

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



ITEM: 21.2
(ID # 17342)

MEETING DATE:

Tuesday, October 05, 2021

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on CHANGE OF ZONE NO 2000008, ORDINANCE NO 348.4964 and PLOT PLAN NO 190039 - Adoption of a Mitigated Negative Declaration (CEQ190175) – Applicant: Duke Realty - Engineer/Representative: Michael Weber - First Supervisorial District - Mead Valley Area Plan – North Perris Area Zoning District – General Plan: Light Industrial (LI) – Zoning: Manufacturing Heavy (M-H) and Manufacturing- Service Commercial (M-SC) – Location: Northeast corner of Harvill Avenue and Rider Street – 15.08 acres – REQUEST A Plot Plan to construct a 334,922 square foot warehouse and distribution facility with 10,990 square feet of first floor office, 7,850 square feet of office mezzanine, 316,082 square feet of warehouse 41 dock doors, parking for automobiles and trucks and two water quality detention basins, and associated improvements. Site improvements includes a flood control easement on the northern boundary of the property, a signing and striping plan, including improvements to the intersections of Harvill Avenue and Rider Street, and improvements to Harvill Street and the intersection of the southern driveway and Rider Street. Approximately 1.81 acres of the project site, specifically the southwest corner, is zoned M-SC. The remaining 13.27 acres of the project site is zoned M-H. Change of Zone No. 2000008 proposes to change the zoning classification of the 13.27 acre section from M-H to M-SC in order to apply a single zoning classification throughout the project site. APN(s): 317-170-024, 317-170-045. District 1. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **ADOPT** a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. CEQ190175**, based on the findings incorporated in the initial study, and the conclusion that the project will not have a significant effect on the environment;

Continued on page 2

ACTION: Policy


John Hildebrand, Planning Director 3/27/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and Ordinance 348.4964 is adopted with waiver of the reading.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: October 5, 2021
xc: Planning, Co.Co., MC/COBAB

Kecia R. Harper
Clerk of the Board
By 
Deputy

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

RECOMMENDED MOTION: That the Board of Supervisors:

2. **APPROVE CHANGE OF ZONE NO. 2000008** to amend the zoning classification of 13.27 acres of the project from Manufacturing Heavy (M-H) to Manufacturing-Service Commercial (M-SC), in accordance with the Exhibit attached hereto, based upon the findings and conclusions provided in the staff report;
3. **ADOPT ORDINANCE NO 348.4964** amending the zoning in the North Perris Area shown on Map No. 2.2463, Change of Zone Case No. 2000008 attached hereto and incorporated by reference; and
4. **APPROVE PLOT PLAN NO. 190039** subject to the attached advisory notification document and conditions of approval and based on the findings and conclusions in the staff report.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Project includes Change of Zone No. 2000008 and Plot Plan No. 190039 (The Project).

The Project site is approximately 15.08 gross acres and is located on the northeast corner of Harvill Avenue and Rider Street intersection within the Mead Valley Area. The site consists of two parcels 317-170-015 and 317-170-024 that were merged as a result of the recordation of Certificate of Parcel Merger No. 200020, recorded on December 4, 2020. The Project site is currently vacant and was once used as a feed mill.

The Project site's General Plan Foundation Component and Land Use Designation is Community Development – Light Industrial (LI). The site has two zoning classifications, Manufacturing – Heavy (M-H) and Manufacturing – Service Commercial (M-SC). These zoning classifications are consistent with the LI designation. According to the Riverside County Land Use Ordinance No. 348, the intent of the M-H and M-SC Zones is to promote and attract industrial and manufacturing activities that will provide jobs to local residents and strengthen the County's economic base; provide the necessary improvements to support industrial growth; ensure that new industry is compatible with uses on adjacent lands and protect industrial areas from encroachment by incompatible uses that may jeopardize industry.

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

Change of Zone No. 2000008 proposes to change the zoning classification of the Project's northeast corner, which is approximately 13.27 acres, from M-H to M-SC in order to apply a single zoning classification throughout the property.

Plot Plan No 190039 is a proposal for the construction and operation of a 334,922 square foot warehousing and distribution facility. The facility includes approximately 10,990 square feet of first floor office, 7,850 square feet of office mezzanine, 316,082 square feet of warehouse, 41 dock doors, parking for automobiles and trucks and two water quality detention basins, and associated landscape and road improvements. The Project site will include 333 standard parking spaces, which includes 6 accessible parking spaces, 49 additional spaces are designated as trailer parking spaces.

An Initial Study/Mitigated Negative Declaration was completed for the proposed Project in accordance with the California Environmental Quality Act (CEQA) and circulated for public review. With mitigation incorporated, it was determined that all impacts could be reduced to a less than significant level under CEQA. The Initial Study/Mitigated Negative Declaration represents the independent judgement of the County of Riverside.

The Planning Commission considered the Project during a regularly scheduled public hearing on May 19, 2021. After taking public testimony, the Planning Commission closed the public hearing and recommended the Board of Supervisors tentatively approve the Change of Zone No. 2000008 and approve the Plot Plan No. 190039 with a 5-0 vote.

The project was presented to the Board of Supervisors on July 29, 2021, and continued to September 14, 2021, whereby it was continued to October 5, 2021.

A letter was received from the Department of Fish and Wildlife on September 2, 2021, requesting a new mitigation measure be added and BIO MM-2 be revised. Staff has added the requested language to the existing condition (COA MBTA Nesting Bird Survey-EPD-060) and added language to another existing condition to incorporate the new mitigation measure (Streambed Alteration Permit -EPD-060). Pursuant to CEQA guidelines Section 15073.5, the addition of this condition of approval and revision of the current condition do not require recirculation of the MND; recirculation is not required when conditions of the project approval are added that are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect, or when mitigation measures are revised or replaced with equal or more effective measures. The added mitigation measure and the revision to Mitigation Measure BIO MM-2 are more stringent and effective.

Impact on Residents and Businesses

The impacts of the Project have been evaluated through the public hearing process.

Additional Fiscal Information

All fees are paid by the applicant; there is no General Fund obligation.

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

ATTACHMENTS:

ATTACHMENT A. Planning Commission Minutes

ATTACHMENT B. Planning Commission Packet

ATTACHMENT C. Ordinance No. 348.4964

ATTACHMENT D. Comment letters and Response to Comments

ATTACHMENT E. Revised Conditions of Approval

1 ORDINANCE NO. 348.4964

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
3 AMENDING ORDINANCE NO. 348 RELATING TO ZONING
4

5 The Board of Supervisors of the County of Riverside ordains as follows:

6 Section 1. Section 4.1 of Ordinance No. 348, and official Zoning Plan Map No. 2, as
7 amended, are further amended by placing in effect in the Rancho California Area, the zone or zones as
8 shown on the map entitled "Change of Official Zoning Plan Amending Ordinance No. 348, Map No.
9 2.2463, Change of Zone Case No. 2000008" which map is made a part of this ordinance.

10 Section 2. This ordinance shall take effect 30 days after its adoption.

11 BOARD OF SUPERVISORS OF THE COUNTY
12 OF RIVERSIDE, STATE OF CALIFORNIA

13 By: Karen S. Spiegel
14 Chair, Board of Supervisors
15 **KAREN SPIEGEL**

16 ATTEST:
17 KECIA R. HARPER
18 Clerk of the Board

19 By: [Signature]

20 (SEAL)

21 APPROVED AS TO FORM

22 June 20, 2021

23
24 By: [Signature]
25 AARON C. GETTIS
26 Supervising Deputy County Counsel

27 \\counsl-16p101\ProLaw_Documents\202034274\Ordinance\vi\744069.doc

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OCT 05 2021 21.2

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STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on October 5, 2021, the foregoing ordinance consisting of 2 Sections was adopted by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

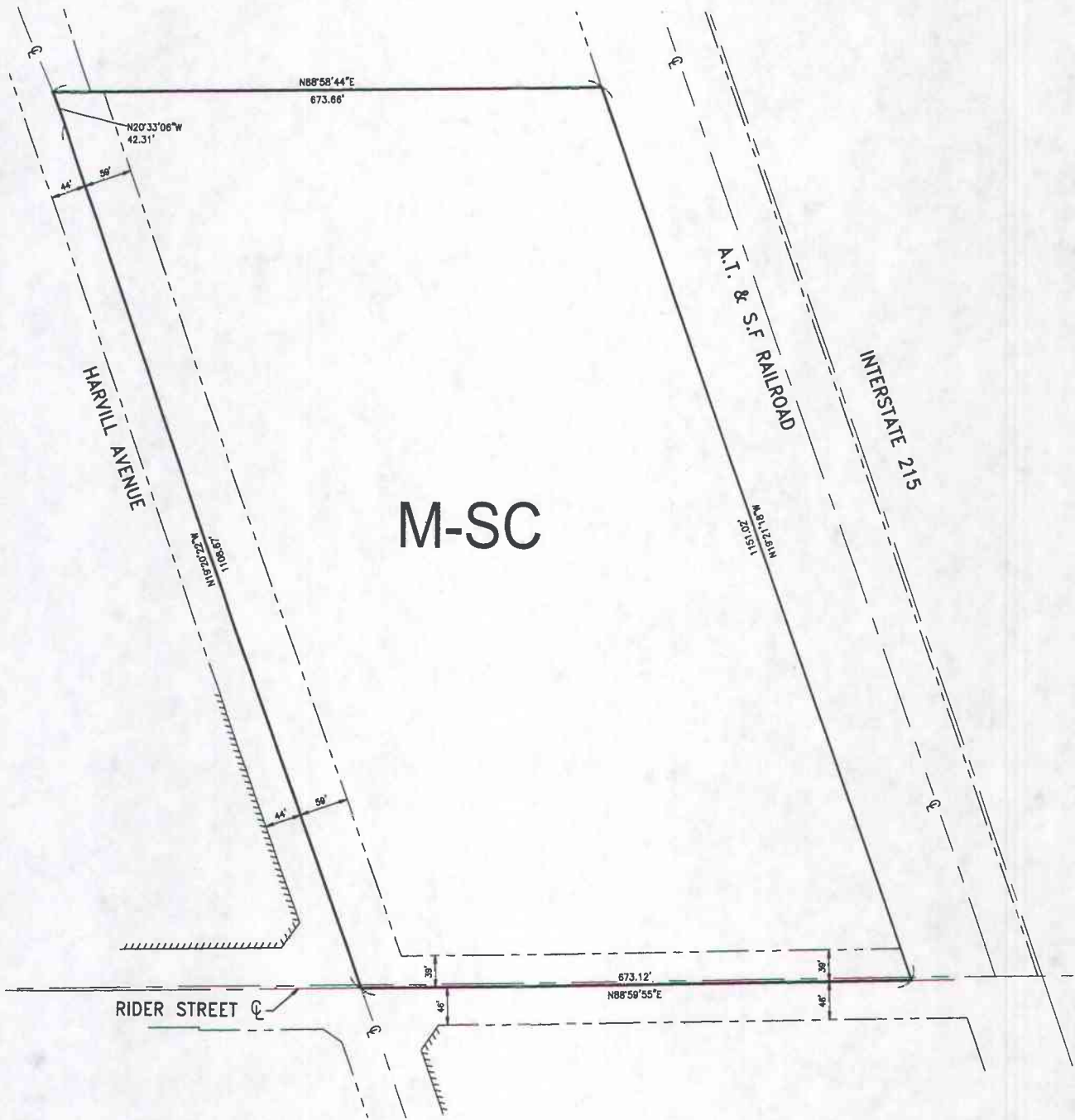
DATE: October 5, 2021

KECIA R. HARPER
Clerk of the Board

BY: 
Deputy

SEAL

NORTH PERRIS AREA
 SEC. 12, T.4S., R.4W., S.B.M

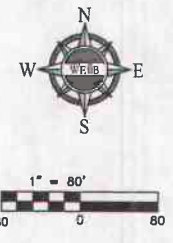


M-SC

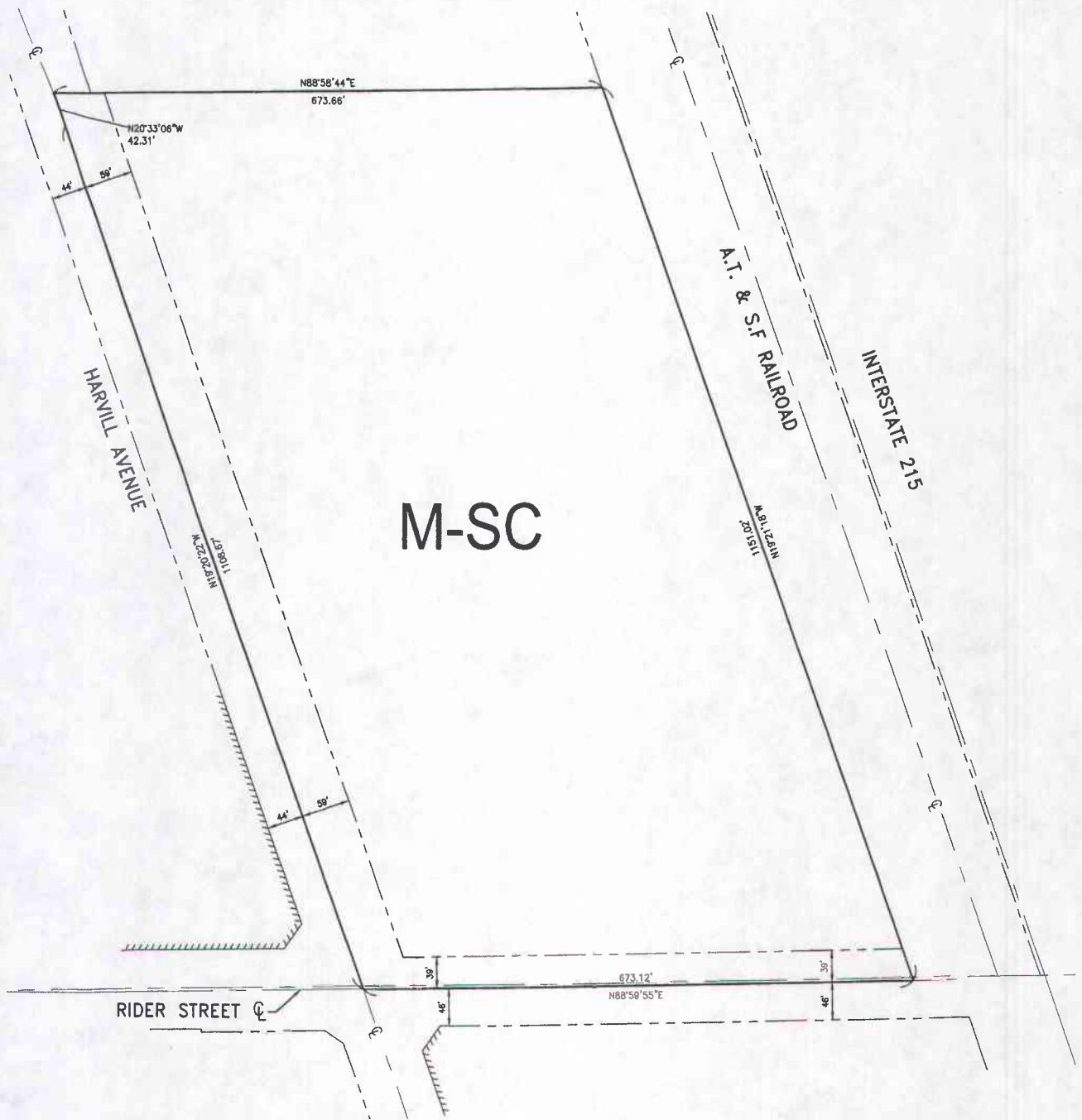
M-SC MANUFACTURING – SERVICE COMMERCIAL

MAP NO. 2.2463
 CHANGE OF OFFICIAL ZONING PLAN

AMENDING
 MAP NO. 2 ORDINANCE NO. 348
 CHANGE OF ZONE CASE NO. CZ2000008
 ADOPTED BY ORDINANCE NO. 348.4964
 (DATE:) _____



NORTH PERRIS AREA
SEC. 12, T.4S., R.4W., S.B.M



M-SC MANUFACTURING - SERVICE COMMERCIAL

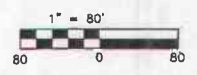
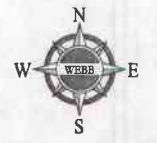
MAP NO. 2.2463
CHANGE OF OFFICIAL ZONING PLAN

AMENDING
MAP NO. 2 ORDINANCE NO. 348

CHANGE OF ZONE CASE NO. CZ2000008
ADOPTED BY ORDINANCE NO. 348.4964

(DATE:) _____

RIVERSIDE COUNTY BOARD OF SUPERVISORS



10:52

Riverside County Board of Supervisors Request to Speak

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

SPEAKER'S NAME: Debbie WALSH

Address: MEAD VALLEY

City: _____ Zip: _____

Phone #: _____

Date: Oct 5 2021 Agenda # 21.2

PLEASE STATE YOUR POSITION BELOW:

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

_____ Support Oppose _____ Neutral

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

_____ Support _____ Oppose _____ Neutral

I give my 3 minutes to: _____



BOARD RULES

Requests to Address Board on "Agenda" Items:

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

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

Notwithstanding any other provisions of these rules, a member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES. Donated time is not permitted during Public Comment.

Power Point Presentations/Printed Material:

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

Individual Speaker Limits:

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

Group/Organized Presentations:

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

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman, may result in removal from the Board Chambers by Sheriff Deputies.

10:54

Riverside County Board of Supervisors Request to Speak

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

SPEAKER'S NAME: Michael Weber

Address: 200 Spectrum Center Dr

City: Irvine Zip: 92618

Phone #: 949-797-7048

Date: 10/5/21 Agenda # 21.2

PLEASE STATE YOUR POSITION BELOW:

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

Support Oppose Neutral

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

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I give my 3 minutes to: _____

BOARD RULES

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



AGENDA NO.
21.1
(MT 17006)

10:00 a.m. being the time set for public hearing on the recommendation from Transportation And Land Management Agency/Planning regarding the Public Hearing on Change Of Zone No 2000008, Ordinance No 348.4964 and Plot Plan No 190039 - Adoption of a Mitigated Negative Declaration (CEQ190175) – Applicant: Duke Realty - Engineer/Representative: Michael Weber - First Supervisorial District - Mead Valley Area Plan – North Perris Area Zoning District – General Plan: Light Industrial (LI) – Zoning: Manufacturing Heavy (M-H) and Manufacturing- Service Commercial (M-SC) – Location: Northeast corner of Harvill Avenue and Rider Street – 15.08 acres – REQUEST A Plot Plan to construct a 334,922 square foot warehouse and distribution facility with 10,990 square feet of first floor office, 7,850 square feet of office mezzanine, 316,082 square feet of warehouse 41 dock doors, parking for automobiles and trucks and two water quality detention basins, and associated improvements. Site improvements includes a flood control easement on the northern boundary of the property, a signing and striping plan, including improvements to the intersections of Harvill Avenue and Rider Street, and improvements to Harvill Street and the intersection of the southern driveway and Rider Street. Approximately 1.81 acres of the project site, specifically the southwest corner, is zoned M-SC. The remaining 13.27 acres of the project site is zoned M-H. Change of Zone No. 2000008 proposes to change the zoning classification of the 13.27 acre section from M-H to M-SC in order to apply a single zoning classification throughout the project site. APN(s): 317-170-024, 317-170-045, District 1. The Chairman called the matter for hearing.

The following people spoke on the matter:
Debbie Walsh

On motion of Supervisor Jeffries, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, October 5, 2021, at 10:00 a.m. or as soon as possible thereafter.

Roll Call:
Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, _____ copy of an order made and entered on September 14, 2021 of Supervisors Minutes.

(seal) WITNESS my hand and the seal of the Board of Supervisors
Dated: September 14, 2021
Kecia R. Harper, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By: [Signature] Deputy

AGENDA NO.
21.1

xc: Planning, COB

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



**ITEM: 21.1
(ID # 17006)**

MEETING DATE:
Tuesday, September 14, 2021

FROM : TLMA-PLANNING:

SUBJECT: SUBJECT: TRANSPORTATION AND LAND MANAGEMENT
AGENCY/PLANNING: Public Hearing on CHANGE OF ZONE NO 2000008, ORDINANCE NO 348.4964 and PLOT PLAN NO 190039 - Adoption of a Mitigated Negative Declaration (CEQ190175) – Applicant: Duke Realty - Engineer/Representative: Michael Weber - First Supervisorial District - Mead Valley Area Plan – North Perris Area Zoning District – General Plan: Light Industrial (LI) – Zoning: Manufacturing Heavy (M-H) and Manufacturing- Service Commercial (M-SC) – Location: Northeast corner of Harvill Avenue and Rider Street – 15.08 acres – REQUEST A Plot Plan to construct a 334,922 square foot warehouse and distribution facility with 10,990 square feet of first floor office, 7,850 square feet of office mezzanine, 316,082 square feet of warehouse 41 dock doors, parking for automobiles and trucks and two water quality detention basins, and associated improvements. Site improvements includes a flood control easement on the northern boundary of the property, a signing and striping plan, including improvements to the intersections of Harvill Avenue and Rider Street, and improvements to Harvill Street and the intersection of the southern driveway and Rider Street. Approximately 1.81 acres of the project site, specifically the southwest corner, is zoned M-SC. The remaining 13.27 acres of the project site is zoned M-H. Change of Zone No. 2000008 proposes to change the zoning classification of the 13.27 acre section from M-H to M-SC in order to apply a single zoning classification throughout the project site. APN(s): 317-170-024, 317-170-045. District 1.[Applicant Fees 100%] (Continued from July 20, 2021; MT#15595) (Continue to October 5, 2021)

RECOMMENDED MOTION: That the Board of Supervisors:

1. **CONTINUE** the item to the October 5, 2021 regularly scheduled Board of Supervisors Public Meeting.

ACTION:


John Hildebrand, Planning Director 9/9/2021

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

MINUTES OF THE BOARD OF SUPERVISORS

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment: N/A	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Project includes Change of Zone No. 2000008 and Plot Plan No. 190039 (The Project).

The Project site is approximately 15.08 gross acres and is located on the northeast corner of Harvill Avenue and Rider Street intersection within the Mead Valley Area. The site consists of two parcels 317-170-015 and 317-170-024 that were merged as a result of the recordation of Certificate of Parcel Merger No. 200020, recorded on December 4, 2020. The Project site is currently vacant and was once used as a feed mill.

The Project site's General Plan Foundation Component and Land Use Designation is Community Development – Light Industrial (LI). The site has two zoning classifications, Manufacturing – Heavy (M-H) and Manufacturing – Service Commercial (M-SC). These zoning classifications are consistent with the LI designation. According to the Riverside County Land Use Ordinance No. 348, the intent of the M-H and M-SC Zones is to promote and attract industrial and manufacturing activities that will provide jobs to local residents and strengthen the County's economic base; provide the necessary improvements to support industrial growth; ensure that new industry is compatible with uses on adjacent lands and protect industrial areas from encroachment by incompatible uses that may jeopardize industry.

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

An Initial Study/Mitigated Negative Declaration was completed for the proposed Project in accordance with the California Environmental Quality Act (CEQA) and circulated for public review. With mitigation incorporated, it was determined that all impacts could be reduced to a less than significant level under CEQA. The Initial Study/Mitigated Negative Declaration represents the independent judgement of the County of Riverside.

The Planning Commission considered the Project during a regularly scheduled public hearing on May 19, 2021. After taking public testimony, the Planning Commission closed the public hearing and recommended the Board of Supervisors tentatively approve the Change of Zone No. 2000008 and approve the Plot Plan No. 190039 with a 5-0 vote.

The project was heard by the Board of Supervisors on July 20, 2021, and continued to September 14, 2021. The applicant has requested the project be continued to October 5, 2021.

Impact on Residents and Businesses

The impacts of the Project have been evaluated through the public hearing process.

Additional Fiscal Information

All fees are paid by the applicant; there is no General Fund obligation.

ATTACHMENTS:

ATTACHMENT A. Planning Commission Minutes

ATTACHMENT B. Planning Commission Packet

ATTACHMENT C. Ordinance No. 348.4964


Scott Bruenkner 9/7/2021

11:26

Riverside County Board of Supervisors Request to Speak

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

SPEAKER'S NAME: Debbie WALSH

Address: MEAD VALLEY

City: _____ Zip: _____

Phone #: _____

Date: Sept 14 Agenda # 21.1

PLEASE STATE YOUR POSITION BELOW:

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

_____ Support Oppose _____ Neutral

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

_____ Support _____ Oppose _____ Neutral

I give my 3 minutes to: _____

BOARD RULES

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

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman, may result in removal from the Board Chambers by Sheriff Deputies.

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



AGENDA NO.
21.1
(MT 15595)

10:00 a.m. being the time set for public hearing on the recommendation from Transportation And Land Management Agency/Planning regarding the Public Hearing on the CHANGE OF ZONE NO 2000008, ORDINANCE NO 348.4964 and PLOT PLAN NO 190039 - Adoption of a Mitigated Negative Declaration (CEQ190175) – Applicant: Duke Realty - Engineer/Representative: Michael Weber - First Supervisorial District - Mead Valley Area Plan – North Perris Area Zoning District – General Plan: Light Industrial (LI) – Zoning: Manufacturing Heavy (M-H) and Manufacturing- Service Commercial (M-SC) – Location: Northeast corner of Harvill Avenue and Rider Street – 15.08 acres – REQUEST A Plot Plan to construct a 334,922 square foot warehouse and distribution facility with 10,990 square feet of first floor office, 7,850 square feet of office mezzanine, 316,082 square feet of warehouse 41 dock doors, parking for automobiles and trucks and two water quality detention basins, and associated improvements. Site improvements includes a flood control easement on the northern boundary of the property, a signing and striping plan, including improvements to the intersections of Harvill Avenue and Rider Street, and improvements to Harvill Street and the intersection of the southern driveway and Rider Street. Approximately 1.81 acres of the project site, specifically the southwest corner, is zoned M-H. The remaining 13.89 acres of the project site is zoned M-SC. Change of Zone No. 2000008 proposes to change the zoning classification of the 1.81 acre section from M-H to M-SC in order to apply a single zoning classification throughout the project site, APN(s): 317-170-024, 317-170-045, District 1. The Chairman called the matter for hearing.

Phayvanh Nanthavongdouangsy, Planning Department Staff, presented the matter.

Michael Weber, Applicant representative.

The following people spoke on the matter:
Debbie Walsh

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Tuesday, September 14, 2021 at 10:00 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on July 20, 2021 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: July 20, 2021

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

(seal)

By:  Deputy

AGENDA NO.
21.1

xc: Planning, COB

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



ITEM: 21.1
(ID # 15595)

MEETING DATE:
Tuesday, July 20, 2021

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on CHANGE OF ZONE NO 2000008, ORDINANCE NO 348.4964 and PLOT PLAN NO 190039 - Adoption of a Mitigated Negative Declaration (CEQ190175) – Applicant: Duke Realty - Engineer/Representative: Michael Weber - First Supervisorial District - Mead Valley Area Plan – North Perris Area Zoning District – General Plan: Light Industrial (LI) – Zoning: Manufacturing Heavy (M-H) and Manufacturing- Service Commercial (M-SC) – Location: Northeast corner of Harvill Avenue and Rider Street – 15.08 acres – REQUEST A Plot Plan to construct a 334,922 square foot warehouse and distribution facility with 10,990 square feet of first floor office, 7,850 square feet of office mezzanine, 316,082 square feet of warehouse 41 dock doors, parking for automobiles and trucks and two water quality detention basins, and associated improvements. Site improvements includes a flood control easement on the northern boundary of the property, a signing and striping plan, including improvements to the intersections of Harvill Avenue and Rider Street, and improvements to Harvill Street and the intersection of the southern driveway and Rider Street. Approximately 1.81 acres of the project site, specifically the southwest corner, is zoned M-H. The remaining 13.89 acres of the project site is zoned M-SC. Change of Zone No. 2000008 proposes to change the zoning classification of the 1.81 acre section from M-H to M-SC in order to apply a single zoning classification throughout the project site. APN(s): 317-170-024, 317-170-045. District 1. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **ADOPT** a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. CEQ190175**, based on the findings incorporated in the initial study, and the conclusion that the project will not have a significant effect on the environment;
2. **APPROVE CHANGE OF ZONE NO. 2000008** amending 1.81 acres of the project site's Zoning Classification from Manufacturing Heavy (M-H) to Manufacturing-Service Commercial (M-SC), in accordance with the Exhibit, based upon the findings and conclusions provided in the staff report;
3. **ADOPT ORDINANCE NO 348.4964** amending the zoning in the North Perris Area shown on Map No. 2.2463, Change of Zone Case No. 2000008 attached hereto and incorporated by reference; and
4. **APPROVE PLOT PLAN NO. 190039** subject to the attached advisory notification document and conditions of approval and based on the findings and conclusions in the staff report.

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

ACTION:


John Hildebrand, Planning Director 7/7/2021

MINUTES OF THE BOARD OF SUPERVISORS

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Project includes Change of Zone No. 2000008 and Plot Plan No. 190039 (The Project).

The Project site is approximately 15.08 gross acres and is located on the northeast corner of Harvill Avenue and Rider Street intersection within the Mead Valley Area. The site consists of two parcels 317-170-015 and 317-170-024 that were merged as a result of the recordation of Certificate of Parcel Merger No. 200020, recorded on December 4, 2020. The Project site is currently vacant and was once used as a feed mill.

The Project site's General Plan Foundation Component and Land Use Designation is Community Development – Light Industrial (LI). The site has two zoning classifications, Manufacturing – Heavy (M-H) and Manufacturing – Service Commercial (M-SC). These zoning classifications are consistent with the LI designation. According to the Riverside County Land Use Ordinance No. 348, the intent of the M-H and M-SC Zones is to promote and attract industrial and manufacturing activities that will provide jobs to local residents and strengthen the County's economic base; provide the necessary improvements to support industrial growth; ensure that new industry is compatible with uses on adjacent lands and protect industrial areas from encroachment by incompatible uses that may jeopardize industry.

Change of Zone No. 2000008 proposes to change the zoning classification of the Project's southwest corner, which is approximately 1.81 acres, from M-H to M-SC in order to apply a single zoning classification throughout the property.

Plot Plan No 190039 is a proposal for the construction and operation of a 334,922 square foot warehousing and distribution facility. The facility includes approximately 10,990 square feet of first floor office, 7,850 square feet of office mezzanine, 316,082 square feet of warehouse, 41 dock doors, parking for automobiles and trucks and two water quality detention basins, and associated landscape and road improvements. The Project site will include 333 standard parking spaces, which includes 6 accessible parking spaces, 49 additional spaces are designated as trailer parking spaces.

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

An Initial Study/Mitigated Negative Declaration was completed for the proposed Project in accordance with the California Environmental Quality Act (CEQA) and circulated for public review. With mitigation incorporated, it was determined that all impacts could be reduced to a less than significant level under CEQA. The Initial Study/Mitigated Negative Declaration represents the independent judgement of the County of Riverside.

The Planning Commission considered the Project during a regularly scheduled public hearing on May 19, 2021. After taking public testimony, the Planning Commission closed the public hearing and recommended the Board of Supervisors approve the Project with a 5-0 vote.

Impact on Residents and Businesses

The impacts of the Project have been evaluated through the public hearing process.

Additional Fiscal Information

All fees are paid by the applicant; there is no General Fund obligation.

ATTACHMENTS:

ATTACHMENT A. Planning Commission Minutes

ATTACHMENT B. Planning Commission Packet

ATTACHMENT C. Ordinance No. 348.4964



Jason Farin, Principal Management Analyst 7/14/2021

Boydd, April

From: Dr. John L. MINNELLA-Romano <drjminnella@yahoo.com>
Sent: Monday, July 19, 2021 9:50 AM
To: Dawson, Brett; COB
Subject: BOS July 20, 2021 Agenda Item 21.1

CAUTION: This email originated externally from the **Riverside County** email system.
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July 19, 2021

Board of Supervisors
County of Riverside
Attention: **Brett Dawson**
Post Office Box 1409
Riverside, CA 92501 Via email

Re: BOS July 20, 2021 Agenda Item 21.1. CEQ190175, PLOT PLAN NO. 190039, CHANGE OF ZONE 2000008 and MND CEQ190175.

Dear Board Members:

The Residents Association of Greater Lake Mathews, Inc (“RAGLM”), after careful review and consideration, joins other community groups in vehemently opposing Agenda item 21.1 regarding Riverside County Board of Supervisors (“BOS”) review of Plot Plan No. 190039 and CEQ190175, a Warehouse Project within the Community of Mead Valley.

MND CEQ190175 was never circulated for public review to state agencies as required by CEQA. Therefore, the County must reject the Project and MND CEQ190175. This Project must be sent to the State Clearinghouse for review and an EIR must be created.

The appropriate state agencies were never notified of this Project so that they could review this massive logistics warehouse and send in comment letters. This is a large Project with enormous pollution and truck traffic concerns. It will have a significant negative impact not only on Mead Valley but on surrounding, adjacent areas including Greater Lake Mathews.

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision-makers and the public, the decision-makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

CEQA must be interpreted to afford the fullest protection to the environment within the scope of the statutory language. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 563-64.) Central to CEQA is the EIR, which informs the public and decision-makers of the environmental consequences of a project before it is undertaken. (*Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 276.)

No State Clearinghouse ("SCH") numbers or references can be found on any of the Project documents. No letters from any of the required agencies (including the State Clearinghouse, SCAQMD, California Air Resources Board, State of California, Department of Justice, California Department of Fish and Game, California Department of Water Resources, California Regional Water Quality Control Board, Department of Toxic Substances, Attorney General's office, Cal-Trans District 8, and others) are found on file.

Approval of this Project makes a further mockery of the long standing supposed County promised commitment to preserving a rural environment in the Greater Lake Mathews area for its residents. It will add to the

incremental and irreversible assault transforming our community from rural to industrial without any approval from the substantial community affected.

We therefore respectfully ask that you deny this project.

Sincerely,

**FOR THE BOARD OF DIRECTORS
OF THE RESIDENTS
ASSOCIATION OF GREATER
LAKE MATHEWS, INC.**

[signature]
John L. Minnella
President

JLM:bs
Cc: V. Sanchez
R.J. Somers
E. Wilson

Boydd, April

From: Debbie Walsh <abilene149@gmail.com>
Sent: Monday, July 19, 2021 10:35 AM
To: Dawson, Brett; COB
Subject: Agenda Item 21.1 PPT 190039
Attachments: PPT190039BoardSupsletterJulyfinal3.pdf

CAUTION: This email originated externally from the **Riverside County** email system.
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Brett and Kecia,

BOS July 20, 2021 Agenda Item 21.1. CEQ190175, PLOT PLAN NO. 190039, CHANGE OF ZONE 2000008 and MND CEQ190175.

Please find the attached letter in opposition to this Project.

Please make this part of the public record.

Thanks.

Debbie Walsh

Boydd, April

From: Jamie Hall <jamie.hall@channellawgroup.com>
Sent: Monday, July 19, 2021 2:59 PM
To: COB
Subject: Agenda Item 21.1. CEQ190175, PLOT PLAN NO. 190039, CHANGE OF ZONE 2000008 and MND CEQ190175
Attachments: FINAL RAMV Letter re CEQ190175 and PLOT PLAN NO. 190039,-compressed.pdf

Dear Riverside County Board of Supervisors:

This firm represents Rural Association of Mead Valley ("RAMV") with regard to the proposed warehousing and distribution facility located on the northeast corner of the Harvill Avenue and Rider Street intersection within the Mead Valley Area ("Project"). RAMV has previously written to the Planning Commission ("Commission") explaining the errors associated with the Mitigated Negative Declaration ("MND"). The attached letter supplements the written and oral comments submitted by RAMV to date. This letter is intended to inform the Board of Supervisors of the County of Riverside ("County") that the MND prepared for the Project is legally deficient because the project as proposed has the potential to result in significant impacts. As such, a Mitigated Negative Declaration is not the appropriate environmental clearance document for the Project.

Please ensure the attached letter is distributed to the Board of Supervisors and made part of the administrative record for this Project.

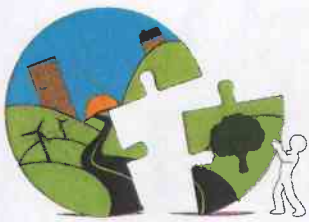
Jamie T. Hall
Channel Law Group, LLP
8383 Wilshire Blvd., Suite 750
Beverly Hills, CA 90211
Main Number: (310) 347-0050
Direct: (310) 982-1760
Fax: (323) 723-3960
Email: jamie.hall@channellawgroup.com
Website: www.channellawgroup.com

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**RIVERSIDE COUNTY
PLANNING DEPARTMENT**

Clerk's Original

**John Hildebrand
Planning Director**

Memorandum

Date: May 20, 2021

T
F
F
-

11:05

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

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

-20/2021

*-notice to
9/14/21
@ 10 Am*

SPEAKER'S NAME: Debbie WALSH

Address: MEAD VALLEY

City: _____ Zip: _____

Phone #: _____

Date: 7-20-21 Agenda # 21.1

*continue to
9/14/21
@ 10 Am
w/ public Hwy
open*

PLEASE STATE YOUR POSITION BELOW:

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

_____ Support Oppose _____ Neutral

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

_____ Support _____ Oppose _____ Neutral

I give my 3 minutes to: _____

El Duna Court, Suite H
California 92211
Fax (760) 863-7040

07.20.21

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

July 19, 2021

VIA ELECTRONIC MAIL

Riverside Board of Supervisors
Attn: Brett Dawson
PO Box 1409
Riverside, CA 92501
cob@rivco.org

Re: Agenda Item 21.1. CEQ190175, PLOT PLAN NO. 190039, CHANGE OF ZONE 2000008 and MND CEQ190175

Dear Riverside County Board of Supervisors:

This firm represents Rural Association of Mead Valley ("RAMV") with regard to the proposed warehousing and distribution facility located on the northeast corner of the Harvill Avenue and Rider Street intersection within the Mead Valley Area ("Project"). RAMV has previously written to the Planning Commission ("Commission") explaining the errors associated with the Mitigated Negative Declaration ("MND"). This letter supplements the written and oral comments submitted by RAMV to date. This letter is intended to inform the Board of Supervisors of the County of Riverside ("County") that the MND prepared for the Project is legally deficient because the project as proposed has the potential to result in significant impacts. As such, a Mitigated Negative Declaration is not the appropriate as the environmental clearance document for the Project. CEQA Guidelines Section 15064(f)(1) specifically mandates that:¹

- (1) If the lead agency determines there is substantial evidence in the record that the project **may** have a significant effect on the environment, the lead agency **shall** prepare an EIR (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988). Said another way, if a lead agency is presented with a fair argument that a project **may** have a significant effect on the environment, the lead agency **shall** prepare an EIR even though it may also be presented with other substantial

¹ See also 15002(f)(1) and Public Resources Code Section 21082.2(d).

evidence that the project will not have a significant effect (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68). (Emphasis added)

This is further clarified in CEQA Guidelines Section 15002(f)(1) which states:

- (f) Environmental Impact Reports and Negative Declarations. An Environmental Impact Report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage.
 - (1) An EIR is prepared when the public agency finds substantial evidence that the project **may** have a significant effect on the environment. (See: Section 15064(a)(1).)
 - (2) When the agency finds that there is **no substantial evidence** that a project may have a significant environmental effect, the agency will prepare a "Negative Declaration" instead of an EIR. (See: Section 15070.) (Emphasis added).

I. The County Has Violated the Procedures of CEQA

The County has violated several of the procedures mandated by the California Environmental Quality Act ("CEQA") and therefore cannot certify the MND nor grant the Project Approvals for the Project. A public agency is owed **no deference** when it comes to procedural violations of CEQA and courts "scrupulously enforce[] all legislatively mandated CEQA requirements." *Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal.4th 936, 944.

a. California Department of Fish and Wildlife is a Trustee Agency

Many of the procedural errors stem from the fact that the County has failed to acknowledge that there are responsible and trustee agencies for the Project. For example, the California Department of Fish and Wildlife ("CDFW") is a trustee agency. A "trustee agency" is defined in Public Resources Code as "a state agency that has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California." Public Resources Code § 21070. The CEQA Guidelines state that a trustee agency "means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee agencies include: (a) The California Department of Fish and Game with regard to the fish and wildlife of the state, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the department." California Code of Regulations § 15386.

The California Department of Fish and Wildlife, formerly known as the California Department of Fish and Game, is a state agency under the California Natural Resources Agency. The Department has been tasked with a key role in reviewing environmental documents to assess biological impacts to fish and wildlife resources. Fish & Game Code § 1802 states as follows:

The Department has "jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. The department, as trustee for fish and wildlife resources, shall consult

with lead and responsible agencies and shall provide, as available, the requisite biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used in the California Environmental Protection Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

b. The County Failed to Send Notice of Intent to Trustee Agencies

The County apparently did not send a copy of the Notice of Intent to Adopt Mitigated Negative Declaration to the California Department of Fish and Wildlife as required by CEQA Guidelines §15072(a). The County also did not consult with the California Department of Fish and Wildlife as required by Public Resources Code § 21080.3(a)

The MND itself admits that there is a potential for impacts to burrowing owls and a mitigation measure had been proposed to address potential impacts (BIO MM-1). As such, the County was required to send a Notice of Intent to CDFW. 14 Cal Code Regs §15072(a). A copy of the draft negative declaration and the initial study must be attached to this notice. 14 Cal Code Regs §§15071(d), 15073(c). There is no evidence in the record that the County sent this required notice to CDFW.

c. The County Failed to Send Copies of MND to State Clearinghouse

Additionally, based on a search of the Office of Planning and Research's (OPR's) CEQANET site, it appears the County did not send copies of the proposed Mitigated Negative Declaration to the State Clearinghouse for distribution to state agencies such as CDFW who exercise jurisdiction by law over natural resources affected by the Project. As a result, the County violated CEQA Guidelines §15073(d) which states as follows:

“Where one or more state agencies will be a responsible agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is of statewide, regional, or areawide environmental significance, the lead agency shall send copies of the proposed negative declaration or mitigated negative declaration to the State Clearinghouse for distribution to the state agencies.”

d. Additional Basis for Submittal to State Clearinghouse

In this case, the proposed project is of regional or areawide significance, since it is located in close proximity to Interstate 215, and the proposed project thus has the potential to add traffic and impact a facility under Caltrans control. Additionally, the technical studies commissioned indicate that the project site is within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) area, and that there is the potential for sensitive species on the project site. Because this Project is of statewide, regional, or areawide significance, notice must be provided to any transportation planning agencies and public agencies that have transportation facilities within their jurisdiction that could be affected by the project. See Pub Res C §21092.4(a); 14 Cal Code Regs §15072(e). For purposes of this requirement, "transportation facilities" includes major local arterials and public transit within five miles of the project site and freeways, highways, and rail transit service within ten miles of the project site. Pub Res C §21092.4(b); 14 Cal Code Regs §15072(e). The lead agency should consult with public transit agencies that have facilities within 1/2 mile of the proposed project

when considering a project that is not subject to the preceding notice requirement. 14 Cal Code Regs §15072(e).

e. The County Failed to Provide the Required Review Period

The County only provided for a 19-day review period of the MND. The Staff Report at page 5 states as follows: “The documents were circulated for public review on April 29, 2021 per the California Environmental Quality Act Statute and Guidelines Section 15105. The public review period ended on May 18, 2021.” This is only 19 days. However, a lead agency must provide at least 20 days for public and agency review and comment on a proposed negative declaration. Pub Res C §21091(b); 14 Cal Code Regs §15073(a). In this case, 30 days was required by CEQA because the project was required to be submitted to the State Clearinghouse. CEQA Guidelines Section 15073 requires that:

- (a) The lead agency shall provide a public review period pursuant to Section 15105 of not less than 20 days. When a proposed negative declaration or mitigated negative declaration and initial study are submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period is approved by the State Clearinghouse under Section 15105(d).
- (b) When a proposed negative declaration or mitigated negative declaration and initial study have been submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least as long as the review period established by the State Clearinghouse. The public review period and the state agency review period may, but are not required to, begin and end at the same time. Day one of the state review period shall be the date that the State Clearinghouse distributes the document to state agencies.
- (c) A copy of the proposed negative declaration or mitigated negative declaration and the initial study shall be attached to the notice of intent to adopt the proposed declaration that is sent to every responsible agency and trustee agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project.
- (d) Where one or more state agencies will be a responsible agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is of statewide, regional, or areawide environmental significance, the lead agency shall send copies of the proposed negative declaration or mitigated negative declaration to the State Clearinghouse for distribution to state agencies.
- (e) The lead agency shall notify in writing any public agency which comments on a proposed negative declaration or mitigated negative declaration of any public hearing to be held for the project for which the document was prepared. A notice provided to a public agency pursuant to Section 15072 satisfies this requirement.

f. The Procedural Errors Are Prejudicial

The County cannot claim there are no significant impacts and use that as a basis not to consult or notify a trustee agency. In *Gentry v. Murrieta* (1995) 36 Cal.App.4th 1359, 1387, the court stated as follows: "We conclude that natural resources can be "affected by" a project, and hence the lead agency may have duties toward "trustee agencies," even if the lead agency believes the project will have no significant effect on the environment. This broad construction of "trustee agency" serves the statutory purpose of fostering interagency consultation. Potential trustee agencies should have input at an early stage in the process into the question of whether the project affects resources within their jurisdiction, and hence into the very question of whether they are, in fact, trustee agencies.

"[N]oncompliance with the information disclosure provisions of [CEQA] which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of [CEQA], may constitute a prejudicial abuse of discretion within the meaning of Section[] ... 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions." Public Resource Code § 21005(a). The County's errors in this case were prejudicial because the failure to comply with the law resulted in a subversion of the purposes of CEQA by omitting information from the environmental review process. The public was prejudiced by the unavailability of the comments from the California Department of Fish and Wildlife, a trustee agency. The failure to notify this state agency deprived the County of information necessary to informed decision-making and informed public participation. The County's error is therefore prejudicial.

II. The Potential for Significant Environmental Impacts Remain

The County determined that the Project had the potential for significant environmental impacts to the environmental resource categories in the table below:

4.3 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below (x) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agriculture & Forest Resources	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Transportation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Land Use /Planning	<input checked="" type="checkbox"/> Tribal Cultural Resources
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities / Service Systems
<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Energy	<input checked="" type="checkbox"/> Paleontological Resources	<input checked="" type="checkbox"/> Mandatory Findings of Significance
<input type="checkbox"/> Geology / Soils	<input type="checkbox"/> Population / Housing	
<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services	

Yet, the County concluded that the Project on Rider Street between Patterson Avenue and Harvill Avenue would have environmental impacts to **four additional** environmental resources

categories as shown below. These additional categories include: (1) Air Quality, (2) Geology/Soils, (3) Hydrology/Water Quality and (4) Transportation. Due to the similarity of these two projects, there is a fair argument that the potential for environmental impacts remain with regard to the four environmental resources categories listed above for the instant Project. The MND (CEQ190121) conducted by the County for the other project on Rider Street between Patterson Avenue and Harvill Avenue provides substantial evidence in support of this claim. In fact, it should be noted that the instant Project is actually *larger* than the other project previously approved – which makes the fair argument of impacts *even stronger*. The instant project proposes a 316,082 square foot warehouse and the other project recently approved proposes a 55,700 square foot warehouse.

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below (x) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agriculture/Forest Resources | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Transportation |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use/Planning | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Energy | <input checked="" type="checkbox"/> Paleontological Resources | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Public Services | |

III. The County Failed to Adequately Consider Cumulative Impacts

The CEQA Guidelines define cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." 14 Cal Code Regs §15355. The individual effects may be changes resulting from a single project or more than one project. 14 Cal Code Regs §15355(a). Cumulative impacts may result from individually minor but collectively significant projects taking place over a period of time. 14 Cal Code Regs §15355(b). A cumulative impact is an impact created by the combination of the project reviewed in the EIR together with other projects causing related impacts. 14 Cal Code Regs §15130(a)(1). The cumulative impact from several projects is the change in the environment that results from the incremental effect of the project when added to other past, present, and probable future projects. 14 Cal Code Regs §§15065(a)(3), 15130(b)(1)(A), 15355(b).

Notably, the County approved another warehouse and distribution facility on June 8, 2021 (Plot Plan No. 190032 & CEQ190121). See Agenda Item 21.1 at http://riversidecountyca.ig2.com/Citizens/Detail_Meeting.aspx?ID=2476 for materials related to this Project. The MND for that Project is attached as **Exhibit A**. As shown in the diagram below, this project is located approximately 118 feet away from the instant Project. The distance between the two warehouses buildings is just 200 feet.

For the instant Project, the MND states that construction is expected to be completed in 12 to 15 months after approval. MND at page 3-4. The construction duration and equipment tables from the MND are shown below:

Table 3-1 Anticipated Construction Duration

Phase Name	Days
Site Preparation	10
Grading	30
Building Construction	300
Paving	20
Architectural Coating	40

(Urban Crossroads, Inc., 2020a, Table 3-2)

Table 3-2 Anticipated Construction Equipment

Activity	Equipment	Amount	Hours Per Day
Site Preparation	Crawler Tractors	4	8
	Rubber Tired Dozers	3	8
Grading	Crawler Tractors	2	8
	Excavators	2	8
	Graders	1	8
	Rubber Tired Dozers	1	8
	Scrapers	2	8
Building Construction	Cranes	1	8
	Crawler Tractors	3	8
	Forklifts	3	8
	Generator Sets	1	8
	Welders	1	8
Paving	Pavers	2	8
	Paving Equipment	2	8
	Rollers	2	8
Architectural Coating	Air Compressors	1	8

(Urban Crossroads, Inc., 2020a, Table 3-3)

The evidence demonstrates that BOTH of these projects are expected to be constructed at *roughly the same time* and therefore the County was obligated to consider the cumulative impacts of the Project on all the environmental resources categories analyzed. That did not happen.

IV. The County Has Engaged in Deferred Analysis and Mitigation

The MND includes the following biological resource mitigation measures which are both a combination of deferred analysis and deferred mitigation:

BIO MM-1: Pre-Construction Surveys for Western Burrowing Owl.

A 30-day pre-construction survey for burrowing owls is required prior to future ground-disturbing activities (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging, etc.) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities. If burrowing owls have colonized the Project site and/or offsite improvement areas prior to the initiation of ground-disturbing activities, the project proponent shall immediately inform the Regional

Conservation Authority (RCA) and the Wildlife Agencies and will need to coordinate in the future with the RCA and the Wildlife Agencies; this includes the possibility of preparing a Burrowing Owl Protection and Relocation Plan prior to initiating ground disturbance. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure that burrowing owls have not colonized the site since it was last disturbed. If burrowing owls are found, the same coordination described above will be necessary.

Monitoring: Monitoring is required. Prior to the issuance of any grading permits, the results of the preconstruction surveys shall be reviewed by the County Environmental Programs Department (EPD) and/or County Biologist. No grading permits shall be issued by the Riverside County Building & Safety Department until EPD and/or the County Biologist verifies that the pre-construction surveys were satisfactorily completed. If burrowing owls colonize the site prior to initiation of grading activities, the Project Biologist shall be responsible for preparing and implementing a Burrowing Owl Protection and Relocation Plan, which shall be reviewed and approved by EPD and the Wildlife Agencies prior to initiating ground disturbance.

BIO MM-2: Vegetation Clearing Outside of the Migratory Nesting Bird Season (the nesting season generally occurs between February 1 and August 31).

As a condition of a grading permit, a migratory nesting bird survey of all trees to be removed from the site shall be conducted by a qualified biologist within 10 days prior to initiating tree removal or vegetation clearing within 500 feet of a mature tree. A copy of the migratory nesting bird survey results report shall be provided to the Riverside County Environmental Programs Department (EPD). If the survey identifies the presence of active nests, then the qualified biologist shall provide the Riverside County EPD with a copy of maps showing the location of all nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impacts. The size and location of all buffer zones, if required, shall be subject to review and approval by the Riverside County EPD and shall be no less than a 300-foot radius around the nest for non-raptors and a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and Riverside County EPD verify that the nests are no longer occupied and the juvenile birds can survive independently from the nests.

Monitoring: Monitoring is required. A qualified biologist shall conduct a migratory nesting bird survey of all trees within 10 days prior to initiating tree removal or vegetation clearing within 500 feet of a mature tree. The results of the migratory nesting bird survey shall be reviewed and approved by EPD prior to initiating tree removal or ground disturbance within 500 feet of any tree. If nesting birds are identified, the qualified biologist shall establish buffer zones around the active nests and shall mark such buffers with construction fencing. Fencing shall be evaluated on a weekly basis by the qualified biologist, and shall be subject to field inspections by EPD staff during the nesting season, if warranted.

Notably, Mitigation Measure BIO MM-1 requires consultation with “Wildlife Agencies” such as the California Department of Fish and Wildlife, if burrowing owls have colonized the Project site, yet the MND was not sent to the State Clearinghouse to allow for review by this agency. This is a violation of CEQA’s procedural mandates.

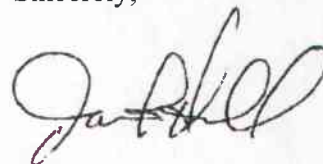
Further, many of the features of the mitigation measures simply defer analysis and mitigation which is also a violation of CEQA. Conditioning a project on another agency's future review of environmental impacts, without evidence of the likelihood of effective mitigation by the other agency, is insufficient to support a determination by the lead agency that potentially significant impacts will be mitigated. *Sundstrom v. Cnty. of Mendocino* (1988) 202 Cal.App.3d 296. Further, requiring formulation of mitigation measures at a future time violates the rule that members of the public and other agencies must be given an opportunity to review mitigation measures before a project is approved. PRC § 21080, subd. (c)(2)). See *League for Protection of Oakland Architectural & Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1396; *Quall Botanical Ganlens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1605, fn. 4; *Oro Fino Gold Mining Corp. v. Cnty. of El Dorado* (1990) 225 Cal.App.3d 872, 884; *Sundstrom v. Cnty. of Mendocino*, supra, 202 Cal.App.3d at p. 306, (condition requiring that mitigation measures recommended by future study to be conducted by civil engineer evaluating possible soil stability, erosion, sediment, and flooding impacts was improper). Moreover, a condition that requires implementation of mitigation measures to be recommended in a future study may conflict the requirement that project plans incorporate mitigation measures before a proposed negative declaration is released for public review. PRC § 21080, subd. (c)(2); 14 Cal Code Regs § 15070(b)(1). Studies conducted after a project's approval do not guarantee an adequate inquiry into environmental effects. Such a mitigation measure would effectively be exempt from public and governmental scrutiny.

V. **Conclusion – The County Has Violated CEQA Guidelines Section 15073.5(d) – An EIR is Required When There is Substantial Evidence that the Project May Have a Significant Impact**

CEQA Guidelines Section 155064(f)(1) states that an EIR shall be prepared when the County has been presented with a fair argument that the project may have a significant effect on the environment even when there are arguments to the contrary. In this comment letter (as well as the other comment letters submitted by RAMV) we have documented the procedural failing of the County and provided a fair argument supported by substantial evidence of the Project’s potential for significant impacts.

The County must recognize and correct its failures when it comes to CEQA compliance and must prepare an EIR for the proposed project, properly notify all those who have participated to date in the process, circulate the document to the State Clearinghouse, and circulate the EIR for the mandated comment period.

Sincerely,



Jamie T. Hall

Exhibit A

MND for Case No. PPT190032



RIVERSIDE COUNTY PLANNING DEPARTMENT

John Hildebrand
Interim Planning Director

MITIGATED NEGATIVE DECLARATION

Project/Case Number: PPT190032

Based on the Initial Study, it has been determined that the proposed project, subject to the proposed mitigation measures, will not have a significant effect upon the environment.

PROJECT DESCRIPTION, LOCATION, AND MITIGATION MEASURES REQUIRED TO AVOID POTENTIALLY SIGNIFICANT EFFECTS. (see Environmental Assessment/Initial Study and Conditions of Approval)

COMPLETED/REVIEWED BY:

By: Deborah Bradford Title: Contract Project Planner Date: February 9, 2021

Applicant/Project Sponsor: DP Harvill LLC, Lou Monville Date Submitted: October 15, 2019

ADOPTED BY: Planning Director

Person Verifying Adoption: _____ Date: _____

The Mitigated Negative Declaration may be examined, along with documents referenced in the initial study, if any, at:

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

For additional information, please contact Deborah Bradford at (951) 955-6846.

Please charge deposit fee case#: CEQ190121

FOR COUNTY CLERK'S USE ONLY

COUNTY OF RIVERSIDE
ENVIRONMENTAL ASSESSMENT FORM: INITIAL STUDY

Environmental Assessment (CEQ/EA) Number: CEQ190121

Project Case Type (s) and Number(s): PPT190032

Lead Agency Name: Riverside County Planning Department

Address: P.O. Box 1409, Riverside CA 92502-1409

Contact Person: Deborah Bradford

Telephone Number: 951.955.6646

Applicant's Name: Ben Horning, Dedeaux Properties

Applicant's Address: 1299 Ocean Avenue, 9th Floor, Santa Monica, CA 90401

I. PROJECT INFORMATION

Project Description: The proposed Harvill Avenue and Rider Street Terminal Project (project) is located within the County of Riverside on Rider Street between Patterson Avenue and Harvill Avenue (Exhibits 1 and 2). The project proposes to construct a truck terminal building ranging in size up to 55,700 square feet (including a 5,000-square-foot office), with up to 99 dock doors for trucks; and a 305,450-square-foot parking area with 159 trailer parking spaces, 40 standard parking spaces, three accessible parking spaces, and two electric vehicle spaces. The project would also construct four water quality management basins at the eastern portion of the site. A trash recycling enclosure and up to 55,609 square feet of landscaping with a 10-foot landscaping setback at the western portion of the site (near an existing cell tower located outside of the project boundary) would also be included on-site. In addition, a 30-foot future street dedication on Patterson Avenue is proposed (Exhibit 3).

The project includes off-site improvements along the frontage of the project site, Harvill Avenue, and along the property line on Patterson Avenue. Off-site improvement work would include widening the existing street, curb, gutter, sidewalks, and landscaping along Patterson Avenue and Harvill Avenue. The project would connect to existing utilities for water, sewer, and electricity.

The County of Riverside General Plan Land Use Element designates the project site as Community Development Foundation, and the site is located within the Mead Valley Area Plan (MVAP) (County of Riverside 2019). Within the MVAP, the project land use is designated as Business Park (BP) (Exhibit 4). Additionally, the site is zoned as Manufacturing-Service Commercial (M-SC) (Exhibit 5). The BP designation allows for employee-intensive uses, including research and development, technology centers, corporate and support office uses, clean industry, and supporting retail uses. Building intensity ranges from 0.25 to 0.6 FAR. Regional access is provided to the site via Interstate 215 (I-215) to the east, and local access to the site is available via Harvill Avenue, Rider Street, and Patterson Avenue. Ingress and egress to the site would be provided via two 40-foot driveways along Harvill Avenue. Hours of operation of the project would be 24-hours per day, 5 to 7 days per week. It is anticipated that there would be 20-30 employees on-site each day, with fewer employees on-site during weekend operation.

Phasing and Construction

Construction is expected to begin early 2021 and is expected to last for 10 months. On-site and off-site construction activities are listed in Table 1, below.

Table 1: On-site and Off-site Construction Schedule

Phase	Estimated Phase Start Date	Estimated Phase End Date	Total Number of Working Days per Week	Total Number of Working Days
Demolition/Removal of Hardscape	—	—	—	0
Site Preparation	1/1/2021	1/14/2021	5	10
Frontage Improvements (Site Preparation)	1/1/2021	1/4/2021	5	2
Frontage Improvements (Grading)	1/5/2021	1/8/2021	5	4
Frontage Improvements (Paving)	1/9/2021	1/22/2021	5	10
Grading	1/15/2021	2/25/2021	5	30
Building Construction	2/26/2021	10/31/2021	5	176
Paving	2/26/2021	3/25/2021	5	20
Architectural Coating	10/4/2021	10/31/2021	5	20

A. Type of Project: Site Specific ; Countywide ; Community ; Policy .

B. Total Project Area:

Residential Acres: N/A	Lots: N/A	Units: N/A	Projected No. of Residents: N/A
Commercial Acres: N/A	Lots: N/A	Sq. Ft. of Bldg. Area: N/A	Est. No. of Employees: N/A
Industrial Acres: 11.15	Lots: 1	Sq. Ft. of Bldg. Area: 55,700	Est. No. of Employees: 20-30
Other: N/A			

C. Assessor's Parcel Number(s): 317-170-043
Street References: Patterson Avenue and Rider Street

D. Section, Township and Range Description or reference/attach a Legal Description: The project is located within Township 04 South, Range 04 West, Section 12, within the *Steele Peak and Perris, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map.

E. Brief description of the existing environmental setting of the project site and its surroundings: The project site is located in Riverside County, California, between Patterson Avenue and Harvill Avenue, on Assessor's Parcel Number (APN) 317-170-043, about 1,000 feet west of I-215 (Exhibit 1). The undeveloped project site is bounded by railroad tracks to the north, Harvill Avenue to the east, undeveloped land to the south, and Patterson Avenue to the west. March Air Reserve Base is located approximately 2.24 miles northeast of the site. The project site is within the March Air Reserve Base Airport Influence Area Boundary and within Compatibility Zone C2.

The project site is vacant and undeveloped and consists of one irregular shaped parcel totaling 11.15 acres. Evidence of tilling/disking is present on-site. The surrounding area includes the following:

1. North: Vacant/undeveloped land/American Tower Corporation cell tower
2. South: Vacant land, borders Rider Street
3. East: Vacant Land and I-215
4. West: Patterson Avenue, Metropolitan Water District of Southern California facility, and Stardust Arabians, a horse facility

The project site is generally surrounded by vacant land and roadways, in addition to a railway easement located to the north. An American Tower Corporation cell tower is located northwest of the site, outside of the project boundary, and aboveground utility poles and wires are present within the site.

The project site is located within the Western Riverside County Multiple Species Habitat Conservation Plan (WRC-MSHCP) area, but it is not located within a criteria cell of the WRC-MSHCP. Development of the project site would require compliance with the WRC-MSHCP.

The project is currently served by and would connect to existing utilities from the following utility providers:

- Electricity—Southern California Edison (SCE)
- Natural Gas—SoCal Gas
- Sewage—Eastern Municipal Water District (EMWD)
- Potable water—EMWD
- Solid Waste Removal—Riverside County Department of Waste Resources
- Telecommunication—Verizon
- Storm Drainage—Riverside County Flood Control District

II. APPLICABLE GENERAL PLAN AND ZONING REGULATIONS

A. General Plan Elements/Policies:

1. **Land Use:** The project is designated as BP by the MVAP and zoned as M-SC. The project is consistent with the land use designation, zoning classification, and the surrounding area. The project would not require a rezone or amendment to the MVAP.
2. **Circulation:** The project would result in an increase in vehicle trips in the project area. However, impacts would be reduced to a less than significant level through the implementation of mitigation.
3. **Multipurpose Open Space:** The project is consistent with all applicable policies of the Multipurpose Open Space Element of the Mead Valley Area Plan and General Plan.
4. **Safety:** The site is located within a low to moderate liquefaction zone, and not within an Alquist-Priolo earthquake fault zone. Implementation of mitigation would reduce impacts related to ground shaking, erosion, and subsidence to a less than significant level. The project is not located within a flood hazard zone and meets all other safety requirements.
5. **Noise:** The project would introduce new sources of construction and operational noise. However, noise impacts would be reduced to a less than significant level through the implementation of mitigation.
6. **Housing:** The project does not include housing and would not result in a direct or indirect increase in population. Furthermore, because the project site is vacant, the project would not displace existing housing.

July 19, 2021

RAMV
Rural Association of Mead Valley
PO Box 2244
Perris, CA 92572

Riverside Board of Supervisors
Attn: Brett Dawson
PO Box 1409
Riverside, CA 92501

Riverside County Board of Supervisors:

RE: Agenda Item 21.1. CEQ190175, PLOT PLAN NO. 190039, CHANGE OF ZONE 2000008 and MND CEQ190175.

Greetings:

On behalf of the Rural Association of Mead Valley and local residents, please accept these comments regarding review of Plot Plan No. 190039 and CEQ190175, a Warehouse Project within the Community of Mead Valley. The Rural Association of Mead Valley is opposed to this Project.

According to the Planning Commission Hearing Staff Report, the Environmental Review was circulated for public review from April 29, 2021 through May 18, 2021. The Planning Commission Hearing took place on May 18, 2021. Therefore, the public hearing for this Project was taking place before the review for this Project was over. (Staff report page 5).

ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS

An Initial Study (IS) and a Mitigated Negative Declaration (MND) have been prepared for this project in accordance with the California Environmental Quality Act (CEQA). The IS and MND represent the independent judgement of Riverside County. The documents were circulated for public review per the California Environmental Quality Act Statute and Guidelines Section 15105.

Environmental Assessment No. CEQ190175. The Initial Study identified potentially significant impacts in regard to the issue areas of Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Paleontological Resources, Tribal Cultural Resources, and Mandatory Findings of Significance; however, with the incorporation of mitigation measures the impacts were reduced to less than significant. Based on the Initial Study's conclusions, the County of Riverside determined that an MND is appropriate for the proposed Project pursuant to CEQA Guidelines. The IS and MND represent the independent judgement of Riverside County. The documents were circulated for public review on April 29, 2021 per the California Environmental Quality Act Statute and Guidelines Section 15105. The public review period ended on May 18, 2021.

In addition, MND CEQ190175 was NEVER CIRCULATED FOR PUBLIC REVIEW TO STATE AGENCIES. The Project was never sent to the State Clearinghouse as required by CEQA. Environmental Justice requirements by the Attorney General's Office.

Therefore, the County must reject the Project, MND and CEQ190175. This Project must be sent to the State Clearinghouse for review and an EIR must be created.

The State Agencies were never notified of this Project so that they could review this massive logistics warehouse and send in comment letters. This is a large Project with enormous pollution and truck traffic concerns.

Plot Plan 190039 Proposes to construct a 15.07 acre property with the construction and operation of a 334,922 square foot warehouse and distribution facility with approximately 10,099 feet of office and second office 7,850 feet, 316082 feet of warehouse, 41 dock doors, 333 parking spaces, 49 trailer spaces. One or two water quality basin. Staff report is not clear.

The Project also includes a zone change No 2000008 changing the existing manufacturing M-H Manufacturing Heavy to MSC manufacturing commercial. Both zones are for manufacturing land uses.

I. General Comments

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision-makers and the public, the decision-makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

CEQA must be interpreted to afford the fullest protection to the environment within the scope of the statutory language. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 563-64.) Central to CEQA is the EIR, which informs the public and decision-makers of the environmental consequences of a project before it is undertaken. (*Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 276.)

The County prepared an Initial Study/Environmental Assessment (CEQ/EA190175) for this Project.

The Initial Study for this Project found that a **Mitigated Negative Declaration (MND)** was required. A **MND** must be prepared for a project when the initial study has identified potentially significant effects on the environment, but revisions in the project plans or proposals made by, or agreed to by the applicant before the proposed **MND** and initial study are released for public. The Project will cause significant impacts to air quality, hydrology and water quality, noise, healthy communities and traffic/transportation. Unfortunately, the Mitigated Negative Declaration CEQ/EA 190175 inadequately addresses and mitigates the significant environmental impacts of the Project. Thus, an EIR must be prepared.

Major issues include the fact that the MND was not submitted to the State Clearinghouse for

Review.

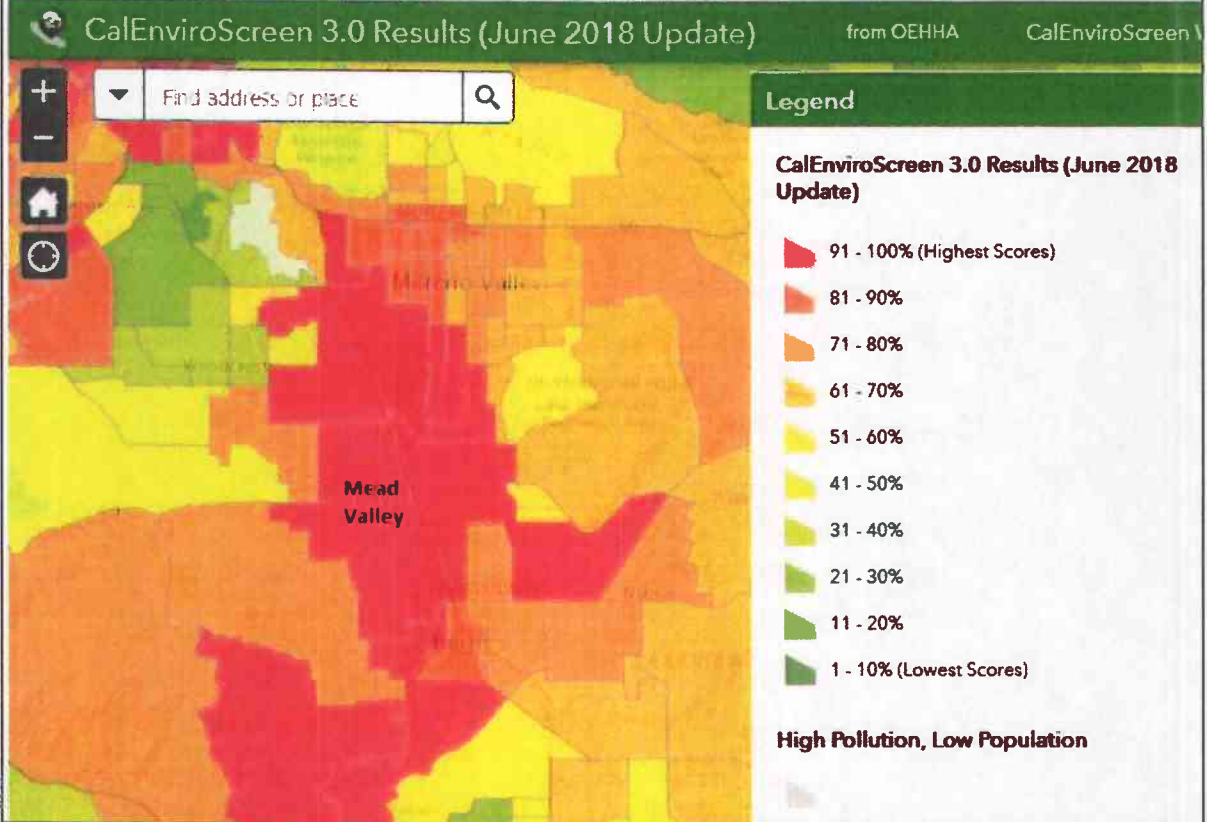
No SCH# (State Clearinghouse) can be found on any of the Project documents. No letters from any of the required agencies are found on file.

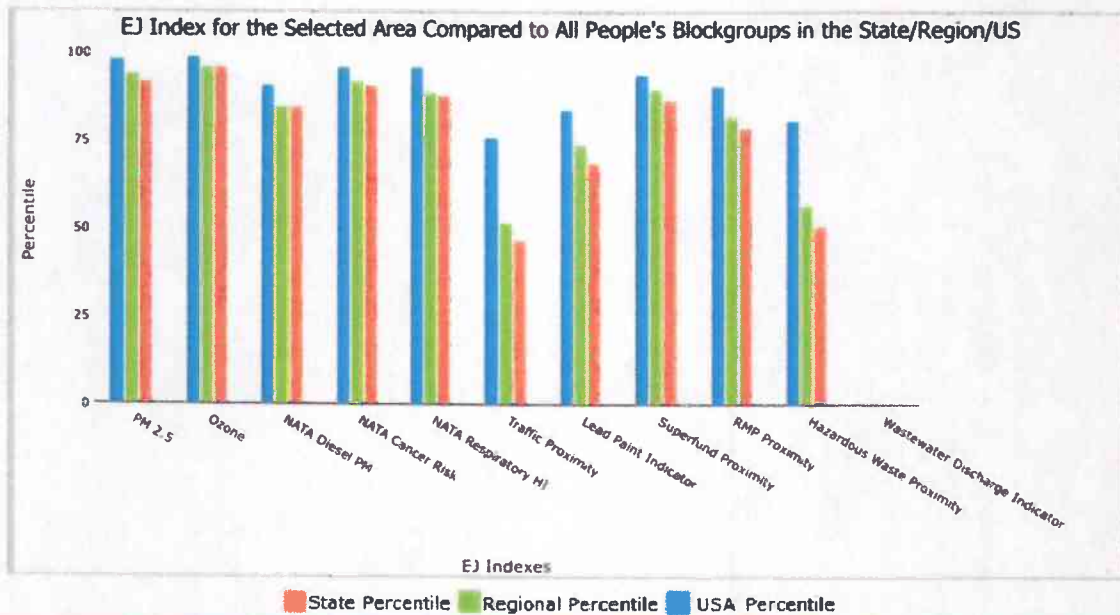
Required agencies: State Clearinghouse, SCAQMD, California Air Resources Board, State of California, Department of Justice, California Department of Fish and Game, California Department of Water Resources, California Regional Water Quality Control Board, Department of Toxic Substances, Cal-Trans District 8, (See list below).

Aesthetic/Visual	Agricultural Land	Air Quality	Archaeologic-Historic	Biological Resources	Flood Plain/Flooding
Geologic/Seismic	Greenhouse Gas Emissions	Minerals	Noise	Population/Housing Balance	Public Services
Recreation/Parks	Sewer Capacity	Soil Erosion/Compaction/Grading	Solid Waste	Toxic/Hazardous	
Traffic/Circulation	Water Quality	Water Supply	Land Use	Cumulative Effects	Energy
Reviewing Agencies	California Air Resources Board	California Department of Conservation			
	California Department of Fish and Wildlife, Inland Deserts Region 6	California Department of Parks and Recreation			
	California Department of Resources Recycling and Recovery	California Department of Transportation, District 8			
	California Department of Water Resources	California Highway Patrol	California Native American Heritage Commission		
	California Natural Resources Agency	California Regional Water Quality Control Board, Santa Ana Region 8			
	California State Lands Commission	Department of Toxic Substances Control	Office of Historic Preservation		
	State Water Resources Control Board, Division of Water Quality				

Environmental Justice must be implemented into this Project.
Mead Valley is in excess of 91% range SB535 disadvantaged Communities

Note: The map of SB535 disadvantaged communities (updated June 2018) can be found [here](#).





This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

July 16, 2021

1/3

<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>

The EJ Index chart above clearly indicates that air pollution in our area is some of the worst in the nation and state.

“In the county-by-county breakdown, San Bernardino, Riverside and Los Angeles counties rank first, second and third as the nation’s smoggiest counties. Orange County, listed 25th, also received a failing grade. Ventura County, included in the five-county region, was not among the 25 worst, but also got an “F.” The report compiled data from a three-year period, 2017 to 2019” (San Bernardino, Riverside Los Angeles counties rank as smoggiest in the U.S.

[\(https://www.ocregister.com/2021/04/21/san-bernardino-riverside-and-los-angeles-counties-rank-as-top-three-for-bad-air-in-the-united-states/\)](https://www.ocregister.com/2021/04/21/san-bernardino-riverside-and-los-angeles-counties-rank-as-top-three-for-bad-air-in-the-united-states/). Exhibit C.

“The five-county Los Angeles region is the smoggiest metro area in the country for the 21st time in the 22 years that the American Lung Association has been issuing the rankings, according to the “State of the Air 2021” report released Tuesday, April 20, by the group”

[\(https://www.ocregister.com/2021/04/21/san-bernardino-riverside-and-los-angeles-counties-rank-as-top-three-for-bad-air-in-the-united-states/\)](https://www.ocregister.com/2021/04/21/san-bernardino-riverside-and-los-angeles-counties-rank-as-top-three-for-bad-air-in-the-united-states/).

Ozone Ranking	State	County
1	CA	San Bernardino
2	CA	Riverside
3	CA	Los Angeles
4	CA	Kern
5	CA	Tulare
6	CA	Fresno
7	AZ	Maricopa
8	CA	Nevada
9	CA	San Diego
10	CA	Placer
11	CA	Kings
12	UT	Salt Lake
12	CO	Jefferson
14	CA	Stanislaus
15	CA	El Dorado
16	TX	Harris
17	NV	Clark
18	NM	Doña Ana
19	CT	Fairfield
20	CA	Imperial
21	CA	Madera
22	CO	Douglas
22	CA	Mariposa
24	NM	Eddy
25	CA	Orange

Mead Valley qualifies as a poor disadvantaged community of color with some of the worst air pollution in the nation. Yet a disproportionate number of truck intensive logistics warehouses are being approved and built in our community. SCAQMD classifies the region as a non-attainment area.

Under state law: “[E]nvironmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (Gov. Code, § 65040.12, subd. (e)).

“One of those tools is the [California Environmental Quality Act \(CEQA\)](#). CEQA requires government agencies in California to consider potentially significant environmental impacts on communities already burdened with pollution when reviewing and permitting new projects. The Attorney General is particularly concerned that land use planning and permitting decisions consider and address any additional burdens on environmental justice communities”. (Attorney General Letter to the Riverside County Planning Department, Feb. 24, 2021).

“Senate Bill 1000 (“SB 1000”) requires local governments with disadvantaged communities to develop an environmental justice element or related goals, policies, and objectives (collectively, an “EJ element”) in its general plan that meet certain requirements. Gov. Code § 65302(h)(1).

The EJ element must “reduce the unique or compounded health risks in disadvantaged communities” by reducing pollution exposure, improving air quality, and promoting public facilities, food access, safe and sanitary homes, and physical activity. Id. § 65302(h)(1)(A). To meet these requirements, an EJ element should include specific and targeted measures that implement the policies in a local government’s EJ element. These implementation measures are essential for ensuring that a government’s environmental justice-related plans translate into actual improvements for disadvantaged communities” (Attorney General Letter to the Riverside County Planning Department, Feb. 24, 2021). Exhibit A.

Government Code section 11135, subdivision (a) provides in relevant part: No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state....

AB-1628 Environmental Justice
SEC. 4.

Section 30107.3 of the Public Resources Code is amended to read:

(a) “Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(b) “Environmental justice” includes, but is not limited to, all of the following:

- (1) The availability of a healthy environment for all people.
- (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.
- (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision-making process.
- (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

Sensitive receptors are just 627 feet from the Project Site on Rider Street and a High School is just over 1600 feet from the project.

It is well established that “[t]he significance of an activity depends upon the setting.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 [citing CEQA Guidelines, § 15064, subd. (b)]; see also *id.* at 721; CEQA Guidelines, § 15300.2, subd. (a) [noting that availability of listed CEQA exceptions “are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.”]) For example, a

proposed project's particulate emissions might not be significant if the project will be located far from populated areas, but may be significant if the project will be located in the air shed of a community whose residents may be particularly sensitive to this type of pollution, or already are experiencing higher-than-average asthma rates. A lead agency therefore should take special care to determine whether the project will expose "sensitive receptors" to pollution (see, e.g., CEQA Guidelines, App. G); if it will, the impacts of that pollution are more likely to be significant.³ In addition, CEQA requires a lead agency to consider whether a project's effects, while they might appear limited on their own, are "cumulatively considerable" and therefore significant. (Pub. Res. Code, § 21083, subd. (b)(3).)

“'[C]umulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”³ “[A] number of studies have reported increased sensitivity to pollution, for communities with low income levels, low education levels, and other biological and social factors. This combination of multiple pollutants and increased sensitivity in these communities can result in a higher cumulative pollution impact.” Office of Environmental Health Hazard Assessment, *Cumulative Impacts: Building a Scientific Foundation* (Dec. 2010), Exec. Summary, p. ix, available at <http://oehha.ca.gov/ej/cipal23110.html>. projects.” (*Id.*) This requires a local lead agency to determine whether pollution from a proposed project will have significant effects on any nearby communities, when considered together with any pollution burdens those communities already are bearing, or may bear from probable future projects. Accordingly, the fact that an area already is polluted makes it *more likely* that any additional, unmitigated pollution will be significant. Where there already is a high pollution burden on a community, the “relevant question” is “whether any additional amount” of pollution “should be considered significant in light of the serious nature” of the existing problem. (*Hanford, supra*, 221 Cal.App.3d at 661; see also *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 [holding that “the relevant issue ... is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools.”])

The economic and social effects of a physical change to the environment may be considered in determining whether that physical change is significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (b).) The CEQA Guidelines illustrate: “For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant.” (*Id.* at § 15131, subd. (b); see also *id.* at § 15382 [“A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”])

Truck Traffic using Cajalco Road, El Sobrante and La Sierra will cause significant harm to the communities of Mead Valley, Lake Mathews and La Sierra. The Project truck traffic analysis shows all trucks using Rider east of Harvill, Harvill Ave, Placentia Ave, and Cajalco east of Harvill to the I-215 Freeway.

Alternatives and Mitigation

CEQA's “substantive mandate” prohibits agencies from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that would

substantially lessen or avoid those effects. (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134.) Where a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project's impacts to that community or subgroup. (See CEQA Guidelines, § 15041, subd. (a) [noting need for "nexus" between required changes and project's impacts].)

The Project must be redesigned to have access off Rider Street and no truck access off of Harvill.

Project alternatives to include the currently zoning of M-H Manufacturing Heavy. The Community would benefit from manufacturing facilities. The site currently has a rail spur that would benefit from manufacturing land uses. The County continues to approve massive logistics warehouses with no regard to the needs of the community for trade jobs. Manufacturing industry would reduce truck traffic and increase higher income jobs.

No Project Alternative.

Depending on the circumstances of the project, the local agency may be required to consider alternative project locations (see *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404) or alternative project designs (see *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1183) that could reduce or eliminate the effects of the project on the affected community.

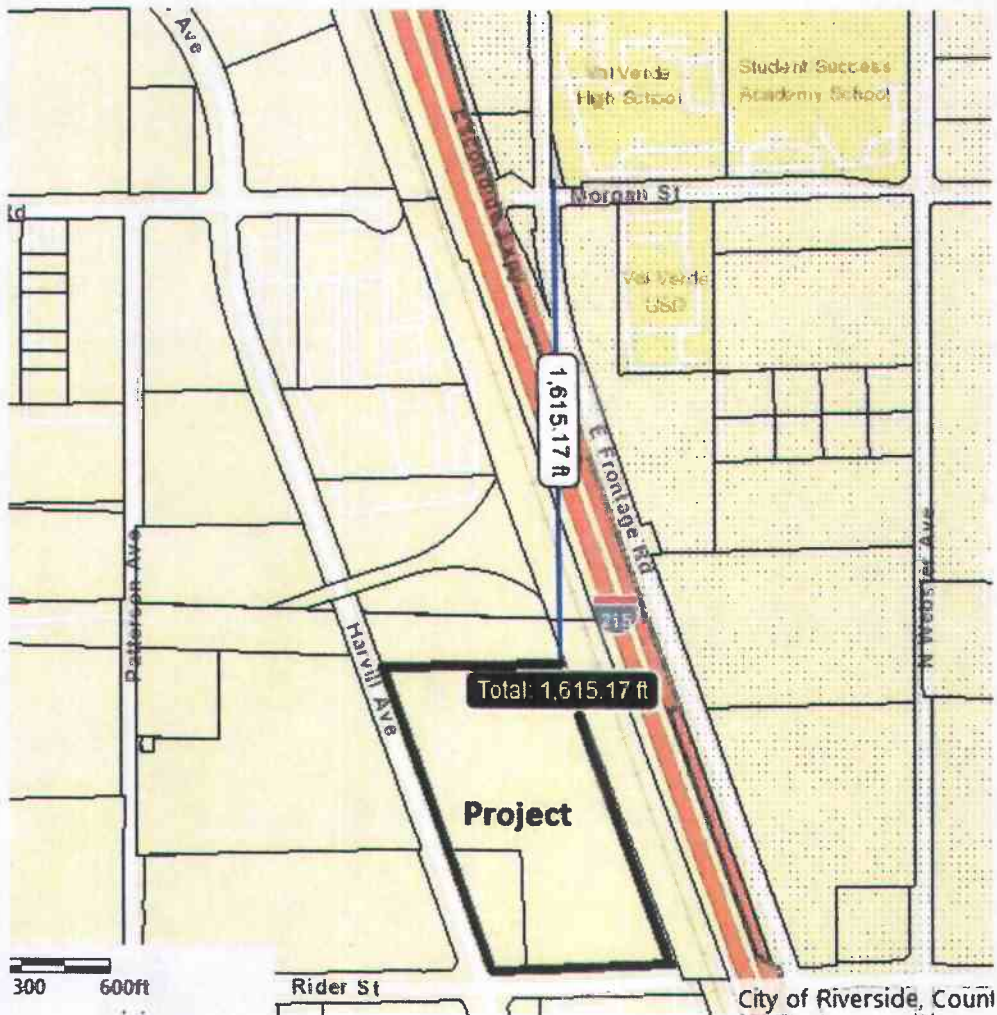
The lead agency should discuss and develop mitigation in a process that is accessible to the public and the affected community. "Fundamentally, the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation between a project proponent and the lead agency after project approval; but rather, an open process that also involves other interested agencies and the public." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.) Further, "[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (CEQA Guidelines, § 15126.4, subd. (a)(2).)

Transparency in Statements of Overriding Consideration

Under CEQA, a local government is charged with the important task of "determining whether and how a project should be approved," and must exercise its own best judgment to "balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian." (CEQA Guidelines, § 15021, subd. (d).) A local agency has discretion to approve a project even where, after application of all feasible mitigation, the project will have unavoidable adverse environmental impacts. (*Id.* at § 15093.) When the agency does so, however, it must be clear and transparent about the balance it has struck. To satisfy CEQA's public information and informed decision making purposes, in making a statement of overriding considerations, the agency should clearly state not only the "specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits" that, in its view, warrant approval of the project, but also the project's "unavoidable adverse environmental effects[.]" (*Id.* at subd. (a).) If, for example, the benefits of the project will be enjoyed widely, but the environmental burdens of a project

will be felt particularly by the neighboring communities, this should be set out plainly in the statement of overriding considerations.

As part of the enforcement process, “[i]n order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented,” the local agency must also adopt a program for mitigation monitoring or reporting. (CEQA Guidelines, § 15097, subd. (a).) “The purpose of these [monitoring and reporting] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) Where a local agency adopts a monitoring or reporting program related to the mitigation of impacts to a particular community or sensitive subgroup, its monitoring and reporting necessarily should focus on data from that community or subgroup. (State of California Department of Justice Letter **Environmental Justice at the Local and Regional Level Legal Background**). **Exhibit B.**



Riverside County's Good Neighbor Policy for Logistics and Warehouse/Distribution Uses ("Good Neighbor Policy"), which was approved by the Board of Supervisors on November 19, 2019, should be included in the analysis. The Good Neighbor Policy was created to provide "a framework through which large-scale logistics and warehouse projects can be designed and operated in a way that lessens their impact on surrounding communities and the environment." (Attorney General Letter to the Riverside County Planning Department, Feb. 24, 2021).

The County has yet to adopt the Environmental Justice element into the General Plan. This Project completely ignores the community of Mead Valley and the health and safety impacts that logistics warehouses are having on our residents.

Sensitive receptors are just 627 feet from the Project site. Hundreds of residents live off of Rider Street at Country Place. The Specific Plan allows for hundreds of additional homes within the Country Place Development.



The local freeways are now impacted with gridlocked traffic a significant portion of the day. This has and is continuing to result in truck traffic from local logistics warehouses using Cajalco Road, El Sobrante, La Sierra Ave. and our local roads to travel to the I-91 freeway bypassing the I-215 and I-60. The air quality along the Cajalco Corridor continues to be negatively impacted by the ever-increasing logistics trucks traveling along this route. Numerous elementary schools are along and in close proximity to Cajalco Road and La Sierra Ave.

Project	Quantity	Units ²	AM Peak Hour			PM Peak Hour			Daily			
			In	Out	Total	In	Out	Total				
Project Trip Generation Summary (PCE)												
<i>Harvill & Rider Warehouse</i>												
General Light Industrial (15%)	50,249	TSF										
Passenger Cars:			24	3	27	3	22	25	196			
Truck Trips:												
2-axle:			4	1	5	0	3	3	30			
3-axle:			2	0	2	0	2	2	20			
4+axle:			9	1	10	1	8	9	72			
			- Truck Trips (PCE)			15	2	17	1	13	14	122
High-Cube Transload Short-Term Warehouse (85%)	284,746	TSF										
Passenger Cars:			12	4	16	6	16	22	270			
Truck Trips:												
2-axle:			1	0	1	0	1	1	32			
3-axle:			2	1	3	1	2	3	54			
4+axle:			10	3	13	3	8	11	242			
			- Truck Trips (PCE)			13	4	17	4	11	15	328
			TOTAL TRIPS (PCE)			64	13	77	14	62	76	916

¹ Trip Generation Source: Institute of Transportation Engineers (ITE), *Trip Generation Manual*, Tenth Edition (2017).

² TSF = Thousand Square Feet

³ Vehicle Mix Source: City of Fontana *Truck Trip Generation Study*, August 2003.

⁴ Truck Mix Source: SCAQMD *Warehouse Truck Trip Study Data Results and Usage* (2014).

Normalized % - Without Cold Storage:

Truck Trips per day. Appendix K Traffic. Impact Analysis Page 34.

TABLE 3-7: SUMMARY OF PEAK OPERATIONAL EMISSIONS (2 OF 2)

Operational Activities – Winter Scenario	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	7.62	7.90E-04	0.09	1.00E-05	3.10E-04	3.10E-04
Energy Source	0.05	0.49	0.41	2.91E-03	0.04	0.04
Mobile Source (Passenger Cars)	1.18	1.08	14.43	0.05	5.23	1.40
Mobile Source (Trucks)	1.20	41.50	8.16	0.14	6.04	2.15
On-Site Equipment Source	0.14	1.55	0.77	3.17E-03	0.05	0.05
Total Maximum Daily Emissions	10.19	44.61	23.86	0.19	11.36	3.64
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: CalEEMod operational-source emissions are presented in Appendices 3.2 and 3.3.

Appendix A1

The MND does not include an emissions study for offsite trucks bringing fill dirt to the Project Site during construction. The daily NO_x emissions for offsite trucks would far exceed the Regional Threshold required by SCAQMD.

Operational Emissions Appendix A-1 Page 47.

TABLE 3-4: OVERALL CONSTRUCTION EMISSIONS SUMMARY – WITHOUT MITIGATION

Year	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
2020	5.89	88.57	36.61	0.16	14.17	6.94
2021	47.98	59.45	49.37	0.13	6.73	3.35
Winter						
2020	5.92	88.81	37.04	0.16	14.17	6.94
2021	47.96	59.40	47.30	0.13	6.73	3.35
Maximum Daily Emissions	47.98	88.81	49.37	0.16	11.48	6.65
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: CalEEMod construction-source (unmitigated) emissions are presented in Appendix 3.1.

Operational Emissions Appendix A-1 Page 41.

Air Quality and Greenhouse Gases

The Project is located within the South Coast Air Basin (SCAB). Residents in this region experience the worst air quality in the nation. Diesel trucks, which would be a large component of this Project, emit many harmful pollutants including ultrafine particles, diesel particulate matter (a known carcinogen), and nitrogen oxides (NO_x).

4.3 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below (x) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agriculture & Forest Resources	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Transportation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Land Use /Planning	<input checked="" type="checkbox"/> Tribal Cultural Resources
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities / Service Systems
<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Energy	<input checked="" type="checkbox"/> Paleontological Resources	<input checked="" type="checkbox"/> Mandatory Findings of Significance
<input type="checkbox"/> Geology / Soils	<input type="checkbox"/> Population / Housing	
<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services	

Air Quality and Transportation are not checked and yet are a significant part of the analysis and Environmental Analysis for this Project.

California State law requires a 5-minute idling time. Idling time allowed for the Project is 15 minutes. Conflicting statements are included in the EA regarding idling time. This greatly impacts the air quality studies. State law must be followed which is 5 minutes at each location.

Plot Plan No. 190039, Change of Zone No. 2000008

***Harvill and Rider MND
CEQA Case No. CEQ190175***

Applicable Regulatory Requirements.

- The Project is required to comply with CALGreen, including all Nonresidential Mandatory Measures, including but not limited to requirements for bicycle parking, parking for clean air vehicles, charging stations, lighting, water conservation, waste reduction, and building maintenance. The provisions of CALGreen reduce energy use and fossil fuel use.
- Diesel-fueled vehicles at the Project site are required to comply with the CARB idling restriction requirements, which currently restrict vehicles from idling for more than 5 minutes. Prior to building permit final inspection, the County of Riverside will verify that signs are posted in the Project's truck courts specifying the idling restriction requirement.

Mitigation: No mitigation is required.

Monitoring: No monitoring is required.

Air Quality

Based on SCAQMD guidance, any direct exceedance of a regional or localized threshold also is considered to be a cumulatively considerable effect, while air pollutant emissions below applicable regional and/or localized thresholds are not considered cumulatively considerable. As discussed in Threshold 6., the Project would not a) conflict with or obstruct implementation of the applicable air quality plan; b) result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard; c) expose sensitive receptors, which are located within one (1) mile of the Project site, to substantial pollutant concentrations; or d) result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant and the Project would have no potential to cause a cumulatively considerable impacts associated with air quality.

Traffic impacts are artificially limited to evaluation of the immediate Project area, where the Project impacts a greater geographic area. Specifically, the MND inadequately considers northbound traffic trips to use Cajalco Road as an east/west route. Cajalco Road is just .3 miles from the Project and is regularly a faster route to/from the ports than the using the northbound I-215 Freeway. The County of Riverside and RCTC has plans to expand Cajalco Road in the near future. As the lead agency, the County must assume that Project traffic will travel north to Cajalco and west on Cajalco Road to reach the I-91 Freeway.

The Traffic Impact analysis does not include Rider Street and Seaton Ave. west of Harvill. Trucks will be using Rider to Seaton to access Cajalco Road. There is no analysis of trucks using Cajalco Road west of Harvill. Trucks from this project will take Cajalco to El Sobrante to La Sierra to access the I-91 Freeway. Air Pollution and traffic congestion along this route has not been analyzed in the MND.

The Project Biological Resources.

“The proposed Project would result in impacts to “potential” State jurisdictional waters and upland foraging habitat for special-status species, including MSHCP covered species. State jurisdictional waters are defined as “potential” in this report and described in more detail in Section 4.10” (Appendix B1 - Biological Report page ii).

5.2.2 Special-Status Animals

The proposed Project will result in the loss of habitat with varying degrees of potential to support foraging by the following special-status species: loggerhead shrike (SSC), northern harrier 42 (SSC), and white-tailed kite (CFP). Page 41- 42).

5.3 Sensitive Vegetation Communities

Appendix G(a) of the CEQA guidelines asks if a project is likely to “have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.”

The proposed Project would permanently impact approximately 16.74 acres of disturbed lands [Exhibit 8 – Vegetation/Land Use Impact Map]. Permanent impacts include approximately 5.41 acres of disturbed/developed (4.21 acres of which occur in association with the Project site and 1.20 acres of which occur in association with Offsite Improvement areas); and 11.33 acres of disturbed/ruderal (10.56 acres of which occur in association with the Project site and 0.77 acre of which occur in association with Offsite Improvement areas). Table 5-1 provides a summary of impacts to vegetation/land use types. Page 42).

This project is of Regional and State concern and is required to be sent off to the State Clearinghouse for review.

The California Environmental Quality Act (CEQA) generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. If a project subject to CEQA will not cause any adverse environmental impacts, a public agency may adopt a brief document known as a Negative Declaration. If the project may cause adverse environmental impacts, the public agency must prepare a more detailed study called an Environmental Impact Report (EIR). An EIR contains in-depth studies of potential impacts, measures to reduce or avoid those impacts, and an analysis of alternatives to the project. A key feature of the CEQA process is the opportunity for the public to review and provide input on both Negative Declarations and EIRs.

The laws and rules governing the CEQA process are contained in the CEQA statute (Public Resources Code Section 21000 and following), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures. (<https://opr.ca.gov/ceqa/>).

AOC resin factory is rated as a major polluter creating over 100 tons of emissions per year.

Site Preparation

- Initial site preparation should include stripping of the existing native grass and weed growth, organic topsoil materials.

- **Native alluvium was encountered at the ground surface at most of the boring locations, except for boring No. B-4, which encountered artificial fill soils beneath the existing asphaltic concrete pavements. The near surface alluvium possesses variable densities and some of the near surface soils, possess a moderate to severe potential for hydrocollapse.** Therefore, remedial grading is recommended to remove a portion of the near surface native alluvium and replace these soils as compacted structural fill soils. Additionally, the fill soils encountered at Boring No. B-4 possess loose relative densities and are considered to consist of undocumented fill. Therefore, the fill soils are not considered suitable for the support of the new structure. The recommended remedial grading should also remove any existing fill materials from the proposed building pad area. The proposed building area should be over excavated to a depth of at least 5 feet below existing grade and to a depth of 5 feet below the proposed building pad subgrade elevation. Within the foundation influence zones, the overexcavation should extend to a depth of at least 3 feet below proposed foundation bearing grade. **The over excavation should extend horizontally at least 5 feet beyond the building perimeter. Additional over excavation will be necessary in localized areas, such as in the vicinity Boring No. B-2, to remove potentially collapsible, low density, soils which extend to depths of 7 to 8± feet below existing site grades.**
- We understand that two underground storage tanks were removed from the southern portion of the subject site. The materials used to backfill these excavations likely consist of undocumented fill soils or pea gravel. Therefore, additional overexcavation will be necessary in the area of these tanks if they are located within the proposed building pad area.
- After overexcavation has been completed, the resulting subgrade soils should be evaluated by the geotechnical engineer to identify any additional soils that should be removed. The resulting subgrade should then be scarified to a depth of 12 inches and moisture conditioned to 2 to 4 percent above optimum. The previously excavated soils may then be replaced as compacted structural fill. All structural fill soils should be compacted to at least 90 percent of the ASTM D-1557 maximum dry density.
- The new pavement and flatwork subgrade soils are recommended to be scarified to a depth of 12± inches, thoroughly moisture conditioned and recompacted to at least 90 percent of the ASTM D-1557 maximum dry density.
(Appendix E1 – Geotechnical Investigation Report, Page 1).

“Therefore, the fill soils are not considered suitable for the support of the new structure. The recommended remedial grading should also remove any existing fill materials from the proposed building pad area” (Appendix E1 – Geotechnical Investigation Report, Page 1).

The Project site requires removal and replacement of tons of fill. Untold number of dirt hauling trucks trips would be required to provide replacement soil for the Project. These off site truck trips are not part of the MND and emissions study.

As a part of our research for this geotechnical investigation, we used the California State Water Resources Control Board, GeoTracker, website (<http://geotracker.waterboards.ca.gov/>) to search for information regarding historic high groundwater levels near the subject site. In the course of our research of this database, we learned that two (2) underground storage tanks (UST) were present in the southern region of the site. In addition, GeoTracker identifies this portion of the site as a Leaking Underground Storage Tank (LUST) Cleanup Site, which is defined as a "site that has had an unauthorized release (i.e. leak or spill) of a hazardous substance, usually fuel hydrocarbons, and are being (or have been) cleaned up." GeoTracker noted a cleanup action case (T0606500587) for this portion of the site which was opened on June 25th, 1998 and closed August 4th, 2000. The cleanup action case summary indicates that two (2) 10,000-gallon diesel USTs were removed on June, 1998. Based on the report, we understand that the two tanks were located within the developed area in the southern portion of the overall site, south of the large silo structures.

The soil surrounding the area of the removed underground storage tanks must be tested. The Geotechnical report assumes that the cleanup action previously performed adequately removed all pollutants created from the diesel leaks on the Project site.

"Based on the results of laboratory testing, the near-surface alluvium encountered with the upper 6 to 8± feet possess moderate to severe collapse potential when inundated with water. Some of the soils encountered at the upper 5 to 6± feet at the boring locations were visually observed to be slightly to moderately porous. Based on the porosity and collapse potential of the near surface soils, near surface alluvium, in its present state, is not considered to be suitable for the support of the new structure. Remedial grading is considered warranted within the proposed building area, in order to remove a portion of the near surface alluvium and replace these materials as compacted structural fill" (Appendix E1 – Geotechnical Investigation Report Page 12).

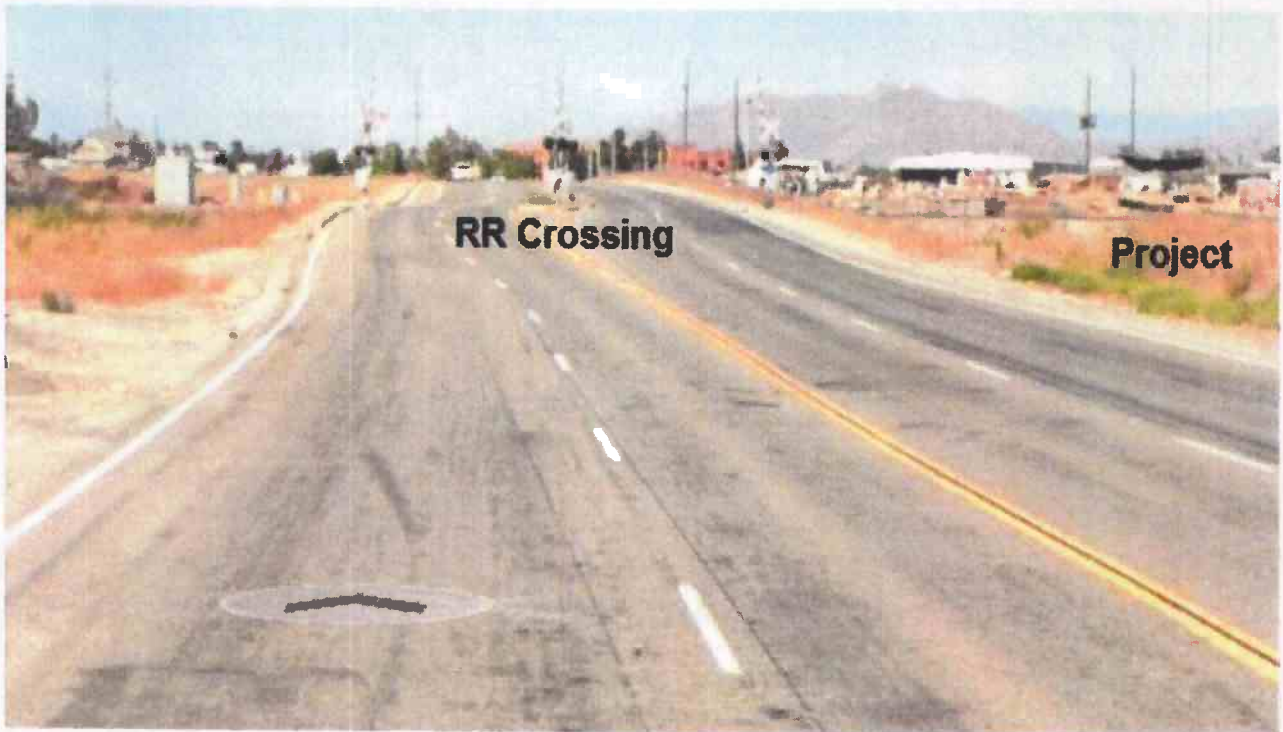
Additional remedial grading will be necessary in the area of Boring No. B-2 where lower density, collapsible soils extend to depths of 7 to 8± feet. Additional overexcavation may also be required in other localized areas if loose, porous materials are encountered at the base of the overexcavation. As discussed in Section 3.1 and 6.2, two underground storage tanks were removed from the southeastern portion of the site. The depths and locations of these tanks are presently unknown to SCG. If these tanks were located within the proposed building pad area, additional overexcavation will be required to remove the undocumented fill soils or pea gravel used to backfill the tank removal excavations.

Appendix E1 – Geotechnical Investigation Report Page 14 .

6.4 Construction Considerations

Excavation Considerations

The near surface soils generally consist of silty sands, clayey sands, and sandy clays. These materials will likely be subject to minor caving within shallow excavations. Where caving occurs within shallow excavations, flattened excavation slopes may be sufficient to provide excavation stability. On a preliminary basis, the inclination of temporary slopes should not exceed 1.5h:1v. Deeper excavations may require some form of external stabilization such as shoring or bracing. Maintaining adequate moisture content within the near-surface soils will improve excavation stability. All excavation activities on this site should be conducted in accordance with Cal-OSHA regulations. Appendix E1 – Geotechnical Investigation Report Page 16.



Trucks and vehicles will be entering and exiting just a few feet south of a very narrow, winding, dipping and dangerous railroad crossing. The potential for deadly accidents will increase substantially.

CEQ/EA 190175 fails to include the dangers from transporting highly toxic chemicals such as Chlorine using the Harvill railroad crossing to the EMWD water treatment facility. AOC transports their highly toxic chemicals using Harvill and Rider Streets. Trucks backed up along Harvill pose an extreme danger to the public at large. The I-215 Freeway is a short distance from the railroad crossing. There is no analysis regarding the railroad crossing or even mention of the railroad crossing in the Environmental Analysis. There is no mitigation within the Environmental Analysis.

There must be a complete analysis of the railroad crossing and the negative impacts created by the entrance and exit located just feet away. Logistics trucks with a length of over 70 feet will have difficulty turning right onto Harvill just feet from the crossing. The Project does not include a right turn lane adding to the dangers and increasing the idling time significantly. The Air Quality reports are therefore substantially under measured. A new analysis must be performed.

Harvill Ave at the railroad crossing is a narrow and winding road. The RR gates and signs obstruct the view of Harvill south of the crossing. Idling times could easily be 30 minutes to one hour.

The complete lack of mitigation measures adopted to address significant and unavoidable air quality impacts shows the utter inadequacy of CEQ190175. The Environmental Assessment does

not require any further mitigation, and defers completely to the flawed analysis and mitigation required by EA. Many mitigation measures are based on unenforceable standards and are uncertain, as well.

According to SCAQMD, "Under state law, trucks are prohibited from idling for longer than five minutes, unless they have a "Clean-Idle" sticker indicating the engine has very low emissions under idle conditions" (SCAQMD Inspections Help Prevent Excess Truck Idling). This Project must follow State law.

Ingress and egress to the site is inadequate. The Project proposes two 40-foot driveways. Logistics trucks are frequently 70 feet or more in length, therefore the driveways will not allow for even one truck. Certainly not adequate for this type of high truck intensive facility.

Living Spaces is an example of short driveways as logistics trucks are stuck in the roadway while trying to enter behind the gate.

Driveways must accommodate a minimum of three trucks or 250 feet.

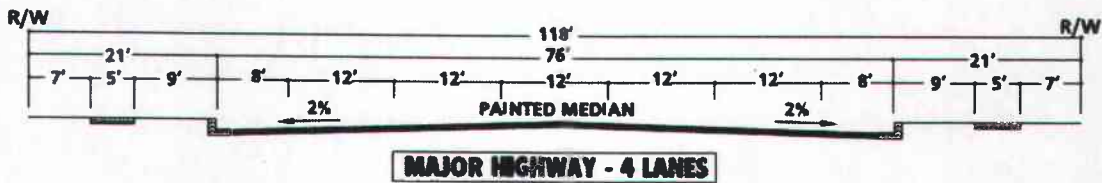
There is no right lane for trucks to enter the facility on Harvill. Trucks will be lined up in the middle of Harvill just like the Living Spaces warehouse.

We are putting thousands of residents' lives at risk.

The lack of access creates increased idling times and air pollution significantly. This has not been addressed in CEQ190175.

Harvill is a Major Highway. Full width is 118 feet not 108 feet.

Whether there are highway signs currently posted or not, the County has classified this road as a major highway. At build out thousands of additional cars and trucks will be using this road.



1 INTRODUCTION

This report presents the results of the traffic impact analysis (TIA) for the proposed Harvill and Rider Warehouse development ("Project"), which is located on the northeast corner of Harvill Avenue and Rider Street, as shown on Exhibit 1-1.

The purpose of this TIA is to evaluate the potential impacts related to traffic and circulation system deficiencies that may result from the development of the proposed Project, and to recommend improvements to resolve identified deficiencies and to achieve acceptable circulation system operational conditions. This traffic study has been prepared in accordance with the County of Riverside's Traffic Impact Analysis Preparation Guide (August 2008) and through consultation with County of Riverside staff during the scoping process. (1) The approved Project Traffic Study Scoping agreement is provided in Appendix 1.1 of this TIA.

1.1 SUMMARY OF FINDINGS

The Project is proposing to construct the following improvements as design features in conjunction with development of the site:

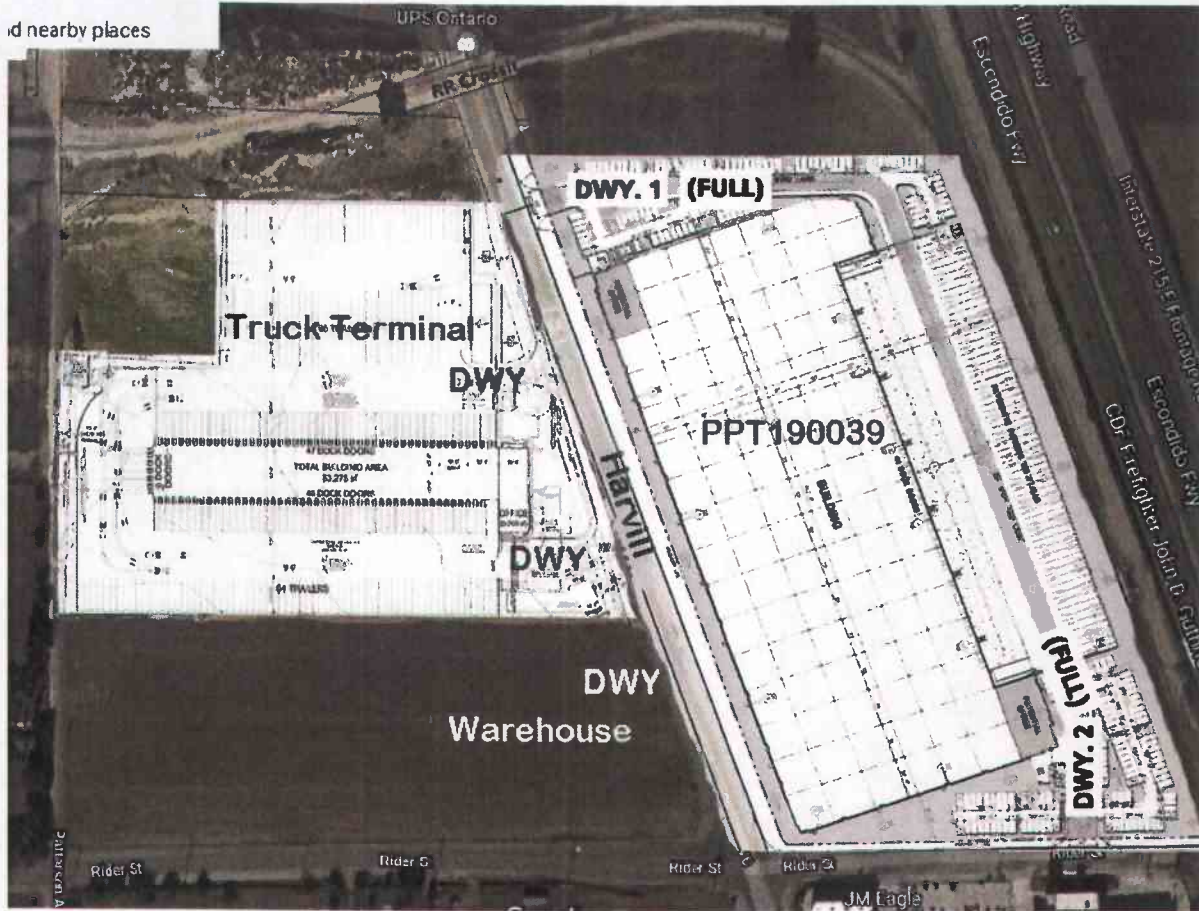
- Project to construct Rider Street from Harvill Avenue to the Project's eastern boundary at its ultimate half-section width as a Secondary Frontage Road (85-foot right-of-way) in compliance with the circulation recommendations found in the County of Riverside General Plan Circulation Element.
- Project to construct Harvill Avenue from the Project's northern boundary to Rider Street at its ultimate half-section width as a Major Highway (118-foot right-of-way) in compliance with the circulation recommendations found in the County of Riverside General Plan Circulation Element.
- Construct Driveway 1 on Harvill Avenue as cross-street stop-controlled intersection with full access.

Will there be a four way stop intersection at Harvill and Driveway 1?



Driveway entrance 1 shows trucks entering and exiting onto Harvill Ave. Trucks will be turning left from Harvill entering the Project. The Project does not show a left turn lane along Harvill Ave. No trucks should be allowed to enter from Harvill. No trucks can be allowed to turn left from Harvill. There is no indication of a four way stop intersection.

and nearby places



Four driveways will be located on Harvill between Rider and the railroad crossing.

CEQ190175 does not include analysis of the Mid-County Parkway set to be completed in the next 5 years. A complete traffic analysis that includes all traffic impacts must be included in CEQ190175.

CEQ190175 inadequately analyzes the Placentia Intersection off ramp and onramp Project. The Placentia Intersection is part of the Mid-County Parkway Project. "CEQA requires that the Lead Agency, through its initial study, evaluate the whole of a project." The Mid-County Parkway will bring substantial truck and vehicle traffic that would otherwise use the Ramona Expressway / Cajalco Road from the San Jacinto area where a large number of massive warehouses are being constructed and approved. Much of this traffic will exit the Placentia off ramp to Harvill Ave and go north to Cajalco Road to bypass the local freeways to access the I-91 Freeway. This has not been mitigated in the EA.

B. An initial study formalizes the Lead Agency's preliminary analysis to determine whether an EIR or Negative Declaration must be prepared. Most commonly, the initial study is based upon a checklist, which illuminates the various environmental impacts which may result from project completion. The checklist, however, is only one part of the initial study. The initial study must also give support for the checklist findings and

note or reference the source or content of the data relied upon in its preparation. Simply filling out an initial study checklist without citing supporting information is insufficient to show the absence of significant effects (Sundstrom v. County of Mendocino (1988) 202 Cal. App. 3d. 296). At the same time, the initial study is not intended to provide the thorough analysis expected of a complete EIR. (Leonoff v. Monterey County Board of Supervisors (1990) 222 Cal. App. 3d. 1337 and San Joaquin Raptor/ Wildlife Rescue Center v. County of Stanislaus (1996) 42 Cal. App. 4th 608). Supporting information may include specific studies, which examine the potential significance of an anticipated environmental effect. It may include references to previous environmental documents or other information sources. In any case, a thorough, referenced 2 initial study is a crucial part of the record supporting the Lead Agency's determination to prepare a MND. CEQA requires that the Lead Agency, through its initial study, evaluate the whole of a project. A project must not be broken into smaller parts, each of which alone might qualify for a Negative Declaration, in an attempt to avoid preparing an EIR (Association for Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151). The decision to prepare a Negative Declaration or a MND must be grounded in an objective, good faith effort on the part of the Lead Agency to review the project's potential for significant impacts (Sundstrom v. County of Mendocino, supra). (Mitigated Negative Declarations). http://opr.ca.gov/docs/MND_Publication_2004.pdf

RCTC -Mid-County Parkway- “Construction Contract #2 covers a new non-tolled route north of Placentia Avenue, from Redlands Avenue to Ramona Expressway, providing a quicker route from the Lakeview/San Jacinto area to I-215. The new roadway will also serve as an alternative to heavily traveled Ramona Expressway/Cajalco Road” (RCTC, <https://www.rctc.org/seeks-funding-mcp-2/>).

The Ramona Expressway traffic currently has over 34,000 vehicle trips per day. Much of this traffic will be using the Mid County parkway in the future. This has not been analyzed in the MND.

5.1.16 Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>Would the project:</i>				
37. Transportation				
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Cause an effect upon, or a need for new or altered maintenance of roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Cause an effect upon circulation during the project's construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Result in inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Project Application Materials (HPA, 2020a) (Webb, 2020a); Riverside County General Plan (Riverside County, 2015a); Riverside County General Plan, Circulation Element (Riverside County, 2017); Urban Crossroads, Traffic Impact Analysis (Urban Crossroads, Inc., 2020f); Urban Crossroads, Vehicle Miles

The Project has Significant Impacts (see section c. check mark box shows less than significant). Substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections). CEQ190175 is fatally flawed, as it does not include the minimal safety measures to protect the residents of Mead Valley from extremely unsafe conditions being proposed in this Project. Design features include a driveway on Harvill Ave. just south of the railroad crossing that allows trucks to turn left and right into the facility without a left turn lane.

CEQ190175 fails to include the dangers from transporting highly toxic chemicals such as Chlorine using the Harvill railroad crossing to the EMWD water treatment facility. AOC transports their highly toxic chemicals using Harvill and Rider Streets. Trucks backed up along Harvill pose an extreme danger to the public at large. The I-215 Freeway is a short distance from the railroad crossing. There is no analysis regarding the railroad crossing or even mention of the railroad crossing in the Environmental Analysis. There is no mitigation within the Environmental Analysis.

“The Perris Water Filtration Plant (PWFP) treats both Colorado River and SWP waters. This plant uses the latest ultrafiltration technology to remove particulate contaminants to produce quality, potable water. The PWFP serves Lakeview, Nuevo, Romoland, Homeland, and Juniper Flats. This plant uses **chloramine and Chlorine** for final disinfection” (Your 2019 Water Quality CONSUMER CONFIDENCE REPORT) (https://www.emwd.org/sites/main/files/file-attachments/emwd_2019_ccr_final.pdf?1592249189).

“Toxic inhalation hazard (TIH) chemicals such as chlorine gas and anhydrous ammonia are among the most dangerous of hazardous materials” (Harvard Kennedy School of Government Report 2010, page 2).

“TIH chemicals are among the most dangerous hazardous materials because they are very toxic and they can spread easily in the air if released” (Harvard Kennedy School of Government Report 2010, page 4).

Thus, it is critical that the Project have no vehicle access off Harvill Ave. In addition, an emergency access driveway on Harvill must be included in the Project.

North is the railroad spur and railroad crossing used to bring Chlorine and chemicals to the EMWD water treatment facility. There are a number of homes as well as vacant property. Northwest of the property is the EMWD Treatment facility. Across Harvill is a proposed Truck Terminal warehouse that has two entrances along Harvill with 554 truck trips per day. This project will bring an additional 122 truck trips per day. Well over 700 truck trips per day. The accumulated truck trips along this one block area next to a dangerous railroad crossing is far too dangerous.

CEQ190175 is flawed and will create an extremely dangerous condition on Harvill Ave. No entrances and exits should be allowed onto Harvill Ave. a major highway with speeds over 50 mph.

CEQ190175 is fatally flawed, as it does not include a right lane for trucks to que along Harvill Ave. This is a repeat of the very dangerous and flawed Living Spaces warehouse where trucks are parked in the middle of the road and not even one logistics truck can enter the facility.

Harvill cannot support that many truck trips per day along a one block area. There is an additional warehouse at the corner of Harvill and Rider with an entrance/exit onto Harvill.

The traffic analysis is flawed. A new traffic study must be created.

CEQ190175 did not include an analysis of trucks from this Project using Cajalco Road. The Project assumes that all trucks will use the I-215 Freeway. Currently a large number of trucks from warehouses and a truck terminal (central Freight) use Cajalco Road to El Sobrante to La Sierra. The air quality and traffic studies do not include those negative impacts to the thousands of residents in Mead Valley, Lake Mathews and the City of Riverside.

Project	Quantity	Units ²	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Project Trip Generation Summary (PCE)									
Harvill & Rider Warehouse									
General Light Industrial (15%)	50,249	TSF							
Passenger Cars:			24	3	27	3	22	25	196
Truck Trips:									
2-axle:			4	1	5	0	3	3	30
3-axle:			2	0	2	0	2	2	20
4+-axle:			9	1	10	1	8	9	72
			- Truck Trips (PCE)						
			15	2	17	1	13	14	122
High-Cube Transload Short-Term Warehouse (85%)	284,746	TSF							
Passenger Cars:			12	4	16	6	16	22	270
Truck Trips:									
2-axle:			1	0	1	0	1	1	32
3-axle:			2	1	3	1	2	3	54
4+-axle:			10	3	13	3	8	11	242
			- Truck Trips (PCE)						
			13	4	17	4	11	15	328
			TOTAL TRIPS (PCE)						
			64	13	77	14	62	76	916

¹ Trip Generation Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, Tenth Edition (2017).

² TSF = Thousand Square Feet

³ Vehicle Mix Source: City of Fontana Truck Trip Generation Study, August 2003.

⁴ Truck Mix Source: SCAQMD Warehouse Truck Trip Study Data Results and Usage (2014).

Normalized % - Without Cold Storage:

South on Rider just west of Harvill are a number of homes. Between Patterson and Seaton is a large residential neighborhood. On the north, side of Rider is a mobile home park. East is industrial land uses. West of the Project on Patterson is the Starcrest Arabian Ranch. All within half a mile of the Project site and not included in CEQ190175.



A number of accidents with some of them being fatal have occurred at the Rider and Harvill Intersection. A signal light must be installed.

The original determination made on the basis of the initial study whether to prepare either a Negative Declaration or an EIR is subject to the "fair argument" test (Laurel Heights Improvement Assoc. v. U.C. Regents (1993) 47 Cal.4th 376). In other words, if a fair argument can be made on the basis of "substantial evidence" in the record that the project may have a significant adverse environmental impact -even if evidence also exists to the contrary - then an EIR is required. A Negative Declaration is authorized when the Lead Agency determines that no substantial evidence exists supporting a fair argument of significant effect. A MND applies when changes to the project or mitigation measures reduce the significant effects to a less than significant level or avoid them all together. According to §21080 (d) and (e), if there is substantial evidence of significant effects, even though the full analysis has yet to be prepared, an EIR is required (Mitigated Negative Declarations, Page 8). http://opr.ca.gov/docs/MND_Publication_2004.pdf

CEQ190175 fails to address the air quality impacts of the AOC resin facility less than half a mile (2640 feet) from the proposed Project. In fact, the EA does not mention this facility in its environmental or staff reports. AOC creates over 100 tons of air pollution per year. AOC is designated as Air Major: A Clean Air Act Stationary Source Major discharge of air pollutants.

The Project is a significant source of air pollution and is located in a non-attainment area.

AOC is near Country Place and a childcare facility. Hundreds of residents live less than a half mile from the Project site. The Project will add significantly to the existing air pollution already created by AOC. The cumulative air pollution effects of the Project have not been adequately mitigated or analyzed in the CEQ190175

CEQ190175 does not include alternatives to the Project. The site is zoned MH manufacturing Heavy and is located with rail spurs on the project site. A better use of the site would be manufacturing, as this would create less truck traffic and higher paying trade jobs. .

CEQ190175 is flawed at it does not require that Harvill at Rider Street include a signalized intersection. Traffic for this Project and numerous other Projects just built and proposed will add thousands of vehicle trips per day to this intersection.

As discussed in Section 3.0, both driveways would be 40-foot and provide full access for passenger cars and trucks. The types of traffic generated by the Project (i.e., passenger cars and trucks) would be compatible with the type of existing traffic on Project Study Area roadways. In addition, proposed roadway improvements along the Project site frontage would occur within the existing and planned public rights-of-way and be installed following County design standards. The County of Riverside Transportation Department reviewed the Project's Plot Plan application materials and determined that no hazardous transportation design features would be introduced by the Project. All improvements planned as part of the Project would be in conformance with applicable Riverside County roadway standards, and would not result in any hazards due to a design feature and would not result in inadequate emergency access. Therefore, impacts would be less than significant.

Transportation

As discussed in Threshold 37, *Transportation*, the Project's impacts on the transportation network would be less than significant, when taking in to account ambient growth, cumulative projects, and County guidance for VMT analysis which is based on regional transportation data. Therefore, the Project will not contribute a cumulatively considerable impact under this topic.

Tribal Cultural Resources

As discussed in Threshold 39, *Tribal Cultural Resources*, development activities on the Project site would not impact any known tribal cultural resources. Compliance with tribal consultation requirements required under State law is required by all projects subject to CEQA, which ensures that no cumulatively considerable impact to tribal cultural resources occurs statewide. The County has complied with tribal consultation requirements for the Project and with mitigation, the Project would not contribute to a cumulatively considerable tribal cultural resources impact.

Utilities/Service Systems

The Project would require water and wastewater infrastructure, as well as solid waste disposal. Development of public utility infrastructure is part of an extensive planning process involving service providers and jurisdictions with discretionary review authority. The coordination process associated with the preparation of infrastructure plans is intended to ensure that adequate public utility services and resources are available to serve both individual development projects and cumulative growth in the region. Each individual development project is subject to review for utility capacity to avoid unanticipated interruptions in service or inadequate supplies. Coordination with the utility providers

The Transportation network will be significantly impacted with tens of thousands of additional truck trips per day as numerous warehouses and truck terminals are opened up on Harvill Ave and use Cajalco Road to El Sobrante to La Sierra. Most will avoid the very busy and congested freeways.

The Truck Terminal Project proposed on the west side of Harvill has two entrances on Harvill. The design of the Truck Terminal Project is flawed and will add to the issues of concern regarding the entrance along Harvill near the railroad crossing. The 564 truck trips per day from the Truck Terminal Project will add to the congestion along Harvill Ave. The cumulative traffic problems from the three warehouses along this block are enormous.

How long will trucks idle along Harvill Avenue? How long will trucks idle at the entrance as they are "checking in"? How long will they idle as they enter the dock? How long will they idle as they park? How long as they wait to exit the facility? SCAQMD requires no more than 5 minutes idling time. Thus, we can see that idling time will be substantially more than the 5 minutes allowed. Idling times will be 30 minutes or more. The air quality and GHG analysis is flawed.

The complete lack of mitigation measures adopted to address significant and unavoidable air quality impacts shows the utter inadequacy of CEQ/EA 190175. The Environmental Assessment does not require any further mitigation, and defers completely to the analysis and mitigation

required by EA. Many mitigation measures are based on unenforceable standards and are uncertain, as well.

According to SCAQMD, "Under state law, trucks are prohibited from idling for longer than five minutes, unless they have a "Clean-Idle" sticker indicating the engine has very low emissions under idle conditions" (SCAQMD Inspections Help Prevent Excess Truck Idling). This Project must follow State law.

RCTC -Mid-County Parkway- "Construction Contract #2 covers a new non-tolled route north of Placentia Avenue, from Redlands Avenue to Ramona Expressway, providing a quicker route from the Lakeview/San Jacinto area to I-215. The new roadway will also serve as an alternative to heavily traveled Ramona Expressway/Cajalco Road" (RCTC, [https://www.rctc.org/seeks-fundingmcp- 2/](https://www.rctc.org/seeks-fundingmcp-2/)).

The Ramona Expressway traffic currently has over 34,000 vehicle trips per day. CEQ/EA 190121 is flawed in the design of the entrances, exits creating additional queuing time, idling times, and wait times entering and exiting the facility.

CEQ/EA 190121 fails to address the air quality impacts of the AOC resin facility less than half a mile

(2640 feet) from the proposed Project. In fact, the EA does not mention this facility in its environmental or staff reports. AOC creates over 100 tons of air pollution per year. AOC is designated as Air Major: A Clean Air Act Stationary Source Major discharge of air pollutants. The Project is a significant source of air pollution and is located in a non-attainment area. AOC is near Country Place and a childcare facility. Hundreds of residents live less than a half mile from the Project site. The Project will add significantly to the existing air pollution already created by AOC. The cumulative air pollution effects of the Project have not been adequately mitigated or analyzed in CEQ/EA 190175.

CEQ/EA 190175 traffic study is inadequate in its analysis of the number of vehicles that will use Harvill Ave. in the near future. Near Future Projects, include the Mid-County Parkway from San Jacinto to the I-215 Freeway.

"Toxic inhalation hazard (TIH) chemicals such as chlorine gas and anhydrous ammonia are among the most dangerous of hazardous materials" (Harvard Kennedy School of Government Report 2010, page 2).

"TIH chemicals are among the most dangerous hazardous materials because they are very toxic and they can spread easily in the air if released" (Harvard Kennedy School of Government Report 2010, page 4).

47. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Source: All sources are noted in the appropriate threshold as analyzed within this Initial Study

Findings of Fact:

- a) The Project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this Initial Study. In instances where the Project has the potential to result in direct or indirect adverse effects to human beings (air quality and associated effects on human health from air pollutants, and construction-related noise and potential effects on hearing impairment), project design feature best practices and mitigation measures have been applied to ensure impacts do not rise above a level of significance. With required implementation of project design features and the mitigation measures identified in this Initial Study, construction and operation of the proposed Project would not involve any activities that would result

Plot Plan No. 190039, Change of Zone No. 2000008

**Horvill and Rider MND
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in environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

Yes this Project will have adverse environmental effects on us human beings who live and work in Mead Valley and the Region. The air quality is extremely poor and the added truck traffic is unsafe.

Mead Valley is considered a Community of Color and Environmental Justice is being completely ignored.

14 CCR § 15064

§ 15064. Determining the Significance of the Environmental Effects Caused by a Project.

(f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.

(1) If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (Friends of B Street v. City of Hayward (1980) 106 Cal. App. 3d 988). Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial

evidence that the project will not have a significant effect (No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68).

Standard of Review

Standard of Review CEQA documents, when challenged in court, are held to different standards of judicial review depending upon the type of environmental document prepared. ND/MNDs are held to the "fair argument" standard. The fair argument standard means that if a "fair argument" can be made that a project may have a significant effect on the environment, an EIR shall be prepared even though there may be other substantial evidence that the project will not have a significant effect (Guidelines § 15064(f)(1)). A ND/MND must be supported by substantial evidence that the project would not have a significant impact on the environment or that the inclusion of mitigation measures would ensure no significant impact would result. If substantial evidence is presented to support a fair argument that project may have a significant environmental impact, an EIR must be prepared. Information triggering preparation of an EIR does not include argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible. Additionally, the existence of public controversy over the environmental effects of a project does not trigger preparation of an EIR if there is no substantial evidence that the project may have a significant effect on the environment. Substantial evidence per Section 15384 (b) shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts. Public Notice and Public Review a Notice of Intent (NOI) to adopt a ND or MND is required when a ND or MND is released for public review.

Distribution Requirements

Where one or more State agencies will be a responsible agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is of statewide, regional, or area-wide environmental significance, the lead agency shall send copies of the NOI and associated ND/MND to the State Clearinghouse for distribution to state agencies. **Cal. Code Regs. tit. 14 § 15073**

Current through Register 2021, No. 22, May 28, 2021

Section 15073 - Public Review of a Proposed Negative Declaration or Mitigated Negative Declaration (a) The lead agency shall provide a public review period pursuant to Section 15105 of not less than 20 days. **When a proposed negative declaration or mitigated negative declaration and initial study are submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days**, unless a shorter period is approved by the State Clearinghouse under Section 15105(d). (b) When a proposed negative declaration or mitigated negative declaration and initial study have been submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least as long as the review period established by the State Clearinghouse. The public review period and the state agency review period may, but are not required to, begin and end at the same time. Day one of the state review period shall be the date that the State Clearinghouse distributes the document to state agencies. (c) A copy of the proposed negative declaration or mitigated negative declaration and the initial study shall be attached to the notice of intent to adopt the proposed declaration that is sent to every responsible agency and trustee agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project. (d) Where one or more state agencies will be a responsible agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is of statewide, regional, or area wide environmental significance, the lead agency shall send copies of the

proposed negative declaration or mitigated negative declaration to the State Clearinghouse for distribution to the state agencies.(e) The lead agency shall notify in writing any public agency which comments on a proposed negative declaration or mitigated negative declaration of any public hearing to be held for the project for which the document was prepared. A notice provided to a public agency pursuant to Section 15072 satisfies this requirement.

Cal. Code Regs. tit. 14 § 15073.

This Project has regional significance. Air Pollution from this Project will add to the air pollution that already is occurring in the Mead Valley community. A large number of warehouse projects that have been approved in the community will raise the air pollution levels. As an example this is likened to adding one more straw to the camel's back. Our children's asthma rates are increasing and our health is declining.

PPT190039 is a major truck intensive project and must complete an EIR before approval. This massive truck intensive project is far too dangerous to be approved. The accumulative effects of two warehouses and a truck terminal facility in a one-block area next to a dangerous railroad crossing is extremely dangerous. There will be four truck intensive access driveways along Harvill.

We ask that you deny this project. This Project must have an EIR that is sent to the State Clearinghouse for review. A public review of this Project must take place.

Sincerely,

Debbie Walsh

President,
RAMV

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



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September 1, 2020

Via E-mail

Russell Brady
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92502
rbrady@rivco.org

RE: Final Environmental Impact Report for Barker Logistics, LLC Project (SCH
#2019090706)

Dear Mr. Russell Brady:

Thank you for the opportunity to provide comments on the Final Environmental Impact Report ("FEIR") for the Barker Logistics, LLC Project ("the Project"). We write to follow up on our comments to the Project's Draft Environmental Impact Report ("DEIR"), in particular our comments regarding the adequacy of the County's mitigation measure that asserts the Project will comply with Riverside County's "Good Neighbor" Policy for Logistics and Warehouse/Distribution Uses ("Good Neighbor Policy"). The FEIR retains the same mitigation measure, asserting that the Project will comply with the Good Neighbor Policy through the Project Conditions of Approval. However, the majority of the operational guidelines from the Good Neighbor Policy are not included in the FEIR or Conditions of Approval. Thus, we respectfully submit these comments urging Riverside County to implement such guidelines from the Good Neighbor Policy to ensure the Project's environmental impacts are mitigated to the maximum feasible extent.¹

The purpose of CEQA is to ensure that a lead agency fully evaluates, discloses, and, whenever feasible, mitigates a project's significant environmental effects. (Pub. Resources Code, §§ 21000–21002.1.) A FEIR serves as an "informational document" that informs the public and decisionmakers of the significant environmental effects of a project and ways in which those

¹ The Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12; D'Amico v. Bd. Of Medical Examiners (1974) 11 Cal.3d 1, 14-15.)

effects can be minimized. (CEQA Guidelines, § 15121, subd. (a).) Here, the Project's FEIR fails to achieve CEQA's aim because it claims the Project will be in compliance with the Good Neighbor Policy, yet the FEIR does not identify how the Project will comply and significant measures from the Good Neighbor Policy are not included in the FEIR nor the Project's Conditions of Approval.

The County adopted the Good Neighbor Policy in 2019 in response to the on-going growth of the logistics industry within the County, recognizing that warehouse projects negatively affect the quality of life for surrounding communities. The stated purpose of the policy is to "apply Best Management Practices to help minimize potential impacts to sensitive receptors and is intended to be used in conjunction with the County's Land Use Ordinance, which provides development requirements for said projects, and the California Environmental Quality Act (CEQA)."²

The FEIR concludes that the Project would have significant air quality impacts because it would result in operational NO_x emissions that would exceed the applicable SCAQMD threshold. NO_x is an air pollutant that mainly impacts respiratory conditions causing inflammation of the airways at high levels. Long-term exposure can decrease lung function, increase the risk of respiratory conditions and increase the response to allergens. NO_x also contributes to the formation of fine particles (PM) and ground level ozone, both of which are associated with adverse health effects. The FEIR also concludes that Project operational NO_x emissions exceedances would result in a cumulatively considerable net increase in criteria pollutants (ozone and PM₁₀/PM_{2.5}) for which the Project region is in non-attainment.

To mitigate these significant air quality impacts, the FEIR's responses to comments and MM-AQ-5 and MM-GHG-3 indicate that the Project will comply with provisions of the Good Neighbor Policy through the Conditions of Approval. Yet, the Project Conditions of Approval omit the majority of the Good Neighbor Policy guidelines to reduce operational impacts of warehouse projects, including the following:

- Facility operators shall maintain records of their facility owned and operated fleet equipment and ensure that all diesel-fueled Medium-Heavy Duty Trucks ("MHDT") and Heavy-Heavy Duty ("HHD") trucks with a gross vehicle weight rating greater than 19,500 pounds accessing the site use year CARB compliant 2010 or newer engines. The records should be maintained on-site and be made available for inspection by the County.
- Facility operators shall prohibit truck drivers from idling more than five (5) minutes and require operators to turn off engines when not in use, in compliance with the California Air Resources Board regulations.

² "Good Neighbor' Policy for Logistics and Warehouse/ Distribution Uses," County of Riverside (Nov. 19, 2019), available at <https://www.rivcocob.org/wpcontent/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf>.

- Facility operators shall train their managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Facility operators shall coordinate with CARB and SCAQMD to obtain the latest information about regional air quality concentrations, health risks, and trucking regulations.
- Facility operators shall establish specific truck routes between the facility and regular destinations, identifying the most direct routes to the nearest highway/freeway and avoid traveling near sensitive receptors.
- Facility operators shall require their drivers to park and perform any maintenance of trucks in designated on-site areas and not within the surrounding community or on public streets.
- Facility operators for sites that exceed 250 employees shall establish a rideshare program, in accordance with AQMD rule 2202, with the intent of discouraging single-occupancy vehicle trips and promote alternate modes of transportation, such as carpooling and transit where feasible.
- If a public address (PA) system is being used in conjunction with a warehouse/distribution facility operations, the PA system shall be oriented away from sensitive receptors and the volume set at a level not readily audible past the property line.
- Facility Operation shall comply with the exterior noise decibel levels as required by Ord. 847 (Noise Ordinance), which includes a maximum exterior decibel level of 55 dba (between 7:00 a.m. and 10:00 p.m.) and 45 dba (between 10:00 p.m. and 7:00 a.m.) as measured on adjacent occupied residences, or as modified by the most current version of Ordinance No. 847.

CEQA provides the opportunity for transparent, thoughtful governance by requiring evaluation, public disclosure, and mitigation of a project's significant environmental impacts prior to project approval. In particular, CEQA requires a lead agency to adopt all feasible mitigation measures that minimize the significant environmental impacts of a project. (Pub. Resources Code, § 21002; CEQA Guidelines § 15126.4, subd. (a)(1).) The lead agency is expected to develop mitigation in an open and public process. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.) It is generally inappropriate to defer formulation of mitigation measures to the future. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) A lead agency can defer mitigation only where, among other things, the EIR sets forth criteria governing future actions to implement mitigation, and the agency has assurances that future mitigation will be both "feasible and efficacious." (*Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17.) While the FEIR provides some information about the Project's significant environmental impacts and mitigation of those impacts, the FEIR fails to accurately describe which operational guidelines from the Good Neighbor Policy apply to the Project nor explain why the missing mitigation measures provided by the Good Neighbor Policy are not included in the Conditions of Approval.

We urge the County to include these additional mitigation measures in the Project's FEIR and Conditions of Approval, or explain why it has not done so. Please do not hesitate to contact me if you have any questions or would like to discuss these issues further.

September 1, 2020
Page 4

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Garcia', written in a cursive style.

RICA V. GARCIA
Deputy Attorney General

For XAVIER BECERRA
Attorney General



Environmental Justice at the Local and Regional Level
Legal Background

Cities, counties, and other local governmental entities have an important role to play in ensuring environmental justice for all of California's residents. Under state law:

“[E]nvironmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(Gov. Code, § 65040.12, subd. (e).) Fairness in this context means that the *benefits* of a healthy environment should be available to everyone, and the *burdens* of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects.

Many local governments recognize the advantages of environmental justice; these include healthier children, fewer school days lost to illness and asthma, a more productive workforce, and a cleaner and more sustainable environment. Environmental justice cannot be achieved, however, simply by adopting generalized policies and goals. Instead, environmental justice requires an ongoing commitment to identifying existing and potential problems, and to finding and applying solutions, both in approving specific projects and planning for future development.

There are a number of state laws and programs relating to environmental justice. This document explains two sources of environmental justice-related responsibilities for local governments, which are contained in the Government Code and in the California Environmental Quality Act (CEQA).

Government Code

Government Code section 11135, subdivision (a) provides in relevant part:

No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state....

While this provision does not include the words “environmental justice,” in certain circumstances, it can require local agencies to undertake the same consideration of fairness in the distribution of environmental benefits and burdens discussed above. Where, for example, a general plan update is funded by or receives financial assistance from the state or a state agency, the local government should take special care to ensure that the plan's goals, objectives, policies

and implementation measures (a) foster equal access to a clean environment and public health benefits (such as parks, sidewalks, and public transportation); and (b) do not result in the unmitigated concentration of polluting activities near communities that fall into the categories defined in Government Code section 11135.¹ In addition, in formulating its public outreach for the general plan update, the local agency should evaluate whether regulations governing equal “opportunity to participate” and requiring “alternative communication services” (e.g., translations) apply. (See Cal. Code Regs., tit. 22, §§ 98101, 98211.)

Government Code section 11136 provides for an administrative hearing by a state agency to decide whether a violation of Government Code section 11135 has occurred. If the state agency determines that the local government has violated the statute, it is required to take action to “curtail” state funding in whole or in part to the local agency. (Gov. Code, § 11137.) In addition, a civil action may be brought in state court to enforce section 11135. (Gov. Code, § 11139.)

California Environmental Quality Act (CEQA)

Under CEQA, “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects” (Pub. Res. Code, § 21002.) Human beings are an integral part of the “environment.” An agency is required to find that a “project may have a ‘significant effect on the environment’” if, among other things, “[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]” (Pub. Res. Code, § 21083, subd. (b)(3); see also CEQA Guidelines,² § 15126.2 [noting that a project may cause a significant effect by bringing people to hazards].)

CEQA does not use the terms “fair treatment” or “environmental justice.” Rather, CEQA centers on whether a project may have a significant effect on the physical environment. Still, as set out below, by following well-established CEQA principles, local governments can further environmental justice.

CEQA’s Purposes

The importance of a healthy environment for all of California’s residents is reflected in CEQA’s purposes. In passing CEQA, the Legislature determined:

- “The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.” (Pub. Res. Code, § 21000, subd. (a).)
- We must “identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached.” (*Id.* at subd. (d).)

¹ To support a finding that such concentration will not occur, the local government likely will need to identify candidate communities and assess their current burdens.

² The CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000, et seq.) are available at <http://ceres.ca.gov/ceqa/>.

- “[M]ajor consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.” (*Id.* at subd. (g).)
- We must “[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.” (Pub. Res. Code, § 21001, subd. (b).)

Specific provisions of CEQA and its Guidelines require that local lead agencies consider how the environmental and public health burdens of a project might specially affect certain communities. Several examples follow.

Environmental Setting and Cumulative Impacts

There are a number of different types of projects that have the potential to cause physical impacts to low-income communities and communities of color. One example is a project that will emit pollution. Where a project will cause pollution, the relevant question under CEQA is whether the environmental effect of the pollution is significant. In making this determination, two long-standing CEQA considerations that may relate to environmental justice are relevant – setting and cumulative impacts.

It is well established that “[t]he significance of an activity depends upon the setting.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 [citing CEQA Guidelines, § 15064, subd. (b)]; see also *id.* at 721; CEQA Guidelines, § 15300.2, subd. (a) [noting that availability of listed CEQA exceptions “are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.”]) For example, a proposed project’s particulate emissions might not be significant if the project will be located far from populated areas, but may be significant if the project will be located in the air shed of a community whose residents may be particularly sensitive to this type of pollution, or already are experiencing higher-than-average asthma rates. A lead agency therefore should take special care to determine whether the project will expose “sensitive receptors” to pollution (see, e.g., CEQA Guidelines, App. G); if it will, the impacts of that pollution are more likely to be significant.³

In addition, CEQA requires a lead agency to consider whether a project’s effects, while they might appear limited on their own, are “cumulatively considerable” and therefore significant. (Pub. Res. Code, § 21083, subd. (b)(3).) “[C]umulatively considerable’ means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future

³ “[A] number of studies have reported increased sensitivity to pollution, for communities with low income levels, low education levels, and other biological and social factors. This combination of multiple pollutants and increased sensitivity in these communities can result in a higher cumulative pollution impact.” Office of Environmental Health Hazard Assessment, *Cumulative Impacts: Building a Scientific Foundation* (Dec. 2010), Exec. Summary, p. ix, available at <http://oehha.ca.gov/ej/cipa123110.html>.

projects.” (*Id.*) This requires a local lead agency to determine whether pollution from a proposed project will have significant effects on any nearby communities, when considered together with any pollution burdens those communities already are bearing, or may bear from probable future projects. Accordingly, the fact that an area already is polluted makes it *more likely* that any additional, unmitigated pollution will be significant. Where there already is a high pollution burden on a community, the “relevant question” is “whether any additional amount” of pollution “should be considered significant in light of the serious nature” of the existing problem. (*Hanford, supra*, 221 Cal.App.3d at 661; see also *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 [holding that “the relevant issue ... is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools.”])

The Role of Social and Economic Impacts Under CEQA

Although CEQA focuses on impacts to the physical environment, economic and social effects may be relevant in determining significance under CEQA in two ways. (See CEQA Guidelines, §§ 15064, subd. (e), 15131.) First, as the CEQA Guidelines note, social or economic impacts may lead to physical changes to the environment that are significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (a).) To illustrate, if a proposed development project may cause economic harm to a community’s existing businesses, and if that could in turn “result in business closures and physical deterioration” of that community, then the agency “should consider these problems to the extent that potential is demonstrated to be an indirect environmental effect of the proposed project.” (See *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 446.)

Second, the economic and social effects of a physical change to the environment may be considered in determining whether that physical change is significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (b).) The CEQA Guidelines illustrate: “For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant.” (*Id.* at § 15131, subd. (b); see also *id.* at § 15382 [“A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”])

Alternatives and Mitigation

CEQA’s “substantive mandate” prohibits agencies from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that would substantially lessen or avoid those effects. (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134.) Where a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project’s impacts to that community or subgroup. (See CEQA Guidelines, § 15041, subd. (a) [noting need for “nexus” between required changes and project’s impacts].)

Depending on the circumstances of the project, the local agency may be required to consider alternative project locations (see *Laurel Heights Improvement Assn. v. Regents of University of*

California (1988) 47 Cal.3d 376, 404) or alternative project designs (see *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1183) that could reduce or eliminate the effects of the project on the affected community.

The lead agency should discuss and develop mitigation in a process that is accessible to the public and the affected community. “Fundamentally, the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation between a project proponent and the lead agency after project approval; but rather, an open process that also involves other interested agencies and the public.” (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.) Further, “[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” (CEQA Guidelines, § 15126.4, subd. (a)(2).)

As part of the enforcement process, “[i]n order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented,” the local agency must also adopt a program for mitigation monitoring or reporting. (CEQA Guidelines, § 15097, subd. (a).) “The purpose of these [monitoring and reporting] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) Where a local agency adopts a monitoring or reporting program related to the mitigation of impacts to a particular community or sensitive subgroup, its monitoring and reporting necessarily should focus on data from that community or subgroup.

Transparency in Statements of Overriding Consideration

Under CEQA, a local government is charged with the important task of “determining whether and how a project should be approved,” and must exercise its own best judgment to “balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian.” (CEQA Guidelines, § 15021, subd. (d).) A local agency has discretion to approve a project even where, after application of all feasible mitigation, the project will have unavoidable adverse environmental impacts. (*Id.* at § 15093.) When the agency does so, however, it must be clear and transparent about the balance it has struck.

To satisfy CEQA’s public information and informed decision making purposes, in making a statement of overriding considerations, the agency should clearly state not only the “specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits” that, in its view, warrant approval of the project, but also the project’s “unavoidable adverse environmental effects[.]” (*Id.* at subd. (a).) If, for example, the benefits of the project will be enjoyed widely, but the environmental burdens of a project will be felt particularly by the neighboring communities, this should be set out plainly in the statement of overriding considerations.

* * * *

The Attorney General's Office appreciates the leadership role that local governments have played, and will continue to play, in ensuring that environmental justice is achieved for all of California's residents. Additional information about environmental justice may be found on the Attorney General's website at <http://oag.ca.gov/environment>.



The five-county Los Angeles metro area ranked as the nation's smoggiest for the 20th time in the last 21 annual State of the Air reports from the American Lung Association. (Photo by FREDERIC J. BROWN/AFP/Getty Images)

By [Martin Wisckol](#) | mwisckol@scng.com | Orange County Register

PUBLISHED: April 21, 2021 at 6:00 a.m. | UPDATED: April 22, 2021 at 7:07 a.m.

The five-county Los Angeles region is the smoggiest metro area in the country for the 21st time in the 22 years that the American Lung Association has been issuing the rankings, according to the "State of the Air 2021" report released Tuesday, April 20, by the group.

In the county-by-county breakdown, San Bernardino, Riverside and Los Angeles counties rank first, second and third as the nation's smoggiest counties. Orange County, listed 25th, also received a failing grade. Ventura County, included in the five-county region, was not among the 25 worst, but also got an "F." The report compiled data from a three-year period, 2017 to 2019.

The region's poor showing came despite improvements from the 2020 report and after decades of progress in a state with some of the country's most aggressive air-quality laws and initiatives. Climate change and related repercussions, including increases in wildfires and heat, are contributing to ongoing air quality challenges, while motor vehicle traffic continues to be a primary factor.

Six other metro areas in the state were among the 10 worst in the country for smog, and six, including Los Angeles, were among the 10 worst for soot, also known as particle pollution.

“California’s leading clean air policies have driven significant improvements, but more must be done to ensure that all communities experience the benefits of healthy air,” said Will Barrett, director of clean air advocacy for the American Lung Association.

Barrett called on state lawmakers to invest \$1 billion in zero-emission vehicle infrastructure and initiatives to help lower income residents get into zero-emission cars. He also urged the California Air Resources Board to establish zero-emission rules for commercial trucks.

“There’s no time for delay,” he said.

Nationwide, while there was improvement in air quality, significant work still needs to be done to reduce both smog — also known as ozone — and particle pollution. Since the Clean Air Act was passed in 1970, emissions of pollutants have fallen by 77%, but millions of Americans remain at risk.

“More than 40% of Americans — more than 135 million people — are living in places with unhealthy levels of ozone or particle pollution,” the report says. “The burden of living with unhealthy air is not shared equally. People of color are more than three times more likely to be breathing the most polluted air than (are) white people.”

Health repercussions

Both smog and soot can contribute to asthma and other lung diseases, as well as heart disease, reproductive and developmental issues, and respiratory infections. But those two air pollutants, considered the most harmful, are a particular threat to those who already have lung and heart problems, to the elderly and to children.

“Simple activities like walking to school or playing outside after school are turned into health threats,” said Southern California pediatrician Afif El-Hasan at an American Lung Association teleconference Tuesday. “This is a public health threat that’s out of their control.”

Jack Broadbent, head of the Bay Area Air Quality Management District, told reporters at the teleconference that he was encouraged by President Joe Biden’s priorities concerning emissions and air quality.

The report, meanwhile, called for a host of specific federal actions, including a reduction of emissions — and not just carbon-credit trading — in underserved communities and more funding of state and local air quality monitoring.

The American Lung Association also called on the U.S. EPA to set stronger limits on ozone and particle pollution, limits on methane emissions, and “a strong, long-term plan to reduce vehicle emissions.”

<https://www.ocregister.com/2021/04/21/san-bernardino-riverside-and-los-angeles-counties-rank-as-top-three-for-bad-air-in-the-united-states/>

Dawson, Brett

From: Vicki Sanchez <sanchezv@aol.com>
Sent: Monday, July 19, 2021 10:45 PM
To: COB
Cc: Dawson, Brett
Subject: Harvill Whse

I am opposed to another Harvill Warehouse. This is directly across the street on Harvill from the Truck Terminal Warehouse. Over 750 additional trucks will be using our streets. All of these trucks coming and going on one block of Harvill Ave right next to the railroad crossing. This is so dangerous. we have had accidents on that street because of the trucks coming and going.

I live off of Cajalco and this road cannot take any more trucks or cars. The trucks vibrate Cajalco and the Jake brakes wake up the entire neighborhood night and day. There are way to many accidents on Cajalco as it it without more traffic

The Freeways are already filled with thousands of trucks each day. Now these trucks are trying to bypass the freeways to get to the ports. the 215 is stand still at all hours of the day.

There needs to be a moratorium on warehouses just like other cities are doing. We have too many whse that are sitting empty
We already have too many whse that the traffic are destroying our roads and ruining our health.

All of that brown haze that we saw in Mira Loma is now in our community. Our blue skies and quiet nights are gone. We have the worst air pollution in the nation. How much worse will it get if you keep approving more of these huge warehouses.

This warehouse is not going to help out our community with jobs. There is a shortage of workers. Too many warehouses. Built some manufacturing plants along the freeway and there is a railroad spur there already.

Please do not approve this warehouse.

Dawson, Brett

From: Elaine Wilson <elaineew@aol.com>
Sent: Monday, July 19, 2021 7:56 PM
To: Dawson, Brett; COB; Supervisor Jeffries - 1st District
Subject: No to PPT190039 Warehouse @ Rider & Harvill

Dear Board,

We do not need any more warehouses along the 215 and Harvill in the Cajalco area. There is far too much traffic and truck congestion now.

It is not just during business hours, it is 24/7.

I also want to know what happened to the planned logistic area to the east next to Skechers? This was all supposed to go over there next to the 60, which is the main east/west FWY in our area which would not be next to homes, schools, parks, and would be close to highway ramps that would mainly be used by the trucks. Instead of cramming them into an area they do not fit into. This wouldn't require ripping out homes, it is vacant land over there that was set aside for this exact purpose.

Besides it being in the wrong place, we have too many empty warehouses just sitting around not being used by anyone. They aren't creating jobs. Those construction jobs are VERY short lived, the warehouses can be up in as little as 90 days and then those jobs are gone unless there are more warehouse. But if most of them are sitting around empty, what exactly is the point of all of this????

ENOUGH WAREHOUSES!!! They do NOT create quality lasting jobs, during their building or inside them once they are finished. We need to focus on MMEDICAL, ENGINEERING, SOLAR, TECHNOLOGY jobs. NOT WAREHOUSE jobs that pay minimum wage and work people into physical disability.

Enough is ENOUGH!!!

Elaine & Dinah Wilson

"Teach the children so it won't be necessary to teach the adults" ~Abraham Lincoln

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Dawson, Brett

From: Dr. John L. MINNELLA-Romano <drjminnella@yahoo.com>
Sent: Monday, July 19, 2021 9:50 AM
To: Dawson, Brett; COB
Subject: BOS July 20, 2021 Agenda Item 21.1

CAUTION: This email originated externally from the **Riverside County** email system.
DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

July 19, 2021

Board of Supervisors
County of Riverside
Attention: **Brett Dawson**
Post Office Box 1409
Riverside, CA 92501 Via email

Re: BOS July 20, 2021 Agenda Item 21.1. CEQ190175, PLOT PLAN NO. 190039, CHANGE OF ZONE 2000008 and MND CEQ190175.

Dear Board Members:

The Residents Association of Greater Lake Mathews, Inc (“RAGLM”), after careful review and consideration, joins other community groups in vehemently opposing Agenda item 21.1 regarding Riverside County Board of Supervisors (“BOS”) review of Plot Plan No. 190039 and CEQ190175, a Warehouse Project within the Community of Mead Valley.

MND CEQ190175 was never circulated for public review to state agencies as required by CEQA. Therefore, the County must reject the Project and MND CEQ190175. This Project must be sent to the State Clearinghouse for review and an EIR must be created.

The appropriate state agencies were never notified of this Project so that they could review this massive logistics warehouse and send in comment letters. This is a large Project with enormous pollution and truck traffic concerns. It will have a significant negative impact not only on Mead Valley but on surrounding, adjacent areas including Greater Lake Mathews.

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision-makers and the public, the decision-makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

CEQA must be interpreted to afford the fullest protection to the environment within the scope of the statutory language. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 563-64.) Central to CEQA is the EIR, which informs the public and decision-makers of the environmental consequences of a project before it is undertaken. (*Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 276.)

No State Clearinghouse ("SCH") numbers or references can be found on any of the Project documents. No letters from any of the required agencies (including the State Clearinghouse, SCAQMD, California Air Resources Board, State of California, Department of Justice, California Department of Fish and Game, California Department of Water Resources, California Regional Water Quality Control Board, Department of Toxic Substances, Attorney General's office, Cal-Trans District 8, and others) are found on file.

Approval of this Project makes a further mockery of the long standing supposed County promised commitment to preserving a rural environment in the Greater Lake Mathews area for its residents. It will add to the

incremental and irreversible assault transforming our community from rural to industrial without any approval from the substantial community affected.

We therefore respectfully ask that you deny this project.

Sincerely,

**FOR THE BOARD OF DIRECTORS
OF
ASSOCIATION OF
LAKE MATHEWS, INC.**

**THE RESIDENTS
GREATER**

[signature]

John L. Minnella

President

JLM:bs

Cc: V. Sanchez

R.J. Somers

E. Wilson

Boydd, April

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I live off of Cajalco and this road cannot take any more trucks or cars. The trucks vibrate Cajalco and the Jake brakes wake up the entire neighborhood night and day. There are way to many accidents on Cajalco as it it without more traffic

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All of that brown haze that we saw in Mira Loma is now in our community. Our blue skies and quiet nights are gone. We have the worst air pollution in the nation. How much worse will it get if you keep approving more of these huge warehouses.

This warehouse is not going to help out our community with jobs. There is a shortage of workers. Too many warehouses. Built some manufacturing plants along the freeway and there is a railroad spur there already.

Please do not approve this warehouse.

Boydd, April

From: Debbie Walsh <abilene149@gmail.com>
Sent: Monday, July 19, 2021 5:24 PM
To: Dawson, Brett; COB
Subject: Fwd: Agenda Item 21.1 PPT 190039
Attachments: PPT190039BoardSupsletterJulyfinal3.pdf

Brett and Kecia,

Please verify that you have received the RAMV letter regarding PPT190039 agenda Item 21.1 for the BOS July 20, 2021 Agenda Item 21.1. CEQ190175, CHANGE OF ZONE 2000008

Please make this part of the public record.

Thanks.

Debbie Walsh

July 19, 2021

RAMV
Rural Association of Mead Valley
PO Box 2244
Perris, CA 92572

Riverside Board of Supervisors
Attn: Brett Dawson
PO Box 1409
Riverside, CA 92501

Riverside County Board of Supervisors:

RE: Agenda Item 21.1. CEQ190175, PLOT PLAN NO. 190039, CHANGE OF ZONE 2000008 and MND CEQ190175.

Greetings:

On behalf of the Rural Association of Mead Valley and local residents, please accept these comments regarding review of Plot Plan No. 190039 and CEQ190175, a Warehouse Project within the Community of Mead Valley. The Rural Association of Mead Valley is opposed to this Project.

According to the Planning Commission Hearing Staff Report, the Environmental Review was circulated for public review from April 29, 2021 through May 18, 2021. The Planning Commission Hearing took place on May 18, 2021. Therefore, the public hearing for this Project was taking place before the review for this Project was over. (Staff report page 5).

ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS

An Initial Study (IS) and a Mitigated Negative Declaration (MND) have been prepared for this project in accordance with the California Environmental Quality Act (CEQA). The IS and MND Represent the independent judgement of Riverside County. The documents were circulated for public review per the California Environmental Quality Act Statue and Guidelines Section 15105.

Environmental Assessment No. CEQ190175. The Initial Study identified potentially significant impacts in regard to the issue areas of Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Paleontological Resources, Tribal Cultural Resources, and Mandatory Findings of Significance; however, with the incorporation of mitigation measures the impacts were reduced to less than significant. Based on the Initial Study's conclusions, the County of Riverside determined that an MND is appropriate for the proposed Project pursuant to CEQA Guidelines. The IS and MND represent the independent judgement of Riverside County. The documents were circulated for public review on April 29, 2021 per the California Environmental Quality Act Statue and Guidelines Section 15105. The public review period ended on May 18, 2021.

7/20/21

21.1

In addition, MND CEQ190175 was NEVER CIRCULATED FOR PUBLIC REVIEW TO STATE AGENCIES. The Project was never sent to the State Clearinghouse as required by CEQA. Environmental Justice requirements by the Attorney General's Office.

Therefore, the County must reject the Project, MND and CEQ190175. This Project must be sent to the State Clearinghouse for review and an EIR must be created.

The State Agencies were never notified of this Project so that they could review this massive logistics warehouse and send in comment letters. This is a large Project with enormous pollution and truck traffic concerns.

Plot Plan 190039 Proposes to construct a 15.07 acre property with the construction and operation of a 334,922 square foot warehouse and distribution facility with approximately 10,099 feet of office and second office 7,850 feet, 316082 feet of warehouse, 41 dock doors, 333 parking spaces, 49 trailer spaces. One or two water quality basin. Staff report is not clear.

The Project also includes a zone change No 2000008 changing the existing manufacturing M-H Manufacturing Heavy to MSC manufacturing commercial. Both zones are for manufacturing land uses.

I. General Comments

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision-makers and the public, the decision-makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

CEQA must be interpreted to afford the fullest protection to the environment within the scope of the statutory language. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 563-64.) Central to CEQA is the EIR, which informs the public and decision-makers of the environmental consequences of a project before it is undertaken. (*Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 276.)

The County prepared an Initial Study/Environmental Assessment (CEQ/EA190175) for this Project.

The Initial Study for this Project found that a **Mitigated Negative Declaration (MND)** was required. A **MND** must be prepared for a project when the initial study has identified potentially significant effects on the environment, but revisions in the project plans or proposals made by, or agreed to by the applicant before the proposed **MND** and initial study are released for public. The Project will cause significant impacts to air quality, hydrology and water quality, noise, healthy communities and traffic/transportation. Unfortunately, the Mitigated Negative Declaration CEQ/EA 190175 inadequately addresses and mitigates the significant environmental impacts of the Project. Thus, an EIR must be prepared.

Major issues include the fact that the MND was not submitted to the State Clearinghouse for

Review.

No SCH# (State Clearinghouse) can be found on any of the Project documents. No letters from any of the required agencies are found on file.

Required agencies: State Clearinghouse, SCAQMD, California Air Resources Board, State of California, Department of Justice, California Department of Fish and Game, California Department of Water Resources, California Regional Water Quality Control Board, Department of Toxic Substances, Cal-Trans District 8, (See list below).

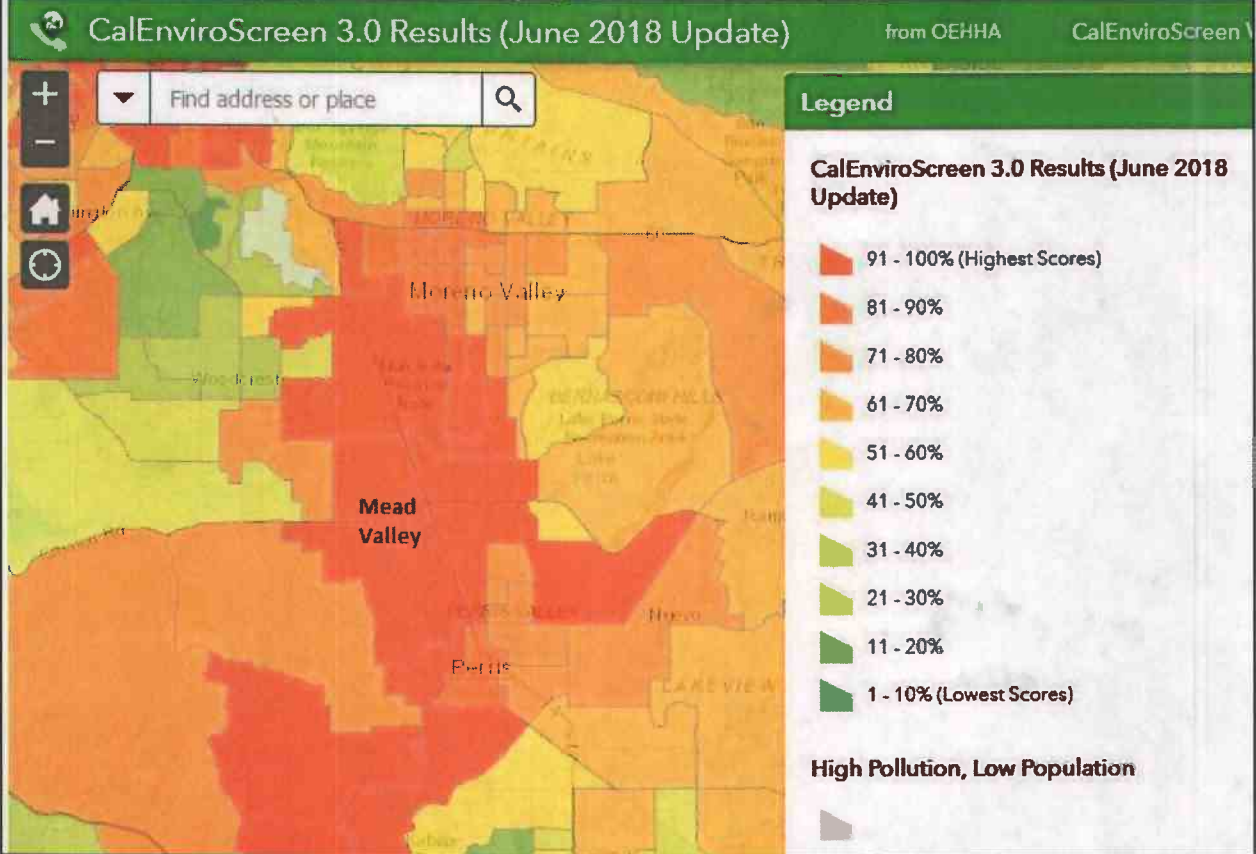
Aesthetic/Visual	Agricultural Land	Air Quality	Archaeologic-Historic	Biological Resources	Flood Plain/Flooding
Geologic/Seismic	Greenhouse Gas Emissions	Minerals	Noise	Population/Housing Balance	Public Services
Recreation/Parks	Sewer Capacity	Soil Erosion/Compaction/Grading	Solid Waste	Toxic/Hazardous	
Traffic/Circulation	Water Quality	Water Supply	Land Use	Cumulative Effects	Energy

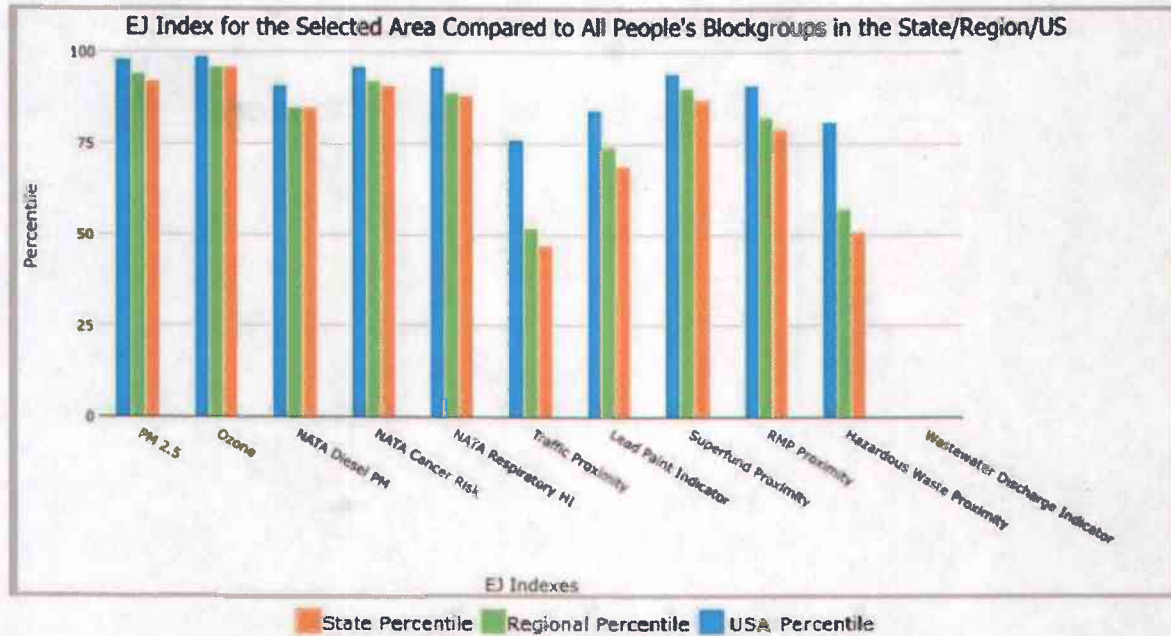
Reviewing Agencies

California Air Resources Board	California Department of Conservation	
California Department of Fish and Wildlife, Inland Deserts Region 6	California Department of Parks and Recreation	
California Department of Resources Recycling and Recovery	California Department of Transportation, District 8	
California Department of Water Resources	California Highway Patrol	California Native American Heritage Commission
California Natural Resources Agency	California Regional Water Quality Control Board, Santa Ana Region 8	
California State Lands Commission	Department of Toxic Substances Control	Office of Historic Preservation
State Water Resources Control Board, Division of Water Quality		

**Environmental Justice must be implemented into this Project.
Mead Valley is in excess of 91% range SB535 disadvantaged Communities**

Note: The map of SB535 disadvantaged communities (updated June 2018) can be found [here](#).





This report shows the values for environmental and demographic indicators and EISCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EISCREEN documentation for discussion of these issues before using reports.

July 16, 2021

1/3

<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>

The EJ Index chart above clearly indicates that air pollution in our area is some of the worst in the nation and state.

“In the county-by-county breakdown, San Bernardino, Riverside and Los Angeles counties rank first, second and third as the nation’s smoggiest counties. Orange County, listed 25th, also received a failing grade. Ventura County, included in the five-county region, was not among the 25 worst, but also got an “F.” The report compiled data from a three-year period, 2017 to 2019” (San Bernardino, Riverside Los Angeles counties rank as smoggiest in the U.S.

[\(https://www.ocregister.com/2021/04/21/san-bernardino-riverside-and-los-angeles-counties-rank-as-top-three-for-bad-air-in-the-united-states/\)](https://www.ocregister.com/2021/04/21/san-bernardino-riverside-and-los-angeles-counties-rank-as-top-three-for-bad-air-in-the-united-states/). Exhibit C.

“The five-county Los Angeles region is the smoggiest metro area in the country for the 21st time in the 22 years that the American Lung Association has been issuing the rankings, according to the “State of the Air 2021” report released Tuesday, April 20, by the group”

[\(https://www.ocregister.com/2021/04/21/san-bernardino-riverside-and-los-angeles-counties-rank-as-top-three-for-bad-air-in-the-united-states/\)](https://www.ocregister.com/2021/04/21/san-bernardino-riverside-and-los-angeles-counties-rank-as-top-three-for-bad-air-in-the-united-states/).

Ozone Ranking	State	County
1	CA	San Bernardino
2	CA	Riverside
3	CA	Los Angeles
4	CA	Kern
5	CA	Tulare
6	CA	Fresno
7	AZ	Maricopa
8	CA	Nevada
9	CA	San Diego
10	CA	Placer
11	CA	Kings
12	UT	Salt Lake
12	CO	Jefferson
14	CA	Stanislaus
15	CA	El Dorado
16	TX	Harris
17	NV	Clark
18	NM	Doña Ana
19	CT	Fairfield
20	CA	Imperial
21	CA	Madera
22	CO	Douglas
22	CA	Mariposa
24	NM	Eddy
25	CA	Orange

Mead Valley qualifies as a poor disadvantaged community of color with some of the worst air pollution in the nation. Yet a disproportionate number of truck intensive logistics warehouses are being approved and built in our community. SCAQMD classifies the region as a non-attainment area.

Under state law: “[E]nvironmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (Gov. Code, § 65040.12, subd. (e)).

“One of those tools is the [California Environmental Quality Act \(CEQA\)](#). CEQA requires government agencies in California to consider potentially significant environmental impacts on communities already burdened with pollution when reviewing and permitting new projects. The Attorney General is particularly concerned that land use planning and permitting decisions consider and address any additional burdens on environmental justice communities”. (Attorney General Letter to the Riverside County Planning Department, Feb. 24, 2021).

“Senate Bill 1000 (“SB 1000”) requires local governments with disadvantaged communities to develop an environmental justice element or related goals, policies, and objectives (collectively, an “EJ element”) in its general plan that meet certain requirements. Gov. Code § 65302(h)(1).

The EJ element must “reduce the unique or compounded health risks in disadvantaged communities” by reducing pollution exposure, improving air quality, and promoting public facilities, food access, safe and sanitary homes, and physical activity. Id. § 65302(h)(1)(A). To meet these requirements, an EJ element should include specific and targeted measures that implement the policies in a local government’s EJ element. These implementation measures are essential for ensuring that a government’s environmental justice-related plans translate into actual improvements for disadvantaged communities” (Attorney General Letter to the Riverside County Planning Department, Feb. 24, 2021). Exhibit A.

Government Code section 11135, subdivision (a) provides in relevant part: No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state....

AB-1628 Environmental Justice
SEC. 4.

Section 30107.3 of the Public Resources Code is amended to read:

(a) “Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(b) “Environmental justice” includes, but is not limited to, all of the following:

- (1) The availability of a healthy environment for all people.
- (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.
- (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision-making process.
- (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

Sensitive receptors are just 627 feet from the Project Site on Rider Street and a High School is just over 1600 feet from the project.

It is well established that “[t]he significance of an activity depends upon the setting.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 [citing CEQA Guidelines, § 15064, subd. (b)]; see also *id.* at 721; CEQA Guidelines, § 15300.2, subd. (a) [noting that availability of listed CEQA exceptions “are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.”]) For example, a

proposed project's particulate emissions might not be significant if the project will be located far from populated areas, but may be significant if the project will be located in the air shed of a community whose residents may be particularly sensitive to this type of pollution, or already are experiencing higher-than-average asthma rates. A lead agency therefore should take special care to determine whether the project will expose "sensitive receptors" to pollution (see, e.g., CEQA Guidelines, App. G); if it will, the impacts of that pollution are more likely to be significant.³ In addition, CEQA requires a lead agency to consider whether a project's effects, while they might appear limited on their own, are "cumulatively considerable" and therefore significant. (Pub. Res. Code, § 21083, subd. (b)(3).)

"'[C]umulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future 3 "[A] number of studies have reported increased sensitivity to pollution, for communities with low income levels, low education levels, and other biological and social factors. This combination of multiple pollutants and increased sensitivity in these communities can result in a higher cumulative pollution impact." Office of Environmental Health Hazard Assessment, *Cumulative Impacts: Building a Scientific Foundation* (Dec. 2010), Exec. Summary, p. ix, available at <http://oehha.ca.gov/ej/cipa123110.html>. projects." (*Id.*) This requires a local lead agency to determine whether pollution from a proposed project will have significant effects on any nearby communities, when considered together with any pollution burdens those communities already are bearing, or may bear from probable future projects. Accordingly, the fact that an area already is polluted makes it *more likely* that any additional, unmitigated pollution will be significant. Where there already is a high pollution burden on a community, the "relevant question" is "whether any additional amount" of pollution "should be considered significant in light of the serious nature" of the existing problem. (*Hanford, supra*, 221 Cal.App.3d at 661; see also *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 [holding that "the relevant issue ... is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools."])

The economic and social effects of a physical change to the environment may be considered in determining whether that physical change is significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (b).) The CEQA Guidelines illustrate: "For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant." (*Id.* at § 15131, subd. (b); see also *id.* at § 15382 ["A social or economic change related to a physical change may be considered in determining whether the physical change is significant."])

Truck Traffic using Cajalco Road, El Sobrante and La Sierra will cause significant harm to the communities of Mead Valley, Lake Mathews and La Sierra. The Project truck traffic analysis shows all trucks using Rider east of Harvill, Harvill Ave, Placentia Ave, and Cajalco east of Harvill to the I-215 Freeway.

Alternatives and Mitigation

CEQA's "substantive mandate" prohibits agencies from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that would

substantially lessen or avoid those effects. (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134.) Where a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project's impacts to that community or subgroup. (See CEQA Guidelines, § 15041, subd. (a) [noting need for "nexus" between required changes and project's impacts].)

The Project must be redesigned to have access off Rider Street and no truck access off of Harvill.

Project alternatives to include the currently zoning of M-H Manufacturing Heavy. The Community would benefit from manufacturing facilities. The site currently has a rail spur that would benefit from manufacturing land uses. The County continues to approve massive logistics warehouses with no regard to the needs of the community for trade jobs. Manufacturing industry would reduce truck traffic and increase higher income jobs.

No Project Alternative.

Depending on the circumstances of the project, the local agency may be required to consider alternative project locations (see *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404) or alternative project designs (see *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1183) that could reduce or eliminate the effects of the project on the affected community.

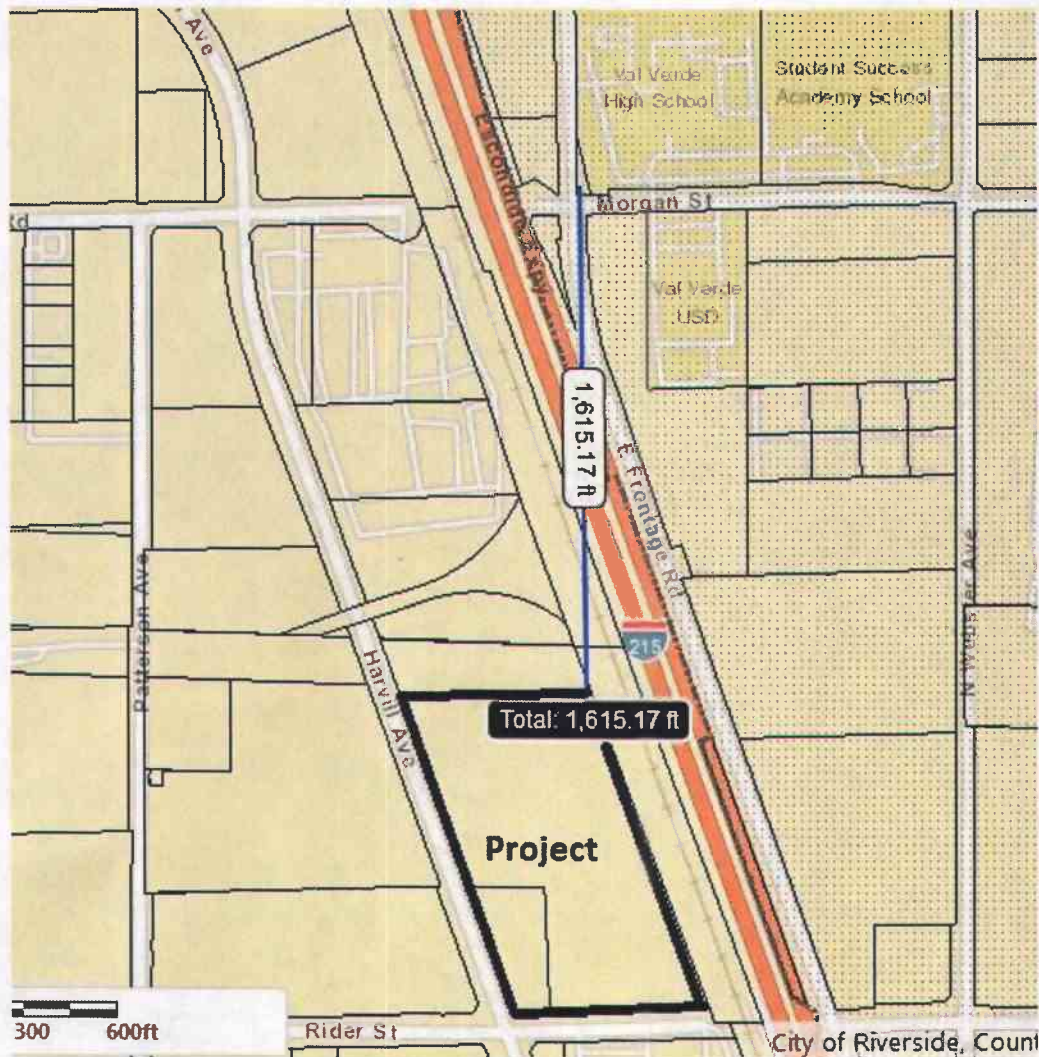
The lead agency should discuss and develop mitigation in a process that is accessible to the public and the affected community. "Fundamentally, the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation between a project proponent and the lead agency after project approval; but rather, an open process that also involves other interested agencies and the public." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.) Further, "[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (CEQA Guidelines, § 15126.4, subd. (a)(2).)

Transparency in Statements of Overriding Consideration

Under CEQA, a local government is charged with the important task of "determining whether and how a project should be approved," and must exercise its own best judgment to "balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian." (CEQA Guidelines, § 15021, subd. (d).) A local agency has discretion to approve a project even where, after application of all feasible mitigation, the project will have unavoidable adverse environmental impacts. (*Id.* at § 15093.) When the agency does so, however, it must be clear and transparent about the balance it has struck. To satisfy CEQA's public information and informed decision making purposes, in making a statement of overriding considerations, the agency should clearly state not only the "specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits" that, in its view, warrant approval of the project, but also the project's "unavoidable adverse environmental effects[.]" (*Id.* at subd. (a).) If, for example, the benefits of the project will be enjoyed widely, but the environmental burdens of a project

will be felt particularly by the neighboring communities, this should be set out plainly in the statement of overriding considerations.

As part of the enforcement process, “[i]n order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented,” the local agency must also adopt a program for mitigation monitoring or reporting. (CEQA Guidelines, § 15097, subd. (a).) “The purpose of these [monitoring and reporting] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) Where a local agency adopts a monitoring or reporting program related to the mitigation of impacts to a particular community or sensitive subgroup, its monitoring and reporting necessarily should focus on data from that community or subgroup. (State of California Department of Justice Letter **Environmental Justice at the Local and Regional Level Legal Background**). Exhibit B.



Riverside County's Good Neighbor Policy for Logistics and Warehouse/Distribution Uses ("Good Neighbor Policy"), which was approved by the Board of Supervisors on November 19, 2019, should be included in the analysis. The Good Neighbor Policy was created to provide "a framework through which large-scale logistics and warehouse projects can be designed and operated in a way that lessens their impact on surrounding communities and the environment." (Attorney General Letter to the Riverside County Planning Department, Feb. 24, 2021).

The County has yet to adopt the Environmental Justice element into the General Plan. This Project completely ignores the community of Mead Valley and the health and safety impacts that logistics warehouses are having on our residents.

Sensitive receptors are just 627 feet from the Project site. Hundreds of residents live off of Rider Street at Country Place. The Specific Plan allows for hundreds of additional homes within the Country Place Development.



The local freeways are now impacted with gridlocked traffic a significant portion of the day. This has and is continuing to result in truck traffic from local logistics warehouses using Cajalco Road, El Sobrante, La Sierra Ave. and our local roads to travel to the I-91 freeway bypassing the I-215 and I-60. The air quality along the Cajalco Corridor continues to be negatively impacted by the ever-increasing logistics trucks traveling along this route. Numerous elementary schools are along and in close proximity to Cajalco Road and La Sierra Ave.

Project	Quantity	Units ²	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Project Trip Generation Summary (PCE)									
Harvill & Rider Warehouse									
General Light Industrial (15%)	50,249	TSF							
Passenger Cars:			24	3	27	3	22	25	196
Truck Trips:									
2-axle:			4	1	5	0	3	3	30
3-axle:			2	0	2	0	2	2	20
4+-axle:			9	1	10	1	8	9	72
			- Truck Trips (PCE)						
			15	2	17	1	13	14	122
High-Cube Transload Short-Term Warehouse (85%)	284,746	TSF							
Passenger Cars:			12	4	16	6	16	22	270
Truck Trips:									
2-axle:			1	0	1	0	1	1	32
3-axle:			2	1	3	1	2	3	54
4+-axle:			10	3	13	3	8	11	242
			- Truck Trips (PCE)						
			13	4	17	4	11	15	328
			TOTAL TRIPS (PCE)						
			64	13	77	14	62	76	916

¹ Trip Generation Source: Institute of Transportation Engineers (ITE), *Trip Generation Manual*, Tenth Edition (2017).

² TSF = Thousand Square Feet

³ Vehicle Mix Source: City of Fontana *Truck Trip Generation Study*, August 2003.

⁴ Truck Mix Source: SCAQMD *Warehouse Truck Trip Study Data Results and Usage* (2014).

Normalized % - Without Cold Storage.

Truck Trips per day. Appendix K Traffic. Impact Analysis Page 34.

TABLE 3-7: SUMMARY OF PEAK OPERATIONAL EMISSIONS (2 OF 2)

Operational Activities – Winter Scenario	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	7.62	7.90E-04	0.09	1.00E-05	3.10E-04	3.10E-04
Energy Source	0.05	0.49	0.41	2.91E-03	0.04	0.04
Mobile Source (Passenger Cars)	1.18	1.08	14.43	0.05	5.23	1.40
Mobile Source (Trucks)	1.20	41.50	8.16	0.14	6.04	2.15
On-Site Equipment Source	0.14	1.55	0.77	3.17E-03	0.05	0.05
Total Maximum Daily Emissions	10.19	44.61	23.86	0.19	11.36	3.64
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: CalEEMod operational-source emissions are presented in Appendices 3.2 and 3.3.

Appendix A1

The MND does not include an emissions study for offsite trucks bringing fill dirt to the Project Site during construction. The daily NO_x emissions for offsite trucks would far exceed the Regional Threshold required by SCAQMD.

Operational Emissions Appendix A-1 Page 47.

TABLE 3-4: OVERALL CONSTRUCTION EMISSIONS SUMMARY – WITHOUT MITIGATION

Year	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
2020	5.89	88.57	36.61	0.16	14.17	6.94
2021	47.98	59.45	49.37	0.13	6.73	3.35
Winter						
2020	5.92	88.81	37.04	0.16	14.17	6.94
2021	47.96	59.40	47.30	0.13	6.73	3.35
Maximum Daily Emissions	47.98	88.81	49.37	0.16	11.48	6.65
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: CalEEMod construction-source (unmitigated) emissions are presented in Appendix 3.1.

Operational Emissions Appendix A-1 Page 41.

Air Quality and Greenhouse Gases

The Project is located within the South Coast Air Basin (SCAB). Residents in this region experience the worst air quality in the nation. Diesel trucks, which would be a large component of this Project, emit many harmful pollutants including ultrafine particles, diesel particulate matter (a known carcinogen), and nitrogen oxides (NO_x).

4.3 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below (x) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agriculture & Forest Resources	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Transportation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Land Use /Planning	<input checked="" type="checkbox"/> Tribal Cultural Resources
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities / Service Systems
<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Energy	<input checked="" type="checkbox"/> Paleontological Resources	<input checked="" type="checkbox"/> Mandatory Findings of Significance
<input type="checkbox"/> Geology / Soils	<input type="checkbox"/> Population / Housing	
<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services	

Air Quality and Transportation are not checked and yet are a significant part of the analysis and Environmental Analysis for this Project.

California State law requires a 5-minute idling time. Idling time allowed for the Project is 15 minutes. Conflicting statements are included in the EA regarding idling time. This greatly impacts the air quality studies. State law must be followed which is 5 minutes at each location.

Plot Plan No. 190039, Change of Zone No. 2000008

***Harvill and Rider MND
CEQA Case No. CEQ190175***

Applicable Regulatory Requirements.

- The Project is required to comply with CALGreen, including all Nonresidential Mandatory Measures, including but not limited to requirements for bicycle parking, parking for clean air vehicles, charging stations, lighting, water conservation, waste reduction, and building maintenance. The provisions of CALGreen reduce energy use and fossil fuel use.
- Diesel-fueled vehicles at the Project site are required to comply with the CARB idling restriction requirements, which currently restrict vehicles from idling for more than 5 minutes. Prior to building permit final inspection, the County of Riverside will verify that signs are posted in the Project's truck courts specifying the idling restriction requirement.

Mitigation: No mitigation is required.

Monitoring: No monitoring is required.

Air Quality

Based on SCAQMD guidance, any direct exceedance of a regional or localized threshold also is considered to be a cumulatively considerable effect, while air pollutant emissions below applicable regional and/or localized thresholds are not considered cumulatively considerable. As discussed in Threshold 6,, the Project would not a) conflict with or obstruct implementation of the applicable air quality plan; b) result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard; c) expose sensitive receptors, which are located within one (1) mile of the Project site, to substantial pollutant concentrations; or d) result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant and the Project would have no potential to cause a cumulatively considerable impacts associated with air quality.

Traffic impacts are artificially limited to evaluation of the immediate Project area, where the Project impacts a greater geographic area. Specifically, the MND inadequately considers northbound traffic trips to use Cajalco Road as an east/west route. Cajalco Road is just .3 miles from the Project and is regularly a faster route to/from the ports than the using the northbound I-215 Freeway. The County of Riverside and RCTC has plans to expand Cajalco Road in the near future. As the lead agency, the County must assume that Project traffic will travel north to Cajalco and west on Cajalco Road to reach the I-91 Freeway.

The Traffic Impact analysis does not include Rider Street and Seaton Ave. west of Harvill. Trucks will be using Rider to Seaton to access Cajalco Road. There is no analysis of trucks using Cajalco Road west of Harvill. Trucks from this project will take Cajalco to El Sobrante to La Sierra to access the I-91 Freeway. Air Pollution and traffic congestion along this route has not been analyzed in the MND.

The Project Biological Resources.

“The proposed Project would result in impacts to “potential” State jurisdictional waters and upland foraging habitat for special-status species, including MSHCP covered species. State jurisdictional waters are defined as “potential” in this report and described in more detail in Section 4.10” (Appendix B1 - Biological Report page ii).

5.2.2 Special-Status Animals

The proposed Project will result in the loss of habitat with varying degrees of potential to support foraging by the following special-status species: loggerhead shrike (SSC), northern harrier 42 (SSC), and white-tailed kite (CFP). Page 41- 42).

5.3 Sensitive Vegetation Communities

Appendix G(a) of the CEQA guidelines asks if a project is likely to “have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.”

The proposed Project would permanently impact approximately 16.74 acres of disturbed lands [Exhibit 8 – Vegetation/Land Use Impact Map]. Permanent impacts include approximately 5.41 acres of disturbed/developed (4.21 acres of which occur in association with the Project site and 1.20 acres of which occur in association with Offsite Improvement areas); and 11.33 acres of disturbed/ruderal (10.56 acres of which occur in association with the Project site and 0.77 acre of which occur in association with Offsite Improvement areas). Table 5-1 provides a summary of impacts to vegetation/land use types. Page 42).

This project is of Regional and State concern and is required to be sent off to the State Clearinghouse for review.

The California Environmental Quality Act (CEQA) generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible. If a project subject to CEQA will not cause any adverse environmental impacts, a public agency may adopt a brief document known as a Negative Declaration. If the project may cause adverse environmental impacts, the public agency must prepare a more detailed study called an Environmental Impact Report (EIR). An EIR contains in-depth studies of potential impacts, measures to reduce or avoid those impacts, and an analysis of alternatives to the project. A key feature of the CEQA process is the opportunity for the public to review and provide input on both Negative Declarations and EIRs. The laws and rules governing the CEQA process are contained in the CEQA statute (Public Resources Code Section 21000 and following), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures. (<https://opr.ca.gov/ceqa/>).

AOC resin factory is rated as a major polluter creating over 100 tons of emissions per year.

Site Preparation

- Initial site preparation should include stripping of the existing native grass and weed growth, organic topsoil materials.

- **Native alluvium was encountered at the ground surface at most of the boring locations, except for boring No. B-4, which encountered artificial fill soils beneath the existing asphaltic concrete pavements. The near surface alluvium possesses variable densities and some of the near surface soils, possess a moderate to severe potential for hydrocollapse.** Therefore, remedial grading is recommended to remove a portion of the near surface native alluvium and replace these soils as compacted structural fill soils. Additionally, the fill soils encountered at Boring No. B-4 possess loose relative densities and are considered to consist of undocumented fill. Therefore, the fill soils are not considered suitable for the support of the new structure. The recommended remedial grading should also remove any existing fill materials from the proposed building pad area. The proposed building area should be over excavated to a depth of at least 5 feet below existing grade and to a depth of 5 feet below the proposed building pad subgrade elevation. Within the foundation influence zones, the overexcavation should extend to a depth of at least 3 feet below proposed foundation bearing grade. **The over excavation should extend horizontally at least 5 feet beyond the building perimeter. Additional over excavation will be necessary in localized areas, such as in the vicinity Boring No. B-2, to remove potentially collapsible, low density, soils which extend to depths of 7 to 8± feet below existing site grades.**
- We understand that two underground storage tanks were removed from the southern portion of the subject site. The materials used to backfill these excavations likely consist of undocumented fill soils or pea gravel. Therefore, additional overexcavation will be necessary in the area of these tanks if they are located within the proposed building pad area.
- After overexcavation has been completed, the resulting subgrade soils should be evaluated by the geotechnical engineer to identify any additional soils that should be removed. The resulting subgrade should then be scarified to a depth of 12 inches and moisture conditioned to 2 to 4 percent above optimum. The previously excavated soils may then be replaced as compacted structural fill. All structural fill soils should be compacted to at least 90 percent of the ASTM D-1557 maximum dry density.
- The new pavement and flatwork subgrade soils are recommended to be scarified to a depth of 12± inches, thoroughly moisture conditioned and recompacted to at least 90 percent of the ASTM D-1557 maximum dry density.
(Appendix E1 – Geotechnical Investigation Report, Page 1).

“Therefore, the fill soils are not considered suitable for the support of the new structure. The recommended remedial grading should also remove any existing fill materials from the proposed building pad area” (Appendix E1 – Geotechnical Investigation Report, Page 1).

The Project site requires removal and replacement of tons of fill. Untold number of dirt hauling trucks trips would be required to provide replacement soil for the Project. These off site truck trips are not part of the MND and emissions study.

As a part of our research for this geotechnical investigation, we used the California State Water Resources Control Board, GeoTracker, website (<http://geotracker.waterboards.ca.gov/>) to search for information regarding historic high groundwater levels near the subject site. In the course of our research of this database, we learned that two (2) underground storage tanks (UST) were present in the southern region of the site. In addition, GeoTracker identifies this portion of the site as a Leaking Underground Storage Tank (LUST) Cleanup Site, which is defined as a "site that has had an unauthorized release (i.e. leak or spill) of a hazardous substance, usually fuel hydrocarbons, and are being (or have been) cleaned up." GeoTracker noted a cleanup action case (T0606500587) for this portion of the site which was opened on June 25th, 1998 and closed August 4th, 2000. The cleanup action case summary indicates that two (2) 10,000-gallon diesel USTs were removed on June, 1998. Based on the report, we understand that the two tanks were located within the developed area in the southern portion of the overall site, south of the large silo structures.

The soil surrounding the area of the removed underground storage tanks must be tested. The Geotechnical report assumes that the cleanup action previously performed adequately removed all pollutants created from the diesel leaks on the Project site.

"Based on the results of laboratory testing, the near-surface alluvium encountered with the upper 6 to 8± feet possess moderate to severe collapse potential when inundated with water. Some of the soils encountered at the upper 5 to 6± feet at the boring locations were visually observed to be slightly to moderately porous. Based on the porosity and collapse potential of the near surface soils, near surface alluvium, in its present state, is not considered to be suitable for the support of the new structure. Remedial grading is considered warranted within the proposed building area, in order to remove a portion of the near surface alluvium and replace these materials as compacted structural fill" (Appendix E1 – Geotechnical Investigation Report Page 12).

Additional remedial grading will be necessary in the area of Boring No. B-2 where lower density, collapsible soils extend to depths of 7 to 8± feet. Additional overexcavation may also be required in other localized areas if loose, porous materials are encountered at the base of the overexcavation. As discussed in Section 3.1 and 6.2, two underground storage tanks were removed from the southeastern portion of the site. The depths and locations of these tanks are presently unknown to SCG. If these tanks were located within the proposed building pad area, additional overexcavation will be required to remove the undocumented fill soils or pea gravel used to backfill the tank removal excavations.

Appendix E1 – Geotechnical Investigation Report Page 14 .

6.4 Construction Considerations

Excavation Considerations

The near surface soils generally consist of silty sands, clayey sands, and sandy clays. These materials will likely be subject to minor caving within shallow excavations. Where caving occurs within shallow excavations, flattened excavation slopes may be sufficient to provide excavation stability. On a preliminary basis, the inclination of temporary slopes should not exceed 1.5h:1v. Deeper excavations may require some form of external stabilization such as shoring or bracing. Maintaining adequate moisture content within the near-surface soils will improve excavation stability. All excavation activities on this site should be conducted in accordance with Cal-OSHA regulations. Appendix E1 – Geotechnical Investigation Report Page 16.



Trucks and vehicles will be entering and exiting just a few feet south of a very narrow, winding, dipping and dangerous railroad crossing. The potential for deadly accidents will increase substantially.

CEQ/EA 190175 fails to include the dangers from transporting highly toxic chemicals such as Chlorine using the Harvill railroad crossing to the EMWD water treatment facility. AOC transports their highly toxic chemicals using Harvill and Rider Streets. Trucks backed up along Harvill pose an extreme danger to the public at large. The I-215 Freeway is a short distance from the railroad crossing. There is no analysis regarding the railroad crossing or even mention of the railroad crossing in the Environmental Analysis. There is no mitigation within the Environmental Analysis.

There must be a complete analysis of the railroad crossing and the negative impacts created by the entrance and exit located just feet away. Logistics trucks with a length of over 70 feet will have difficulty turning right onto Harvill just feet from the crossing. The Project does not include a right turn lane adding to the dangers and increasing the idling time significantly. The Air Quality reports are therefore substantially under measured. A new analysis must be performed.

Harvill Ave at the railroad crossing is a narrow and winding road. The RR gates and signs obstruct the view of Harvill south of the crossing. Idling times could easily be 30 minutes to one hour.

The complete lack of mitigation measures adopted to address significant and unavoidable air quality impacts shows the utter inadequacy of CEQ190175. The Environmental Assessment does

not require any further mitigation, and defers completely to the flawed analysis and mitigation required by EA. Many mitigation measures are based on unenforceable standards and are uncertain, as well.

According to SCAQMD, "Under state law, trucks are prohibited from idling for longer than five minutes, unless they have a "Clean-Idle" sticker indicating the engine has very low emissions under idle conditions" (SCAQMD Inspections Help Prevent Excess Truck Idling). This Project must follow State law.

Ingress and egress to the site is inadequate. The Project proposes two 40-foot driveways. Logistics trucks are frequently 70 feet or more in length, therefore the driveways will not allow for even one truck. Certainly not adequate for this type of high truck intensive facility.

Living Spaces is an example of short driveways as logistics trucks are stuck in the roadway while trying to enter behind the gate.

Driveways must accommodate a minimum of three trucks or 250 feet.

There is no right lane for trucks to enter the facility on Harvill. Trucks will be lined up in the middle of Harvill just like the Living Spaces warehouse.

We are putting thousands of residents' lives at risk.

The lack of access creates increased idling times and air pollution significantly. This has not been addressed in CEQ190175.

Harvill is a Major Highway. Full width is 118 feet not 108 feet.

Whether there are highway signs currently posted or not, the County has classified this road as a major highway. At build out thousands of additional cars and trucks will be using this road.



1 INTRODUCTION

This report presents the results of the traffic impact analysis (TIA) for the proposed Harvill and Rider Warehouse development ("Project"), which is located on the northeast corner of Harvill Avenue and Rider Street, as shown on Exhibit 1-1.

The purpose of this TIA is to evaluate the potential impacts related to traffic and circulation system deficiencies that may result from the development of the proposed Project, and to recommend improvements to resolve identified deficiencies and to achieve acceptable circulation system operational conditions. This traffic study has been prepared in accordance with the County of Riverside's Traffic Impact Analysis Preparation Guide (August 2008) and through consultation with County of Riverside staff during the scoping process. (1) The approved Project Traffic Study Scoping agreement is provided in Appendix 1.1 of this TIA.

1.1 SUMMARY OF FINDINGS

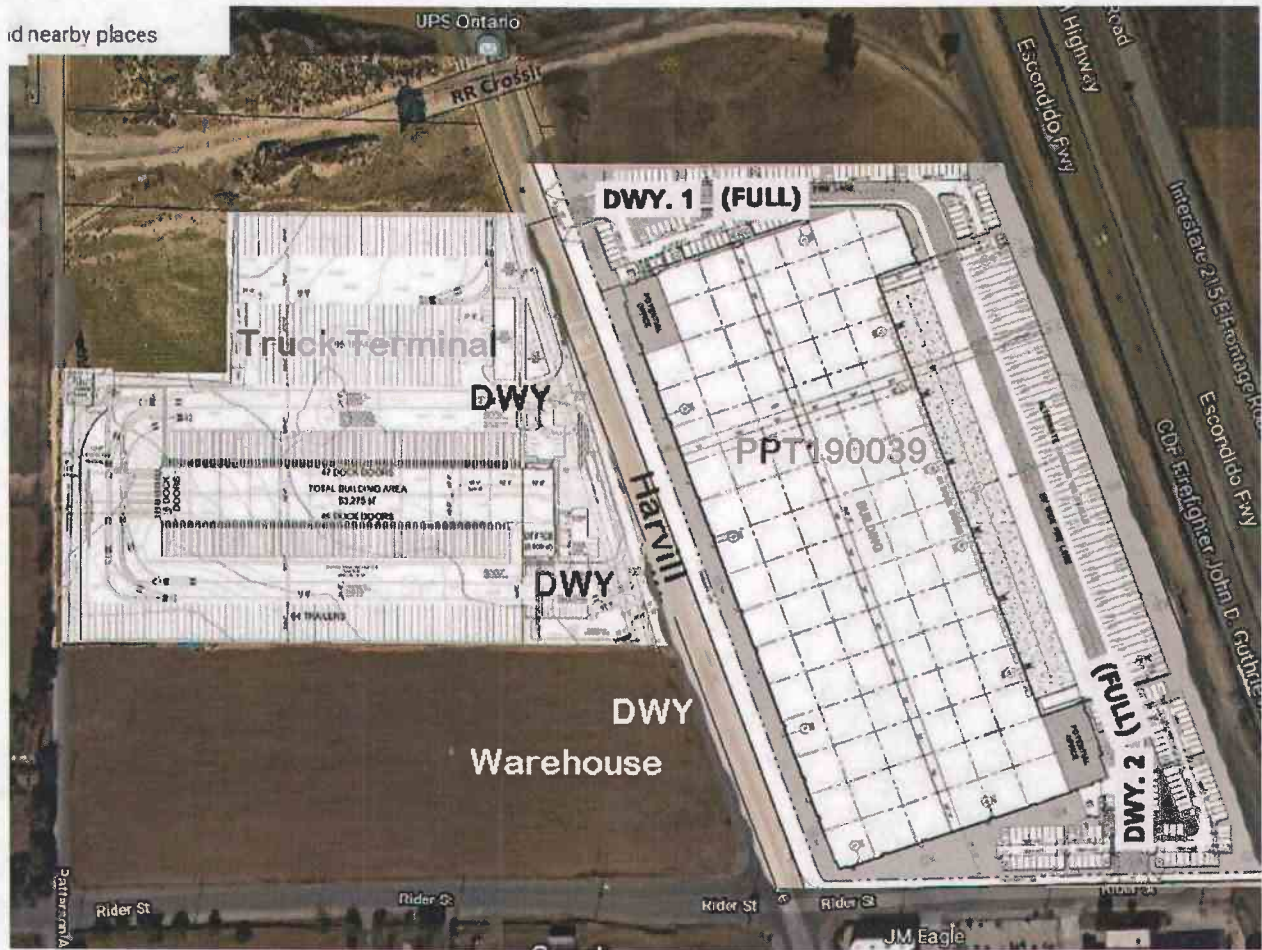
The Project is proposing to construct the following improvements as design features in conjunction with development of the site:

- Project to construct Rider Street from Harvill Avenue to the Project's eastern boundary at its ultimate half-section width as a Secondary Frontage Road (85-foot right-of-way) in compliance with the circulation recommendations found in the County of Riverside General Plan Circulation Element.
- Project to construct Harvill Avenue from the Project's northern boundary to Rider Street at its ultimate half-section width as a Major Highway (118-foot right-of-way) in compliance with the circulation recommendations found in the County of Riverside General Plan Circulation Element.
- Construct Driveway 1 on Harvill Avenue as cross-street stop-controlled intersection with full access.

Will there be a four way stop intersection at Harvill and Driveway 1?



Driveway entrance 1 shows trucks entering and exiting onto Harvill Ave. Trucks will be turning left from Harvill entering the Project. The Project does not show a left turn lane along Harvill Ave. No trucks should be allowed to enter from Harvill. No trucks can be allowed to turn left from Harvill. There is no indication of a four way stop intersection.



Four driveways will be located on Harvill between Rider and the railroad crossing.

CEQ190175 does not include analysis of the Mid-County Parkway set to be completed in the next 5 years. A complete traffic analysis that includes all traffic impacts must be included in CEQ190175.

CEQ190175 inadequately analyzes the Placentia Intersection off ramp and onramp Project. The Placentia Intersection is part of the Mid-County Parkway Project. "CEQA requires that the Lead Agency, through its initial study, evaluate the whole of a project." The Mid-County Parkway will bring substantial truck and vehicle traffic that would otherwise use the Ramona Expressway / Cajalco Road from the San Jacinto area where a large number of massive warehouses are being constructed and approved. Much of this traffic will exit the Placentia off ramp to Harvill Ave and go north to Cajalco Road to bypass the local freeways to access the I-91 Freeway. This has not been mitigated in the EA.

B. An initial study formalizes the Lead Agency's preliminary analysis to determine whether an EIR or Negative Declaration must be prepared. Most commonly, the initial study is based upon a checklist, which illuminates the various environmental impacts which may result from project completion. The checklist, however, is only one part of the initial study. The initial study must also give support for the checklist findings and

note or reference the source or content of the data relied upon in its preparation. Simply filling out an initial study checklist without citing supporting information is insufficient to show the absence of significant effects (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296). At the same time, the initial study is not intended to provide the thorough analysis expected of a complete EIR. (*Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal. App. 3d. 1337 and *San Joaquin Raptor/ Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal. App. 4th 608). Supporting information may include specific studies, which examine the potential significance of an anticipated environmental effect. It may include references to previous environmental documents or other information sources. In any case, a thorough, referenced 2 initial study is a crucial part of the record supporting the Lead Agency's determination to prepare a MND. CEQA requires that the Lead Agency, through its initial study, evaluate the whole of a project. A project must not be broken into smaller parts, each of which alone might qualify for a Negative Declaration, in an attempt to avoid preparing an EIR (*Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151). The decision to prepare a Negative Declaration or a MND must be grounded in an objective, good faith effort on the part of the Lead Agency to review the project's potential for significant impacts (*Sundstrom v. County of Mendocino*, supra). (Mitigated Negative Declarations). http://opr.ca.gov/docs/MND_Publication_2004.pdf

RCTC -Mid-County Parkway- “Construction Contract #2 covers a new non-tolled route north of Placentia Avenue, from Redlands Avenue to Ramona Expressway, providing a quicker route from the Lakeview/San Jacinto area to I-215. The new roadway will also serve as an alternative to heavily traveled Ramona Expressway/Cajalco Road” (RCTC, <https://www.rctc.org/seeksfunding-mcp-2/>).

The Ramona Expressway traffic currently has over 34,000 vehicle trips per day. Much of this traffic will be using the Mid County parkway in the future. This has not been analyzed in the MND.

5.1.16 Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>Would the project:</i>				
37. Transportation				
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Cause an effect upon, or a need for new or altered maintenance of roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Cause an effect upon circulation during the project's construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Result in inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Project Application Materials (HPA, 2020a) (Webb, 2020a); Riverside County General Plan (Riverside County, 2015a); Riverside County General Plan, Circulation Element (Riverside County, 2017); Urban Crossroads, Traffic Impact Analysis (Urban Crossroads, Inc., 2020f); Urban Crossroads, Vehicle Miles

The Project has Significant Impacts (see section c. check mark box shows less than significant). Substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections). CEQ190175 is fatally flawed, as it does not include the minimal safety measures to protect the residents of Mead Valley from extremely unsafe conditions being proposed in this Project. Design features include a driveway on Harvill Ave. just south of the railroad crossing that allows trucks to turn left and right into the facility without a left turn lane.

CEQ190175 fails to include the dangers from transporting highly toxic chemicals such as Chlorine using the Harvill railroad crossing to the EMWD water treatment facility. AOC transports their highly toxic chemicals using Harvill and Rider Streets. Trucks backed up along Harvill pose an extreme danger to the public at large. The I-215 Freeway is a short distance from the railroad crossing. There is no analysis regarding the railroad crossing or even mention of the railroad crossing in the Environmental Analysis. There is no mitigation within the Environmental Analysis.

“The Perris Water Filtration Plant (PWFP) treats both Colorado River and SWP waters. This plant uses the latest ultrafiltration technology to remove particulate contaminants to produce quality, potable water. The PWFP serves Lakeview, Nuevo, Romoland, Homeland, and Juniper Flats. This plant uses **chloramine and Chlorine** for final disinfection” (Your 2019 Water Quality CONSUMER CONFIDENCE REPORT) (https://www.emwd.org/sites/main/files/file-attachments/emwd_2019_ccr_final.pdf?1592249189).

“Toxic inhalation hazard (TIH) chemicals such as chlorine gas and anhydrous ammonia are among the most dangerous of hazardous materials” (Harvard Kennedy School of Government Report 2010, page 2).

“TIH chemicals are among the most dangerous hazardous materials because they are very toxic and they can spread easily in the air if released” (Harvard Kennedy School of Government Report 2010, page 4).

Thus, it is critical that the Project have no vehicle access off Harvill Ave. In addition, an emergency access driveway on Harvill must be included in the Project.

North is the railroad spur and railroad crossing used to bring Chlorine and chemicals to the EMWD water treatment facility. There are a number of homes as well as vacant property. Northwest of the property is the EMWD Treatment facility. Across Harvill is a proposed Truck Terminal warehouse that has two entrances along Harvill with 554 truck trips per day. This project will bring an additional 122 truck trips per day. Well over 700 truck trips per day. The accumulated truck trips along this one block area next to a dangerous railroad crossing is far too dangerous.

CEQ190175 is flawed and will create an extremely dangerous condition on Harvill Ave. No entrances and exits should be allowed onto Harvill Ave. a major highway with speeds over 50 mph.

CEQ190175 is fatally flawed, as it does not include a right lane for trucks to que along Harvill Ave. This is a repeat of the very dangerous and flawed Living Spaces warehouse where trucks are parked in the middle of the road and not even one logistics truck can enter the facility.

Harvill cannot support that many truck trips per day along a one block area. There is an additional warehouse at the corner of Harvill and Rider with an entrance/exit onto Harvill.

The traffic analysis is flawed. A new traffic study must be created.

CEQ190175 did not include an analysis of trucks from this Project using Cajalco Road. The Project assumes that all trucks will use the I-215 Freeway. Currently a large number of trucks from warehouses and a truck terminal (central Freight) use Cajalco Road to El Sobrante to La Sierra. The air quality and traffic studies do not include those negative impacts to the thousands of residents in Mead Valley, Lake Mathews and the City of Riverside.