil fuels, and that there was no assurance that government incentives would continue to be available.

#### **MITIGATION MEASURE MM-AQ-1L**

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Petitioners additionally argue that the proposed GHG mitigation measures listed in the EIR are vague and unenforceable, citing MM-AQ-11's provision for the installation of solar water heating and natural lighting "to the extent possible, as determined by the County" (AR 2319). The Court notes that this measure was added in response to Petitioners proposed mitigation measures, and was not included in the GHG reduction analysis (AR 861). Petitioner's Communities for a Better Environment vs. City of Richmond (2010) 184 Cal.App.4th 70 is clearly distinguishable in that it involved a handful of cursorily described mitigation measures for future consideration that might serve to mitigate the metric tons of emissions resulting from the project. Such is not the case here, where the EIR includes extensive mitigation measures and the reductions attributable to them. Given that the measures in MM-AQ-11 are structure-specific, COUNTY properly required that every practical effort be made to incorporate the measures in the building designs prior to the issuance of building permits, and for County Building Officials to confirm approval of the features before issuance of certificates of occupancy. Consistent with Sacramento Old City Assn. vs. City Council (1991) 229 Cal. App.3d 1011, 1028-1029, the Court finds no violation of CEQA concerning the MM-AQ-11 measures.

#### **ANALYSIS OF ENERGY CONSUMPTION AND CONSERVATION EFFORTS**

Lastly, petitioners argue that the EIR fails to provide the analysis of energy consumption and conservation efforts that is required. Pub. Res. C. §21103(b)(3) requires an EIR include a detailed statement setting forth mitigation measures proposed to minimize significant effects on the environment, including but not limited to measures to reduce the wasteful, inefficient and unnecessary consumption of energy. At the time the DEIR was prepared in 2009, CEQA Guidelines Appendix F stated that potentially significant energy implications of a project should be considered in an EIR. Here, the Environmental Assessment Form specifically found that the Project will have a less than significant impact or demand on utility infrastructure or service, and

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will not conflict with existing policies, plans and programs related to utility consumption and conservation. (AR 677-678). There was no challenge to that determination. In discussing cumulative impacts, the EIR stated that, according to the County of Riverside General Plan, new development will increase the demand for natural gas and electricity and substantially contribute to a significant cumulative impact on the availability of both (AR 584). The EIR discussed the regulatory framework governing the project, including that the operation of the Project is required to comply with the mandatory requirements to Title 24 concerning energy efficient building design and to utilize energy conservation measures during operations (AR 588). The savings attributable to compliance with Title 24 are addressed at AR 538 and 562. No further analysis was required, and the EIR has sufficiently complied with CEQA in considering energy impacts.

### **SECOND AND THIRD CAUSES OF ACTION**

As discussed above, Petitioners' failure to address these claims in the Opening Brief constitutes a waiver and the claims are denied.

### **FOURTH CAUSE OF ACTION FOR VIOLATION OF RCO 663, 663.10**

Petitioners' challenge under the County's ordinances is based on their contention that the March SKR Preserve still exists. As discussed above, the Preserve did not legally exist at the relevant time and was no longer part of the SKR HCP. Riverside County Ordinance 663 provides each project shall be reviewed to determine the most appropriate course of action to ensure the survival of the species through one or more of the following: (1) on-site mitigation of impacts to the SKR, or (2) payment of the Mitigation Fee set by the Ordinance, or (3) any combination of the two. (AR 8477-8478). Here, the record reflects that SKR are likely on the project site and with that information County determined that payment of the mitigation fee was the appropriate mitigation measure. The Court finds no violation of County Ordinance 663.

### **DISPOSITION**

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The Petition is granted, in part, for the reasons set forth above. Petitioners are hereby directed to submit and serve a proposed judgment and proposed peremptory writ in conformity with this Statement of Decision. An OSC re: receipt of proposed judgment and peremptory writ is set for January 6, 2012, at 8:30 a.m. in Dept. 10. If the proposed judgment and writ are submitted to the court by that date, no appearance is required.

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
4050 Main Street - 2nd Floor  
Riverside, CA 92501  
www.riverside.courts.ca.gov

CERTIFICATE OF MAILING

CENTER FOR BIOLOGICAL DIVERSITY

vs.

CASE NO. RIC10009105

COUNTY OF RIVERSIDE

TO: SHEPPARD, MULLIN, RICHTER & HAMPTON  
650 TOWN CENTER DR  
COSTA MESA CA 92626-1925

I certify that I am currently employed by the Superior Court of California, County of Riverside and I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the attached Statement of Decision on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Dated: 12/09/11

by: LETICIA HALL, Deputy Clerk

## SETTLEMENT AGREEMENT

**PARTIES:** This Settlement Agreement ("Agreement") is entered into by and between Amstar/Kaliber LLC, Amstar Group LLC, Reed Property Group, Inc., Kaliber Alessandro Manager, LLC, Kaliber Co-Investments, LLC, Reed Holdings, LLC, (collectively, "Amstar") on the one hand and the Center for Biological Diversity ("CBD"), San Bernardino Valley Audubon Society, and Friends of Riverside's Hills (collectively "Petitioners"), on the other hand. Amstar and Petitioners are sometimes referred to in this Agreement individually as a "Party" and collectively as the "Parties." Reed Property Group, Inc. was dissolved after the filing of the "Action" and is not a signatory to this Agreement. It is the intent of the Parties that this Agreement shall establish the terms of a full and complete settlement of all claims and actions raised in *Center for Biological Diversity, et al. v. County of Riverside, et al.*, Riverside County Superior Court Case No. RIC10009105 (the "Action"). The terms of this Agreement are intended to be the limit of the Parties' obligations.

1. **RECITALS:** This Agreement is made with reference to the following facts:

1.1 Whereas Amstar proposes to construct a non-residential project (uses may include any permitted use allowed in the existing zoning) on its approximately 54 acre property located immediately south of Alessandro Boulevard and west of Interstate 215 including all access and infrastructure appropriate for such construction including but not limited to obtaining access through Brown Street by way of easement or other legal instrument (the "Project" or the "Property").

1.2 Whereas Petitioners filed a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in Riverside Superior Court, Case No. RIC10009105 challenging Amstar's proposed commercial/industrial project as a violation of the California Environmental Quality Act, Subdivision Map Act, State Planning and Zoning Law, and a Riverside County Ordinance.

1.3 Whereas a Judgment and Peremptory Writ of Mandate was issued in favor of Petitioners in the Action invalidating the Environmental Impact Report and associated approvals.

1.4 Whereas, by entering into this Agreement, the Parties intend to resolve the Action.

2. **AGREEMENT:** In consideration of and in return for the promises and covenants made by all Parties to this Agreement, including the releases given by all Parties, the Parties agree as follows:

2.1 **Conservation Area:** Amstar plans to seek approvals for the Project from the County of Riverside which may require the issuance of discretionary permits ("Future Entitlements"). When Amstar makes such application, Amstar shall request a condition of approval from the County of Riverside (the "County") or other approving agency requiring a "no structures" area ("Conservation Area") on the western side of the Project site in accordance with the dimensions identified in the attached Exhibit A and shall take all necessary actions to include that condition of approval in any future entitlements sought on the Project site. When the Future

Entitlements are granted or issued by the regulating agency, the Conservation Area shall have zero square feet of intensity assigned to it and shall generally extend 200 feet east from the western boundary of the property, extending to 400 feet at the northern edge and 300 feet at the southern edge. To ensure that the County is aware of the requirements set forth in this Agreement, Amstar agrees to enter this Agreement into the record of application to be filed with the County. The exact dimensions of the "Conservation Area" are depicted in Exhibit "A" (hereinafter called the "Conservation Area"). To the extent there is any conflict between the written description provided in this paragraph and the attached Exhibit A, the area as shown in the shaded area of the attached Exhibit A, shall apply. Except as provided immediately below, the Conservation Area shall prohibit the construction of any man made surface structures including any and all buildings pavement types and roads, and all grading in the Conservation Area shall be limited to that allowed in Paragraph 2.2 of this Agreement. Surface improvements that would be permitted in the Conservation Area would be related to erosion control on the easterly edge of the Conservation Area and Amstar shall cooperate with regulating agencies to avoid or minimize any impact on the habitat value of the Conservation Area.

2.1.1 It is the desire of Petitioners that the Conservation Area function as wildlife habitat for sensitive species including, but not limited to, the Stephens' kangaroo rat. It is the further desire of Petitioners that the Conservation Area function as a wildlife corridor connecting the Sycamore Canyon Wilderness Area to the north of Alessandro Boulevard with the March Stephen's Kangaroo Rat Preserve managed by the Center for Natural Lands Management on land owned by the March JPA to the south of the Project site. Amstar agrees to take the steps set forth in this Agreement to facilitate that goal.

2.1.2 This agreement shall be binding upon successors, lessees and users of the Property and this agreement shall be recorded against the Property within sixty days of the execution and shall run with the land.

2.1.3 A permanent conservation easement shall be established and recorded for areas dedicated as the Conservation Area ("Conservation Easement"). The Conservation Easement will be established and recorded by Amstar within six (6) months after any Future Entitlements are obtained or by June 30, 2014, whichever is earlier and shall name Petitioners' designee as holder/grantee. The terms, standards, and goals of the Conservation Easement shall be modeled upon the language used for conservation easements under the Western Riverside County Multiple Species Habitat Conservation Plan. The Conservation Easement holder/grantee shall have the necessary organizational and fiscal capacity to ensure enforcement of the easement in perpetuity. Alternatively, the Conservation Area may be transferred in fee title to the Western Riverside County Regional Conservation Authority under section 2.4 of this agreement. Nothing in this paragraph should be construed as a precommitment to the granting of any right and is and will only be given and undertaken following the approval of the Future Entitlements and is conditional and dependent upon the issuance and/or approval of those Future Entitlements.

2.1.4 It is the desire of Petitioners that access by the public and urban predators such as cats and dogs shall be minimized to reduce the impacts to sensitive species and habitat in the Conservation Area. During the construction of the Project, Amstar agrees to install a gated wrought iron fence at the northern terminus of the Conservation Area in an east-west direction perpendicular to the Project and the residences. The gated wrought iron fence shall

include pickets with a minimum width of six (6) inches apart and the bottom of the fence shall be twelve (12) to sixteen (16) inches above the ground. Amstar agrees to install a 3-wire fence with a smooth bottom wire twelve (12) to sixteen (16) inches above the ground at the southern terminus of the Conservation Area in an east-west direction and perpendicular to the Project and the residences. Amstar agrees to install fencing on the western boundary of the Conservation Area and adjacent to the residential properties in a north-south direction that will prohibit access by the public and cats and dogs ("urban predators"). Subject to conflicting requirements imposed on the Project through the issuance of the Future Entitlements, Amstar agrees that it will make reasonable efforts to limit public and urban predator access from the Project site onto the Conservation Area. Included in these measures will be fencing on the Project site designed to minimize both human and urban predator access to the Conservation Area. The Parties acknowledge that any additional fencing on or in the Conservation Area (not including fencing between the Conservation Area and the Project site) shall be an Additional Measure as described in this paragraph. Additional Measures to minimize public access may also include, but are not limited to signs to reduce trespass and inform the public of the sensitive nature of the Conservation Area, locks on the gate to limit access to people authorized by the parties as authorized under this Agreement, and other measures viewed helpful to limit public access. With the exception of the fencing and gates described in this paragraph above, all of these additional measures may be taken by Petitioners, the Conservation Easement holder, or their designee 1) at their sole cost, 2) with the permission of Amstar which shall not be unreasonably withheld, 3) without impacting the security of the Amstar Project, and 4) with any and all permits required by law from any regulating agency.

2.1.5 Subject to the terms of this Agreement, Amstar agrees to cooperate in good faith with neighboring landowners and wildlife agencies to facilitate habitat management of the Conservation Area and the ability of wildlife to move within, across, to and from the Conservation Area.

2.2 **Grading of the Conservation Area:** Amstar shall have the right to grade the Conservation Area in accordance with entitlements and/or permits issued to Amstar for construction of the Project. Grading shall be done in a way to minimize impacts on the Conservation Area as much as reasonable without impacting Project design and shall attempt to maintain or mimic natural contours of the land consistent with Project design in the Conservation Area. In no event will the majority of the area be graded to a set of flat (level or sloping) surfaces without contour grading to mimic the natural landscape. Contour grading shall be utilized in the Conservation Area. The slope will not exceed 15% on the western 40 feet of the Conservation Area adjacent to the residential areas. The top six (6) inches of native top soil within the Conservation Area that are subject to grading shall be stockpiled and spread over the graded portion of the Conservation Area within six (6) months of stockpiling. Rock outcroppings existing onsite will be retained, relocated, or recreated onsite in the Conservation Area for the purpose of benefitting wildlife habitat. Any rock outcroppings within the Conservation Area that must be moved shall be not be subject to blasting or measures that create sharp edges or an unnatural angular appearance to the relocated outcrops. Any boulders relocated within the Conservation Area, and any boulders from the construction site placed by Amstar in the Conservation Area at Amstar's election, shall be placed on or near bedrock within the Conservation Area to create separate non-flammable, rocky islands to reduce fuel loads and increase fire safety near homes. In the event of conflicting requirements from the County regarding the retention of rock outcroppings the Parties will meet and confer to determine the

best method to retain rock outcroppings onsite to benefit wildlife habitat. Grading of the Conservation Area shall not be repeated after the initial grading for project construction has been completed. "Initial Grading" shall include all grading activities necessary to effectuate the Project regardless of whether grading is continuous as long as Amstar is in compliance with the conditions of approval for the discretionary permits sought by Amstar. Amstar shall conduct pre-grading surveys and relocations of sensitive, rare, or endangered wildlife.

2.2.1 Amstar shall pay for and complete a one-time restoration of any graded portions of the Conservation Area with native plants generally supportive of Stephens' kangaroo rat habitat including, but not limited to, the plants listed in Exhibit B. "Initial Grading" of the Conservation Area shall be completed within six (6) months of the commencement of grading in the Conservation Area. Restoration of any areas graded in the Conservation Area shall begin as soon as practicable after completion of the "Initial Grading" so as to coincide with the fall and winter rainy season and reach completion by January 20th of the following year. Restoration shall be completed within one year and may include a grow-kill cycle to reduce weeds during the first raining season if so included in the restoration plan (Exhibit B). Amstar agrees that it will make an adequate one-time restoration effort to achieve a 70% native plant cover (bird's eye view) with the recommended plant palette and a maximum of 10% cover by non-native plant species five (5) years after planting. Attached as Exhibit B to this Agreement is a list of restoration experts and minimum contract requirements for the restoration of the Conservation Area that are satisfactory to all Parties to this Agreement. By selecting a restoration expert from Exhibit B and satisfying all of the other provisions of this Agreement responsibility for maintenance, upkeep and success of the Conservation Area will transfer from Amstar to the Conservation Easement holder. The one time restoration shall be based on a site specific scientifically based revegetation plan from local native plant sources developed by a restoration expert chosen by Amstar from the list in Exhibit B with proven experience in successful revegetation of western Riverside County and coastal sage scrub and native grasslands. Amstar will work in good faith with the County to encourage consistency between the requirements of this Agreement and the Conditions of Approval imposed by the County. However, in the event that the County imposes conflicting requirements, the Parties agree that the provisions imposed by the County will prevail over the requirements set forth in this paragraph to the extent that the County requirements do not preclude effective restoration of Stephens' kangaroo rat habitat within the Conservation Area as contemplated by this Agreement.

2.3 **Maintenance of the Conservation Area:** After successful completion of the one-time restoration referred to in Section 2.2, Amstar shall have no further obligation to maintain the Conservation Area in any manner other than for purposes Amstar chooses, such as trash removal. Amstar and Petitioners shall in good faith negotiate a Cooperation Agreement which will provide that holder of the Conservation Easement described in paragraph 2.1.3 above may enter the Conservation Area for management and monitoring purposes to ensure that non-native invasive species are controlled, habitat for native species is maintained, and the rights for Amstar to enter the Conservation Area for trash removal and other related maintenance that does not hinder the habitat value of the Conservation Area. Amstar's obligations and duties to enter and/or maintain the Conservation Area is within the sole discretion of Amstar. The parties recognize that there may be a need to maintain the property to comply with requirements regarding fire prevention. After granting of the Conservation Easement the obligation to maintain the Conservation Area for fire prevention shall be the obligation solely of the holder of the Conservation Easement who shall indemnify and hold Amstar harmless for the actions of the

holder of the Conservation Easement in maintaining the property for fire prevention purposes. Amstar recognizes that the holder of the Conservation Easement will likely desire to use weed abatement/fire prevention techniques such as mowing, hand clearance, or grazing. Discing as a means of fire clearance will only be permitted if all other fire clearance methods or mechanisms are prohibited. Amstar will work in good faith with the County to encourage consistency between the requirements of this Agreement and the Conditions of Approval imposed by the County. In the event that the holder of the Conservation Easement fails to adequately maintain the Conservation Area to comply with weed abatement/fire prevention laws and regulations, it shall not be a violation of this Agreement if Amstar or its successor enters the property and takes actions as directed by a legal authority required to bring the Conservation Area into compliance with weed abatement/fire prevention requirements. If Amstar or its successors receive a notice of non-compliance with weed abatement/fire prevention requirements it will promptly notify the Conservation Easement holder to provide the Conservation Easement holder with a reasonable time to rectify the non-compliance prior to Amstar or its successors taking action.

2.4 **Transfer of Conservation Area:** In the event that Amstar takes action to create a separate parcel coterminous with the boundaries of Exhibit A, Amstar in its sole discretion may transfer ownership or control of the Conservation Area as a separate lot or as part of a lot as long as the obligations regarding the Conservation Area are simultaneously transferred, including the transfer of any obligations under this Agreement to the buyer or other transferee. Amstar or its successors agree that transfer of the Conservation Area to the Western Riverside County Regional Conservation Authority will not be unreasonably withheld.

2.5 **Construction of the Project:**

2.5.1 The Project will be constructed using lighting systems which will minimize impact to neighbors and be sensitive to the environment to minimize light leakage into areas set aside for the benefit of wildlife and open space. Night lighting shall be directed away from the Conservation Area and adjacent conservation areas to protect species within those areas from direct night lighting and shall treat the Conservation Area as a separate parcel for purposes of compliance with Riverside County ordinance 915. Shielding shall be incorporated in project designs to ensure ambient lighting in the Conservation Area and adjacent conservation areas is not increased beyond .5 footcandles adjacent to developed lots and to avoid direct artificial light on the Conservation Area and adjacent conservation areas. It is recognized that public street lighting may be subject to different requirements. In addition, to the extent permissible under local, state and federal law, the locations of fixtures would be selected based on desired angles of light and proximity to the Conservation Area. Devices that may be employed to directionally control light may include lenses, louvers, barn doors, and snoots. Beam patterns would be asymmetric with the light aimed at the road surface area.

2.5.2 Amstar will seek a condition of approval from the County of Riverside or other approving authority requiring that construction and operation of the Project shall minimize light leakage into the Conservation Area.

2.5.3 Amstar will not utilize any of the plants described MSHCP Table 6-2 (Plants That Should be Avoided Adjacent to the MSHCP Conservation Area) anywhere on the Project site. Only highly fire resistant landscaping and fire safe landscaping will be used within 100 feet of the Conservation Area on the Project site.

2.5.4 Proposed noise generating land uses affecting the Conservation Area or adjacent conservation areas shall incorporate techniques helpful to minimize the effects of noise on Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. Excluding all background noise sources, wildlife within the Conservation Area or adjacent conservation areas should not be subject to noise solely from the Project that would exceed residential noise standards as measured from the residential property line and excluding temporary noise impacts during project construction. Temporary noise impacts during Project construction shall be limited to that allowed under County regulations regarding construction.

2.5.5 Amstar will cooperate with Petitioners in the design of the Project's southern retention basin located in the vicinity of the border between Parcel 2 and Parcel 3 (as identified in Exhibit A). The southern retention basin will address water runoff from the property's Parcel 3 (as identified in Exhibit A) riparian areas and maximize native habitat value in the existing riparian areas. The cooperation on the design of the southern detention basins shall not unreasonably affect construction plans for the Project, or unreasonably increase Amstar's costs related to the southern detention basin.

2.5.6 Amstar will build the Project in accordance with LEED Silver standards, with the exception of standards, if any, that apply to impacts upon endangered species.

2.5.7 Petitioners desire that Brown Street on the eastern border of the Project site, Alessandro Boulevard on the northern border of the Project site, and in particular the intersection of Brown Street and Alessandro Boulevard, be designed to minimize impacts to wildlife movement to and from the neighboring Sycamore Canyon Wilderness Park. Amstar desires to obtain rights for the use of Brown Street, Alessandro Boulevard and Gem Lane to allow the full use of the Project site as allowed in the Future Entitlements. The rights sought by Amstar will be solely for the purpose of road access, drainage and uses ancillary to those purposes (such as curb and gutter, road widening and partial dedications) and may include but are not limited to easements, grading permits, rights of way or other legal rights or devices necessary for access and road expansion. Amstar agrees to help facilitate the desires of Petitioners as detailed in this paragraph and Petitioners agree to support and not oppose Amstar's efforts to perfect all access and road improvement work to allow development of the Project Site as allowed in the Future Entitlements.

2.6 **Petitioners Will Not Challenge Project:** As part of the Action, the Court has ordered the County to take certain actions regarding entitlement approval for the Project. Nothing in this Agreement has any impact upon or changes in any way that obligation. Once the County has undertaken those obligations, Petitioners agree that they will take no further actions of any kind regarding the Action except as ordered by the Court or required by law. Except as provided in this Agreement, Petitioners will not seek attorneys' fees, costs or any other kind of further relief from the Court in the Action.

Following the County's completion of the Court ordered obligations, Amstar intends to submit a modified land use application to the County for approval. The approvals sought from the County by Amstar may include, but are not limited to, zone changes, variances, General Plan Amendment, conditional use permits or any of several other land use permits or certifications that may be issued by the County. Approval by the County of that modified land use application



including certification of any supporting California Environmental Quality Act document or review shall constitute the Future Entitlement of the Project. It is also possible that in the future Amstar will seek further or additional changes to the approvals governing the use of the property.

In addition, these entitlements may include measures or conditions impacting neighboring properties, including but not limited to, road, drainage, and grading easements with any adjacent or nearby property owners. Petitioner CBD currently is involved in litigation with the March JPA over property adjoining the Project. Petitioners further agree that they will not file any letter, complaint, petition, or other paper or pleading challenging the Project before any government agency, administrative agency, public agency, court, or other public body, as long as the development or use is consistent with the terms of this Agreement.

Notwithstanding any proposed change of use sought or obtained in the Future Entitlements, as long as Amstar honors its obligations under the terms of this Agreement, Petitioners agree that they will not challenge or bring any form of a claim in any administrative proceeding, court action or any other proceeding regarding the Project including but not limited to the actions taken by the County as required by the Court in the Action, any application regarding Future Entitlement of the Project or any future applications regarding use of the Property. In addition, Petitioners agree that they will not solicit or encourage any party whether an individual, group or company of any kind to bring any claim or action regarding any approval of the Project. Notwithstanding the provisions of this paragraph, the Parties retain the right to enforce the terms of the Agreement in legal and administrative proceedings including requests for compliance with the terms of this agreement.

2.7 **Attorneys' Fees:** Amstar will pay Petitioners \$50,000 within thirty (30) days of receipt of the Notice of Entry of Dismissal of the Action, and \$50,000 within thirty (30) days of receipt of Future Entitlements for the Project or by June 30, 2014 if Amstar fails to have an active development application pending before the County after June 30, 2014, whichever is earlier.

2.8 **Letter From Petitioners Regarding Project:** Petitioners will prepare a letter, at Amstar's request, stating that they support this Agreement and do not oppose the Project in the general form of Exhibit C attached. In the event that the attached letter is edited by Petitioners, Amstar may offer suggested additions or deletions to the letter and Petitioners will make a good faith effort to address and incorporate those suggested additions or deletions.

2.9 **Notices:** Any notice required pursuant to the terms of this Agreement shall be provided as follows:

For Amstar:

D. Scott Gibler  
Amstar Group, LLC  
1050 17th St., 23rd Floor  
Denver, CO 80265

And with a copy to: Geoffrey K. Willis  
Sheppard, Mullin, Richter & Hampton LLP  
650 Town Center Drive, 4th Floor  
Costa Mesa, CA 92626

For Petitioners: Center for Biological Diversity  
351 California St, Suite 600  
San Francisco, CA. 94104  
Attn: Jonathan Evans

And with copies to: San Bernardino Valley Audubon Society  
P.O. Box 10973  
San Bernardino, CA 92423-0973  
Attn: Drew Feldmann

Friends of Riverside's Hills  
4477 Picacho Drive  
Riverside, CA. 92507  
Attn: Dr. Len Nunney

For Reed Property Group, Inc., Kaliber Alessandro Manager, LLC, Kaliber Co- Investments, LLC, Reed Holdings, LLC:	Craig M. Reed Reed Property Group 305 N. Harbor Blvd. Suite 215 Fullerton, CA 92832
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3. **MISCELLANEOUS:**

3.1 **Advice of Counsel:** The Parties have entered into this Agreement upon the legal advice of their attorneys, who are the attorneys of their choice. The terms of this Agreement have been completely read and explained by such attorneys, and such terms are fully understood and voluntarily accepted by each of the Parties.

3.2 **Entire Agreement:** This Agreement is the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions. This Agreement may be amended only by an agreement in writing signed by all Parties.

3.3 **Severability:** Each provision of this Agreement is separate, distinct, and severable from the others. If any provision is held unenforceable, the rest of the Agreement shall be enforced to the greatest extent possible.

3.4 **Successors and Assigns:** This Agreement is binding upon and shall inure to the benefit of the Parties hereto and their agents, employees, representatives, administrators, attorneys, insurers, lenders, shareholders, owners, officers, directors, divisions, affiliates, partnerships, partners, joint venturers, parents, subsidiaries, and related corporations, assigns, heirs, and successors in interest, and each of them.

3.5 **No Presumption Against Drafting Party:** All Parties have cooperated in the drafting and preparation of this Agreement. Consequently, the interpretation of this Agreement shall not be construed against any Party.

3.6 **Verification of Compliance:** Any Party may request in writing that the other Parties provide verification of compliance with the terms of this Agreement, including attached Exhibits. The other Parties shall provide the requesting party with such verification within ninety (90) days of receipt of the request. Such verification shall be in writing and shall include a signed statement from a representative of the Parties, or their respective successors, as the case may be, that the Parties have fully complied with their obligations in this Agreement.

3.7 **Enforcement of Agreement:** At least 30 days prior to filing any motion to enforce this Agreement, the Party contemplating the motion must bring its claimed breach to the attention of the other Party, in writing, and make a good faith effort to resolve the dispute informally within 30 days thereafter. The parties agree that they will meet and confer (either telephonically or in-person) at the earliest possible time in a good-faith effort to resolve the claim before seeking relief from the Court. If the parties are unable to resolve the claim themselves, either party may seek relief from the Court.

3.8 **Choice of Forum and Applicable Law:** This Agreement is intended to be construed pursuant to the laws of the State of California, and each of the undersigned Parties agrees that the only proper venue for any action arising out of the breach of this Agreement or other document delivered pursuant to any provision hereof, shall be the Superior Court of California for the County of Riverside.

3.9 **Ability to Perform:** Each Party represents and warrants to each other Party that it has the ability to carry out the obligations assumed and promised hereunder, and is not presently aware of any pending event which would, or could, hamper, hinder, delay, or prevent its timely performance of said obligations.

3.10 **Further Acts and Amendments:** Each Party to this Agreement agrees to perform all further acts and execute all further documents necessary to carry out the intent and purposes of this Agreement.

3.11 **Section Headings:** The captions, subject, section and paragraph headings in this Agreement are included for convenience and reference only. They do not form a part hereof, and do not in any way modify, interpret, or reflect the intent of the Parties. Said headings shall not be used to construe or interpret any provision of this Agreement.

3.12 **Counterparts:** This Agreement may be executed in any number of counterparts, each of which shall be deemed one and the same instrument.

3.13 **Effective Date:** The effective date of this Agreement is the last date upon which it is executed by all Parties.

Dated: 9/13/12 Amstar/Kaliber LLC  
By: [Signature]  
Its: Authorized Representative

Dated: 9/13/12 Amstar Group LLC  
By: [Signature]  
Its: President

Dated: \_\_\_\_\_ Reed Property Group, Inc.  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

Dated: \_\_\_\_\_ Kaliber Alessandro Manager, LLC  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

Dated: \_\_\_\_\_ Kaliber Co-Investments, LLC  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

Dated: \_\_\_\_\_ Reed Holdings, LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_ Center for Biological Diversity

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_ San Bernardino Valley Audubon Society

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_ Friends of Riverside's Hills

By: \_\_\_\_\_

Its: \_\_\_\_\_

Approved as to form and content:

SHEPPARD, MULLIN, RICHTER &  
HAMPTON LLP

By: \_\_\_\_\_  
GEOFFREY K. WILLIS  
Attorney for Amstar/Kaliber LLC, Amstar  
Group LLC, and Reed Property Group, Inc.

**CENTER FOR BIOLOGICAL DIVERSITY**

**By:** \_\_\_\_\_

**JONATHAN EVANS**

**Attorney for the Center for Biological  
Diversity, San Bernardino Valley Audubon  
Society, and Friends of Riverside's Hills**



## Exhibit B

### Section 1- Plant Palette for Conservation Area (based on floral inventories on and adjacent to the Project Site)

T = Tree

PS= Perennial Shrub

P = Perennial Non-shrub

A= Annual

#### Cupressaceae - Cypress Family

*Juniperus californica*

California Juniper (PT)

#### Asteraceae - Sunflower Family

*Artemisia californica*

California Sagebrush (PS)

*Artemisia dracunculoides*

Tarragon (P)

*Artemisia douglasiana*

Mugwort (P)

*Baccharis salicifolia*

Mullein (PS)

*Deinandra fasciculata* [= *Hemizonia fasciculata*]

Fascicled Tarplant (A)

*Deinandra paniculata* [= *Hemizonia paniculata*]

San Diego Tarplant (=Paniculate Tarplant) (A)

*Corethrogyne filaginifolia* (= *Lessingia filaginifolia*)

Common sand aster (P)

*Encelia farinosa*

Brittlebush (PS)

*Ericameria palmeri* var. *pachylepis*

Palmer's rabbitbrush (PS)

*Ericameria parishii*

Parish's Goldenbush (PS)

*Eriophyllum confertiflorum* var. *confertiflorum*

Golden-yarrow (PS)

*Lasthenia gracilis*

Common goldfields (A)

#### Boraginaceae - Borage Family

*Cryptantha intermedia*

Common Cryptantha (A)

*Heliotropium curassavicum* subsp. *oculatum*

Salt Heliotrope (P)

*Pectocarya linearis*



Slender Pectocarya (A)  
*Plagiobothrys canescens*  
Valley popcorn flower (A)

**Cactaceae - Cactus Family**

*Opuntia parryi* [= *Cylindropuntia californica* var. *parkeri*]]  
Snake Cholla (PS)

**Caprifoliaceae - Honeysuckle Family**

*Sambucus mexicana* [= *Sambucus nigra* var. *caerulea*]  
Mexican Elderberry (T)

**Fabaceae - Pea Family**

*Lotus argophyllus*  
Silver-leaved Lotus (P)  
*Lotus scoparius* var. *brevialatus*  
Common Deerweed (PS)  
*Lotus strigosus* var. *strigosus*  
Strigose Lotus (A)  
*Lupinus bicolor*  
Miniature lupine (A)

**Hydrophyllaceae - Waterleaf Family**

*Phacelia cicutaria*  
Caterpillar Phacelia (A)  
*Phacelia distans*  
Common Phacelia (A)  
*Phacelia minor*  
California blue bells (A)  
*Phacelia ramosissima* var. *latifolia*  
Branching Phacelia (P)

**Lamiaceae - Mint Family**

*Salvia apiana*  
White Sage (PS)  
*Salvia columbariae*  
Chia (A)  
*Salvia mellifera*  
Black Sage (PS)

**Nyctaginaceae - Four-o'clock Family**

*Mirabilis californica* [= *Mirabilis laevis*]  
California Wishbone Bush (PS)

**Plantaginaceae**

*Plantago erecta*

California plantain (A)

**Polygonaceae - Buckwheat Family**

*Eriogonum fasciculatum* var. *foliolosum* and var. *polifolium*

California Buckwheat (=Flat-top Buckwheat) (PS)

*Eriogonum gracile*

Slender Woolly Buckwheat (A)

**Scrophulariaceae - Figwort Family**

*Mimulus aurantiacus* var. *puniceus* [=*M. puniceus*, *M. a. longiflorus*, *M. a.* var. *pubescens*]

Bush Monkeyflower (PS)

*Scrophularia californica* var. *floribunda*

California Figwort (=Coast Figwort, Bee Plant) (PS)

**Poaceae - Grass Family**

*Distichlis spicata*

Salt Grass (P)

*Leymus condensatus* [=*Elymus condensatus*]

Giant Wild Rye (P)

*Nassella pulchra* and/or *N. lepida*

Needlegrass (P)

*Vulpia microstachys* var. *pauciflora*

Pacific fescue (A)

**Salicaceae Family**

*Salix lasiolepis*

Arroyo willow (PS/T)

**Themidaceae (formerly in Liliaceae) Family**

*Dichelostemma capitatum* subsp. *capitatum*

Blue dicks (P)

## **Section 2- Restoration Experts**

Restoration experts for design and/or implementation of the one-time restoration outlined in paragraph 2.2.1 of the Settlement Agreement shall be chosen from the experts listed below in section 2. The restoration expert list may be modified by written agreement between the Parties.

Margot Griswold – Earthworks  
(310) 390-3635, [mgriswold@newfields.com](mailto:mgriswold@newfields.com)

Eric Kreig - LSA – Irvine office  
(949) 553-0666

Ted St. John – AECOM  
(213) 593-8000

Restoration designers shall designate an appropriate company or subcontractor for installation of the restoration program from among companies that specialize in installation and maintenance of habitat restoration projects such as the following:

Russ Nakae- Nakae & Associates  
(949) 553-0666

Danny Richards, RLA #4184, VP, Operations Manager  
Pacific Restoration Group, Inc.  
(951) 940-6069

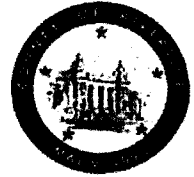
### **Section 3- Requirements for restoration contract pursuant to this Agreement**

The following terms and standards shall be incorporated into the restoration contract for the Conservation Area pursuant to this Agreement. The terms and standards may be modified by written agreement between the Parties.

To gauge interim success, each vegetation type should reach at least 70% of the 5th year target for native plant cover by the end of the third year. If artificial irrigation is installed, it should be discontinued after three (3) years, and preferably sooner barring drought, to ensure a self-sustaining revegetation project. At a minimum, the restoration plan shall include interim monitoring of the planted areas to determine if they are on track toward reaching the 5th-year success criteria, and annual vegetation monitoring shall be implemented during the maximum growth phase of native herbs and woody plants each year following planting (typically by mid spring for coastal sage scrub). Monitoring shall include belt transect, line intercept, point intercept, or releve techniques within each vegetation type using methods typically approved by the California Department of Fish and Game and will include data for herb, shrub, and tree layers of vegetation. In addition, photographs from a series of fixed photo stations (photopoints) shall be taken each year. If vegetation growth does not prove to be on a successful trajectory by the middle of the third spring, a contingency plan that includes planting additional seeds of species native to the local area shall be implemented by the 4th fall season after planting. Annual reports on the vegetation monitoring shall be submitted to the Parties by August 31 of each monitoring year and shall include a discussion of the revegetation progress and any contingency plans that may be needed to ensure success. A report will be provided to the Parties five (5) years after completion of restoration detailing the current state of the revegetation efforts and non-native plant species in the Conservation Area based on the survivorship and non-native plant species composition in this paragraph. In the event that restoration efforts are not successful pursuant to the terms of this Agreement restoration activities the contractor shall continue work to ensure successful revegetation and restoration of the Conservation Area.

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

464



FROM: County Counsel

SUBMITTAL DATE:  
January 29, 2013

SUBJECT: Set Aside Approvals of Plot Plan No. 22925 and Tentative Parcel Map No. 35365 (Alessandro Commerce Centre)

RECOMMENDED MOTION: That the Board of Supervisors set aside and vacate the following approvals given with respect to the above referenced project (Alessandro Commerce Centre):

1. Resolution Nos. 2009-2, 2009-342 and 2010-107 certifying Environmental Impact Report No. 510, making specific findings and statement of overriding considerations and adopting the mitigation and monitoring report for the Alessandro Commerce Centre; and
2. Approval of Plot Plan No. 22925 and Tentative Parcel Map No. 35365

BACKGROUND: On January 31, 2012, judgment was entered against the County in *Center for Biological Diversity et al. v. County of Riverside et al.* (RIC 10009105). The judgment was in favor of the Petitioners for the First Cause of Action, but denied the Second, Third and Fourth Causes of Action. The judgment directs the Board of Supervisors to take the above action. The County and Board have decided not to appeal this judgment.



Michelle Clack, Deputy County Counsel  
for Pamela J. Walls, County Counsel

FINANCIAL  
DATA

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30 ☐

Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

BY:   
Denise C. Harden

☐ Policy  
☒ Policy

☐ Consent  
☐ Consent

Department Recommendation.:  
Per Executive Office:



Carolyn Syms Luna  
Director

# RIVERSIDE COUNTY PLANNING DEPARTMENT

## APPLICATION FOR LAND USE PROJECT

CHECK ONE AS APPROPRIATE:

- ☒ PLOT PLAN ☐ CONDITIONAL USE PERMIT ☐ TEMPORARY USE PERMIT  
☐ REVISED PERMIT ☐ PUBLIC USE PERMIT ☐ VARIANCE

PROPOSED LAND USE: PA Distribution Center

ORDINANCE NO. 348 SECTION AUTHORIZING PROPOSED LAND USE: \_\_\_\_\_

ALL APPLICATIONS MUST INCLUDE THE INFORMATION REQUIRED UNDER ANY SUPPLEMENTAL INFORMATION LIST APPLICABLE TO THE SPECIFIC PROJECT. ADDITIONAL INFORMATION MAY BE REQUIRED AFTER INITIAL RECEIPT AND REVIEW. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: PP 25422

DATE SUBMITTED: 8/22/13

### APPLICATION INFORMATION

Applicant's Name: TOM SIMMONS / BLACK RIDGE E-Mail: tsimmons@blackridge-reg.com

Mailing Address: 4590 MACARTHUR BLVD STE 240

NEWPORT BEACH  
City

CA  
State

92660  
ZIP

Daytime Phone No: (949) 553-1050

Fax No: (949) 379-2950

Engineer/Representative's Name: WARREN WILLIAMS / DRC E-Mail: warren@drc-eng.com

Mailing Address: 160 SOUTH OLD SPRINGS ROAD SUITE 210

ANAHEIM HILLS  
City

CA  
State

92808  
ZIP

Daytime Phone No: (714) 685-6860

Fax No: (714) 685-6801

Property Owner's Name: BRIAN CORNELL / AMSTAR E-Mail: brian.cornell@amstar.com

Mailing Address: 1050 17<sup>TH</sup> STREET 23<sup>RD</sup> FLOOR

DENVER  
City

CO  
State

80265  
ZIP

Daytime Phone No: (303) 534-6322

Fax No: ( )

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

Desert Office • 38686 El Cerrito Road  
Palm Desert, California 92211  
(760) 863-8277 • Fax (760) 863-7555

## APPLICATION FOR LAND USE PROJECT

If the property is owned by more than one person, attach a separate page that references the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

### AUTHORIZATION FOR CONCURRENT FEE TRANSFER

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

All signatures must be originals ("wet-signed"). Photocopies of signatures are **not** acceptable.

TOM SIMMONS

PRINTED NAME OF APPLICANT

[Signature]  
SIGNATURE OF APPLICANT

### AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are **not** acceptable.

Amstar/Kaliber, LLC

PRINTED NAME OF PROPERTY OWNER(S)

[Signature]  
SIGNATURE OF PROPERTY OWNER(S)

6 DWIGHTS WILEY III, MANAHOVIMBER

PRINTED NAME OF PROPERTY OWNER(S)

[Signature]  
SIGNATURE OF PROPERTY OWNER(S)

If the property is owned by more than one person, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

☐ See attached sheet(s) for other property owners' signatures.

### PROPERTY INFORMATION:

Assessor's Parcel Number(s): 297-080-007-3; 297-080-008-4; 297-080-009-5; 297-080-010-6

Section: 16 Township: 35 Range: 45

APPLICATION FOR LAND USE PROJECT

Approximate Gross Acreage: 54.4

General location (nearby or cross streets): North of CACTUS, South of  
ALESSANDRO, East of REM, West of BROWN (PROPOSED)

Thomas Brothers map, edition year, page number, and coordinates: \_\_\_\_\_

Project Description: (describe the proposed project in detail)

AN INDUSTRIAL DISTRIBUTION CENTER TOTALING APPROXIMATELY 918,150 SF  
COMPRISING 3 SEPARATE BUILDINGS ON AN APPROXIMATELY 54.4 ACRE SITE  
COMMONLY REFERRED TO AS THE ALESSANDRO COMMERCE CENTER

Related cases filed in conjunction with this application:

Is there a previous application filed on the same site: Yes ☒ No ☐

If yes, provide Case No(s). PARCEL MAP 35365 (Parcel Map, Zone Change, etc.)

E.A. No. (if known) PLOT PLAN 22925 E.I.R. No. (if applicable): EIR NO. 510

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes ☒ No ☐

If yes, indicate the type of report(s) and provide a copy: \_\_\_\_\_

Is water service available at the project site: Yes ☒ No ☐

If "No," how far must the water line(s) be extended to provide service? (No. of feet/miles) \_\_\_\_\_

Will the project eventually require landscaping either on-site or as part of a road improvement or other common area improvements? Yes ☒ No ☐

Is sewer service available at the site? Yes ☒ No ☐

If "No," how far must the sewer line(s) be extended to provide service? (No. of feet/miles) \_\_\_\_\_

Will the project result in cut or fill slopes steeper than 2:1 or higher than 10 feet? Yes ☒ No ☐

How much grading is proposed for the project site?

Estimated amount of cut = cubic yards: 372,400 CY



**APPLICATION FOR LAND USE PROJECT**

Estimated amount of fill = cubic yards 372,400 cy

Does the project need to import or export dirt? Yes ☐ No ☒

Import \_\_\_\_\_ Export \_\_\_\_\_ Neither ☒

What is the anticipated source/destination of the import/export? N/A

What is the anticipated route of travel for transport of the soil material? N/A

How many anticipated truckloads? 0 truck loads.

What is the square footage of usable pad area? (area excluding all slopes) 910,150 sq. ft.

Is the project located within 8½ miles of March Air Reserve Base? Yes ☒ No ☐

If yes, will any structure exceed fifty-feet (50') in height (above ground level)? Yes ☐ No ☒

Is the project located within 1000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined by Section 65944 of the Government Code? (See California Office of Planning and Research website: <http://cmluca.projects.atlas.ca.gov/>) Yes ☐ No ☒

Is the project located within the boundaries of an Airport Land Use Compatibility Plan adopted by the Riverside County Airport Land Use Commission? Yes ☐ No ☒

Does the project area exceed one acre in area? Yes ☒ No ☐

Is the project located within any of the following watersheds (refer to Riverside County Land Information System (RCLIS) (<http://www3.tlma.co.riverside.ca.us/pa/rclis/index.html>) for watershed location)?

☒ Santa Ana River ☐ Santa Margarita River ☐ San Jacinto River ☐ Whitewater River

**Gibson Riverside Properties LLC.**  
**2410 Yates Avenue, Commerce, CA. 90040-1918**  
**Tel: (323) 832-8900 Fax: (323) 832-0900**

February 2, 2016

Riverside County Planning Department  
Attn: Matt Straite  
P.O. Box 1409,  
Riverside, CA 92502

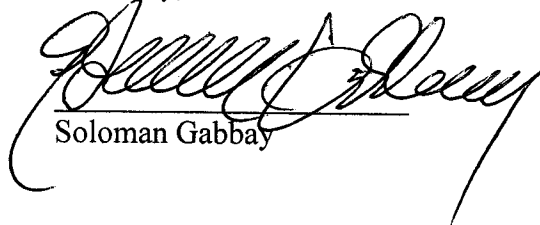
Regarding: Plot Plan No. 25422

My name is Soloman Gabbay, principal of Gibson Riverside Properties, LLC; land owner of the Alessandro land located to the North directly across from the subject site. I'm in receipt of the Public Hearing Notice and have reviewed the site plan. Please accept this letter as my acknowledgment of support and recommendation that the County approve the proposed development.

If you have any questions, please feel free to contact me at 323.832.8900.

Thank you

Sincerely,

  
Soloman Gabbay

**Darrell Butler**  
**1450 Iowa Avenue, Suite 220**  
**Riverside, CA 92507**

February 1, 2016

To Whom It May Concern:

Regarding: Plot Plan No. 25422

I am Darrell A. Butler, owner of the property located at 7350 San Geronio Drive, Riverside CA.

I have reviewed the site plan related to Plot Plan No. 25422 and I support the project and recommend County approve the proposed development.

If you have any questions, please feel free to contact me at 949.632.9892.

Thank you

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Butler', with a large, loopy flourish extending to the right.

Darrell A. Butler

**NOTICE OF PUBLIC HEARING**  
and  
**INTENT TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT**

A **PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider the project shown below:

**PLOT PLAN NO. 25422, ENVIRONMENTAL IMPACT REPORT NO. 537** – Intent to Certify an Environmental Impact Report – Applicant: Tom Simmons/Blackridge – Engineer/Representative: Warren Williams/DRC Engineering - First Supervisorial District – March Zoning District – Lake Mathews / Woodcrest Area Plan: Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) – Location: Southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street – 54.39 Gross Acres - Zoning: Industrial Park (I-P) - **REQUEST:** The Plot Plan proposes an industrial development comprised of 3 buildings totaling 918,150 sq. ft.. The Revised Draft EIR studies the impacts of the project.

TIME OF HEARING: 9:00 a.m. or as soon as possible thereafter.  
DATE OF HEARING: **February 17, 2016**  
PLACE OF HEARING: County Administrative Center  
1<sup>st</sup> Floor Board Chambers  
4080 Lemon Street  
Riverside, CA 92501

For further information regarding this project, please contact project planner, Matt Straite at (951) 955-8631 or e-mail [mstraite@rctlma.org](mailto:mstraite@rctlma.org), or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

The Riverside County Planning Department has determined that the above-described project has the potential to have a significant effect on the environment and has prepared an environmental impact report. Environmental Impact Report No. 537, which identifies all significant environmental effects, has been prepared in conjunction with the above referenced applications that constitute the proposed project. The Planning Commission will consider the proposed project, and the final environmental impact report, at the public hearing.

The case file for the proposed project, and the final environmental impact report, may be viewed Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Planning Department office, located at 4080 Lemon St. 12th Floor, Riverside, CA 92501.

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

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:

**RIVERSIDE COUNTY PLANNING DEPARTMENT**  
Attn: Matt Straite  
P.O. Box 1409, Riverside, CA 92502-1409

## PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN, certify that on 4/14/2015.

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

APN (s) or case numbers PP 25422 For

Company or Individual's Name Planning Department.

Distance buffered 600'.

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

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

NAME: Vinnie Nguyen

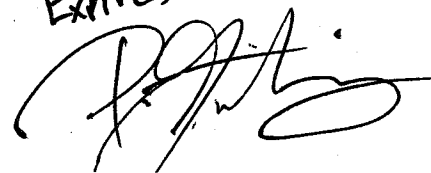
TITLE GIS Analyst

ADDRESS: 4080 Lemon Street 2<sup>nd</sup> Floor

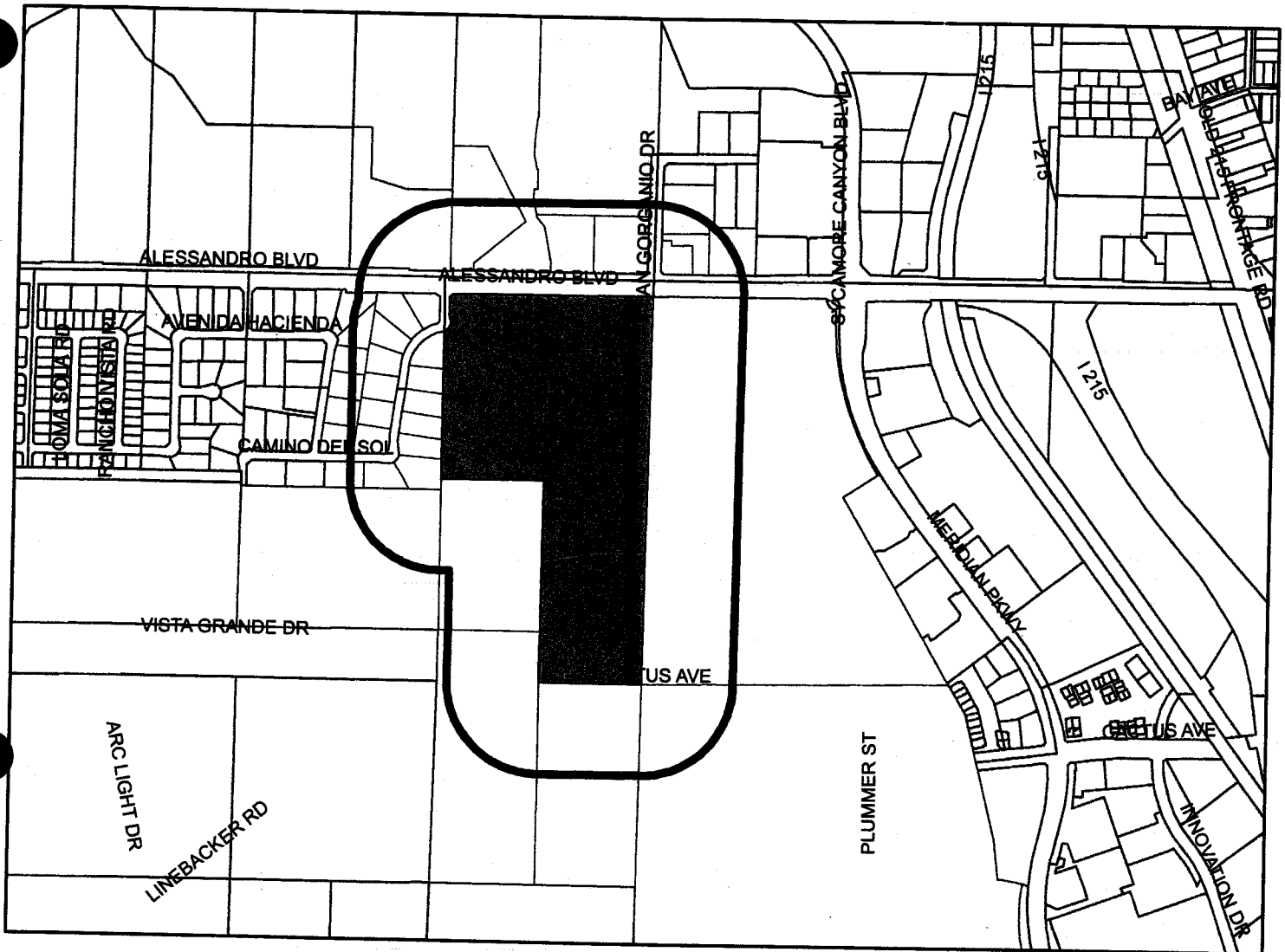
Riverside, Ca. 92502

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

Expires 10/14/18



# **PP25422 (600 feet buffer)**



## **Selected Parcels**

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



1,000 500 0 1,000 Feet

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

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

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

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

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

ASMT: 263250069, APN: 263250069  
RU SINGLETARY, ETAL  
3570 ARLINGTON AVE NO B  
RIVERSIDE CA 92506

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

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

ASMT: 297061005, APN: 297061005  
SOCRATES URENA, ETAL  
20620 AVENIDA HACIENDA  
RIVERSIDE, CA. 92508

ASMT: 297061006, APN: 297061006  
LUPE GONZALES, ETAL  
14050 AVENIDA LUNA  
RIVERSIDE, CA. 92508

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

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

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

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

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



ASMT: 297061012, APN: 297061012  
ANDREW SILVA  
14015 CAMINO DEL ORO  
RIVERSIDE, CA. 92508

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

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

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

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

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

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

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

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

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

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

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

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

ASMT: 297073006, APN: 297073006  
DANIEL BARRIOS  
20635 CAMINO DEL SOL  
RIVERSIDE, CA. 92508





ASMT: 297080010, APN: 297080010

AMSTAR KALIBER  
C/O TRICIA NOBLE  
1050 17TH ST 23RD FL  
DENVER CO 80265

ASMT: 297110011, APN: 297110011

MARCH JOINT POWERS AUTHORITY  
C/O ELLEN STEPHENS FINANCE MANAGER  
23555 MEYER DR  
RIVERSIDE CA 92518



Southern California Edison  
2244 Walnut Grove Ave., Rm 312  
P.O. Box 600  
Rosemead, CA 91770

ATTN: Executive Officer  
Reg. Water Quality Control Board #8  
Santa Ana  
3737 Main St., Suite 500  
Riverside, CA 92501-3348

1st Supervisor District  
Robert Buster, Supervisor  
Board of Supervisors, Riverside County  
Mail Stop 1001

Centralized Correspondence,  
Southern California Gas Company  
P.O. Box 3150  
San Dimas, CA 91773

ATTN: Elizabeth Lovsted  
Eastern Municipal Water District  
2270 Trumble Rd.  
P.O. Box 8300  
Perris, CA 92570

ATTN: Grace Williams  
March Joint Powers Authority  
23555 Meyer Dr.  
March Air Reserve Base, CA 92518

ATTN: Jan Zuppardo  
Planning Commission, Riverside  
County  
c/o Mary Stark  
Mail Stop 1070

Riverside City Hall  
3900 Main St.  
Riverside, CA 92522

ATTN: Division Manager  
Ecological Service,  
U.S. Fish & Wildlife Service  
2177 Salk Ave Suite 250  
Carlsbad, CA 92008-7385

ATTN: Jillian Baker, Ph. D  
South Coast Air Quality Mngmt. Dist.,  
Program Supervisor - CEQA IGR  
21865 E. Copley Dr.  
Diamond Bar, Ca 91765

Santa Ana Regional Water Quality  
Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

CDFW Inland Deserts Region  
3602 Inland Empire Blvd, Suite C-220,  
Ontario, CA 91764

Amstar Kaliber  
C/O Karyn K. Reed  
305 N. Harbor Blvd. Ste. 215  
Fullerton, Ca 92832

Tom Simmons/Blackridge  
4590 Macarthur Blvd. Ste. 240  
Newport Beach, Ca 92660

Warren Williams DRC.  
160 S. Old Springs Rd. Ste. 210  
Anaheim Hills, Ca 92808

Amstar Kaliber  
C/O Karyn K. Reed  
305 N. Harbor Blvd. Ste. 215  
Fullerton, Ca 92832

Tom Simmons/Blackridge  
4590 Macarthur Blvd. Ste. 240  
Newport Beach, Ca 92660

Warren Williams DRC.  
160 S. Old Springs Rd. Ste. 210  
Anaheim Hills, Ca 92808

Supervisor Kevin Jeffries  
1st Supervisorial District, County Administrative  
Center  
4080 Lemon Street, 5th Floor  
Riverside, CA 92501

Guillermo "Bill" Sanchez, Planning Commissioner  
c/o Sophia Nolasco, Planning Commission Secretary  
4080 Lemon Street, 9th Floor  
Riverside, CA 92501

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

Supervisor Marion Ashley  
5th Supervisorial District, County Administrative Center  
4080 Lemon Street, 5th Floor  
Riverside, CA 92501

Warren D. Williams, Chief Engineer  
Riverside County Flood Control District  
1995 Market Street  
Riverside, CA 92501

Office of Planning & Research  
California State Clearinghouse  
1400 Tenth Street, Suite 212  
Sacramento, CA 95814

Ruthanne Taylor Berger, Planning Commissioner  
c/o Sophia Nolasco, Planning Commission Secretary  
4080 Lemon Street, 9th Floor  
Riverside, CA 92501

Marc Brewer  
Regional Parks & Open Space District, Riverside County  
4600 Crestmore Rd., Mail Stop 2970  
Riverside, CA 92509-6858

So. California Association of Governments  
Eric H. Roth, Manager, Intergovernmental Review  
818 West Seventh Street, 12th Floor  
Los Angeles, CA 90017-3435

Caltrans District #8  
Office of Forecasting/IGR/CEQA Review  
464 W. Fourth Street, 6th Floor MS 726  
San Bernardino, CA 92401-1400

Supervisor John Benoit  
4th Supervisorial District, County Administrative Center  
4080 Lemon Street, 5th Floor  
Riverside, CA 92501

Sam Gonzalez  
Riverside County Building & Safety Department  
4080 Lemon Street, 2nd Floor  
Riverside, CA 92501

Riverside County Clerk  
Attention: CEQA Document Filing  
2724 Gateway Drive Riverside, CA 92507

Aaron Hake, Planning Commissioner  
c/o Sophia Nolasco, Planning Commission Secretary  
4080 Lemon Street, 9th Floor  
Riverside, CA 92501



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

San Bernardino County Museum: Development Monitoring  
Commission  
2024 Orange Tree Lane  
Redlands, CA 92374-2850

Riverside-Corona Resource Conservation District  
4500 Glenwood Dr., Building A  
Riverside, CA 92501

Regional Water Quality Control Board #8  
CEQA Review Santa Ana Basin Region  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

Southern California Agency, Bureau of Indian Affairs  
1451 Research Park Drive, Suite 100  
Riverside, CA 92507-2154

Laura Y. Miranda, Deputy General Counsel  
Pechanga Tribal Government  
12705 Pechanga Road  
Temecula, CA 92592

California Department of Fish and Wildlife  
South Desert/Eastern Sierra Region  
Attn: Leslie MacNair  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764

Sierra Club, San Geronio Chapter  
4079 Mission Inn Avenue  
Riverside, CA 92501

San Bernardino County Transportation Dept.  
825 East Third Street  
San Bernardino, CA 92415-1000

Center for Community Action & Environmental Justice  
P.O. Box 33124  
Riverside, CA 92519

Native American Heritage Commission  
1550 Harbor Blvd., Suite 100  
W. Sacramento, CA 95651

U.S. Fish and Wildlife Service  
Attn: CEQA Reviewer  
6010 Hidden Valley Road  
Carlsbad, CA 92011

Eastern Information Center  
Department of Anthropology  
University of California  
Riverside, CA 92521-0418

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



Soboba Cultural Resource Department  
P.O. Box 487  
San Jacinto, CA 92581

California Air Resources Board  
1001 I Street  
P. O. Box 2815  
Sacramento, CA 95812

Centralized Correspondence  
Southern California Gas Company  
P.O. Box 3150  
San Dimas, CA 91773

Riverside County Airport Land Use Comm.  
Attn: John Guerin  
Riverside County Administrative Center  
4080 Lemon Street, 9th Floor  
Riverside, CA 92501

California Native Plant Society Riverside/San Bernardino  
Chapter  
Attn: Ms. Katie Barrows  
53298 Avenida Montezuma  
La Quinta, CA 92253

CA. Department of Transportation  
Division of Aeronautics  
1120 N. Street, Room 3300  
Sacramento, CA 95814

Federal Highway Administration  
U.S. Department of Transportation  
650 Capitol Mall, Suite 4100  
Sacramento, CA 95814

Anne Mayer, Executive Director  
Riverside County Transportation Commission  
4080 Lemon Street, 3rd Floor  
P.O. Box 12008  
Riverside, CA 92502-2208

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

ATTN: Robert Martin  
Morongo Band of Mission Indians  
11581 Potrero Rd.  
Banning, CA 92220-6946

Riverside County Farm Bureau, Inc.  
21160 Box Springs Rd., Suite 102  
Moreno Valley, CA 92557

Southern California Edison  
2244 Walnut Grove Ave., Rm 312  
Rosemead, CA 91770

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


County of Orange Env. Planning Service Division  
Attn: Tim Neely, Manager  
P.O. Box 4048  
Santa Ana, CA 92702-4048



  
Riverside Co. Public Library System  
5840 Mision Blvd  
Riverside, CA 92509

California Dept. of Toxic Substance Control  
Attn: Ken Chiang  
9211 Oakdale Avenue  
Chatsworth, 91311-6505

Larry Lapre'  
Audubon Society, San Bernardino Valley  
P.O. Box 10973  
San Bernardino, CA 92423-0973

 Army Corps of Engineers Los Angeles District -  
Regulatory Branch  
Attn: Crystal L. Marquez  
911 Wilshire Blvd.  
Los Angeles, CA 90017

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

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

BNSF Railway Company  
Attn: Robert E. Brendza, Director Industrial Development  
100 East Carnegie Drive  
San Bernardino, CA 92408

Robin Zimpfer, Asst. County Executive Officer  
Riverside County Economic Development Agency  
1325 Spruce Street, Suite 400  
Riverside, CA 92507

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

Mario Suarez, City Planner  
City of Canyon Lake  
31516 Railroad Canyon Rd.  
Canyon Lake, CA 92587

Christine Kelly, Community Development Director  
City of Chino Hills  
2001 Grand Ave.  
Chino Hills, CA 91709-4868

Brad Robbins, Planning Director  
Community Development Dept., City of Corona  
400 South Vicentia Avenue  
Corona, CA 92882

Sandra Molina, Community Development Director  
City of Grand Terrace  
22795 Barton Road  
Grand Terrace, CA 92313-5295

California Energy Commission  
1516 Ninth St., Mail Stop 29  
Sacramento, CA 95814-5504



Cultural Resources Committee, Pechanga Band of Luiseño  
Mission Indians  
P.O. Box 2183  
Temecula, CA 92593

California State Park & Recreation Commission  
1416 9th Street  
P.O. Box 942896  
Sacramento, CA 95814

Alvord Unified School District  
10365 Keller Ave.  
Riverside, CA 92505-1349

George J. Spiliotis, Executive Officer  
Local Agency Formation Commission  
3850 Vine Street, Suite 110  
Riverside, CA 92507-4277

Jennifer Wellman, Planning Director  
City of Blythe  
235 North Broadway  
Blythe, CA 92225

Leisa Lukes, City Planner  
Planning Division, Cathedral City  
68700 Avenida Lalo Guerrero  
Cathedral City, CA 92234

Community Development Director  
City of Coachella  
1515 Sixth St.  
Coachella, CA 92236

Rich Malacoff, Planning Manager  
City of Desert Hot Springs  
65-950 Pierson Blvd.  
Desert Hot Springs, CA 92240

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

Center for Biological Diversity  
PMB 447  
8033 Sunset Boulevard  
Los Angeles, CA 90046

California State Dept. of Forestry & Fire Protection  
210 W. San Jacinto Ave.  
Perris, CA 92570-1915

Department of Conservation  
801 K Street, MS 13-71  
Sacramento, CA 95814-3500

Omnitrans  
1700 West Fifth Street  
San Bernardino, CA 92411

City of Rialto Planning Department  
131 S. Willow Avenue  
Rialto, CA 92376

Oscar Orci, Community Development Director  
City of Banning  
99 E. Ramsey Street  
Banning, CA 92220-0090

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

Charles E. Coe, AICP, Community Development Director  
City of Chino  
13220 Central Ave.  
Chino, CA 91710

Tomich, Director Community Development Department  
City of Colton  
650 N. La Cadena Drive  
Colton, CA 92324

James Troyer, Director of Community Development  
Fontana City Hall  
8353 Sierra Avenue  
Fontana, CA 92335

Steve Copenhaver, Director of Community Dev.  
City of Indio  
100 Civic Center Mall  
Indio, CA 92201

City Manager  
City of Loma Linda  
2001 Barton Road  
Loma Linda, CA 92354

James Daniels, Director of Community Development  
City of Norco  
2870 Clark Ave.  
Norco, CA 92860

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

Jeffrey L. Shaw, Director Community Development  
Department  
City of Redlands  
35 Cajon Street, Suite 20  
Redlands, CA 92373

City Manager  
City of San Jacinto  
595 S. San Jacinto Avenue, Building A  
San Jacinto, CA 92583

Kurt Christiansen, Community Development Director  
City of Yorba Linda  
4845 Casa Loma Avenue  
Yorba Linda, CA 92885

City of Yuma Community Planning Division  
One City Plaza  
PO Box 13013  
Yuma, Arizona 85366-3013

Bryan Speegle, Director  
Orange County Resources & Development Management  
Department  
300 N. Flower St.  
Santa Ana, CA 92703-5000



Growth Management,  
U.S. Postal Service  
P.O. Box 9998  
Riverside, CA 92507-9998

Rolfe Preisendanz, Community Development Director  
City of Lake Elsinore  
130 S. Main St.  
Lake Elsinore, CA 92530

Rick Sandsimier, Planning Official  
City of Moreno Valley  
14177 Frederick Street  
Moreno Valley, CA 92552

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

Brad Eckhardt, Planning Manager  
City of Perris  
101 N. "D" Street  
Perris, CA 92570-1998

Planning Director  
Planning Department  
City of Riverside  
3900 Main St., 3rd floor  
Riverside, CA 92522

Debbie Ubnoske, Director of Planning  
City of Temecula  
43200 Business Park Drive  
P.O. Box 9033  
Temecula, CA 92589-9033

John McMains, Community Development Director  
City of Yucaipa  
34272 Yucaipa Boulevard  
Yucaipa, CA 92399

San Bernardino County  
385 N. Arrowhead Ave.  
San Bernardino, CA 92415

Jurg Heuberger, AICP, Director  
Imperial County Planning & Development Services  
Department  
801 Main St., Suite B-1  
El Centro, CA 92243-2811


ATTN: Dick Encinas  
Lake Mathews Estates Community Assoc.  
20625 Villa Knoll  
Perris, CA 92570

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

Les Johnson, Planning Director  
City of La Quinta  
P.O. Box 1504  
La Quinta, CA 92247

Mary Lanier, Planning Manager  
City of Murrieta  
26442 Beckman Ct.  
Murrieta, CA 92562



  
Lauri Aylaian, Community Development & Planning Director  
City of Palm Desert  
73-510 Fred Waring Dr.  
Palm Desert, CA 92260

ATTN: Assemblyman Ray Haynes  
California State Assembly 66th District  
27555 Ynez Rd., Suite 205  
Temecula, CA 92591

Randy Bynder, Director Community Development Department  
City of Rancho Mirage  
69-825 Hwy. 111  
Rancho Mirage, CA 92270

ATTN: Art Cassel  
Community Association of Lake Mathews  
18350 Harley John Rd.  
Lake Mathews, CA 92504-9648

Planning Director  
City of San Bernardino  
300 N. "D" Street, 3rd Floor  
San Bernardino, CA 92418

Mockingbird Canyon Homeowners' Assoc.  
P.O. Box 9088  
Riverside, CA 92504

 Gibson, Interim Director  
San Diego County Planning Department  
5201 Ruffin Rd., Suite B  
San Diego, CA 92123

ATTN: District Manager  
Resource Conservation District, Riverside-Corona  
4500 Glenwood Dr., Building A  
Riverside, CA 92501

Scott Bernhart, Director  
La Paz County Community Development Department  
1112 Joshua Ave., Suite 202  
Parker, AZ 85344

Riversiders for Reasonable Growth  
7463 Dufferin Ave.  
Riverside, CA 92504

ATTN: Cindy Ferry  
Lake Mathews Talks  
16115 Rocky Bluff Rd.  
Gavilan Hills, CA 92570-7471

Socrates Urena  
20620 Avenida Hacienda  
Riverside, CA 92508

ATTN: President  
Building Industry Assoc.  
3111 11th St.  
Riverside, CA 92501-2973

Keith G. Owens, P.E. Principal Engineer  
Western Municipal Water District  
P.O. Box 5286  
Riverside, CA 92517-5286



San Bernardino Valley Audubon Society  
Attn: Drew Feldmann  
PO Box 10973  
San Bernardino, CA 92423

Larry Parrish, County Executive Officer  
County Administrative Center  
4080 Lemon Street, 4th Floor  
Riverside, CA 92501

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

ATTN: Laurie Taylor  
Greater Lake Mathews Area Association  
14679 Descanso Dr.  
Lake Mathews, CA 92750

Public Utilities Department, City of Riverside  
3460 Orange St.  
Riverside, CA 92501-2822

Riverside Unified School District  
3380 14th St.  
P.O. Box 2800  
Riverside, CA 92516

West Riverside Canal Company  
7141 Valley Way  
Riverside, CA 92509

City of Riverside Public Library -Main Library  
Attn: Reference Librarian  
3581 Mission Inn Avenue  
Riverside, CA 92501

Thomas Simmons  
13191 Crossroads Parkway North  
6th Floor  
City of Industry, CA 91746

Best, Best & Krieger LLP  
3390 University Avenue, 5th Floor  
Riverside, CA 92501

ATTN: Assemblyman John J. Benoit  
California State Assembly 64th District  
1223 University Ave., Suite 230  
Riverside, CA 92507

Representative Ken Calvert  
California State Representatives 44th District  
3400 Central Ave., Suite 200  
Riverside, CA 92506

ATTN: Nadell Gayou  
California State Water Resources Control Board  
1001 I St.  
Sacramento, CA 95814-2828

ATTN: Nancy Lacey  
Greater Lake Mathews Rural Trails Association  
18605 Chickory Dr.  
Lake Mathews, CA 92504



Residents Association of Greater Lake Mathews  
14176 Grande Vista Ave.  
Lake Mathews, CA 92570-8820

Riverside Water Company  
3900 Main St.  
Riverside, CA 92501

Grace Williams  
March Joint Powers Authority  
23555 Meyer Drive  
Riverside, CA. 92518

University of California Riverside  
Thomas Rivera Library  
Attn: Government Publications Dept.  
3401 Watkins Drive  
Riverside, CA 92521

Center for Biological Diversity  
Attn: Johnathan Evans  
351 California Street Suite 600  
San Francisco, CA 94104

LNR Riverside LLC Hans Van Ligten  
Rutan & Tucker LLP  
611 Anton Blvd.  
Costa Mesa, CA 92626-1931

Jim Bartel, Field Supervisor  
United State Fish and Wildlife Services  
7 Salk Avenue, Suite 250  
Carlsbad, CA 92008

Michelle Ouellette, Partner  
For March Joint Powers Authority  
Best, Best and Krieger, LLP  
3750 University Ave./ #400  
Riverside, CA 92501

Bradley H. Oliphant, Trial Attorney  
United States Department of Justice  
Evn & Nat Res. Sect  
Ben Franklin Station  
PO BOX 7611  
Washington, DC 20044-7611

Sally Jewell, Secretary of the Interior  
Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240





Riverside County Health Agency Office of Industrial  
Hygiene  
Attn: Steven Uhlman  
4065 County Circle Drive  
Riverside, CA 92503-3410

Tracy Hobday, Fire Captain  
Riverside County Fire Department  
2300 Market Street  
Riverside, CA 92501

Supervisor Chuck Washington  
3rd Supervisorial District, County Administrative Center  
4080 Lemon Street, 5th Floor  
Riverside, CA 92501

Supervisor John F. Tavaglione  
2nd Supervisorial District, County Administrative Center  
4080 Lemon Street, 5th Floor  
Riverside, CA 92501

Chuck Strey, Senior Public Health Engineer  
Riverside County Environmental Health Dept.  
4080 Lemon Street, 2nd Floor  
Riverside, CA 92501

Mickey Valdivia, Agricultural Commissioner  
Agricultural Commissioner's Office  
4080 Lemon Street, Room 19, Basement  
Riverside, CA 92501

Riverside Transit Agency  
Attn: Michael McCoy  
1825 Third Street  
Riverside, CA 92507-3416

Riverside County Waste Management Dept.  
14310 Frederick Street  
Moreno Valley, CA 92553

South Coast Air Quality Management District  
Attn: Steve Smith- CEQA Review  
21865 E. Copley Drive  
Diamond Bar, CA 91765-4182

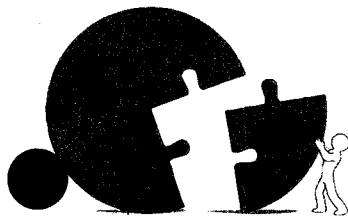
John Roth, Planning Commissioner  
c/o Sophia Nolasco, Planning Commission Secretary  
4080 Lemon Street, 9th Floor  
Riverside, CA 92501

Riverside Land Conservancy  
4075 Mission Inn Avenue  
Riverside, CA 92501

Carolyn Syms-Luna, Director  
Environmental Programs Department  
4080 Lemon Street, 12th Floor  
Riverside, CA 92501

Clarissa Leach, Planning Commissioner  
c/o Sophia Nolasco, Planning Commission Secretary  
4080 Lemon Street, 9th Floor  
Riverside, CA 92501

Western Riverside Council of Governments  
Attention: Rick Bishop, AICP  
4080 Lemon Street, 3rd Floor, MS 1032  
Riverside, CA 92501-3609



# RIVERSIDE COUNTY PLANNING DEPARTMENT

**Steve Weiss AICP**  
**Planning Director**

TO: ☐ Office of Planning and Research (OPR)  
P.O. Box 3044  
Sacramento, CA 95812-3044  
☒ County of Riverside County Clerk

FROM: Riverside County Planning Department  
☒ 4080 Lemon Street, 12th Floor  
P. O. Box 1409  
Riverside, CA 92502-1409

☐ 38686 El Cerrito Road  
Palm Desert, California 92211

**SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the California Public Resources Code.**

Plot Plan No. 25422

*Project Title/Case Numbers*

Matt Straite

*County Contact Person*

(951) 955-8631

*Phone Number*

*State Clearinghouse Number (if submitted to the State Clearinghouse)*

Tom Simmons/ Blackridge

*Project Applicant*

4590 Macarthur Boulevard, Suite 240, Newport Beach, Ca 92660

*Address*

Southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street

*Project Location*

The Plot Plan proposes to develop 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 3 will be designated for general or multi-tenant warehousing and will occupy 216,440 square feet. The project will also include 581 parking spaces and two detention basins. The EIR studies the environmental impacts of the proposed project.

This project was previously approved as Plot Plan 22925. A subsequent law suit and settlement agreement required the approvals to be vacated and reprocessed with the inclusion of a biological corridor. The project has changed the layout and the number of structures. Impacts are generally reduced by the new design. An Environmental Impact Report (EIR) was previously done for the site, EIR510, which was also vacated. A new revised focused EIR has been prepared building on the previous EIR510.

*Project Description*

This is to advise that the Riverside County Board of Supervisors, has approved the above-referenced project on April 12, 2016, and has made the following determinations regarding that project:

1. The project WILL have a significant effect on the environment.
2. An Environmental Impact Report was prepared for the project pursuant to the provisions of the California Environmental Quality Act (\$3,069.75+\$50.00) and reflect the independent judgment of the Lead Agency.
3. Mitigation measures WERE made a condition of the approval of the project.
4. A Mitigation Monitoring and Reporting Plan/Program WAS adopted.
5. A statement of Overriding Considerations WAS adopted
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the earlier EA, with comments, responses, and record of project approval is available to the general public at: Riverside County Planning Department, 4080 Lemon Street, 12th Floor, Riverside, CA 92501.

*Signature*

Project Planner

*Title*

*Date*

Date Received for Filing and Posting at OPR: \_\_\_\_\_

COUNTY OF RIVERSIDE  
SPECIALIZED DEPARTMENT RECEIPT  
Permit Assistance Center

J\* REPRINTED \* R1308006

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 595  
EA42616

\$50.00

paid towards: CFG05992  
at parcel:  
appl type: CFG3

CALIF FISH & GAME: DOC FEE

By \_\_\_\_\_ Aug 22, 2013 09:26  
MGARDNER posting date Aug 22, 2013

\*\*\*\*\*  
\*\*\*\*\*

Account Code	Description	Amount
658353120100208100	CF&G TRUST: RECORD FEES	\$50.00

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

COUNTY OF RIVERSIDE  
SPECIALIZED DEPARTMENT RECEIPT  
Permit Assistance Center

J\* REPRINTED \* R1508399

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 001543  
EA42616

\$3,069.75

paid towards: CFG05992  
at parcel:  
appl type: CFG3

CALIF FISH & GAME: DOC FEE

By \_\_\_\_\_ Jul 23, 2015 08:29  
MGARDNER posting date Jul 23, 2015

\*\*\*\*\*  
\*\*\*\*\*

Account Code  
658353120100208100

Description  
CF&G TRUST

Amount  
\$3,069.75

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



COUNTY OF RIVERSIDE  
SPECIALIZED DEPARTMENT RECEIPT  
Permit Assistance Center

J\* REPRINTED \* R1600913

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: CASH

\$.25

EA42616

paid towards: CFG05992  
at parcel:  
appl type: CFG3

CALIF FISH & GAME: DOC FEE

By \_\_\_\_\_ Jan 28, 2016 07:50  
MGARDNER posting date Jan 28, 2016

\*\*\*\*\*  
\*\*\*\*\*

Account Code	Description	Amount
658353120100208100	CF&G TRUST	\$.25

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

# *Riverside Steel Construction*

20735 Camino Del Sol, Riverside, CA 92508  
(951) 324 - 0105 Fax (951) 697 - 7638 License #591353 DIR #1000002067

Kecia Harper-Ihem  
Clerk of the Board  
P.O. Box 1147  
Riverside, CA 92502-1147

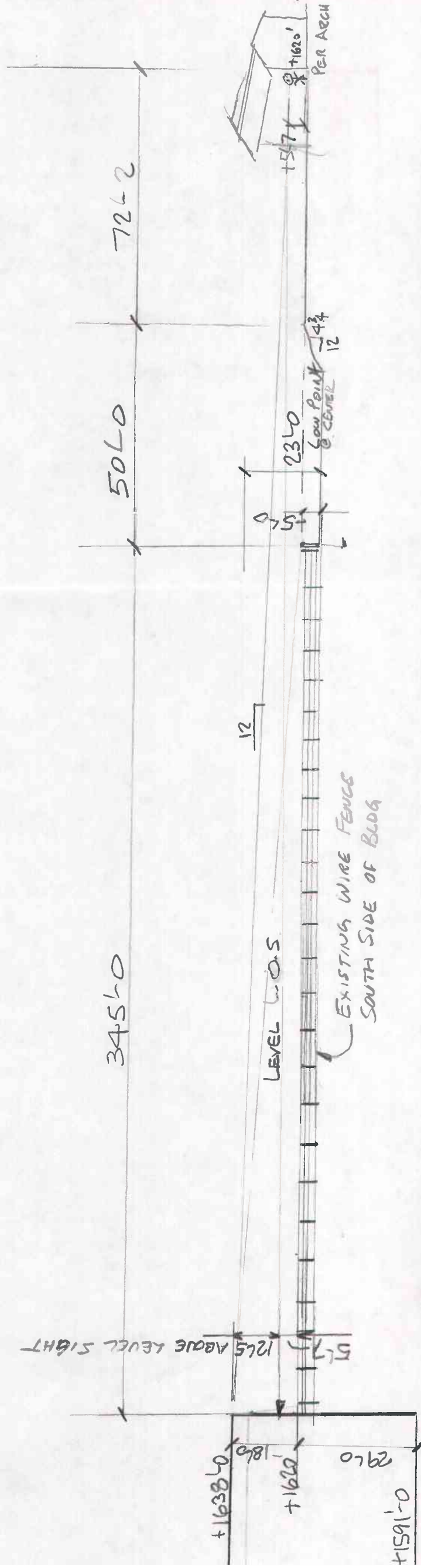
## Concerns regarding project "Plot Plan 25422" - Environmental Impact Report #537

1. Everything I have seen to date was based on 2 Buildings "Not 3 as noted in current Public Hearing Notice"
2. The maximum Building height noted in EIP #537 specified 45'- 0 high maximum the drawings show the large building near my house at 47'- 0 High!
3. I read about access from Gem to the site for grading or something, You can't have Heave equipment enter from Gem again due to the accidents it will generate when travelling at 55 and a truck slows to swing wide to turn in essentially blocking 2 of 3 lanes the same as a truck merging from a dead stop into heavy 55 mph freeway traffic. It will make an absolute mess of traffic.
4. Rock Crushing Plant on site location - Don't want this any place near my house - far end of project
5. As I clearly voiced my concern in prior meetings and I was told I was incorrect, I have proof that will indeed show I am 100% correct and the majority of my view will thus be eliminated. Just as beautiful as the view is in the day light with all the surrounding mountains, the night is equally spectacular. The same as Las Vegas is to look at with the lights in the distance my view is the same on a smaller scale, "Moreno Valley Mall, Lowe's center, The ball fields, all the homes and businesses will all be eliminated (See Picture showing what 18'- 0 high looks like from my actual line of site) Thus the Section 8 is incorrectly drawn and misrepresents the allegations that the view of the residences will be minimally impacted is completely false as written in EIR #537.
6. The EIR states truck volume at 779/per day I believe, thus  $779/24 = 32.46/\text{hour}$ . How is that not going to literally destroy traffic movement on Alessandro? It gives the trucks 1/4 mile to turn on to Alessandro and within that distance there is Sycamore Canyon or Meridian Parkway then the bridge in which the vehicles que up for the left turn to head North on the 215 toward the 60 which is already a major bottleneck. Trucks every 2 minutes will shut down Alessandro traffic. Mornings and after school is out and work it can take 10 - 15 minutes at times to turn left from Gem now without truck traffic slowing the flow.
7. Previously I took the word of the "Architect" regarding my view with minimal impact after the council said she took the Architect at his word over my word. I did say I have 42 years as a Professional Draftsman at the age of 54. I am also a second generation Contractor, I personally have been licensed for 27 years. I read Specifications, drawings and contracts for a living, Judging by the mistakes I personally have discovered without much effort I can say I do not personally accept the word of anyone that has not correctly drawn the correct section with existing line of site at my house. I have pictures and I have drawn correctly the section representing my house.
8. I only began to look at the EIR and it was in direct conflict with what the drawings depict so if I looked over the entire 300+ pages god knows what I would find.
9. I took a piece of 1 1/2 round tube 20'- 0 and set it in an existing hole to show everyone exactly what I have stated as obstructing my view and despite the attempt to really minimize it I knew better as I mentioned before. Now the southwest corner of the building is within a few feet of the location of the pipe. The view from the pipe and everything left will be gone due to the extensive height projecting above the finish floor level of my house by 18 feet. The remainder of the view will be eliminated by the building projecting East parallel to the boundary wire fence on the south side of the project. Failure to produce any drawing with proposed trees as previously discussed and instructed by council I must assume that it was said to appease me and later I am going to court over the issues. My opinion is simple in that the building can indeed be lowered by removal of additional dirt thus lowering the finish floor datum of the building. Going with the 45 feet drops it to 16 feet of obstruction which could be eliminated 100% by dirt removal same as all other buildings

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on Alessandro have done. I moved there in 1999 and it was my understanding that the entire area that was then chain linked off with signs stating Stephens Kangaroo Rat preserve that was made a preserve due 100% as a result of the widening of the 215 freeway. I have literally one of the best views from my yard anywhere in the world. Yesterday I saw a rainbow touching the ground in Moreno Valley that would be gone with this building blocking my view. I have seen Lightning hit Moreno Valley and called 911 to report the fire from my kitchen window. I have seen Crane birds with the 2'-0 necks in the preserve. Many coyotes live in that area that will all be a memory only with this leviathan being constructed and 1 or 2 others and parking lots. Owl's live out there and in my yard they will all be gone, The red tailed Hawks same thing. It will just force additional rabbits and squirrels to invade the homes surrounding their habitat.

10. The EIR mentions the Luiseno Pechanga band of Indians having villages that occupied this area and known rocks mark the area of Indian inhabitants. I am sure Turtle rock would be one of such markers as the report states mushroom or wave shaper rocks are a sign. There is such a wave shaped rock in the corridor area of the proposed development almost looks like the head of a Killer whale breaching the water like a wave.
11. If I can personally scan through half of the report and find discrepancies such as building height of 2 to 3' without trying to find errors it really doesn't shine a positive light on the review by the powers granting authority to proceed that they indeed reviewed the drawings and specifications very closely and all is well. I am stating this as fact, Based on the misrepresentation of impact to my view I am not sure if I intend to pursue legal remedies or not. I wouldn't trade my current view for the Million dollar homes off of Overlook. My view has no comparison it compares to a small representation of Vegas at night and heaven during the day. I am surrounded by mountains 180 degrees I can see the 215 and the 60 freeway currently from my yard all will be gone with this behemoth great wall of Riverside erected and that will be like defacing Mount Rushmore. Put the building at a lower elevation or move it around to the other location on the south pad or erect a shorter building.







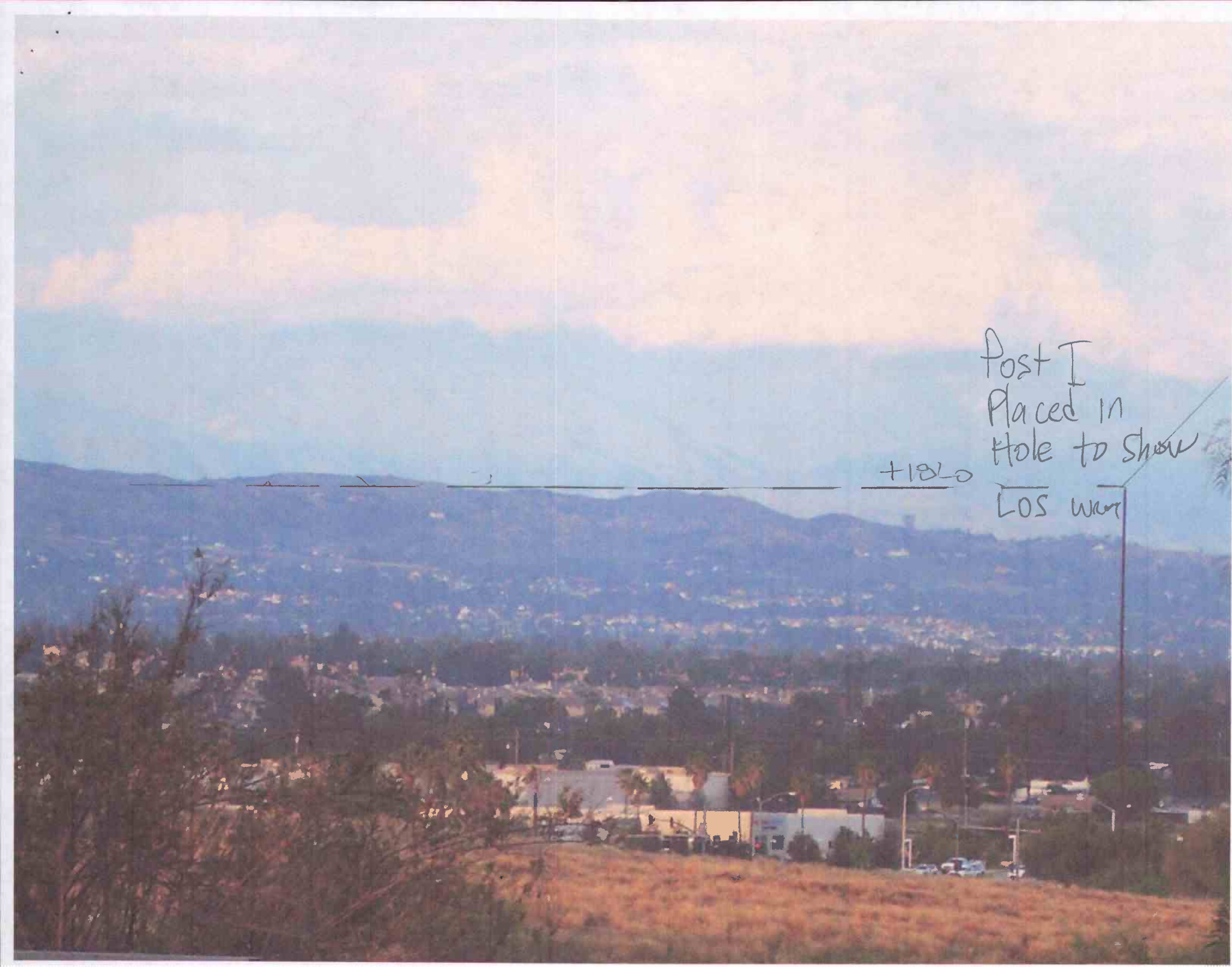




+1860

Post I  
Placed in  
hole to show  
LOS water

+1820







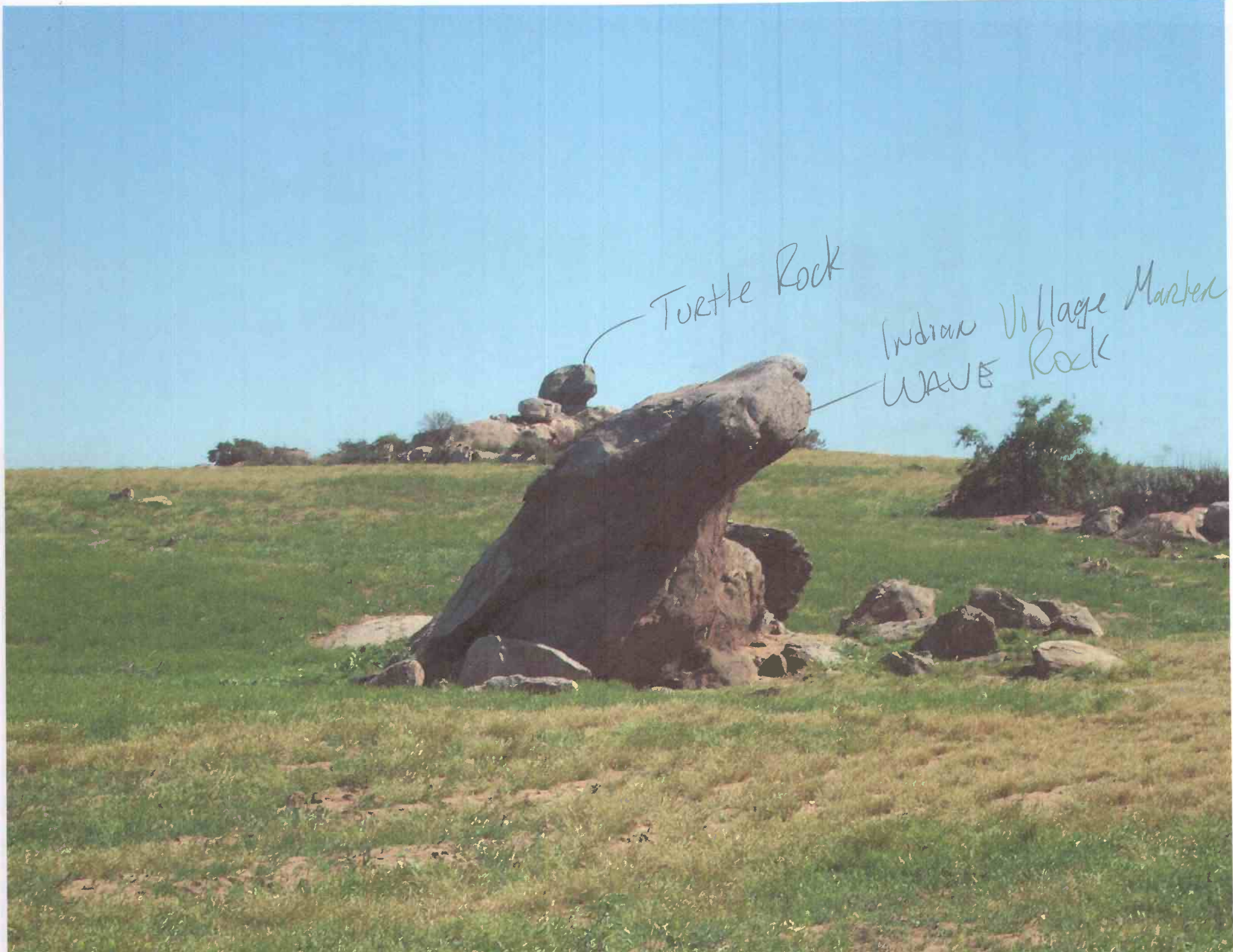




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Turtle Rock

Indian Village Marker  
WAVE Rock





Turtle Rock

Indian Village Marker  
WAVE Rock

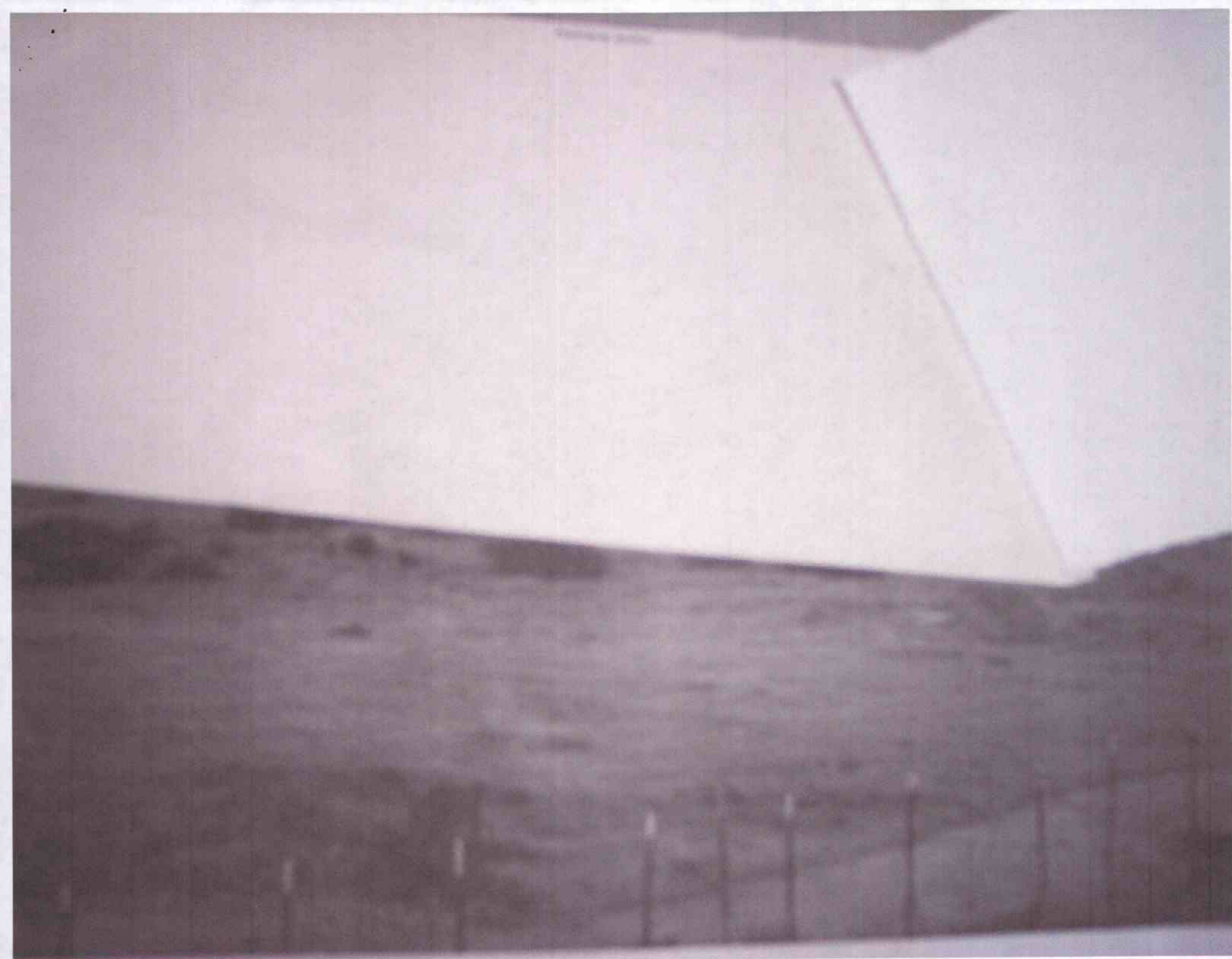


Top of Trailer













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

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

**SPEAKER'S NAME:** JAMES THOMSON

**Address:** 20735 CAMINO DEL SOL  
(only if follow-up mail response requested)

**City:** RIVERSIDE **Zip:** 92508

**Phone #:** 951-324-0105

**Date:** 7/26/16 **Agenda #** 16-1

**PLEASE STATE YOUR POSITION BELOW:**

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

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

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

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

**I give my 3 minutes to:** \_\_\_\_\_

## **BOARD RULES**

### **Requests to Address Board on "Agenda" Items:**

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

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

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

### **Power Point Presentations/Printed Material:**

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

### **Individual Speaker Limits:**

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

### **Group/Organized Presentations:**

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

### **Addressing the Board & Acknowledgement by Chairman:**

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

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

**SPEAKER'S NAME:** Ms Miller

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Agenda #** 16-1

**PLEASE STATE YOUR POSITION BELOW:**

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

\_\_\_\_\_ **Support**    ☒ **Oppose**    \_\_\_\_\_ **Neutral**

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**I give my 3 minutes to:** \_\_\_\_\_

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