

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



19-1

1:30 p.m. being the time set for public hearing on the recommendation from Transportation and Land Management Agency/Planning regarding the Public Hearing on General Plan Amendment No. 1079, Change of Zone No. 7799, Plot Plan No. 25337, Parcel Map No. 36564, Environmental Impact Report No. 534 (Fast Track Authorization No. 2008-24) — Intent to Certify Environmental Impact Report No. 534 – Applicant: William A. Shopoff – Engineer: Urban Environs – 5th District – Cherry Valley Zoning District – Cherry Valley Gateway Policy Area, Cherry Valley Policy Area – The Pass Area Plan – Community Development: Very Low Density Residential (CD:VLDR) (1 Acre Minimum) and Rural: Rural Mountainous (R:RM) (10 Acre Minimum) – Location: Northerly of Cherry Valley Boulevard, easterly of Interstate 15 and westerly of Vineland Street – 230.0 Gross Acres – Zoning: Controlled Development (W-2) and Residential Agricultural (R-A-1) REQUEST: A General Plan Amendment to change from Community Development: Very Low Density Residential (CD:VLDR) (1 Acre Minimum) and Rural: Rural Mountainous (R:RM) (10 Acre Minimum) to Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) Community Development: Public Facility (CD:PF) and Open Space: Open Space Recreation (OS:OS-R) and Rural: Rural Mountainous (R:RM) (10 Acre Minimum). The Change of Zone is a change from Controlled Development Areas (W-2) to Industrial Park (I-P) with a portion remaining W-2. A Plot Plan for a distribution facility consisting of two industrial buildings totaling 1,823,760 square feet, located on 229 acres, of which approximately 140.23 acres would be included within the developed portion of the project, and 84.8 acres would remain as natural open space. The Parcel Map proposes to subdivide 229 gross acres into four parcels. APNs 407-220-004, 407-220-007, 402-220-008, 407-220-009, 407-220-016, & 407-220-017. APNs 407-270-012, 407-270-013 are not part of the project, but are part of improvements related to the project. [Applicant Fees 100%], the Chairman called the matter for hearing.

Russell Brady, Planning Department Staff, presented the matter.

Bill Shopoff, Applicant
Brian Rupp, Applicant

The following people spoke in opposition:

| | | |
|--------------------|------------------------|-----------------|
| Lloyd White | Jeffery Lewis | Erika Birky |
| Nancy Carroll | Ron Roy | Susan Pratt |
| Jack Carroll | Colleen Partain | Kathy Hammemam |
| John Gray | Doug Padgett | Marianna Spatt |
| Pamela Smyth | Joan Marie Patsky | David Castaldo |
| Michele Delph | James Robert Cruise II | Lynn Warren |
| Jay Honeyfield | Kristi Cruise | Diane Franklin |
| Dr. Timothy Krantz | Joe Wheeler | Patsy Reeley |
| Dana Rochat | Robert Gillume | Nancy Hall |
| Carol Fleming | Meagan Jackson | Samuel Trussell |
| Lynn Jenkins | Tina Krummerle | Mary Daniel |
| Steve Mehlman | Jennifer Hastings | James Krausz |
| Beverly Crowe | Pat Doherty | James Wright |
| Nancy Honeyfield | George Eldridge | Kathleen Dale |
| Marti McCammon | Linda Jean Foster | Robert DeCoster |
| Jon Heberling | Steven Street | |

Continued on page 2

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



Item 19.1

Page 2

The following people spoke in favor:

| | |
|--------------------|-----------------|
| Ken Our | Michael Dea |
| Fernando Soto | Loren Borstein |
| Daniel Brennan | Kimberly Powell |
| Frank Staudenmaier | Tonya Gallo |
| John Light | |

The following people spoke neutral:

Leonardo Gonzalez

Closed the Public Hearing

On motion of Supervisor Ashley, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the public hearing is closed and the matter is continued to Tuesday, October 17, 2017 at 1:30 p.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Tavaglione, Perez and Ashley

Nays: None

Absent: Washington

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on October 3, 2017 of Supervisors Minutes.

(seal)

WITNESS my hand and the seal of the Board of Supervisors
Dated: October 3, 2017
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.
19-1

xc: Planning, COB

Oppose Gateway

Offices of Miller, Rivera, Catlin
October 3, 2017
No. 19 5243
San Gorgonio Crossing

Semi and Full tractor Trailer Rigs do not need to be traveling up Cherry Valley and further negatively impacting the air quality and opening another area for Truck Traffic. These fossil fuel emissions, the worse in the Nation, will connect the Long Beach 1-10 and I-60 Pollution Corridor from The Long Beach Harbor thru San Bernardino branching off down I-15 and continuing toward Palm Springs along 1-10 where it visibly drops past Mecca. America needs to stop consuming so much that they think they need to open more distribution Centers. America needs to stop grading more precious Nature for over consumption and market driven buying. We don't need to support these Demon and Reptilian Holidays that cause more mass consumption. People even worry that these smaller tract housing areas don't have enough space for their decorations. How superficial and consumeristic and forest destructive is that? Jehovah did not say to fill up garages and storage areas with Holiday decorations. We are to take care of the land upon which we stand or it will turn into raging micro bursts and mini tornadoes. This overdevelopment is causing overheating and fueling the hurricanes from heat collecting in the upper atmosphere and Gateway will contribute to this grave situation.

The citizens who oppose Mr. Shopoffs dangerous plan represent 10 or more citizens a piece who don't know what is going to happen from a 2.6 million square foot assemblage of buildings and truck bays in Calimesa, Beaumont and Cherry Valley. This will impact all of Southern California by contributing more heat and polluting gasses absorbed by all citizens, agricultural crops, wildlife, vegetation, soils.....

We need to stop more Orange County developers like Shopoff Group from Irvine from planning any more Distribution Centers. There are no tenants. Major online and retail stores have enough space and Bill Shopoff should not have this change of zone upheld by

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Riverside County who never should have passed this. Seriously, do not reelect any Supervisor who voted for this colossal resource and carbon footprint.

Sadly, there are many empty Distribution Centers in Perris

1. and those need to fill up before the County permits anything
2. and businesses coming in already built Distribution Centers need to be carefully considered as necessary.
3. This County needs to be sued for allowing warehouses to be built just for tax write offs. These developers take off their losses for lack of renting the massive buildings from their taxes. Without tenants that produce a necessary service and products, warehouse and distribution centers will not be constructed unless the Board wants to receive massive opposition. Not another building without data basing the ones we already have .

This is probably the worst project by the County of Riverside ever.

- A. There is no Designation for Massive Distribution Center and there needs to be a designation which will hopefully be fought by Communities like this one. This isn't Open Space or Light Industrial: This is Massive Distribution Center and needs to be called what it is. Until this designation occurs, then, we need to make this a No Project Designation.
- B. This property could not be zoned for Massive Distribution Center because it has the potential CFD of 560 homes as is the adjoining development. This means there is already tract housing as neighbors and another 500 plus planned which also should be stopped. That is a lot of upcoming traffic and these thousands of cars are supposed to sit in stalled traffic with houndreads of trucks. The truck traffic around Pomona all the way out to San Bernardino is already beyond healthful. This will cause major pollution barreling into Cherry Valley from too many houses and too many trucks.
- C. There are strong winds in this area to cause pollution distribution throughout the area. ROG Reactive Organic Gases and NOx Nitrous Oxides will have significant accumulation and will connect the I-10 Corridor pollution with San Bernardino's pollution. This pollution added to winds blowing from North will continue to travel further down thru Menifee and Murrieta. Air Quality will be at all time low and hospital trips will rise from asthma and emphysema attacks.
- D. The amount of pollution decreased by Tier One standards and new trucks will be outweighed by the number of trucks increasing to distribute goods to 478 truck bays at Gateway. 3 PC
- E. This truck traffic will cause massive traffic congestion.
- F. It will be a long time before Vegetation matures to remove the stark massive Industrial buildings that are 47 feet high. Trees would have to be very tall tree species to cover this much action
- G. Detailed description of manufactured slopes has not pleased the Sierra Club and this project must be sent back to the Planning Commission.

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H. This project will disturb nocturnal wildlife and spring mating habits and violate the animal species from Wildlife Corridor activities with photometric lighting for the estimated 3,300 truck and car trips coming and going to this site a day.

I. Sensitive Vegetative Species

Sensitive vegetation communities THAT NEED TO REMAIN TO SUPPORT Botanical Communities on the property that will not be the San Geronio Crossing project site:

mule fat scrub,

Riversidean sage and coastal sage scrub of which only 50 square miles is left of habitat.

Coastal sage chaparral scrub

Scrub oak chaparral

Yucaipa onion was observed on-site. *Allium marvinii* with only two other habitats suitable for this species,

Reptile Species that occur on the property

Coastal whiptail occur in the Open coastal sage scrub, chaparral, woodlands
Dangerous snakes Red diamond because burrowing rodents hang here.

San Diego horned lizard

Coast horned lizard

San Diego horned lizard

Coast patch-horned lizard

Coast patch nosed snake

Western spadefoot

Two-striped garter snake

South Coast garter snake

Birds of Sensitive Recognition

Grasshopper sparrow which is expected to be seen in grassland which occurs on site.

Southern Calif crowned sparrow could appear because Coastal sage scrub habitat is present

Loggerhead shrike Grassland, open sage scrub, chaparral, and desert scrub

Merlin in grasslands can occur in any habitat

California horned lark prefers open plains with sparse vegetation and plowed fields of bare dirt

Mammals

North Western San Diego pocket mouse Habitat coastal sage scrub and grassland occurs on-site.

San Diego desert wood rat open chaparral and coastal sage scrub.
Open sage occurs on-site.

MSHCPCA focuses on 146 species.

- H. Where is proof that the design complies with CalGreenCode Title 24 building energy efficiency requirements that offer builders better windows, insulation, lighting, ventilation systems that reduce energy consumption. The roof top Solar will only account for 23 percent of the electrical needs of the building and the buildings are magnamous energy consumers. Can you even image the amount of electricity needed to cool these buildings? That is an average of 500 2000 square foot houses, a major tract. In a disaster, these buildings will tip the scale of whether we face a black out or not. They just can't come on line in the scale of fragile energy resources.
- I. Sketchers at 1.8 million Square Feet did not create the jobs that were promised and many of these warehouses are going to robotics which supplied jobs for engineers for awhile and, then, the automation trumps the people. And once again there are no clients and this is a tax write off.
- J. Gateway will create a Heat Island and strong thermal activity off the adjoining fields. This will impact the cherry crops and other agricultural enterprises. Cherry blossoms could be blown away by strong wind.

This is too much building, grading, draining the Earth for resources to create another slab of concrete and massive buildings. Stop the Gateway and donate the property to the Riverside County Habitat Conservation Authority

Maxwell, Sue

From: Maxwell, Sue
Sent: Tuesday, October 03, 2017 2:27 PM
To: George Johnson (GAJohnson@RIVCO.ORG); Perez, Juan (JCPEREZ@RIVCO.ORG); Leach, Charissa (cleach@RIVCO.ORG); Young, Alisa; COB-Agenda (COB-Agenda@rivco.org); Dawson, Brett (BDawson@RIVCO.ORG); District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG); District2; District3; District5; Supervisor Jeffries - 1st District (district1@rivco.org)
Subject: FW: Public Comment - October 3, 2017 Item 19.1 (Opposition to Cherry Valley Warehouse)
Attachments: DC cherry Valley---rc-bos.doc

Good afternoon,

The attached letter of opposition to the Cherry Valley Warehouse project has been printed, logged, and added as back-up to Agenda Item 19.1 for the October 3, 2017 Board Meeting.

Thank you for your attention to this, and have a nice afternoon,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
smaxwell@rivco.org
<http://rivcocob.org/>



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From: COB
Sent: Tuesday, October 03, 2017 11:41 AM
To: 'albia miller' <stopbuildinganything@gmail.com>
Subject: Public Comment - October 3, 2017 Item 19.1 (Opposition to Cherry Valley Warehouse)

Good morning Ms. Miller,

The Clerk of the Board is in receipt of your letter sent via email regarding the San Gorgonio Crossing Project in Cherry Valley, Agenda Item 19.1, and has included it in the record for the October 3, 2017 Board Meeting.

With thanks and warm regards,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors

4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
Mail Stop #1010
smaxwell@rivco.org
<http://rivcocob.org/>



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From: albia miller [<mailto:stopbuildinganything@gmail.com>]
Sent: Tuesday, October 03, 2017 9:57 AM
To: COB <COB@RIVCO.ORG>
Subject:

Dear Ms Maxwell

I did not get to come to Board today. My partner has Colon Cancer. I must get yelled at for not making his food correctly.

Here is opposition to Gateway.

I wish I had more time to study these and some way to make a difference.

Ms. Miller

C.B.

9.22.17

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

Re: General Plan Amendment No. 1079
Change of Zone 7799
Plot Plan No. 25337
Parcel Map No. 36564

Dear Clerk:

I am a resident of Solera Oak Valley Greens located south of the Cherry Valley property you intend to develop. Your information refers to 1,823,760 square feet planned for an industrial distribution facility with 306 bay doors. I'm assuming these 'bay doors' are for the loading and/or unloading of large "semi" trucks.

It just so happens that I am familiar with this scenario as the Kaiser facility I use down in Redlands has had quite a lot of warehouses you describe 'sprout up' in the general area. Believe me, I am very familiar with paddling my little "Ford" rowboat amongst the huge "smoke spewing" trucks that are consistently "coming and going."

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2.

As you know, our air quality here in the "inland empire" is not the best, but adding diesel fuel smoke to the environment is extremely detrimental to our health and environment. I believe Mr. Shopoff needs to locate an area away from family residences to locate his warehouses.

Also, most of us have pets that enjoy and need the outdoors. As for me, I'm a gardener and enjoy growing vegetables and fruit as well as ornamental plants. Please don't kill our air with your smoke. This will definitely affect our property values as well. Surely, you can imagine how you would feel in our position. I pray that a better alternative will present itself to you.

Best Regards,

Carla Bracken
(951) 797-3540

1690 LANDMARK WAY, BEAUMONT, CA 92223-8565

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A FAST TRACK GENERAL PLAN AMENDMENT NO. 1079, CHANGE OF ZONE NO. 7799, PLOT PLAN NO 25337, AND PARCEL MAP NO 36564, IN THE FIFTH SUPERVISORIAL DISTRICT AND NOTICE OF INTENT TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, October 3, 2017 at 1:30 P.M.** or as soon as possible thereafter, to consider an application submitted by William A. Shopoff - Urban Environs, on (FTA 2008-24) **General Plan Amendment No. 1079**, which proposes to change the land use from Community Development: Very Low Density Residential (CD:VLDR) (1 Acre Minimum) and Rural: Rural Mountainous (R:RM) (10 Acre Minimum) to Community Development: Light Industrial (CD:LI) (0.25 - 0.60 Floor Area Ratio) Community Development: Public Facility (CD:PF) and Open Space: Open Space Recreation (OS:OS-R) and Rural: Rural Mountainous (R:RM) (10 Acre Minimum); **Change of Zone No. 7799**, which proposes to change the zoning from Controlled Development Areas (W-2) to Industrial Park (I-P) with a portion remaining W-2, or such other zones as the Board may find appropriate; **Plot Plan No. 25337**, which proposes an industrial distribution facility consisting of two industrial buildings totaling 1,823,760 square feet, with 306 bay doors 30,000 square feet of office space, located on 229 gross acres, of which approximately 140.23 acres would be included within the developed portion of the project, and 84.8 acres would remain as natural open space (approximately 36 percent of the project site);, and **Parcel Map No. 36564**, which proposes to subdivide 229 gross acres into four parcels ("the project"). The project is located northerly of Cherry Valley Boulevard, easterly of Interstate 10 and westerly of Vineland Street, within the Cherry Valley Policy Area, Cherry Valley Gateway Policy Area and the Pass Area Plan, Fifth Supervisorial District.

The Planning Department is recommending approval of the project and found that the environmental effects have been addressed and recommends certification of **Environmental Impact Report No. 534**, which can be viewed at: <http://planning.rctlma.org/Home/PlanningNotices/EIRNo534-SanGorgonio.aspx>

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

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT BRETT DAWSON, PROJECT PLANNER, AT (951) 955-0972 OR EMAIL Bdawson@rivco.org.

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

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

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

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: September 19, 2017

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

1690 Landmark Way
Beaumont, CA 92223-8565

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25 SEP 2017 PM 7 L



Clerk of the Board
4080 Jenson Street, 1st Floor

Post Office Box 1147

Riverside, CA

2017 SEP 26 PM 12:04

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CLERK / CLERK OF SUPERVISORS

92502-114747



1736 Desert Almond Way
Beaumont, CA 95835

September 23, 2017

Riverside County Board of Supervisors
Clerk of the Board
P.O. Box 1147
Riverside, CA 92502-1147

RE: Fast track General Plan Amendment No. 1079 - October 3 BOS Agenda

Dear Sirs:

You will be hearing and reading impassioned and articulate statements about such things as health and pollution, traffic safety, and reductions in residential property values from the many opponents of the proposed Gateway/San Gorgonio Crossing mega-warehouse.

However, I wish to focus on another serious problem with this proposal that has not been widely discussed: **Environmental Justice**.

My friend Jim and his wife are seniors. They live in a senior community called Rancho Calimesa. Both of them suffer from respiratory disease. Jim is a veteran living on a fixed income, as are many of his neighbors in Rancho Calimesa and the three other senior communities surrounding the Gateway property.

Jim, his wife and their Rancho Calimesa neighbors will be faced with the noise and exhaust fumes from this 1.8 million sq. ft. warehouse (which will attract some 600 diesel big rigs a day). It will be located **only ¼ of a mile from their back fence** if you approve this zoning change.

I believe strongly that this warehouse proposal flies in the face of the county's General Plan as well as a new state law designed to protect disadvantaged communities.

First, I bring to your attention this statement from the Healthy Communities section of the General Plan:

"The policies in the Healthy Communities Element are intended to address Riverside County's key health issues and challenges with the goal of fostering the overall health and well being of Riverside County residents. **In addition, particular attention is paid to those residents who are considered especially vulnerable to public health risks, including children, the elderly, the disabled, and those in poverty.** The policies in this element address a wide range of issues that affect public health including: **Land use and community design...**"

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More importantly, this zoning change would clearly violate the intent of SB 1000 the state law approved in September 2016.

Among other things, SB 1000 is designed to improve local planning efforts to reduce environmental and health impacts on California's most vulnerable residents. It requires counties to include **environmental justice** elements in their General Plans to ensure that local land use decisions do not pose environmental and safety risks to disadvantaged populations.

Here's what the new law says: "The **environmental justice** element shall identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality."

In order to help you make the right decision on this proposal, we conducted a survey of the residents of Rancho Calimesa last year. The survey found that at least 80 percent of the residents have incomes low enough to qualify for Medi-Cal.

This is clearly the kind of disadvantaged community that SB 1000 is designed to protect. These are clearly the "especially vulnerable" citizens described in your General Plan. Your duty to them is clear.

There are plenty of available sites for warehouses and opportunities for job creation in the Pass without having to violate the county's General Plan and ruin people's lives.

Thousands of county citizens—and even a blue-ribbon committee selected by Supervisor Ashley—have stated that Cherry Valley is NOT an appropriate location for an industrial warehouse. Therefore, I respectfully urge you to vote down the proposed zoning change.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Mehlman", with a long horizontal flourish extending to the right.

Steve Mehlman



Steve Mehlman
1736 Desert Almond Way
Beaumont CA 92223-8611

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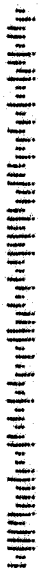
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SN BERNARDINO CA 924



Riverside County Board of Supervisors
Clerk of the Board
P.O. Box 1147
Riverside, CA 92502-11471

92502-114747



September 27, 2017

Clerk of the Board
4080 Lemon St., 1st Floor
P.O.Box 1147
Riverside, CA 92502-1147

Carroll
1165 Lantana Rd.
Beaumont, CA 92223

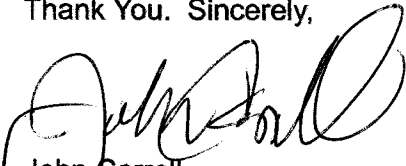
RE: Public Hearing EIR#534 San Geronio Crossing Warehouse

To whom it may concern:

I request to speak to the Riverside County Supervisors at their meeting on October 3, 2017 at 1:30 regarding their review of EIR#534 San Geronio Crossing.

I am opposed to this project and welcome the opportunity to tell the supervisors why I am opposed.

Thank You. Sincerely,



John Carroll
1165 Lantana Road
Beaumont, CA 92223

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2017-10-136875

Carroll
1165 Pantano Rd
Brewster, MA 02523

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2017 SEP 28 PM 2:05

CLERK OF COURTS
RIVERSIDE COUNTY
4080 LEMMA ST, 1ST FLOOR
P.O. Box 1147
Riverside, MA 02502

To the board of Supervisors,

I would like to express my opposition to the San Gorgonio Crossing Project otherwise known as Gateway Warehouse or any other name it may go by. Residents of this area bought property in the area loving the rural atmosphere and do not want the area to be industrialized like so many areas in the southland. We love getting off the freeway and seeing open areas and the beautiful mountains. Warehouses are ugly, obstruct the views, create traffic, noise, pollution, reduce our property values, and greatly increase our likelihood of even more industrial growth in our area. The county has made a commitment to keep our unincorporated community of Cherry Valley rural through the designation as a community of interest, yet that commitment is being blatantly ignored to benefit developers who all want to change our zoning to line their own pockets. PLEASE oppose this project as it ignores the promises of keeping our rural atmosphere.

Thank you,

Handwritten signature of Wendy Oliver in cursive script.

Wendy + Ted Oliver
38878 Orchard St.
Cherry Valley, CA 92223

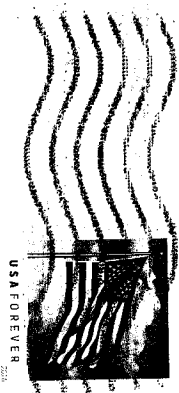
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38878 Orchard St.
Cherry Valley, CA
92223

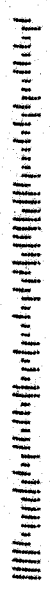
SN BERNARDINO, CA 924

27 SEP 2017 PM 5 L



The Clerk of the Board of
Superior
P.O. Box 1147
Riverside, CA
92503-1147

92503-1147



September 27, 2017

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

Subject: Fast Track General Plan Amendment No. 1079, Change of Zone No. 7799,
Plot Plan No. 25337, and Parcel Map No. 36564

To: Supervisor Marion Ashley and all Riverside County Supervisors

I strongly urge you to **VOTE NO** on the subject General Plan Change Request.

- 1- The proposed use of the property is not a good or proper fit with the community.
- 2- There is overwhelming opposition to the project from Beaumont City Council, environment and air quality groups and local residents who would be negatively impacted by the proposed development and truck traffic volume.
- 3- The Cherry Valley Blvd. overcrossing bridge over the 10 Fwy. Is only two lanes and the pavement is not in great shape. In my opinion, that bridge could not really accommodate all that heavy truck traffic, plus residential traffic.

PLEASE! Do the right thing for your constituents. **VOTE NO ON THE SUBJECT GENERAL PLAN CHANGE.**

Yours truly,



Lois Ingham
1736 Desert Poppy Lane
Beaumont, CA 92223

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2017-10-136877

Lois K. Ingham
1736 Desert Poppy Ln.
Beaumont, CA 92223

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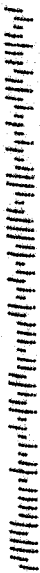
SN BERNARDINO CA 924

28 SEP 2017 PM 4 L



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

92502-114747



9-25-17

Dear Board of Supervisors:

I live within a mile of this project. I am very much against it. I have asthma & COPD. I am on oxygen. Between the air pollution from the trucks & the congestion trying to enter the freeway, this warehouse would be a disaster for our community.

Please respect mine & all of my neighbors, as we are all against this project.

Sincerely,

Mrs. Carol Guesko

10961 Desert Lawn Dr. space 111
Calimesa, Calif 92325

10/3/17 19.1

2017-10-136878

2017 OCT -2 AM 11:01

RECEIVED RIVERSIDE COUNTY
-CLERK/BOARD SUPERVISORS

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GOD BLESS
AMERICA

Ms. Carol Gresko
10961 Desert Lawn Dr Spc 111
Calimesa CA 92320-2239

SN BERNARDINO CA 924

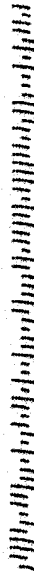
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Clerk of the Board
4080 Lemon Street
P.O. Box 1147
Riverside, Ca. 92502-1147

2017 OCT -2 AM 11:02

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CLERK / BOARD OF SUPERVISORS



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

General Plan Amendment No. 1079
Change of Zone No. 7799
Plot Plan No. 25337
Parcel Map No. 36564

Attn:
Board of Supervisors;

I am writing to vehemently oppose the proposed "San Gorgonio Crossings" project and the change to OUR General Plan and Zoning in order for this project to proceed. I opposed it when it was called "Gateway" and I oppose it even more now that it is being Fast Tracked in order to accommodate the Developer, and ignore your residents concerns and wishes.

This project does not fit in with Our community. Developers need to purchase property zoned appropriately for the development they intend, not purchase "cheap" land that they can develop any way they see fit simply by changing the Plan and zoning. It is your responsibility to see that Our General Plan and Zoning is respected.

Ours is a beautiful area that we would like to see preserved. We are not "anti-development" but simply want to see the area developed consistent within the boundaries of Our General Plan.

We want sprawling 10 acre ranches on the hillsides, with 1 acre home sites nestled on the valley floor. We want our residents to exit the freeway, drive up Cherry Valley Boulevard and think: "Wow, I'm so lucky to live here." We want visitors to our area to enjoy the countryside, see the cattle and horses grazing, and smile at the goats playing in their pens. What a Welcome to visitors coming to one of the area orchards to pick fruit on a family outing, or going to Highland Springs Ranch or Oak Glen to one of the many festivals we have, maybe stopping in at the Edward-Dean Museum to see the treasures it holds.


Now picture the same scenario fighting truck traffic the whole way, windows up and the AC on to try to limit the diesel fumes belching into the car. Cars intermingling with Big Rigs spewing exhaust coating the county sign pointing the way to the Art and Cultural Center. "What kind of art and culture would be out here? This doesn't look like the kind of place where anybody cares about Art or Beauty".

Well, we do care. We're just not sure our Supervisors do.

10/3/17 19.1
2017-10-136879

Mr. Ashley, please do right by your constituents. Please do not allow this General Plan Amendment or Zone Change to go through. We do not want this project. We are counting on you to lead the way, and letting the other Supervisors follow your example.

Sincerely,

A handwritten signature in cursive script that reads "Lisa McCoy".

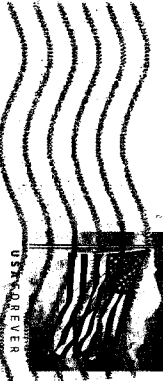
Lisa McCoy
9410 Oak Glen Road
Cherry Valley CA 92223

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2017 OCT - 2 AM 11: 02

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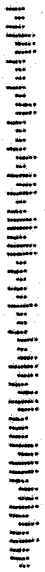
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Clack of the Board
4080 Sherman St. 1st Floor
P.O. Box 1147
Kierulff, OR 97502-1147

ATTN: MARRON NEWBY

92502-114747



S. McCoy
9410 Oak Haven Rd.
Cherry Valley, CA 92223

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

General Plan Amendment No. 1079
Change of Zone No. 7799
Plot Plan No. 25337
Parcel Map No. 36564

Board of Supervisors;

I am writing in strict opposition to the proposed project "San Gorgonio Crossings" and any change to our existing General Plan and Zoning in order for this project to proceed. This project is not wanted by the community, does not fit with our General Plan or the needs and wants of our citizens and the future citizens of the many housing projects already in development.

This project would turn our lovely area into a congested, diesel particulate belching eyesore, negatively impacting our health, property values and quality of life.

We live in this area for the rural atmosphere, clean air and beautiful views. I moved here from Redlands CA six years ago, enjoying the cooler temperatures, open spaces and lack of traffic that the area affords, planning on retiring one day and spending the rest of my life here. I chose the area knowing that it would indeed grow, but confident in the fact that we have a plan in place that will protect our hillsides and valleys by limiting the type and amount of growth. This project goes against all of that.

I hope you will do the proper thing for your citizens, and vote against this project, General Plan Amendment and Change of Zone. It is not good for us. We do not want it.

Sincerely,



David Calderon
9410 Oak Glen Road
Cherry Valley CA 92223

10/3/17 19.1
2017-10-136880

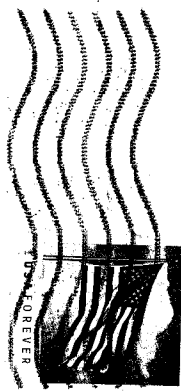
CARDERON
2410 OAK GROVE RD
RIVERSIDE CA 92523

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CLERK/BOARD OF SUPERVISORS

2017 OCT -2 AM 11:02

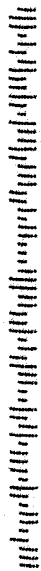
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CLERK OF THE BOARD ANNA SUPERVISOR ASHLEY
4080 LEMON STREET 1ST FLOOR
PO BOX 1147
RIVERSIDE CA 92502-1147

92502-114747



Linda Martinez D.D.S.
40285 Grand Ave
Cherry Valley CA 92223

September 27, 2017

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


Re: General Plan Amendment as Submitted by W. Shopoff

On or about September 22, 2017, I received notification from the Riverside County Clerk of the Board (attached)

I have authored prior written concerns and regarding this Amendment. As elected officials of your districts and its residents, I strongly request you vote against this project. As you consider impact to the residents you represent, consider the following adverse results to your constituents from the Warehouse project:

- Degradation of community air quality in the form of small particulate exhaust emitted from diesel vehicles
- Traffic congestion in an already congested travel corridor. Please compare this to the Weigh/Inspection stations located east of Banning
- Destruction of wildlife habitat and precious water resources

Cherry Valley is a unique rural open space with land use designation compatible with uncongested "country style living". Please uphold the will of its residents and voters and vote against this amendment.


Dr. L. Martinez, D.D.S.

10/3/17 19.1
2017-10-136881

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A FAST TRACK GENERAL PLAN AMENDMENT, CHANGE OF ZONE, PLOT PLAN, AND PARCEL MAP, IN THE FIFTH SUPERVISORIAL DISTRICT AND NOTICE OF INTENT TO CERTIFY AN ENVIRONMENTAL IMPACT REPORT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, October 3, 2017 at 1:30 P.M. or as soon as possible thereafter, to consider an application submitted by William A. Shopoff - Urban Environs, on (FTA 2008-24) General Plan Amendment No. 1079, which proposes to change the land use from Community Development: Very Low Density Residential (CD:VLDR) (1 Acre Minimum) and Rural: Rural Mountainous (R:RM) (10 Acre Minimum) to Community Development: Light Industrial (CD:LI) (0.25 - 0.60 Floor Area Ratio) Community Development: Public Facility (CD:PF) and Open Space: Open Space Recreation (OS:OS-R) and Rural: Rural Mountainous (R:RM) (10 Acre Minimum); Change of Zone No. 7799, which proposes to change the zoning from Controlled Development Areas (W-2) to Industrial Park (I-P) with a portion remaining W-2, or such other zones as the Board may find appropriate; Plot Plan No. 25337, which proposes an industrial distribution facility consisting of two industrial buildings totaling 1,823,760 square feet, with 306 bay doors 30,000 square feet of office space, located on 229 gross acres, of which approximately 140.23 acres would be included within the developed portion of the project, and 84.8 acres would remain as natural open space (approximately 36 percent of the project site);, and Parcel Map No. 36564, which proposes to subdivide 229 gross acres into four parcels ("the project"). The project is located northerly of Cherry Valley Boulevard, easterly of Interstate 10 and westerly of Vineland Street, within the Cherry Valley Policy Area, Cherry Valley Gateway Policy Area and the Pass Area Plan, Fifth Supervisorial District.

The Planning Department approved the project, found that the environmental effects have been addressed and recommended certification of Environmental Impact Report No. 534, which can be viewed at: <http://planning.rctlma.org/Home/PlanningNotices/EIRNo534-SanGorgonio.aspx>

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

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT BRETT DAWSON, PROJECT PLANNER, AT (951) 955-0972 OR EMAIL Bdawson@rivco.org.

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

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

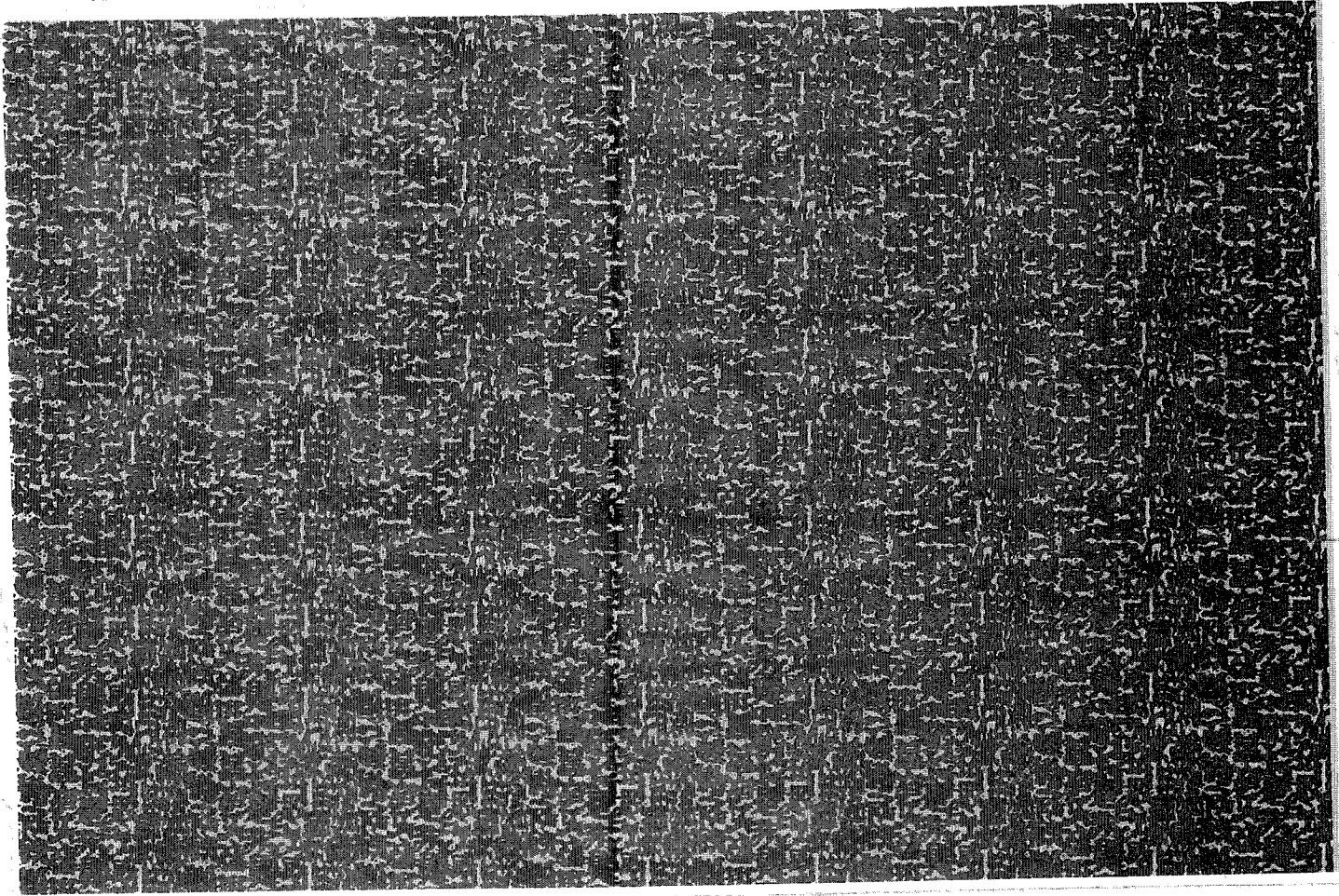
Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, at least 72 hours prior to the hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: September 19, 2017 Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant



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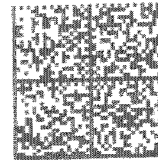


Riverside County Clerk of the Board
County Administrative Center
4080 Lemon Street, 1st Floor Annex
P. O. Box 1147
Riverside, CA 92502-1147

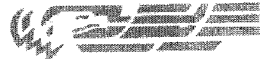
PUBLIC HEARING NOTICE
This may affect your property

Linda Martinez
40285 Grand Avenue
Cherry Valley CA 92223

PRESORTED
FIRST CLASS

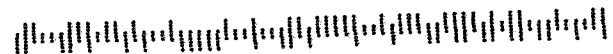


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Dr. J. Martinez
4085 Grand Ave
Cherry Valley CA 92223

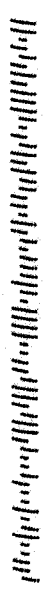
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Clerk of the Board
4080 Remond Street - 1st Floor
P.O. Box 1147
Riverside CA 92502

92502-114747



415.956.2828 (t)
415.956.6457 (f)

Robert Dollar Building
311 California Street, 10th Fl.
San Francisco CA 94104

202.777.8950 (t)
202.347.8429 (f)

The Bowen Building
875 15th Street NW, Suite 725
Washington DC 20005

www.rjo.com

ROGERS JOSEPH O'DONNELL

Nicholas T. Niiro
nniiro@rjo.com

October 3, 2017

VIA E-MAIL AND U.S. MAIL

cob@rivco.org

Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street
Riverside, CA 92501

Re: Board of Supervisors Meeting Agenda Item 19.1 – General Plan Amendment No. 1079, Change of Zone No. 7799, Plot Plant No. 25337, Parcel Map No. 36564, Environmental Impact Report No. 534

Dear Board of Supervisors:

I submit this letter on behalf of the Cherry Valley Pass Acres and Neighbors (“CVAN”) and the Cherry Valley Environmental Planning Group (“CVEPG”) for consideration at the meeting of the Riverside County Board of Supervisors meeting scheduled for October 3, 2017, under Agenda Item 19.1 – “Public Hearing on General Plan Amendment No. 1079, Change of Zone No. 7799, Plot Plant No. 25337, Parcel Map No. 36564, Environmental Impact Report No. 534.” I request that this letter and enclosure be included in the record of this meeting.

Agenda Item 19.1 is a proposal to approve a project consisting of two 41-foot tall industrial buildings totaling 1,823,760 square feet, with 306 “dock doors,” as well as a General Plan Amendment and Change of Zone to change the applicable zoning from very low density residential to industrial (“the Project”). On November 29, 2016, the County of Riverside (“County”) circulated a Draft Environmental Impact Report (“DEIR”) for the project. CVAN and CVEPG provided comments on the DEIR on January 18, 2017. On May 26, 2017, the County issued the Recirculated Draft Environmental Impact Report (“RDEIR”). CVAN and CVEPG provided comments on the RDEIR on July 10, 2017 (“RDEIR Comments”), which are enclosed with this letter and incorporated by reference. Finally, on August 11, 2017, the County issued a Final Recirculated Draft Environmental Impact Report No. 534 (“FEIR”).

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A Professional Law Corporation

10/3/17 19.1
2017-10-130883

Riverside County Board of Supervisors
October 3, 2017
Page 2

Construction of the Project will involve extensive grading of approximately 3 million cubic yards of soil. The industrial buildings will be used as a regional distribution center generating nearly 5,000 “passenger car equivalent” vehicle trips each day, which will include more than 1000 “big rig” trips each and every day. RDEIR, pp. 3.16-21-3.16-22. This means that if the Project operates 24 hours per day, a big rig will enter or exit the facility once every 1.4 minutes, on average, 365 days a year.

The RDEIR and FEIR (collectively, “Environmental Documents”) fail to adequately describe the Project and the environmental setting, fail to adequately disclose and analyze the Project’s impacts on land use and planning, and rely on outdated analyses. The Environmental Documents also fail to analyze a range of environmental impacts, mitigation measures, and alternatives. The Environmental Documents thus fail to provide the public with a thorough, properly defined, and finite description of the Project and its environmental impacts.

The California Environmental Quality Act (“CEQA”) requires that the Environmental Documents analyze the whole of the Project including associated off-site impacts and impacts that are further distant in the future. *See* CEQA Guidelines, §§ 15126 (impact from all phases of the project), 15358(a) (direct and indirect impacts). These requirements help ensure that the public and decision makers are reviewing and deciding on the Project know the full scope of the project and its impacts. EIRs that fail to provide these requirements undermine CEQA’s fundamental requirement of public disclosure. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR. *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185 (1977) (an enigmatic or unstable project description impedes public input); *see also San Joaquin Raptor/Wildlife Reserve Center v. County of Stanislaus*, 27 Cal.App.4th 713, 730 (1994). Unfortunately, the Environmental Documents contain an incomplete project description and analysis that fails to provide the public and decision makers with the necessary information in order to analyze impacts and mitigation measures.

CVAN and CVEPG provided extensive comments on the deficiencies in the RDEIR, which the FEIR fails to adequately address. This letter highlights some of the deficiencies in the FEIR’s analysis. For example, the FEIR attempts to explain that the Project will not impact the rural character of the community. FEIR, pp. 3-223-3-226. But this analysis never explains how a nearly two-million square foot distribution center, generating nearly 5,000 passenger equivalent daily trips could maintain the rural character of the area. *See* RDEIR Comments, pp. 5-8.

There are also factual and legal errors in the FEIR. The RDEIR Comments highlighted that the RDEIR failed to discuss policy LU 22.3 of the Riverside County 2015

Riverside County Board of Supervisors
October 3, 2017
Page 3

General Plan (“2015 General Plan”), which protects “open space and the rural character of the surrounding area.” RDEIR Comments, p. 7 n.2. The FEIR incorrectly states that Policy LU 22.3 does not apply to the Project because the Project is not located within the Rural Community Foundation Component. FEIR, p. 3-228. But the 2015 General Plan explicitly applies Policy LU 22.3 to land designated as very low density residential, which is the zoning of the proposed Project area. *See* 2015 General Plan, pp. LU49-LU50. Similarly, the FEIR states that the Project’s impacts on animals, crops, and water supply are discussed “in detail” in Appendix B.1 of the RDEIR. FEIR, p. 3-236. In fact, this section does not substantively discuss any of these issues. And as another example, in concluding that the Project will have no significant impacts to agricultural resources, the FEIR states that farming has not been conducted in the Project area for 30 years. FEIR, p. 3-231. This ignores that the Project area has been designated Farmland of Local Importance (*id.*) and that the land is still used for grazing (RDEIR, p. 3.2-1).

Responding to the comment that the Project would disrupt and divide the physical arrangement of an established community (RDEIR Comments, pp. 7-8), the FEIR concludes that the project would retain a significant amount of open space (FEIR, p. 3-299). But this glosses over the fact that the Project would add two giant buildings and a significantly increase traffic in the area. The FEIR similarly argues that the Project will not have a significant impact on light pollution, but its analysis only focuses on the light from the buildings at the Project site itself – not the significant increase in light from increased number of vehicles going to and from the Project. *See* FEIR, pp. 3-299-3-230. The FEIR states that the assumption of 24-hour operations at the Project was made for all analyses (FEIR, p. 3-221), but then concludes that “trucks traveling to and from the project site would be intermittent and would not result in any significant aesthetic impacts” (FEIR, p. 230). Without addressing these inconsistencies, the Environmental Documents remain legally inadequate to support Project approval under CEQA.

The Environmental Documents also attempt to defer the analysis of a known future action – the development of water storage tanks for which the Project will provide building pads and access. *See* FEIR, p. 3-229. The impacts of this known future related project must be analyzed now. *See* CEQA Guidelines, § 15144. Similarly, the Environmental Documents must consider the emissions associated with manufacturing and transport of construction material, which – contrary to the FEIR’s assertion – are not too speculative to be considered at this time. *See* FEIR, p. 3-234.

The Environmental Documents further rely on outdated information. For example, in determining that the threatened burrowing owl has a “low probability to occur on the project site,” the RDEIR relied on observation results that are over four years old. RDEIR, 3.4-2-3.4-3. The FEIR does not address this deficiency. The FEIR gives similar

Riverside County Board of Supervisors
October 3, 2017
Page 4

short shrift to the potential effects of pesticides and light pollution on wildlife in the Project area and surrounding areas. For example, it determines that impacts to pesticide use are not required to be analyzed because the Project “would not use large quantities of pesticides beyond what is typical for routine commercial use.” FEIR, p. 3-238. This ignores that the Property area is not zoned for commercial use. The FEIR similarly concludes that the Project will not be a significant source of light on the open space that could affect wildlife. *Id.* But this ignores the significant increase in traffic light that will be caused by the Project and project into the open space.

In responding to the RDEIR Comments highlighting that mitigation measures for air quality impacts will be unenforceable, the FEIR simply states that the mitigation measures will be “subject to review and verification by the County.” FEIR, p. 3-231. This falls short of ensuring that “mitigation measures will actually be implemented” *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000). The FEIR similarly does not explain how the mitigation of noise impacts will be enforced, except to say “[t]his mitigation measure will be enforced by the County of Riverside.” FEIR, p. 3-243. The Environmental Documents must contain specific methods for ensuring implementation of mitigation measures.

Finally, the Environmental Documents continue to fail to provide a legally adequate analysis of project alternatives. For example, in response to the statement in the RDEIR Comments that there was insufficient analysis of alternative sites for the Project, the FEIR simply finds that “[t]he use of an alternative project site was not considered feasible, because no other sites are owned or controlled by the project applicant, and no other site was deemed sufficient to support the project.” FEIR, p. 3-247. This contravenes the requirement that “[a] potential alternative should not be excluded from consideration merely because it ‘would impede to some degree the attainment of the project objectives, or would be more costly.’” *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

CVAN and CVEPG accordingly request that the Board of Supervisors: (1) Deny the certification of Environmental Impact Report No. 534, (2) Deny General Plan Amendment No. 1079; (3) Deny the Change of Zone No. 7799; (4) Deny Plot Plan No. 25337; and (5) Deny Parcel Map No. 36564.

Riverside County Board of Supervisors

October 3, 2017

Page 5

Thank you.

Very truly yours,



NICHOLAS T. NIIRO

Enclosure

NTN:cc

cc (via e-mail):

John F. Tavaglione (*district2@rivco.org*)

Chuck Washington (*district3@rivco.org*)

Kevin Jeffries (*district1@rivco.org*)

V. Manuel Perez (*district4@rivco.org*)

Marion Ashley (*district5@rivco.org*)

CHERRY VALLEY PASS ACRES AND NEIGHBORS
P.O. BOX 3257
BEAUMONT, CALIFORNIA 92223

July 10, 2017

VIA E-MAIL AND U.S. MAIL

bdawson@rivco.org

Brett Dawson
Project Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: Comments on Recirculated Draft Environmental Impact Report for
San Gorgonio Crossing Project

Dear Mr. Dawson:

We are submitting these comments on the Recirculated Draft Environmental Impact Report ("RDEIR") for the San Gorgonio Crossing Project on behalf of Cherry Valley Pass Acres and Neighbors "CVAN") and the Cherry Valley Environmental Planning Group ("CVEPG"). Please provide us with all future notices regarding this Project.

On November 29, 2016, the County of Riverside ("County") circulated a Draft EIR ("DEIR") for the project. CVAN and CVEPG provided comments on the DEIR on January 18, 2017. On May 26, 2017, the County issued the RDEIR, explaining that the revisions were based, in part, on "a comment received from Caltrans after the close of the public comment period, stating that the traffic counts used for the traffic analysis may be significantly different from the current year and should be updated." RDEIR, § 1.1. It states that "an updated traffic study was completed based upon the comments raised from Caltrans" and that "as a result of the new traffic study, updated air quality, greenhouse gas, health risk

Brett Dawson
July 10, 2017
Page 2

assessment, and noise studies have been prepared and incorporated into” the RDEIR. *Id.* It states that the revisions “do not increase or alter the project’s development type or intensity but merely clarify information in the Draft EIR.” *Id.*

CVAN and CVEPG incorporate by reference their comments on the DEIR, to the extent that they have not been addressed in the RDEIR. A copy of the prior comment letter is attached hereto as Exhibit A.

CVAN is a California non-profit corporation comprised of more than 300 families, many of whom live and work in Cherry Valley, an unincorporated community of interest located north and east of the proposed project.

CVEPG is a California non-profit corporation that was established to protect and preserve the environment and water supply in and around Cherry Valley.

The RDEIR relates to a proposed project consisting of two 41 foot tall industrial buildings totaling 1,823,760 square feet, with 306 “dock doors,” as well as a General Plan Amendment and Change of Zone to change the applicable zoning from very low density residential to industrial (“the Project”). Construction of the Project will involve extensive grading of approximately 3 million cubic yards of soil. The industrial buildings will be used as a regional distribution center generating nearly 5,000 “passenger car equivalent” vehicle trips each day, which will include more than 1000 “big rig” trips each and every day. (RDEIR, pp. 3.16-21-3.16-22) This means that if the Project operates 24

Brett Dawson
July 10, 2017
Page 3

hours per day, a big rig will enter or exit the facility once every 1.4 minutes, on average, 365 days a year.¹

Among other deficiencies, discussed in detail below, the RDEIR fails to adequately describe the Project and the environmental setting, fails to adequately disclose and analyze the Project's impacts on land use and planning, and relies on outdated analyses. The RDEIR also fails to analyze a range of environmental impacts, mitigation measures, and alternatives. The RDEIR for the Project fails to provide the public with a thorough, properly defined, and finite description of the Project and its environmental impacts. CEQA requires that an RDEIR analyze the whole of the Project including associated off-site impacts and impacts that are further distant in the future. *See* CEQA Guidelines, §§ 15126 (impact from all phases of the project), 15358(a) (direct and indirect impacts). These requirements help ensure that the public and decision makers are reviewing and deciding on the Project know the full scope of the project and its impacts. EIRs that fail to provide these requirements undermine CEQA's fundamental requirement of public disclosure. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185 (1977) (an enigmatic or unstable project description impedes public input);

¹ A major deficiency of the RDEIR is that it provides no disclosure to the public concerning what the operating hours of the facility will be. For purposes of the public services analysis, the RDEIR states that it assumed "for worst case analysis purposes" that the facility would operate 7 days a week, 24 hours a day. (RDEIR, pp. 3.14-12) It is unclear whether this assumption was made for other analyses, and if not, why not. The facility's planned hours of operation must be disclosed and the impacts of those hours of operation must be evaluated.

Brett Dawson
July 10, 2017
Page 4

see also San Joaquin Raptor/Wildlife Reserve Center v. County of Stanislaus (1994) 27

Cal.App.4th 713, 730. Unfortunately, the RDEIR contains an incomplete project description and analysis that fails to provide the public and decision makers with the necessary information in order to analyze impacts and mitigation measures.

The RDEIR's Disclosure and Analysis of Impacts on Land Use and Planning are Inadequate

The Project site is located within what the December 8, 2015, County of Riverside General Plan ("2015 General Plan") designated as the "Cherry Valley Gateway Policy Area of Cherry Valley." The land use designation for the Project site is "Very Low Density Residential." (2015 General Plan, Pass Area Plan ("PAP"), p. 12) This designation provides for "single-family detached residences on large parcels of 1 to 2 acres." (*Id.*) The Project seeks to change this land use designation to "Light Industrial." Currently, this land use is not permitted in any portion of the Cherry Valley Gateway Policy Area, and the Project is wholly inappropriate for the site as it would substantially degrade the rural character of the area.

As stated in the PAP, "Cherry Valley, located east of Interstate 10 and north of Beaumont, is a rural and equestrian community with small orchards, mobile homes, and single family residences." (*Id.* at 24) The intent of the Cherry Valley Policy Area "is to maintain the predominantly rural community nature of this area." (*Id.*) The PAP recognizes the "rural atmosphere of the area," the limited capacity of public services, and flooding hazards. (*Id.*)

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The PAP provides that the Cherry Valley Gateway Policy Area “shall be developed as a gateway to Cherry Valley” and “*shall be developed to evoke the rural character of that area.*” (*Id.* (emphasis added)) The PAP further states that the Cherry Valley Gateway Policy Area “shall also serve as a community separator between Beaumont and Calimesa,” and that “it is envisioned that clustering and buffering will be utilized *in order to preserve open space and maintain the rural character of the area.*” (*Id.* at 24 (emphasis added))

In an apparent attempt to smooth over unfavorable findings in the DEIR, the County eliminated two of the finding from the DEIR: (1) that “[t]he project would not result in a substantial alteration of the present or planned land use of an area” (DEIR, p. 3-10-21); and (2) that “[t]he Project would be compatible with existing surrounding zoning” (DEIR, p. 3.10-24). The RDEIR now instead concludes that “the Project would not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.” (RDEIR, p. 3.10-22). The RDEIR makes this claim, despite the clear policy statements of the 2015 General Plan, and the admitted rural nature of the Project site. The 2015 General Plan is the blueprint for development, specifically intended to ensure certain environmental effects, and prevent others. The Project would entirely change the intended rural nature of the Project site. The RDEIR’s analysis of this issue is accordingly legally deficient.

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As a preliminary matter, the RDEIR states that “the General Plan acknowledges the potential for higher intensity uses for undeveloped parcels by stating explicitly that “[h]igher densities may be allowed through a general plan amendment....” (RDEIR p. 3.10-24) However, the RDEIR misleadingly fails to include the remainder of the sentence, which states that such higher densities may be allowed “provided such development meets the goals of the policy area.” (PAP, p. 24) The PAP describes the goals of the policy area as follows: “The policy area shall be developed as a gateway to Cherry Valley, and it shall be developed to evoke the rural character of that area. The policy area shall also serve as a community separator between Beaumont and Calimesa. To accomplish these two goals, it is envisioned that clustering and buffering will be utilized in order to preserve open space and maintain the rural character of the area.” (PAP, p. 24)

A nearly 2 million square foot distribution center, generating nearly 5,000 “passenger equivalent” daily trips, which will include more than 1,000 trips by diesel emitting big rig trucks, hardly serves to “maintain the rural character of the area,” nor does it “evoke the rural character” of Cherry Valley. The Project cannot be reconciled with the PAP, and the Project does not “meet the goals” of The Cherry Valley Gateway Policy Area.

In sum, there is no basis for the RDEIR’s conclusion that “the Project would not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.” (RDEIR, p. 3.10-22) And because the findings were

unsupportable, the RDEIR inappropriately omits the prior findings in the DEIR that the Project “would not result in a substantial alteration of the present or planned land use of an area,” or that “[t]he Project would be compatible with existing and planned surround land uses.” (DEIR, pp. 3.10-21, 3.10-25)

The RDEIR acknowledges that a threshold of significance is whether the Project is “consistent with the land use designations and policies of the General Plan....” (RDEIR, p. 3.10-20) Yet the findings of the RDEIR avoid discussion of this issue. While the DEIR found that the Project “would be consistent with the land use designations and policies of the General Plan” (DEIR, p. 3.10-28), the RDEIR deletes this language, in addition to language from other related sections, as discussed above. Moreover, the RDEIR includes no analysis at all as to how a nearly 2 million square foot distribution center (generating nearly 5,000 “passenger equivalent” vehicle trips a day) “evokes the rural character” of Cherry Valley. In fact, it does not, and is irreconcilably inconsistent with the 2015 General Plan and PAP.²

Finally, there is no basis for the RDEIR’s finding that “[t]he project would not disrupt or divide the physical arrangement of an established community[.]” (RDEIR, p. 3.10-21) The Project site is within Cherry Valley, which the PAP describes as “a charming

² The RDEIR also fails to discuss policy LU 22.3 of the 2015 General Plan, which states that when an area such as Cherry Valley has been designated as a “rural community,” the County will “[e]nsure that development does not adversely impact the open space and rural character of the surrounding area.” (2015 General Plan, LU-50) Here, there can be little question that the Project will adversely impact the rural character of Cherry Valley, given its proposed industrial (and non-agricultural) uses, and the resulting impacts (including noise, light, aesthetic, air pollution, water supply).

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community distinguished by and named after a concentration of cherry orchards.” (PAP, p.

8) The Riverside Local Area Formation Commission has designated Cherry Valley “as an Unincorporated Community in order to preserve this existing rural character.” (*Id.*) Yet the RDEIR utterly fails to disclose and analyze impacts that this Project would have on the overall Cherry Valley community.

The RDEIR’s Disclosure, Analysis, and Mitigation of the Project’s Aesthetic Impacts are Inadequate.

As discussed above, the Project imposes a huge (nearly 2 million square foot) distribution facility on a property that is currently vacant and serves as a gateway to Cherry Valley. The RDEIR’s conclusion that the Project will have a less than significant impact on scenic resources is based on a woefully inadequate analysis, consisting of visual “simulations” from 14 locations. (RDEIR, Exhibit 3.1-3) All of these locations are in relatively close proximity to the Project site, and none of them appear to be within the Cherry Valley Policy area, particularly areas that are to the north and east of the Project site. It is essential that the aesthetic impacts on these areas be evaluated, including the impacts of nighttime lighting on the rural environment. In addition, we note that none of the visual simulations depict the proposed Project (i.e., two massive distribution center buildings). The simulations are thus inherently misleading.

The analysis of aesthetic impacts also does not evaluate the impacts of the Yucaipa Valley Water District (“YVWD”) water storage tanks proposed for the Project sites, instead impermissibly deferring analysis until YVWD conducts its own environmental

review. RDEIR, p. 2-23. These known future effects of the Project need to be evaluated now. Finally, the RDEIR fails to sufficiently analyze the impacts of the significant big rig truck traffic on aesthetics. RDEIR, pp. 3.1-30-3.1-31. Currently, the Project site is undeveloped with minimal traffic. The Project will generate nearly 5,000 “passenger equivalent” vehicle trips a day. The RDEIR only briefly discusses the effect of headlights at nights. *Id.* This constant parade of big rigs is likely to have a significant aesthetic impact on the public, and Cherry Valley specifically, beyond just an increase in light from headlights and needs to be evaluated.

The RDEIR’s analysis, and mitigation of light impacts, is also inadequate. While recognizing that the Project has a potentially significant impact on nighttime views in the area, the RDEIR fails to clearly disclose those impacts, particularly in areas of Cherry Valley that are to the north and east of the Project. And after conceding that there may be potentially significant impacts, the proposed mitigation measure is merely the future submission of a “photometric plan” to be submitted to the County, without any specific standards. This supposed mitigation measure thus fails as a matter of law.

The RDEIR Fails Adequately to Disclose, Analyze and Mitigate Impacts to Agricultural

Resources

The RDEIR recognizes that the approved Project site land uses include agriculture, and that the Project site contains nearly 150 acres of “Farmland of Local Importance.” (RDEIR, p. 3.2-1; Exhibit 3.2-1) The RDEIR also recognizes that the Project site is currently utilized for agricultural uses (grazing), as are surrounding properties, which

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also are used for grazing and horse ranching. (*Id.*) The Project will unquestionably convert this farmland to non-agricultural resources. The loss of agricultural resources should be fully mitigated, yet the RDEIR contains no mitigation measures to address this impact. The RDEIR should consider, among other things, the use of conservation easements to mitigate the Project's impacts.

The RDEIR's Disclosure, Analysis, and Mitigation of Air Quality Impacts and Greenhouse Gas Emissions are Inadequate.

The RDEIR concedes that the Project will have significant impacts on air quality, both during construction and operation. Yet the EIR does not impose any meaningful mitigation measures on the operation of the facility, beyond imposing informational and seemingly voluntary requirements on the tenants. (RDEIR, p. 3.3-38) These mitigation measures do not satisfy CEQA. Mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000). The RDEIR added language that was not in the DEIR stating that the Mitigation Monitoring and Reporting Program "shall be enforced through the preparation [sic] permit conditions, agreements, or other measures as a condition of development." RDEIR, p. 3.3-37. But it does not explain how the specific components of the proposed operational mitigation would actually be made enforceable. These types of non-binding mitigation measures fail to meet CEQA's standards of full enforceability.

The analysis of Greenhouse Gas Emissions is deficient in several respects. First, as with air quality impacts, the RDEIR fails to consider a full range of mitigation measures. The Project should fully mitigate its significant air quality and climate change impacts. In addition, the County and applicant should consult with expert agencies, such as the California Air Resources Board, the California Air Pollution Control Officer's Association, and the South Coast Air Quality Management District, to, among other things, identify feasible alternatives and mitigation measures.

The CEQA Guidelines require the lead agency to "make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." Guidelines § 15064.4(a).

The RDEIR improperly fails to disclose key assumptions made about trip lengths for heavy-duty trucks, nor does it disclose the basis for its assumptions about the percentage of daily trips that would be made by these vehicles. The RDEIR also fails to account for air quality impacts within the Salton Sea Air Basin, Mojave Desert Air District, and the San Diego County Air Basin violating CEQA's requirements that an RDEIR must analyze whether the Project "[v]iolates any air quality standard or contributes substantially to an existing or projected air quality violation." Guidelines App. G § III(b).

The RDEIR also fails to account for the emissions associated with manufacturing and transport of building materials, and operational goods for the project. For example, construction of nearly 2 million square feet of development will take substantial amounts of construction material including concrete. Cement and concrete manufacture is

extremely energy intensive producing a large amount of greenhouse gas emissions. The manufacture of concrete accounts for roughly 3% of California's greenhouse gas emissions. These numbers must be integrated into the greenhouse gas emissions significance determination in order to perform the good faith analysis required under CEQA. CEQA requires that "an agency must use its best efforts to find out and disclose all that it reasonably can" (Guidelines § 15144), that an RDEIR must make "good faith effort at full disclosure" (Guidelines §15151), and that an impact may only be deemed speculative "after thorough investigation." (Guidelines § 15145).

As part of its analysis of global warming impacts, the RDEIR must also address black carbon, an important short-lived pollutant that contributes to global and regional warming. Black carbon is produced by incomplete combustion and is the black component of soot. Although combustion produces a mixture of black carbon and organic carbon, the proportion of black carbon produced by burning fossil fuels, such as diesel, is much greater than that produced by burning biomass.³ Black carbon heats the atmosphere through a variety of mechanisms. First, it is highly efficient at absorbing solar radiation and in turn heating the surrounding atmosphere. Second, atmospheric black carbon absorbs reflected radiation from the surface. Third, when black carbon lands on snow and

³ Ramanathan V. & Carmichael G., *Global and Regional Climate Changes Due to Black Carbon*, Nature Geoscience 1:221-227 (2008) ("Ramanathan & Carmichael 2008"). http://www.climate.org/PDF/Ram_Carmichael.pdf; Jacobson M., *Strong Radiative Heating Due to Mixing State of Black Carbon in Atmospheric Controls*, Nature 499: 695- 697 (2001) ("Jacobson 2001"). <http://www.stanford.edu/group/efmh/jacobson/Articles/VI/nature.pdf>

ice, it reduces the reflectivity of the white surface which causes increased atmospheric warming as well as accelerates the rate of snow and ice melt. Fourth, it evaporates low clouds. (Ramanathan & Carmichael 2008; Jacobson 2001). Black carbon is also detrimental to human health. Black carbon has been linked to a variety of circulatory diseases. One study found an increased mortality rate was correlated with exposure to black carbon.⁴ Like greenhouse gases, black carbon emissions from various types of engines and activities can be estimated through numerical calculations. (Bond 2004). Thus, there is no reason why black carbon can reasonably be omitted from these estimates. The RDEIR fails to analyze the impacts of black carbon emissions during both the construction and operation phase of the project. The Project will result in a large increase in diesel exhaust from the existing conditions, which is a major source of black carbon.

In addition to thoroughly evaluating project alternatives, because it is clear that the Project's greenhouse gas emissions will cumulatively contribute to global warming, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). CEQA

⁴ Maynard D. et al., *Mortality risk associated with short-term exposure to traffic particles and sulfates*. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1867995/>

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specifically requires lead agencies to “consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions.” Guidelines § 15126.4(c). Mitigation of a project’s significant impacts is one of the “most important” functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the “policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects.” Pub. Res. Code § 21002.

There are any number of additional feasible measures that can be incorporated to reduce vehicle miles traveled, energy use, waste, water consumption, and other sources of emissions. The California Air Pollution Control Officer’s Association White Paper on CEQA and Climate Change identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project’s GHG emissions. The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. These resources provide a varied array of mitigation measures to be incorporated in both the programmatic and project level. The RDEIR evaluates a few mitigation measures but determines that none are feasible. RDEIR, pp. 3.3-40-3.3-41. The RDEIR must include a more robust analysis of a greater variety of mitigation measures to determine whether they are feasible in reducing the Project’s significant greenhouse gas impacts.

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The RDEIR also fails to address how the projected effects of global warming will exacerbate the impacts of the Project. CEQA requires that an EIR “analyze any significant environmental effects the project might cause by bringing development and people into the affected area.” Guidelines § 15126.2(a). The air quality analysis must disclose how the increased temperatures in the project area will exacerbate the already severe air quality conditions. Riverside County in particular, has some of the worst air quality in the nation, even when compared to other highly urban, populated counties in California. Riverside County is ranked as one of the “Dirtiest/Worst Counties” in the United States for almost all criteria pollutants under the Clean Air Act. Climate change is having a major adverse impact on numerous plant and animal species. The RDEIR should have disclosed this threat to species, and discussed the potentiality of the Project contributing to the massive problem. Finally, climate change will have a major adverse impact on water supplies; the RDEIR should have disclosed these impacts and discussed the potential for the Project to contribute to this problem. The RDEIR must use its best efforts to find out and disclose all it reasonably can about the impacts of climate change on the environment and—most importantly—use that information to form an educated opinion about how to plan and adapt for the impacts of climate change.

The RDEIR’s Disclosure, Analysis and Mitigation of Biological Impacts are Legally

Deficient

The RDEIR concedes that the Project site contains burrows that could support the Western Burrowing Owl, which is considered to be a Bird of Conservation Concern by

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the U.S. Fish and Wildlife Service. Burrowing Owls are listed as a Species of Concern in California. California's remaining burrowing owls are threatened primarily by habitat loss to urban development, persecution of ground squirrels, and intensive agricultural practices. The practice of evicting owls from development sites is accelerating local extinction of owls from rapidly urbanizing areas. Other factors contributing to the decline of owls statewide include destruction of burrows through disking and grading, impacts of pesticides, increased predation by nonnative or feral species, habitat fragmentation, and other human-caused mortality from vehicle strikes, electrified fences, collisions with wind turbines, shooting, and vandalism of nesting sites.

The RDEIR fails to adequately account for the Project threats to local and regional populations of the burrowing owl, or adequately mitigate for the loss of burrowing owl populations. Burrows were found on the Project site, and the site, and adjacent areas, contained potential burrowing owl habitat. (RDEIR, p. 3.4-30; Appendix C, p. 4)⁵ The mitigation measures of avoiding burrowing owls when they are present will not mitigate the decline in population and loss of habitat that the project contributes to. Considering the magnitude of threats, and ongoing population decline in the Project area the Project poses a substantial threat to the Burrowing Owl.

The RDEIR relies upon the MSHCP for mitigation of both direct and cumulative biological impacts related to this project. However, the RDEIR fails to disclose

⁵ In addition, the surveys for burrowing owls appear to be outdated, last conducted either in 2013 or 2008. (RDEIR, Appendix C)

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the uncertainty regarding the implementation of mitigation measures contemplated in the MSHCP to provide for the mitigation of potentially significant impacts to biological resources relied upon in the MSHCP and RDEIR. The failure to require binding and effective mitigation, disclose the uncertainties associated with mitigation, and analyze the provision of other sources of mitigation and the environmental impacts of those mitigation measures violates CEQA. Additionally, the RDEIR presents no information regarding impacts to covered species from pesticide use associated with the project.

The RDEIR fails to disclose or analyze the impacts of light pollution on wildlife. Light pollution is a major problem that can significantly confuse migratory birds and otherwise disturb and disrupt wildlife foraging and breeding. Light pollution can seriously threaten the continual survival of numerous species. The RDEIR needs to fully disclose these risks; only then can the likely effectiveness of proposed mitigation measures be evaluated when compared to the severity of the risk. Given the impact that light pollution has on wildlife species, particularly migratory birds such as the many species that utilize the SJWA as habitat, the proposed mitigation measures are inadequate to protect against this harm. This is especially true in light of evidence showing that light pollution can be felt as far as 100 miles away.

The RDEIR's Disclosure, Analysis and Mitigation of Traffic Impacts are Legally Deficient.

The Project will result in a 24 hour a day parade of big rig trucks into an area that is known for its rural charm. They will reach the Project site via Interstate 10, with a single exit in each direction. The Project will result in the degradation of service at the east

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bound ramp of I-10 from "C" in the morning to "F." (RDEIR, p. 3.16-46) Service at Calimesa Boulevard and Cherry Valley Boulevard also will degrade to "D" during the afternoon hours. While the RDEIR concedes that this is a significant adverse impact, the only mitigation measures that the RDEIR identifies are payment of various "fair share" fees to pay for future roadway improvements. And even with these payments, the RDEIR admits that the impacts will be significant and "unavoidable."

The RDEIR's traffic analysis is deficient for several reasons.

First, the RDEIR contains no analysis concerning whether, and if so, to what degree, the payment of "fair share" fees will mitigate traffic impacts. Without such analysis, and evidence of when such improves will go on line, it is impossible for the decision maker to evaluate the efficacy of the mitigation.

Second, the RDEIR (and its traffic study) fail to evaluate the direct and cumulative impacts at other key streets and intersections; namely, Beaumont Avenue to I-10, Cherry Valley Boulevard to Highland Springs Road, Highland Springs Road to I-10, Brookside Avenue between Beaumont Avenue and I-10, and Oak Valley Parkway between Cherry Valley Boulevard and I-10. Given the deterioration of service at the closest I-10 on ramp (at Cherry Valley Road) it is likely that many of the thousands of trips that the Project will generate will attempt these routes. In addition, the EIR utterly fails to evaluate impacts on State Highway 60.

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The RDEIR's Water Supply Analysis is Legally Deficient

The RDEIR's analysis of impacts on water supply are woefully inadequate, starting with its discussion of the Project's planned water consumption. On the same page of the RDEIR, it is estimated that the Project will consume either 42,840 gallons of potable water each day (15,636,600 gallons per year) or 11,140,000 gallons per year. (RDEIR, p. 3.17-21) The RDEIR, on the same page, states that the Project will consume either 12.35 million gallons of "recycled" water for landscaping each year, or 8.99 million gallons each year. (*Id.*) Later, the RDEIR states that "[r]ecycled (outdoor) water for landscape irrigation is estimated to be 8.99 million gallons per year for a total of 20.35 million gallons a year of water required to serve the project." (RDEIR, p. 3.17-25) There is no attempt to reconcile these divergent figures, rendering the RDEIR deficient as an informational document.

The RDEIR purports to rely on the YVWD's 2010 Urban Water Management Plan. However, no such document is available at the web address provided in the RDEIR. In fact at the time the RDEIR was circulated for public comment (in November 2016), the operable document was the 2015 San Bernardino Valley Regional Urban Water Management Plan ("2015 UWMP").⁶ The 2015 UWMP does not identify demand from the Project in its analysis of the YVWD's water supply calculation. And the 2015 UWMP states that "[r]ecycled water was not used in 2010 nor projected for use in 2015." (2015 UWMP, p. 12-27). It is impossible to reconcile this statement with the RDEIR's assertion that recycled

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<http://publicdocuments.yvwd.dst.ca.us/WebLinkPublic/0/edoc/181411/2015%20Regional%20Urban%20Water%20Management%20Plan%20-%20YVWD.pdf>

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water will supply 12.35 million gallons (or 8.8 million gallons) of recycled water to the Project each and every year.

The failure to present this information to the public and the decision makers renders the RDEIR legally deficient. The failure to include this information also undercuts the conclusion that impacts to water resources will not be significant.

The Project also requires annexation into the YVWD, and if this occurs infrastructure will be needed to constructed deliver water to the Project, including construction of two 1 million gallon water storage tanks on the Project site. But there is no disclosure and analysis of impacts associated with this annexation or the construction of this infrastructure, including aesthetic impacts and growth inducing impacts. Once again, without this analysis the RDEIR fails as an informational document, and also improperly segments the Project. The impacts of the entire Project, including the modification of the YVWD's service area and construction of substantial new infrastructure, must be included in this RDEIR, so that the public can understand the full scope of the Project's, environmental impacts.

The RDEIR's Disclosure, Analysis and Mitigation of Significant Noise Impacts are Deficient.

The Project will generate nearly 5,000 "passenger car equivalent" vehicle trips per day, and will potentially operate on a 24 hour per day basis. The RDEIR concedes that noise from the Project will likely exceed local nighttime operational noise level standards. (RDEIR, pp. 3.12-25-3.12-27) The RDEIR's solution to this significant impact is to require

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that loading bays be equipped “with sealed gasket bay doors.” (*Id.*) Yet there is no analysis in the RDEIR of the efficacy of this solution, nor does this appear to be an enforceable project condition. Beyond that, the RDEIR failed to consider other feasible mitigation, such as curtailing the hours of operation of the distribution center.

The noise analysis is deficient in other respects. In examining off site noise impacts, the RDEIR did not assess impacts on the approved Sunny Cal residential project directly across the street from the Project. (RDEIR, Appendix H, Exhibit 4) Further, the RDEIR did not evaluate off site impacts to the north and east of the project. The RDEIR did not evaluate noises associated with backup “warning beepers” that may be required of vehicles entering the distribution center.

The RDEIR’s Discussion of the Project’s Growth Inducing Impacts is Deficient

The RDEIR’s minimal discussion of the Project’s growth inducing impacts hardly meets the standards imposed by CEQA. The RDEIR concedes that currently no water and wastewater is available at the Project site, and that in order to accommodate the development “off-site water and sewer lines in Cherry Valley Boulevard and Calimesa Boulevard will be constructed.” (RDEIR, p. 5-1). The RDEIR also notes that two 1 million gallon water storage tanks will also be constructed “to serve other properties in the Yucaipa Valley Water District (YVWD) service area.” (RDEIR, p. 5-2). And the RDEIR admits that the construction of these facilities “would potentially encourage subsequent development by

removing infrastructure barriers to growth in the vicinity of the project.”⁷ But there is no discussion, even in a general way, of where these impacts are likely to occur (i.e., immediately in the vicinity of Project or in other areas of the YVWD service area, or elsewhere?) In addition, the RDEIR should discuss the growth inducing impacts of bringing YVWD water into an area traditionally served by the Beaumont Cherry Valley Water District, which has faced significant restrictions on its supply of water.

The RDEIR’s Discussion of the Project’s Cumulative Impacts is Deficient

In its cumulative impacts analysis, the RDEIR does not clearly identify the projects that are being considered as likely to produce similar impacts, nor does it provide any analysis as to why the study area was defined as it was. As a result, the RDEIR fails as an informational document. At a minimum, the RDEIR must provide the analysis discussed above, and also must include all projects in the area near the Project (Banning, Beaumont, Moreno Valley, Cabazon, Calimesa, Yucaipa and unincorporated western Riverside County). In particular, the RDEIR must consider the Butterfield (4862 homes), Rancho San Gorgonio (3385 homes), and O’Donnell Business Park (1 million square feet of warehousing) projects in Banning.⁸ However, it is critical that the RDEIR carefully analyze all projects within the

⁷ As is discussed above, another failure of the RDEIR is its failure to disclose and analyze the environmental impacts of this major infrastructure project.

⁸ Projects in neighboring cities that should be considered in the cumulative impacts analysis can be located here: <http://www.ci.beaumont.ca.us/DocumentCenter/Home/View/233>
<http://www.ci.banning.ca.us/106/Major-Commercial-Projects>
<http://www.ci.banning.ca.us/298/Major-Residential-Projects>
<http://www.moreno-valley.ca.us/edd/pdfs/new-pdfs/new-dev-sum.pdf>
http://yucaipa.org/wp-content/uploads/com_dev/Update.pdf

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study area (adjacent unincorporated areas of Riverside County, and other neighboring cities' (Banning, Beaumont, Moreno Valley, Cabazon, Calimesa, Yucaipa)) that contribute to regional impacts relating to traffic, air quality, and impacts on water usage. Because of the manner in which the RDEIR has been drafted, we do know that the RDEIR has not considered impacts from many projects within this area:

The RDEIR Fails to Adequately Analyze a Reasonable Range of Alternatives.

The RDEIR fails to consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly' even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

<http://www.cityofcalimesa.net/planning.htm>

Here, the RDEIR failed to consider a reasonable range of alternatives, most significantly by not considering an alternative site. The RDEIR dismisses an alternate site as infeasible because the Project proponent does not own another site, because "no other site was deemed sufficient to support the project," and because any other project would have the same impacts. (RDEIR, p. 6-2) However, there is utterly no analysis to support these conclusions, particularly that there is no other location in southern California with equivalent access to I-10. In addition, the statement that an alternative site would have the same impacts is simply untrue. Another site would not be located within a rural and equestrian community, which the County by policy seeks to maintain. Thus, an alternative location would not necessary have the same land use and aesthetic impacts as the Project site, and may also have reduced noise, traffic, water supply and air quality impacts. The RDEIR should carefully analyze these issues before rejecting this alternative out of hand.

Other feasible alternatives that the RDEIR should have considered would be a facility served by rail (thus potentially reducing air pollution and traffic issues), the use of the Project site for a school, and the use of the site for commercial retail. In addition, the RDEIR's rejection of other, less environmental damaging alternatives (e.g., no project and Cherry Valley Gateway Specific Plan Alternative) based on failure to satisfy the project objectives is improper; the RDEIR cannot avoid an analysis of a reasonable range of alternatives by narrowly drawing project objectives, as appears to be the case here.

In sum, the Project will have significant and long standing environmental impacts on the Pass Area, and its residents, and will degrade, and destroy the rural character

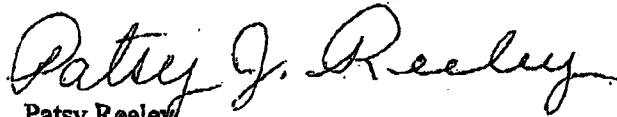
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of the existing Cherry Valley Community. As such, we urge you to reject this Project so that a future property owner can develop the property in a manner that is consistent with the objectives of the Pass Area Plan and serves the needs of the residents of the Pass Area.

Very truly yours,



Patsy Reeley

President Cherry Valley Pass Acres & Neighbors



Patrick Doherty

President Cherry Valley Environmental Planning
Group

cc: Robert C. Goodman, Esq.

EXHIBIT A

**CHERRY VALLEY PASS ACRES AND NEIGHBORS
P.O. Box 3257
BEAUMONT, CALIFORNIA 92223**

January 18, 2017

VIA E-MAIL

bdawson@rcflma.org

Brett Dawson
Project Planner
County of Riverside
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502-1409

Re: Comments on Draft Environmental Impact Report for
San Gorgonio Crossing Project

Dear Mr. Dawson:

We are submitting these comments on the Draft Environmental Impact Report ("EIR") for the San Gorgonio Crossing Project on behalf of Cherry Valley Pass Acres and Neighbors "CVAN") and the Cherry Valley Environmental Planning Group ("CVEPG").

Please provide us with all future notices regarding this Project.

CVAN is a California non-profit corporation comprised of more than 300 families, many of whom live and work in Cherry Valley, an unincorporated community of interest located north and east of the proposed project.

CVEPG is a California non-profit corporation that was established to protect and preserve the environment and water supply in and around Cherry Valley.

The EIR relates to a proposed project consisting of two 41 foot tall industrial buildings totaling 1,823,760 square feet, with 306 "dock doors," as well as a General Plan Amendment and Change of Zone to change the applicable zoning from very low density

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residential to industrial (“the Project”). Construction of the Project will involve extensive grading of approximately 3 million cubic yards of soil. The industrial buildings will be used as a regional distribution center generating nearly 5,000 “passenger equivalent” vehicle trips each day, which will include more than 1000 “big rig” trips each and every day. (EIR, 3.16-21-3.16-22) This means that if the Project operates 24 hours per day, a big rig will enter or exit the facility once every 1.4 minutes, on average, 365 days a year.¹

Among other deficiencies, discussed in detail below, the EIR fails to adequately describe the Project and the environmental setting, fails to adequately disclose and analyze the Project’s impacts on land use and planning, and relies on outdated analyses. The EIR also fails to analyze a range of environmental impacts, mitigation measures, and alternatives. The EIR for the Project fails to provide the public with a thorough, properly defined, and finite description of the Project and its environmental impacts. CEQA requires that an EIR analyze the whole of the Project including associated off site impacts and impacts that are further distant in the future. *See* CEQA Guidelines, §§ 15126 (impact from all phases of the project), 15358(a) (direct and indirect impacts). These requirements help ensure that the public and decision makers are reviewing and deciding on the Project know the full scope of the project and its impacts. EIRs that fail to

¹ A major deficiency of the EIR is that it provides no disclosure to the public concerning what the operating hours of the facility will be. For purposes of the public services analysis, the EIR states that it assumed “for worst case analysis purposes” that the facility would operate 7 days a week, 24 hours a day. (EIR, 3.14-12) It is unclear whether this assumption was made for other analyses, and if not, why not. It is essential that the facility’s planned hours of operation be disclosed, and that the impacts related to those hours of operation be evaluated.

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provide these requirements undermine CEQA's fundamental requirement of public disclosure. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 (an enigmatic or unstable project description impedes public input); *See also San Joaquin Raptor/Wildlife Reserve Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730. Unfortunately, the EIR contains an incomplete project description and analysis that fails to provide the public and decision makers with the necessary information in order to analyze impacts and mitigation measures.

The EIR's Disclosure and Analysis of Impacts on Land Use and Planning are Inadequate

The Project site is located within what the December 8, 2015, County of Riverside General Plan ("2015 General Plan") designated as the "Cherry Valley Gateway Policy Area of Cherry Valley." The land use designation for the Project site is "Very Low Density Residential." (2015 General Plan, Pass Area Plan ("PAP"), p. 12) This designation provides for "single-family detached residences on large parcels of 1 to 2 acres." (*Id.*) The Project seeks to change this land use designation to "Light Industrial." Currently, this land use is not permitted in any portion of the Cherry Valley Gateway Policy Area, and the Project is wholly inappropriate for the site as it would substantially degrade the rural character of the area.

As stated in the PAP, "Cherry Valley, located east of Interstate 10 and north of Beaumont, is a rural and equestrian community with small orchards, mobile homes, and

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single family residences.” (*Id.*, p. 24) The intent of the Cherry Valley Policy Area “is to maintain the predominantly rural community nature of this area.” (*Id.*) The PAP recognizes the “rural atmosphere of the area,” the limited capacity of public services, and flooding hazards. (*Id.*)

The PAP provides that the Cherry Valley Gateway Policy Area “shall be developed as a gateway to Cherry Valley” and “*shall be developed to evoke the rural character of that area.*” (*Id.*, (emphasis added)). The PAP further states that the Cherry Valley Gateway Policy Area “shall also serve as a community separator between Beaumont and Calimesa,” and that “it is envisioned that clustering and buffering will be utilized *in order to preserve open space and maintain the rural character of the area.*” (*Id.*, at p. 24 (emphasis added))²

Despite the clear policy statements of the 2015 General Plan, and the admitted rural nature of the Project site, the EIR concludes that “the Project would not result in a substantial alteration of the present or planned land use of an area” and that “[t]he Project would be compatible with existing and planned surround land uses.” (EIR, 3.10-21, 3.10-25)

The EIR’s analysis of this issue is legally deficient.

² The EIR improperly, and inexplicably, fails to consider the 2015 General Plan, instead relying on what it refers to as the “2008 County of Riverside General Plan” and the “2014 County of Riverside General Plan.” (EIR, 1-13; 9-10, 9-11) In fact, the 2008 General Plan was never adopted and the 2014 General Plan does not exist. See <http://planning.rctlma.org/ZoningInformation/GeneralPlan.aspx> (“In 2008 baseline General Plan documents were created, but never formally adopted, as prelude to the GPA No. 960 update project.”) Failure to consider the actual General Plan renders the entire EIR deficient.

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As a preliminary matter, the EIR states that “the General Plan acknowledges the potential for higher intensity uses for undeveloped parcels by stating explicitly that ‘[h]igher densities may be allowed through a general plan amendment...’” (EIR 3.10-22) However, the EIR misleadingly fails to include the remainder of the sentence, which states that such higher densities may be allowed “provided such development meets the goals of the policy area.” (PAP, p. 24) The PAP describes the goals of the policy area as follows: “The policy area shall be developed as a gateway to Cherry Valley, and it shall be developed to evoke the rural character of that area. The policy area shall also serve as a community separator between Beaumont and Calimesa. To accomplish these two goals, it is envisioned that clustering and buffering will be utilized in order to preserve open space and maintain the rural character of the area.” (PAP, p. 24)

A nearly 2 million square foot distribution center, generating nearly 5,000 “passenger equivalent” daily trips, which will include more than 1,000 trips by diesel emitting big rig trucks, hardly serves to “maintain the rural character of the area,” nor does it “evoke the rural character” of Cherry Valley. In short, the Project cannot be reconciled with the PAP, and the Project does not “meet the goals” of The Cherry Valley Gateway Policy Area.

The EIR also seeks to justify the conversion of the rural Project site to an industrial use by claiming that the General Plan Foundation Component for the site is “Community Development” and that the Community Development Foundation “includes ‘urban’ land uses (industrial and business park) such as those being proposed as part of the

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project.” (EIR, 3.10-21-3.10- 22) While the EIR offers no citation for this statement, the 2015 General Plan generally identifies the components of the Community Development component as follows: “those areas appropriate for urban or suburban development, including areas for single family and multiple family residential uses, commercial, industrial, business park, public facilities, and a mix of uses.” (2015 General Plan, Land Use Element, LU-4) But the EIR ignores the 2015 General Plan’s policy LU 28.1, which states that for properties such as the Project site (which is designated for residential land use) the County’s policy is to “[a]ccommodate the development of single- and multi-family residential units in areas appropriately designated by the General Plan and area plan land use maps.” (2015 General Plan, LU-57) Similarly, the EIR ignores the 2015 General Plan’s statement of policy LU 30.1, which provides that new industrial uses are to be “in areas appropriately designated by General Plan and area plan land use maps.” (2015 General Plan, LU-60)

In sum, there is no basis for the EIR’s conclusion that the Project “would not result in a substantial alteration of the present or planned land use of an area,” (EIR, 3.10-21) or that “[t]he Project would be compatible with existing and planned surround land uses.” (EIR, 3.10-25)

Given the foregoing discussion concerning the 2015 General Plan and the PAP, the EIR’s conclusion that “the project would be consistent with the land use designations and policies of the General Plan” is mystifying. (EIR, 3.10-28) As a preliminary matter, Table 3.10-3, which purports to show consistency, does not include any references to the applicable 2015 General Plan. The EIR thus utterly fails to discuss policies

LU-28.1 and LU-57, discussed above. Moreover, the EIR includes no analysis at all as to how a nearly 2 million square foot distribution center (generating nearly 5,000 “passenger equivalent” vehicle trips a day) “evokes the rural character” of Cherry Valley. In fact, it does not, and is irreconcilably inconsistent with the 2015 General Plan and PAP.³

Finally, there is no basis for the EIR’s finding that “[t]he project would not disrupt or divide the physical arrangement of an established community[.]” (EIR, 3.10-39) The Project site is within Cherry Valley, which the PAP describes as “a charming community distinguished by and named after a concentration of cherry orchards.” (PAP, 8) The Riverside Local Area Formation Commission has designated Cherry Valley “as an Unincorporated Community in order to preserve this existing rural character.” (*Id.*) Yet the EIR utterly fails to disclose and analyze impacts that this Project would have on the overall Cherry Valley community.

The EIR’s Disclosure, Analysis, and Mitigation of the Project’s Aesthetic Impacts are Inadequate.

As discussed above, the Project imposes a huge (nearly 2 million square foot) distribution facility on a property that is currently vacant, and serves as a gateway to Cherry Valley. The EIR’s conclusion that the Project will have a less than significant impact on

³ The EIR also fails to discuss policy LU 22.3 of the 2015 General Plan, which states that when an area such as Cherry Valley has been designated as a “rural community,” the County will “[e]nsure that development does not adversely impact the open space and rural character of the surrounding area.” (2015 General Plan, LU-50) Here, there can be little question that the Project will adversely impact the rural character of Cherry Valley, given its proposed industrial (and non-agricultural) uses, and the resulting impacts (including noise, light, aesthetic, air pollution, water supply).

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scenic resources is based on a woefully inadequate analysis, consisting of visual “simulations” from 14 locations. (EIR, Exhibit 3.1-3) All of these locations are in relatively close proximity to the Project site, and none of them appear to be within the Cherry Valley Policy area, particularly areas that are to the north and east of the Project site. It is essential that the aesthetic impacts on these areas be evaluated, including the impacts of nighttime lighting on the rural environment. In addition, we note that none of the visual simulations depict the proposed Project (i.e., two massive distribution center buildings). The simulations are thus inherently misleading.

The analysis of aesthetic impacts also does not evaluate the impacts of the Yucaipa Valley Water District (“YVWD”) water storage tanks proposed for the Project sites. These too need to be evaluated. Finally, the EIR fails to analyze the impacts of the significant big rig truck traffic on aesthetics. Currently, the Project site is undeveloped with minimal traffic. The Project will generate nearly 5,000 “passenger equivalent” vehicle trips a day. This constant parade of big rigs is likely to have a significant aesthetic impact on the public, and Cherry Valley specifically, and needs to be evaluated.

The EIR’s analysis, and mitigation of light impacts, is also inadequate. While recognizing that the Project has a potentially significant impact on nighttime views in the area, the EIR fails to clearly disclose those impacts, particularly in areas of Cherry Valley that are to the north and east of the Project. And after conceding that there may be potentially significant impacts, the proposed mitigation measure is merely the future

submission of a “photometric plan” to be submitted to the County, without any specific standards. This supposed mitigation measure thus fails as a matter of law.

The EIR Fails Adequately to Disclose, Analyze and Mitigate Impacts to Agricultural Resources

The EIR recognizes that the approved Project site land uses include agriculture, and that the Project site contains nearly 150 acres of “Farmland of Local Importance.” (EIR, 3.2-1; Exhibit 3.2-1) The EIR also recognizes that the Project site is currently utilized for agricultural uses (grazing), as are surrounding properties, which also are used for grazing and horse ranching. (*Id.*) The Project will unquestionably convert this farmland to non-agricultural resources. The loss of agricultural resources should be fully mitigated, yet the EIR contains no mitigation measures to address this impact. The EIR should consider, among other things, the use of conservation easements to mitigate the Project’s impacts.

The EIR’s Disclosure, Analysis, and Mitigation of Air Quality Impacts and Greenhouse Gas Emissions are Inadequate.

The EIR concedes that the Project will have significant impacts on air quality, both during construction and operation. Yet the EIR does not impose any meaningful mitigation measures on the operation of the facility, beyond imposing informational and seemingly voluntary requirements on the tenants. (EIR 3.3-29) These mitigation measures do not satisfy CEQA. Mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures” so “that feasible mitigation measures will

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actually be implemented as a condition of development.” *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000). These type of non-binding mitigation measures fails to meet CEQA’s standards of full enforceability.

The analysis of Greenhouse Gas Emissions is deficient in several respects. First, as with air quality impacts, the EIR fails to consider a full range of mitigation measures. The Project should fully mitigate its significant air quality and climate change impacts. In addition, the County and applicant should consult with expert agencies, such as the California Air Resources Board, the California Air Pollution Control Officer’s Association, and the South Coast Air Quality Management District, to, among other things, identify feasible alternatives and mitigation measures.

The CEQA Guidelines require the lead agency to “make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.” Guidelines § 15064.4(a).

The EIR improperly fails to disclose key assumptions made about trip lengths for heavy-duty trucks, nor does it disclose the basis for its assumptions about the percentage of daily trips that would be made by these vehicles. The EIR also fails to account for air quality impacts within the Salton Sea Air Basin, Mojave Desert Air District, and the San Diego County Air Basin violating CEQA’s requirements that an EIR must analyze whether the Project “[v]iolates any air quality standard or contributes substantially to an existing or projected air quality violation.” CEQA Guidelines App. G § III(b).

The EIR also fails to account for the emissions associated with manufacturing and transport of building materials, and operational goods for the project. For example, construction of nearly 2 million square feet of development will take substantial amounts of construction material including concrete. Cement and concrete manufacture is extremely energy intensive producing a large amount of greenhouse gas emissions. The manufacture of concrete accounts for roughly 3% of California's greenhouse gas emissions. These numbers must be integrated into the greenhouse gas emissions significance determination in order to perform the good faith analysis required under CEQA. CEQA requires that "an agency must use its best efforts to find out and disclose all that it reasonably can" (Guidelines § 15144), that an EIR must make "good faith effort at full disclosure" (Guidelines §15151), and that an impact may only be deemed speculative "after thorough investigation." (Guidelines § 15145).

As part of its analysis of global warming impacts, the EIR must also address black carbon, an important short-lived pollutant that contributes to global and regional warming. Black carbon is produced by incomplete combustion and is the black component of soot. Although combustion produces a mixture of black carbon and organic carbon, the proportion of black carbon produced by burning fossil fuels, such as diesel, is much greater than that produced by burning biomass.⁴ Black carbon heats the atmosphere

⁴ Ramanathan V. & Carmichael G., *Global and Regional Climate Changes Due to Black Carbon*, Nature Geoscience 1:221-227 (2008) ("Ramanathan & Carmichael 2008".
http://www.climate.org/PDF/Ram_Carmichael.pdf; Jacobson M., *Strong Radiative Heating Due to the Mixing State of Black Carbon in Atmospheric Controls*, Nature 499: 695- 697

through a variety of mechanisms. First, it is highly efficient at absorbing solar radiation and in turn heating the surrounding atmosphere. Second, atmospheric black carbon absorbs reflected radiation from the surface. Third, when black carbon lands on snow and ice, it reduces the reflectivity of the white surface which causes increased atmospheric warming as well as accelerates the rate of snow and ice melt. Fourth, it evaporates low clouds. (Ramanathan & Carmichael 2008; Jacobson 2001). Black carbon is also detrimental to human health. Black carbon has been linked to a variety of circulatory diseases. One study found an increased mortality rate was correlated with exposure to black carbon.⁵ Like greenhouse gases, black carbon emissions from various types of engines and activities can be estimated through numerical calculations. (Bond 2004). Thus, there is no reason why black carbon can reasonably be omitted from these estimates. The EIR fails to analyze the impacts of black carbon emissions during both the construction and operation phase of the project. The Project will result in a large increase in diesel exhaust from the existing conditions, which is a major source of black carbon.

In addition to thoroughly evaluating project alternatives, because it is clear that the Project's greenhouse gas emissions will cumulatively contribute to global warming,

(2001)(“Jacobson 2001”).
<http://www.stanford.edu/group/efmh/jacobson/Articles/VI/nature.pdf>

⁵ Maynard D. et al., *Mortality risk associated with short-term exposure to traffic particles and sulfates*.
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1867995/>

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“the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified.” *Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies “mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.” Pub. Res. Code § 21002.1(b). CEQA specifically requires lead agencies to “consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions.” Guidelines § 15126.4 (c). Mitigation of a project’s significant impacts is one of the “most important” functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the “policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects.” Pub. Res. Code § 21002.

There are any number of additional feasible measures that can be incorporated to reduce vehicle miles traveled, energy use, waste, water consumption, and other sources of emissions. The California Air Pollution Control Officer’s Association White Paper on CEQA and Climate Change identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project’s GHG emissions. The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. These resources provide a varied array of mitigation measures to be incorporated in both the programmatic and project level. These

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mitigation measures must be analyzed to determine whether they are feasible in reducing the Project's significant greenhouse gas impacts.

The EIR also fails to address how the projected effects of global warming will exacerbate the impacts of the Project. CEQA requires that an EIR "analyze any significant environmental effects the project might cause by bringing development and people into the affected area." Guidelines § 15126.2(a). The air quality analysis must disclose how the increased temperatures in the project area will exacerbate the already severe air quality conditions. Riverside County in particular, has some of the worst air quality in the nation, even when compared to other highly urban, populated counties in California. Riverside County is ranked as one of the "Dirtiest/Worst Counties" in the United States for almost all criteria pollutants under the Clean Air Act. Climate change is having a major adverse impact on numerous plant and animal species. The EIR should have disclosed this threat to species, and discussed the potentiality of the Project contributing to the massive problem. Finally, climate change will have a major adverse impact on water supplies; the EIR should have disclosed these impacts and discussed the potential for the Project to contribute to this problem. The EIR must use its best efforts to find out and disclose all it reasonably can about the impacts of climate change on the environment and—most importantly—use that information to form an educated opinion about how to plan and adapt for the impacts of climate change.

The EIR's Disclosure, Analysis and Mitigation of Biological Impacts are
Legally Deficient

The EIR concedes that the Project site contains burrows that could support the Western Burrowing Owl, which is considered to be a Bird of Conservation Concern by the U.S. Fish and Wildlife Service (USFWS). Burrowing Owls are listed as a Species of Concern in California. California's remaining burrowing owls are threatened primarily by habitat loss to urban development, persecution of ground squirrels, and intensive agricultural practices. The practice of evicting owls from development sites is accelerating local extinction of owls from rapidly urbanizing areas. Other factors contributing to the decline of owls statewide include destruction of burrows through disking and grading, impacts of pesticides, increased predation by nonnative or feral species, habitat fragmentation, and other human-caused mortality from vehicle strikes, electrified fences, collisions with wind turbines, shooting, and vandalism of nesting sites.

The EIR fails to adequately account for the Project threats to local and regional populations of the burrowing owl, or adequately mitigate for the loss of burrowing owl populations. Burrows were found on the Project site, and the site, and adjacent areas, contained potential burrowing owl habitat. (EIR at 4.4-29; App. C at 4)⁶ The mitigation measures of avoiding burrowing owls when they are present will not mitigate the decline in

⁶ In addition, the surveys for burrowing owls appear to be outdated, last conducted either in 2013 or 2008. (EIR, Appendix C)

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population and loss of habitat that the project contributes to. Considering the magnitude of threats, and ongoing population decline in the Project area the Project poses a substantial threat to the Burrowing Owl.

The EIR relies upon the MSHCP for mitigation of both direct and cumulative biological impacts related to this project. However, the EIR fails to disclose the uncertainty regarding the implementation of mitigation measures contemplated in the MSHCP to provide for the mitigation of potentially significant impacts to biological resources relied upon in the MSHCP and EIR. The failure to require binding and effective mitigation, disclose the uncertainties associated with mitigation, and analyze the provision of other sources of mitigation and the environmental impacts of those mitigation measures violates CEQA. Additionally, the EIR presents no information regarding impacts to covered species from pesticide use associated with the project.

The EIR fails to disclose or analyze the impacts of light pollution on wildlife. Light pollution is a major problem that can significantly confuse migratory birds and otherwise disturb and disrupt wildlife foraging and breeding. Light pollution can seriously threaten the continual survival of numerous species. The EIR needs to fully disclose these risks; only then can the likely effectiveness of proposed mitigation measures be evaluated when compared to the severity of the risk. Given the impact that light pollution has on wildlife species, particularly migratory birds such as the many species that utilize the SJWA as habitat, the proposed mitigation measures are inadequate to protect against this

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harm. This is especially true in light of evidence showing that light pollution can be felt as far as 100 miles away.

The EIR's Disclosure, Analysis and Mitigation of Traffic Impacts are Legally Deficient.

The Project will result in a 24 hour a day parade of big rig trucks into an area that is known for its rural charm. They will reach the Project site via Interstate 10, with a single exit in each direction. The Project will result in the degradation of service at the east bound ramp of I-10 from "C" in the morning to "F," and a degradation of the west bound ramp from "D" to "F" in the afternoon. (EIR 3.16-43) Service at Calimesa Boulevard and Cherry Valley Boulevard also will degrade to "F" during the morning and afternoon hours. While the EIR concedes that this is a significant adverse impact, the only mitigation measures that the EIR identifies are payment of various "fair share" fees to pay for future roadway improvements. And even with these payments, the EIR admits that the impacts will be significant and "unavoidable."

The EIR's traffic analysis is deficient for several reasons. First, it is based on an improper baseline – 2014 conditions rather than 2016 conditions (when the EIR was circulated for public comment). Without understanding baseline conditions the decision makers are unable to evaluate the Project's direct and cumulative impacts.

Second, the EIR contains no analysis concerning whether, and if so, to what degree, the payment of "fair share" fees will mitigate traffic impacts. Without such analysis,

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and evidence of when such improves will go on line, it is impossible for the decision maker to evaluate the efficacy of the mitigation.

Third, the EIR (and its traffic study) fail to evaluate the direct and cumulative impacts at other key streets and intersections; namely, Beaumont Avenue to I-10, Cherry Valley Boulevard to Highland Springs Road, Highland Springs Road to I-10, Brookside Avenue between Beaumont Avenue and I-10, and Oak Valley Parkway between Cherry Valley Boulevard and I-10. Given the deterioration of service at the closest I-10 on ramp (at Cherry Valley Road) it is likely that many of the thousands of trips that the Project will generate will attempt these routes. In addition, the EIR utterly fails to evaluate impacts on State Highway 60.

The EIR's Water Supply Analysis is Legally Deficient

The EIR's analysis of impacts on water supply are woefully inadequate, starting with its discussion of the Project's planned water consumption. On the same page of the EIR, it is estimated that the Project will consume either 42,840 gallons of potable water each day (15,636,600 gallons per year) or 11,140,000 gallons per year. (EIR, 3.17-19) The EIR, on the same page, states that the Project will consume either 12.35 million gallons of "recycled" water for landscaping each year, or 8.8 million gallons each year. (*Id.*) Later, the EIR states that "[r]ecycled (outdoor) water for landscape irrigation is estimated to be 89.81 million gallons per year (YVWD 2013), for a total of 19.95 million." (EIR, 3.17-21) There is no attempt to reconcile these wildly divergent figures, rendering the EIR deficient as an informational document.

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The EIR claims that “[b]ased on the determination by the YVWD in the [Water Supply Assessment], the proposed project’s water needs will be met by existing and future supplies. YVWD would have sufficient water supplies available to serve the project from existing entitlements and resources, and no new or expanded entitlements will be needed.” (EIR, 3.17-22). However, no water supply assessment is included within the exhibits to the EIR, nor is any such water supply assessment available on the YVWD website. The EIR fails as an information document if a foundational document, such as this supposed water supply assessment, is not made available to the public and to decision makers.

The EIR also purports to rely on the YVWD’s 2010 Urban Water Management Plan. However, no such document is available at the web address provided in the EIR. In fact at the time the EIR was circulated for public comment (in November 2016), the operable document was the 2015 San Bernardino Valley Regional Urban Water Management Plan (“2015 UWMP”).⁷ The 2015 UWMP does not identify demand from the Project in its analysis of the YVWD’s water supply calculation. And the 2015 UWMP states that “[r]ecycled water was not used in 2010 nor projected for use in 2015.” (2015 UWMP, p. 12-27). It is impossible to reconcile this statement with the EIR’s assertion that recycled water will supply 12.35 million gallons (or 8.8 million gallons, or 89.81 million gallons) of recycled water to the Project each and every year.

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<http://publicdocuments.yvwd.dst.ca.us/WebLinkPublic/0/edoc/181411/2015%20Regional%20Urban%20Water%20Management%20Plan%20-%20YVWD.pdf>

The failure to present this information to the public and the decision makers renders the EIR legally deficient. The failure to include this information also undercuts the conclusion that impacts to water resources will not be significant.

The Project also requires annexation into the YVWD, and if this occurs infrastructure will be needed to constructed deliver water to the Project, including construction of two 1 million gallon water storage tanks on the Project site. But there is no disclosure and analysis of impacts associated with this annexation or the construction of this infrastructure, including aesthetic impacts and growth inducing impacts. Once again, without this analysis the EIR fails as an informational document, and also improperly regiments the Project. The impacts of the entire Project, including the modification of the YVWD's service area and construction of substantial new infrastructure, must be included in this EIR, so that the public can understand the full scope of the Project's, environmental impacts.

The EIR's Disclosure, Analysis and Mitigation of Significant Noise Impacts are Deficient.

The Project will generate nearly 5,000 "passenger car equivalent" vehicle trips per day, and will potentially operate on a 24 hour per day basis. The EIR concedes that noise from the Project will likely exceed local nighttime operational noise level standards. (EIR, 3.12-34-3.12-35) The EIR's solution to this significant impact is to require that loading bays be equipped "with sealed gasket bay doors." (*Id.*) Yet there is no analysis in the EIR of the efficacy of this solution, nor does this appear to be an enforceable project condition. Beyond

that, the EIR failed to consider other feasible mitigation, such as curtailing the hours of operation of the distribution center.

The noise analysis is deficient in other respects. In examining off site noise impacts, the EIR did not assess impacts on the approved Sunny Cal residential project directly across the street from the Project. (EIR, Appendix H, Exhibit 4) Further, the EIR did not evaluate off site impacts to the north and east of the project. The EIR did not evaluate noises associated with backup "warning beepers" that may be required of vehicles entering the distribution center.

The EIR's Discussion of the Project's Growth Inducing Impacts is Deficient

The EIR's minimal discussion of the Project's growth inducing impacts hardly meets the standards imposed by CEQA. The EIR concedes that currently no water and wastewater is available at the Project site, and that in order to accommodate the development "off-site water and sewer lines in Cherry Valley Boulevard and Calimesa Boulevard will be constructed." (EIR, 5-1). The EIR also notes that two 1 million gallon water storage tanks will also be constructed "to serve other properties in the Yucaipa Valley Water District service area." (EIR, 5-2). And the EIR admits that the construction of these facilities "would potentially encourage subsequent development by removing infrastructure barriers to growth in the vicinity of the project."⁸ But there is no discussion, even in a general way, of where these impacts are likely to occur (i.e., immediately in the vicinity of Project or in other

⁸ As is discussed above, another failure of the EIR is its failure to disclose and analyze the environmental impacts of this major infrastructure project.

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areas of the YVWD service area, or elsewhere?) In addition, the EIR should discuss the growth inducing impacts of brining YVWD water into an area traditionally served by the Beaumont Cherry Valley Water District, which has faced significant restrictions on its supply of water.

The EIR's Discussion of the Project's Cumulative Impacts is Deficient

In its cumulative impacts analysis, the EIR does not clearly identify the projects that are being considered as likely to produce similar impacts, nor does it provide any analysis as to why the study area was defined as it was. As a result, the EIR fails as an informational document. At a minimum, the EIR must provide the analysis discussed above, and also must include all projects in the area near the Project (Banning, Beaumont, Moreno Valley, Cabazon, Calimesa, Yucaipa and unincorporated western Riverside County). In particular, the EIR must consider the Butterfield (4862 homes), Rancho San Gorgonio (3385 homes), and O'Donnell Business Park (1 million square feet of warehousing) projects in Banning.⁹ However, it is critical that the EIR carefully analyze all projects within the study area (adjacent unincorporated areas of Riverside County, and other neighboring cities' (Banning, Beaumont, Moreno Valley, Cabazon, Calimesa, Yucaipa)) that contribute to regional impacts relating to traffic, air quality,

⁹Projects in neighboring cities that should be considered in the cumulative impacts analysis can be located here: <http://www.ci.beaumont.ca.us/DocumentCenter/Home/View/233>
<http://www.ci.banning.ca.us/106/Major-Commercial-Projects>
<http://www.ci.banning.ca.us/298/Major-Residential-Projects>
<http://www.moreno-valley.ca.us/edd/pdfs/new-pdfs/new-dev-sum.pdf>
http://yucaipa.org/wp-content/uploads/com_dev/Update.pdf
<http://www.cityofcalimesa.net/planning.htm>

and impacts on water usage. Because of the manner in which the EIR has been drafted, we do know that the EIR has not considered impacts from many projects within this area.

The EIR Fails to Adequately Analyze a Reasonable Range of Alternatives.

The EIR fails to consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly' even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

Here, the EIR failed to consider a reasonable range of alternatives, most significantly by not considering an alternative site. The EIR dismisses an alternate site as infeasible because the Project proponent does not own another site, because "no other site was deemed sufficient to support the project," and because any other project would have the same impacts. (EIR, 6.2) However, there is utterly no analysis to support these conclusions,

Brett Dawson
January 18, 2017
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particularly that there is no other location in southern California with equivalent access to I-10. In addition, the statement that an alternative site would have the same impacts is simply untrue. Another site would not be located within a rural and equestrian community, which the County by policy seeks to maintain. Thus, an alternative location would not necessary have the same land use and aesthetic impacts as the Project site, and may also have reduced noise, traffic, water supply and air quality impacts. The EIR should carefully analyze these issues before rejecting this alternative out of hand.

Other feasible alternatives that the EIR should have considered would be a facility served by rail (thus potentially reducing air pollution and traffic issues), the use of the Project site for a school, and the use of the site for commercial retail. In addition, the EIR's rejection of other, less environmental damaging alternatives (e.g., no project and Cherry Valley Gateway Specific Plan Alternative) based on failure to satisfy the project objectives is improper; the EIR cannot avoid an analysis of a reasonable range of alternatives by narrowly drawing project objectives, as appears to be the case here.

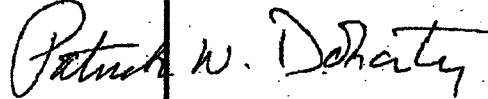
Brett Dawson
January 18, 2017
Page 25

In sum, the Project will have significant and long standing environmental impacts on the Pass Area, and its residents, and will degrade, and destroy the rural character of the existing Cherry Valley Community. As such, we urge you to reject this Project so that a future property owner can develop the property in a manner that is consistent with the objectives of the Pass Area Plan and serves the needs of the residents of the Pass Area.

Very truly yours,



Patsy Reelley
President Cherry Valley Pass Acres & Neighbors



Patrick Doherty
President Cherry Valley Environmental Planning
Group

cc: Robert C. Goodman, Esq.

Maxwell, Sue

From: Maxwell, Sue
Sent: Tuesday, October 03, 2017 1:55 PM
To: George Johnson (GAJohnson@RIVCO.ORG); Perez, Juan (JCPEREZ@RIVCO.ORG); Leach, Charissa (cleach@RIVCO.ORG); Dawson, Brett (BDawson@RIVCO.ORG); Young, Alisa; COB-Agenda (COB-Agenda@rivco.org); District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG); District2; District3; District5; Supervisor Jeffries - 1st District (district1@rivco.org)
Subject: Public Comment - October 3, 2017 Agenda Item 19.1 – Opposition to San Gorgonio Crossing Warehouse
Attachments: 0282_001.pdf

| Tracking: | Recipient | Read |
|-----------|---|-------------------------|
| | George Johnson (GAJohnson@RIVCO.ORG) | |
| | Perez, Juan (JCPEREZ@RIVCO.ORG) | |
| | Leach, Charissa (cleach@RIVCO.ORG) | |
| | Dawson, Brett (BDawson@RIVCO.ORG) | |
| | Young, Alisa | |
| | COB-Agenda (COB-Agenda@rivco.org) | |
| | District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG) | Read: 10/3/2017 1:58 PM |
| | District2 | |
| | District3 | |
| | District5 | |
| | Supervisor Jeffries - 1st District (district1@rivco.org) | |

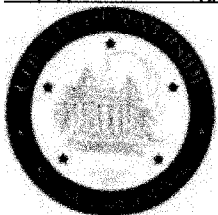
Good afternoon,

The attached letter of opposition has been printed, logged, and added as back-up to Agenda Item 19.1 for October 3, 2017 Re: General Plan Amendment No. 1079, Change of Zone No. 7799, Plot Plant No. 25337, Parcel Map No. 36564, Environmental Impact Report No. 534 in Cherry Valley.

With thanks and warm regards,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1069 Fax (951) 955-1071
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From: Maxwell, Sue

Sent: Tuesday, October 03, 2017 1:04 PM

To: 'Clara Chun' <cchun@rjo.com>

Cc: District2 <District2@Rivco.org>; District3 <District3@Rivco.org>; Supervisor Jeffries - 1st District <district1@RIVCO.ORG>; District 4 Supervisor V. Manuel Perez <District4@RIVCO.ORG>; District5 <District5@Rivco.org>; Robert C. Goodman <RGoodman@rjo.com>; Nicholas T. Niiro <NNiiro@rjo.com>

Subject: RE: Board of Supervisors Meeting Agenda Item 19.1 – General Plan Amendment No. 1079, Change of Zone No. 7799, Plot Plant No. 25337, Parcel Map No. 36564, Environmental Impact Report No. 534

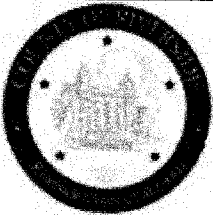
Good afternoon Ms. Chun,

The Clerk of the Board is in receipt of your letter sent via email regarding the San Gorgonio Crossing Project in Cherry Valley, Agenda Item -19.1, and has included it in the record for the October 3, 2017 Board Meeting.

Thank you kindly,

Sue Maxwell

Board Assistant
Clerk of the Board of Supervisors
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From: Clara Chun [<mailto:cchun@rjo.com>]

Sent: Tuesday, October 03, 2017 12:33 PM

To: COB <COB@RIVCO.ORG>

Cc: District2 <District2@Rivco.org>; District3 <District3@Rivco.org>; Supervisor Jeffries - 1st District <district1@RIVCO.ORG>; District 4 Supervisor V. Manuel Perez <District4@RIVCO.ORG>; District5 <District5@Rivco.org>; Robert C. Goodman <RGoodman@rjo.com>; Nicholas T. Niiro <NNiiro@rjo.com>

Subject: Board of Supervisors Meeting Agenda Item 19.1 – General Plan Amendment No. 1079, Change of Zone No. 7799, Plot Plant No. 25337, Parcel Map No. 36564, Environmental Impact Report No. 534

Please see attached.

Thank you.

Clara Chun | Assistant to Robert C. Goodman, Dean D. Paik, E. Jacob Lubarsky and Nicholas T. Niiro
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