

**Appendix FEIR-7**  
**Bracketed Draft EIR Comment Letters**



Community Development  
Department  
Planning Division

*City of Arts & Innovation*

July 31, 2023

Thomas Gorham  
Principal Planner  
Community Development Department  
8930 Limonite Avenue  
Jurupa Valley, CA 92509

Subject: City of Riverside's Review of a Notice of Availability of a Draft Environmental Impact Report for The District at Jurupa Valley

Dear Mr. Gorham:

Thank you for the opportunity to comment on the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the District at Jurupa Valley Specific Plan project.

The City of Riverside (City) understands that the proposed The District at Jurupa Valley project consists of a new specific plan (The District at Jurupa Valley Specific Plan) that would replace the Emerald Meadows Ranch Specific Plan and EIR that was approved by Riverside County in 2005. We also understand that the new specific plan will permit the development of up to 1,192 residential units; 3 million square feet of commercial and industrial land uses; a hotel with conference and hospitality area; and 7 acres of parks and open space.

A-1

The City has reviewed the DEIR, and we wish to provide the following comments:

Community & Economic Development Department – Planning Division

- **Executive Summary**
  - **1.4 Summary of Environmental Impacts**
    - **Table 1.0-1 Impacts and Mitigation Measures**
      - MM AQ-3: Vehicle Trip Reduction – TDM Requirements for Non-Residential Uses: Begins with “The Project Applicant shall consult with the local transit service provider” – Consultation is not an effective or adequate measure to reduce vehicle trip generation associated with the project. The actual reduction in vehicle trips generated by the act of “consultation” must be quantified. If this is not possible, the mitigation measure should be modified to require specific action on the part of the Project Applicant related to multimodal transit accessibility and/or readiness that can be shown to have a measurable effect on trip generation.
      - MM TRANS-1: Transportation Demand Management Program – 1. Consultation with Riverside Transit Authority: The Project Application shall fund a study on behalf of RTA to determine whether adding bus service would be warranted – Evidence of compliance should be

A-2

A-3

completion and publication of the study itself – not merely correspondence between the Applicant and the transit agency.

A-3  
cont.

- **3.0 Project Description**

- **3.4.2 Proposed Land Uses**

- The Project Description indicates the Project includes 70.3 acres designated for Retail development within the Commercial land use category, with a maximum development yield of 1.2 million square feet. Figure 3.4-1 (Land Use Plan) indicates that some portion of the Commercial Retail land use designation is proposed to have the CR – Integrated Use Overlay. The Project Description does not state the total acreage within the Commercial Retail designation that will receive the Integrated Use Overlay, nor does it disclose what quantity of the anticipated 1.2 million square feet of development in the Commercial Retail designation is attributable to development within the Integrated Use Overlay.

A-4

- The Project Description goes on to describe the intent and typical uses allowed within the CR – Integrated Use Overlay, which are described as having “a traditional ‘brick and mortar’ retail showroom for display and sale of products to the public and may include the following business operations: product assembly/light manufacturing; warehousing; customer pick-up and/or shipping/receiving. Each individual Commercial Retail-Integrated Use shall have a minimum of 10 percent of its total floor area occupied by a retail showroom.” This describes a primarily industrial land use with a strong orientation toward logistics and goods movement uses with a nominal amount of ancillary retail activity.

A-5

- The Air Quality Analysis prepared for the Project (Appendix D1) references the Traffic Impact Analysis prepared for the Project and describes a sum total of 2.4 million square feet (msf) of industrial land uses (1.65 msf Warehousing, 0.3 msf High Cube Fulfillment Center – Non-sort, 0.3 msf High Cube Fulfillment Center – Sort; and 0.15 msf High Cube Cold Storage). Table 3.4-2 of the Project Description only describes 1.5 million square feet of development within the Industrial land use designation. This means that, based on land use assumptions provided in the Traffic Impact Analysis, the Project involves an additional approximately 900,000 square feet of industrial land use activity outside of the Industrial land use designation – which must be assumed to be anticipated within the Retail - Integrated Use Overlay as none of the other proposed land use districts would permit these types of uses.

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- The Project Description, and the subsequent analysis within the EIR, must be revised to address this fact. The EIR must analyze the potential environmental impacts of 2.4 million square feet of industrial (logistics, goods movement, warehousing, etc.) development – not 1.5 million square feet of industrial and 1.2 million square feet of “commercial retail” development. Cumulative impacts must be further reevaluated to address this discrepancy. This mischaracterization of proposed land uses is significant and rises to the level of requiring revision and recirculation of the Draft EIR.

A-7

- **3.4.3 Signage and Monuments**

- The Project Description states the project involves four free-standing freeway-oriented billboard signs – three digital and one static. Figure 3.4-9, however, depicts three combination digital *and* static sign locations and one existing freestanding sign (type not specified). The Project Description, the corresponding Figure, or both should be revised to correct this discrepancy.

A-8

- The Project Description also does not indicate whether the proposed freeway signage will permit off-site advertising for hire or if it will be limited to on-site signage for tenant identification purposes. The Project Description should be revised to clarify and, if off-site advertising for hire is proposed, the EIR should address potential visual and aesthetic impacts of billboard signage in the appropriate sections of the EIR. Mitigation for potential impacts related to light pollution and traffic safety hazards that stem from digital billboard signage should be identified and applied as necessary. CalTrans should be listed as a Trustee/Responsible Agency and the required Landscaped Freeway Declassification and Outdoor Advertising Permit requests listed as required discretionary approvals for the Project. A-9
- **4.1 Aesthetics**
  - **4.1.6 Environmental Impact Analysis**
    - **Threshold (a) - Views of Future Development on the Project Site from the City of Riverside**
      - The Draft EIR fails to discuss how views of the project site may be negatively impacted as seen from higher elevations along the hiking trail that ascends the northern face of Mount Rubidoux. Despite the width of the Santa Ana River and the height of associated dikes and berms, the proposed Project allows for industrial and logistics land uses to be developed up to a height of 75 feet above finished grade in the Industrial land use designation, which is located directly adjacent to the Santa Ana River. At a minimum, the Draft EIR should evaluate how views onto the project site from higher elevations on the Mount Rubidoux hiking trail could be impacted by development of buildings up to 75 feet in height in this area. Photosimulations, cross-sections and other simulated, schematic, or diagrammatic illustrations of areas affected by this scale of development should be provided to substantiate these conclusions. Appropriate mitigation measures, up to and including limitations of allowed building height, should be applied as necessary. A-10
    - **Threshold (c) – Freeway signs**
      - The Draft EIR states that subsequent discretionary approvals for the project will include a Site Development Permit for a Master Sign Program. This section of the Draft EIR does not address whether the Master Sign Program 1) includes off-site advertising for hire (i.e., billboards); 2) whether such billboards will require Declassification of a Classified Landscaped Freeway by CalTrans; and 3) whether such billboards will further require, and would comply with the specific regulations for, an Outdoor Advertising Permit from CalTrans (California Business and Professions Code Sections 5200-5486 and California Code of Regulations Sections 2240-2519). The Draft EIR should be revised to address compliance with these State regulations as they apply to the Project and its proposed freeway signage. Appropriate mitigation measures should be identified and applied as necessary. A-11
  - **4.1.7 – Cumulative Impacts**
    - The Draft EIR states in this section that “The EIR also evaluated impacts to views of Mount Rubidoux in the City of Riverside because it is within one mile of the Project site and is considered a scenic resource by the City of Riverside. Due to the project site's distance from these resources, intervening development, and topography A-12

- relative to these scenic resources [including] Mount Rubidoux." The Draft EIR fails to substantiate this claim through any evidence. With a permitted building height of 75 feet within the Industrial and use classification – located directly adjacent to the Santa Ana River between the Project site and Mount Rubidoux – buildings constructed within this area may potentially obstruct views of Mount Rubidoux from within the Project site, from State Route 60, and from other adjacent areas. The Draft EIR should be revised to address these potential impacts or provide substantial evidence to the contrary. A-12 cont.
- **4.2 Air Quality**
    - **4.2.2 Notice of Preparation/Scoping Comments**
      - The City of Riverside's comment letter was provided April 29, 2022, not April 29, 2023 as stated in the Draft EIR. A-13
    - **4.2.4 Methodology – Area Sources.**
      - As summarized in comments provided on Section 3.4.2 (Proposed Land Uses) above, the quantity of industrial land uses described in the Air Quality Analysis disagrees with the summary of land uses provided in Chapter 3.0 (Project Description). The EIR should be revised to accurately describe and analyze the potential environmental impacts of the total quantity of industrial land uses contemplated as part of the Project. A-14
    - **4.2.6 Environmental Impact Analysis**
      - **Project Design Feature 4.2-10 – LEED Buildings**
        - This Project Design Feature does not specify which level of LEED Certification buildings constructed within the Project will be required to attain; as such, it is ineffective as a Project Design Feature in that it lacks the necessary specificity to quantify the anticipated reduction in any environmental impact. A-15
      - **MM AQ-3 – Vehicle Trip Reduction – TDM Requirements for Non-Residential Uses**
        - Begins with "The Project Applicant shall consult with the local transit service provider" – consultation does nothing to mitigate vehicle trip generation associated with the project. The actual reduction in vehicle trips, and concomitant reductions in air quality pollutants, generated by the act of "consultation" must be quantified. If this is not possible, the mitigation measure should be modified to require specific action on the part of the Project Applicant related to multimodal transit accessibility and/or readiness that can be shown to have a measurable effect on trip generation and air quality impacts. A-16
  - **4.3 Biological Resources**
    - **4.3.6 Environmental Impact Analysis**
      - **Threshold (a) – Project Design Features**
        - PDF 4.3-1 – The Draft EIR fails to evaluate or discuss how nighttime lighting related to the proposed freestanding digital billboard signage nearest to the Santa Ana River might or might not have a detrimental impact to sensitive species or habitat that could require mitigation either during construction or operation of the project. This PDF states that "Night lighting will be directed away from MSHCP Conservation Areas, including the adjacent Santa Ana River corridor, with appropriate shielding being incorporated in project design," but fails to substantiate this statement. The potential impact of nighttime lighting emanating from the digital billboard proposed for this location A-17

on sensitive species and habitat must be evaluated and reduced to the extent feasible through changes to the project design, up to and including the relocation of this proposed digital billboard sign, or adequately mitigated.

A-17  
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- **Threshold (f) – F.2 – Impacts Analysis**

- Lighting – The Draft EIR states that the Jurupa Valley Municipal Code requires that “Pole-mounted, building-mounted, or tree-mounted lighting fixtures shall be no more than 30 feet in height to minimize direct glare beyond the parking lot or service area” and further concludes that the Project will have no significant impacts after mitigation under this threshold. However, the Project Description indicates that the proposed digital billboard sign located adjacent to the Santa Ana River will be up to 65 feet in height, which clearly exceeds the limitations prescribed by the Municipal Code. The EIR does not address how potential impacts related to an illuminated sign in this location will be adequately mitigated or reduced through compliance with the Municipal Code. Additional mitigation measures, up to and including relocation of this proposed digital billboard sign, should be identified, and applied.

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- **4.7 Greenhouse Gas Emissions**

- **4.7.6 Environmental Impacts Analysis**

- **Threshold (b) - Regional Transportation Plan/Sustainable Communities Strategy Consistency**

- **Table 4.7-5, Goal 6: Support healthy and equitable communities**

- The analysis provided in the Draft EIR does not substantiate how or why the Project is consistent with the Goal of the SCAG RTP-SCS. Discussion is limited to how the Project does not violate localized thresholds for criteria pollutants but goes no further to discuss how the project supports healthy and equitable communities. The Draft EIR should be revised to include additional analysis as to whether and, if so, how the project is consistent with this Goal.

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- **4.13 Population and Housing**

- **4.13.3 Regulatory Framework – California Housing Element Law**

- The Project proposes demolition of existing housing units. As such, the Draft EIR should address applicable California statutes related to preservation and replacement of existing housing units pursuant to Senate Bills 330 and 8 (Housing Crisis Act of 2019). Specifically, projects that propose to remove existing housing units are obligated to identify whether any of the units proposed for removal are Protected Units pursuant to the Statute and, if so, provide an accounting of the Households Income Level and plans for replacement of the removed housing units at the same income level.

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- **Threshold (b)**

- The Project proposed demolition of 11 existing housing units. Pursuant to California Senate Bills 330 and 8 (Housing Crisis Act of 2019), the Draft EIR should evaluate whether the units proposed for demolition are occupied by lower-income households and, if so, propose a plan to replace the demolished units with units that are affordable to households with the same income level as the eliminated units.

A-21

- **4.16 Recreation**

- **4.16.2 – Notice of Preparation/Scoping Comments**
  - The Draft EIR states the following:
    - “David Murray, principal planner with the City of Riverside submitted a letter dated April 29, 2022, that included the following comments:
    - Discuss consistency with the City [of Riverside]’s Trails Master Plan. This topic is discussed in Section 4.15.6, Environmental Impact Analysis, in Section 4.15, Recreation. A-22
    - Discuss trail connection to local, County and adjacent jurisdiction trail systems. This topic is discussed in Section 4.15, Recreation.
    - Discuss the Mission Boulevard Bridge Replacement project and the trail facilities to be included in the District Plan to facilitate trail travel between the Project area and Riverside. This topic is discussed in Section 4.16.1, Existing Conditions, above.”
  - Consistency with the City of Riverside’s Trails Master Plan is not substantively discussed or addressed in Section 4.15 (Recreation). The Draft EIR should be revised to address this comment. A-23
  - Connections to local, County-adjacent trail systems is not substantively discussed or addressed in Section 4.15 (Recreation). The Draft EIR should be revised to address this comment. A-24
  - Section 4.16.1 (Existing Conditions) does not substantively discuss or address how the project will or will not facilitate trail travel between the Project and the City of Riverside, nor does it address how the Project will or will not interface with the Mission Boulevard Bridge Replacement project. The Draft EIR should be revised to address this comment. A-25
- **5.0 Alternatives**
  - **5.7 Analysis of Alternative 4: Reduced Industrial Uses Alternative**
    - The Draft EIR describes this Alternative as replacing proposed industrial uses with “storage” uses, plus some additional residential and open space uses. The description of “storage” uses is not specific enough to facilitate an adequate comparison between what the Project proposes and what this Alternative would provide. Further to this point, the Draft EIR states that “industrial use in the Specific Plan was used to calculate proportion for storage in this alternative.” This suggests that, despite the Draft EIR’s claim that “long-term commercial or industrial storage that would involve far fewer truck trips than, for example, fulfillment center use,” the land use evaluated in this Alternative is still industrial in nature and should be evaluated as such; alternatively, the Draft EIR should be revised to analyze a project alternative that does not actually involve any industrial land uses as the name of this Alternative suggests it attempts to do. The Draft EIR further does not substantiate how or why “long-term commercial or industrial storage would involve far fewer truck trips” than other industrial land uses described in the Draft EIR. A-26
    - **5.7.2.7 Greenhouse Gas Emissions**
      - The Draft EIR states that “Nearly 75 percent of project greenhouse gas emissions would be from passenger cars and trucks. Thus, operational GHG emissions are considered here to be proportional to trip generation. This alternative would increase trip generation by approximately 20 percent compared to the proposed Project.” However, the Alternative analyzed in this scenario does not legitimately exclude industrial uses and, in fact, Table 5.7-3 (Trip A-27

Generation Estimate – Reduced Industrial Uses Alternative) still includes one million square feet of industrial warehouse uses (categorized, for some reason, under “Regional Commercial”). This analysis may overestimate the trip generation, and, by extension, potential greenhouse gas emissions impacts of an Alternative to the Project that genuinely excludes industrial uses.

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- The Draft EIR should be revised to include an alternative that does not include any industrial land uses, whether or not those uses are located within the Commercial land use designation with the Integrated Use Overlay or not, and the corresponding analysis should be revised to provide a true comparison between the proposed Project and an alternative that does not include any industrial land uses, be they warehousing, logistics, manufacturing, or any other type of industrial use.

A-28

Public Works Department – Traffic Engineering Division:

**Appendix D – Technical Reports, Studies, and Assessments**

- Section D20.1 – Traffic Impact Analysis Memo May 2023
  - Page – Introduction:
    - The focused traffic analysis memo indicates that “This memo augments the original District at Jurupa Valley Traffic Impact Analysis (TIA) completed by Kimley-Horn dated July 2022.” However, it appears that the City of Riverside PW Traffic Division has not received the original TIA for review. Considering project’s vicinity from the Mission Inn Boulevard, the Traffic Engineering Division would like to review and comment on the TIA.
  - Page 11 – Analysis, Scenarios and Methodology:
    - The focused traffic analysis does not include the roadway segment of Mission Inn and intersections located in the City of Riverside (i.e., Mt Rubidoux Drive at Mission Inn Boulevard.) Please add a roadway volume to capacity ratio analysis for all traffic scenarios along Mission Inn Boulevard between Crestmore Road and Redwood Drive.
    - Please also include the intersection of Mission Inn Boulevard and Redwood Drive as one of the study area intersections in the traffic study.
  - Page 24 & 25 - Figures 8B & 8C:
    - The trip distribution for residential and retail components only shows 5% and 2% traffic routed through Mission Inn Boulevard which seems unreasonable considering the Mission Bridge Project which will improve traffic circulation.
  - Page 27-28 – Figures 9A & 9B:
    - The Truck Circulation Plan shows that the trucks will not utilize Mission Inn Avenue/Mission Boulevard. However, the study does not address which measures will be implemented to restrict heavy vehicle traffic on Mission Inn Avenue/Mission Boulevard towards the City of Riverside. The City of Jurupa Valley should implement heavy vehicle restrictions to limit heavy vehicle traffic on Mission Inn Avenue/Mission Boulevard towards the City of Riverside.

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The City of Riverside appreciates your consideration of the comments provided in this letter. Should you have any questions regarding this letter, please contact me at (951) 826- 5944, or by e-mail at mtaylor@riversideca.gov.

A-34



We thank you again for the opportunity to provide comments on this proposal and look forward to working with you in the future.

Sincerely,



Matthew Taylor  
Principal Planner

- cc: Patricia Lock Dawson, Mayor  
Riverside City Council Members  
Mike Futrell, City Manager  
Rafael Guzman, Assistant City Manager  
Jennifer A. Lilley, Community & Economic Development Director  
Maribeth Tinio, City Planner  
Gilbert Hernandez, Public Works Director  
Phaedra Norton, City Attorney

A-34  
cont.

A-35

LETTER B

July 31, 2023

**Advocates for the Environment**

A non-profit public-interest law firm  
and environmental advocacy organization



Thomas Gorham  
Principal Planner  
City of Jurupa Valley  
8930 Limonite Avenue  
Jurupa Valley, CA 92509

Via U.S. Mail and email to tgorham@jurupavalley.org

re: Comments on the Draft Environmental Impact Report on The District at Jurupa Valley  
Project, SCH No. 2022040044

Dear Mr. Gorham:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (**DEIR**) for the District at Jurupa Valley Project (**Project**). We are a non-profit public-interest law firm, that uses environmental law to fight to improve the environment in California.

B-1

The Project Site is located at the intersection of Hall Avenue and Wallace Street, within the City of Jurupa Valley (**City**), Kern County, and would affect a total of 247.2 acres of land. The Project entails the construction of 1,192 new residential units, 3 million square feet of warehouse, commercial, and industrial uses, and a hotel. The resulting warehouse would employ approximately 3,779 employees. We have reviewed the DEIR released in June 2023 and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**).

B-2

**The City Should Require the Project to be Net-Zero**

B-3

Greenhouse gas emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a very large portion of global GHG emissions. It is much less expensive to construct new building projects to be net-zero than to obtain the same level of GHG reductions by retrofitting older buildings. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore makes no sense to construct new buildings that are not net-zero.

B-4

Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided, after environmental groups

B-5

sued and won under CEQA, to move forward as net-zero communities. This proves it is feasible. The Applicant for this project should do the same. We urge the City to adopt net-zero as the GHG significance threshold for this project, and require full fair-share litigation. The CARB 2017 Scoping Plan states that “achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.” (p. 101.)

B-5  
cont.

Moving this Project forward as a net-zero project would be the right thing for the City to do and would also protect the City and the Applicant from CEQA GHG litigation.

B-6

### **The Project’s GHG Impacts Must be Fully Mitigated**

B-7

The calculated project-related emissions level is 92,061 metric tons of carbon dioxide equivalent (MTCO<sub>2e</sub>) per year, including 30-year amortized construction emissions of 453 MTCO<sub>2e</sub> per year (DEIR 4.7-15). The City adopted a GHG the dual significance threshold from Appendix G of the CEQA guidelines, in which a project is significant if it would: (a) generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or (b) conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The DEIR concluded the Project would have significant and unavoidable GHG impact. CEQA requires fair-share mitigation for significant cumulative impacts, such as GHG impacts. To reduce the significant impact, the GHG mitigation section referred to Air Quality Mitigation Measure (AQ MM) 3, 4, 5, and 13, as well as and Greenhouse Gas Mitigation Measures (GHG MM) 1-4. (DEIR 4.7- 29). But these measures are not enough to effectively mitigate the GHG emissions from the Project. Despite an apparent availability of other GHG mitigation and Project alternatives, the DEIR declared that the Project’s quantified emissions would result in “significant and unavoidable cumulative GHG impact.” (DEIR p. 4.7-29.) But this is not true. There are other readily available mitigation measures.

B-8

Since the Project’s GHG emissions would be significant, CEQA requires that the Project include fair-share mitigation (*Napa Citizens for Honest Gov’t v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, this means mitigation of all of the Project’s GHG impacts. The amount of GHG emissions that comprises the Project’s fair share is clear. The EIR quantified the Project’s annual emissions at about 92,061 MTCO<sub>2e</sub>. The reasonable lifespan of a warehouse project is beyond that of a residential building, averaging 50 to 60 years.<sup>1</sup> Therefore there is a quantifiable estimate of total Project emissions by multiplying the annual estimate by the average lifespan, which would amount to 5,063,355 MTCO<sub>2e</sub>.<sup>2</sup> This would be a good starting point from which to subtract the effect of non-offset mitigation measures, before implementing offset purchases.

B-9

<sup>1</sup> <https://bciconstruction.us/which-factors-determine-the-lifespan-of-a-building/#:~:text=A%20warehouse%20used%20to%20produce,for%20major%20repairs%20or%20renovations.>

<sup>2</sup> (92,061 MTCO<sub>2e</sub>) x (55 years average) = 5,063,355 MTCO<sub>2e</sub>

### **The EIR Identifies Ineffective and Insufficient Mitigation Measures**

B-10

Vague and unenforceable mitigation measures violate CEQA. (*California Clean Energy Comm. v. City of Woodland* (2014) 225 Cal. App. 4th 173, 180.) There is no showing that certain mitigation measures are enforceable, and one of the mitigation measures is not even minimally effective. MM AQ-133 fails for vagueness, unenforceability, and lack of effect because merely providing documentation is not likely to contribute to actual changes in tenant behavior without some additional enforceable measure.<sup>4</sup> The City should update this measure to make it more enforceable. The City knows how to write enforceable mitigation measures, for example, maintains that “the Planning Division shall confirm that the Project’s Covenants Conditions and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language” and that third-party vendor agreements also include the requirement.

B-11

Substantial evidence must show that mitigation measures will be “at least partially effective.” (*King & Gardiner Farms, LLC v. Cnty. of Kern* (2020) 45 Cal. App. 5th 814, 865, 259.) While there may be some mitigation that could reduce emissions to simultaneously improve air quality and reduce GHG, some of the mitigation measures identified as GHG mitigation only apply to air quality with no likelihood of being even “partially effective” at reducing GHG emissions. Therefore, additional measures need to be adopted. (See “The Project’s GHG Impacts Must be Fully Mitigated,” below.)

B-12

For example, MM GHG-5 which requires landscape equipment to be electric, is only outsourcing the GHG emissions to the electrical power plants, unless the electricity is coming from renewable sources. The mitigation measure does not specify this, so while it will reduce air quality pollutants it is not likely to have a large impact of GHG emissions. Ultimately, these mitigation measures should be revised to ensure a minimum level of effectiveness.

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### **Infeasibility Finding Lacks Substantial Evidence**

B-14

The conclusion that the Project will not be able to achieve any mitigation beyond the Project’s mitigation measures is not supported with substantial evidence. Overall, as discussed in the next section of this letter, there are abundant options available to mitigate emissions to the full extent of project emissions. The lead agency carries the burden of including an adequate discussion of feasible mitigation measures, including identifying the reasons for infeasibility, and the failure to do so here is a violation of CEQA and insufficient to meet the City’s burden.

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<sup>3</sup> MM AQ-13: Prior to the issuance of building permits, the Project Applicant or successor in interest shall provide documentation that the Project is designed to prohibit natural gas within residential structures.

<sup>4</sup> MM AQ-7: “The facility operator shall provide tenants with an information packet that: Provides information on incentive programs, such as the Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program), and other similar funding opportunities, by providing applicable literature available from the California Air Resources Board (CARB).”

First, the DEIR notes that mobile emissions are not controllable, and therefore not feasible to mitigate, stating: “Having no regulatory control over emissions control technology (e.g., LCFS), the City of Jurupa Valley has limited ability to control or mitigate emissions associated with mobile source emissions associated with this project.” (DEIR p. 4.7-18.) However, the City has the capacity to control the emissions directly and indirectly related to this project. For example, the City can require that all operational vehicles and equipment on the site adhere to the best available emissions control technology, including the latest GHG standards. Additionally, requiring vehicle fleets to be powered by alternative fuel types would effectively emit less GHGs; the City could require that the applicant’s lease agreements included provisions to limit the use of heavy-duty diesel trucks or require that the tenant’s vehicle fleet use non-diesel fuels such as gasoline, ethanol, or biofuels. Another feasible mitigation measure would require the applicant to enter a contract with future tenants to use zero-emission commercial vehicles upon reasonable availability and maintain a charging system for the vehicle fleet that is powered by solar panels on the Project site. Such mitigation is feasible and would be necessary to mitigate to the Project’s fair share extent.

B-16

By saying that GHG impact is unavoidable outside of the identified mitigation measures, the DEIR implies that further mitigation for non-mobile source emissions is also not feasible. However, there are several measures, including solar panels, solar water heaters, automatic light switches, among many other mitigation strategies that can be incorporated to reduce non-mobile emissions. The City could also commit to offsets or require the Applicant to enter into an agreement to buy clean power. Thus, the conclusion that further mitigation would be infeasible has not been supported by substantial evidence.

B-17

## **The City Should Decrease GHG Impact to Extent Feasible**

The City declared that “[n]o additional feasible mitigation measures are available that can reduce impacts to less than significant” (DEIR 4.7-28; Kimley-Horn, 2023c, 41). But existing mitigation measures can be strengthened, and more measures may be added to the extent feasible, which may potentially cover the full fair share extent.

B-18

### **Improving Upon Existing Mitigation Measures**

There are several identified mitigation measures which are arbitrarily limited without explanation of why that would create the maximum feasible GHG emissions reductions. For example, MM AQ-5, in which landscaping equipment is required to be “100 percent electrically powered,” could feasibly be extended to other industrial equipment that does not fall under the category of “landscaping.” Similarly, MM AQ-13<sup>5</sup> aims to prohibit natural gas usage in residential structures only,

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<sup>5</sup> MM AQ-13: Prior to the issuance of building permits, the Project Applicant or successor in interest shall provide documentation that the Project is designed to prohibit natural gas within residential structures.

and MM GHG-3<sup>6</sup> requires energy efficiency for residential appliances only, even though the Project also involves commercial and industrial structures as well. The City did not explain why these measures would only be feasible for this mitigation measure to apply to residential structures, despite the likelihood that commercial and industrial buildings would otherwise have natural-gas intensive equipment and appliances. Lastly, MM GHG-4<sup>7</sup> involves diverting 75% of landfill waste without an explanation of why this number is the maximum extent feasible for the Project. It seems that the number could be based on some standard or recommendation, yet it has not been analyzed in relation to the needs of this Project and it is possible that further diversion could be feasible to create a more impactful mitigation measure.

B-19  
cont.

### **Operational Emissions Reductions**

The DEIR indicates that the Project would adhere to the mandatory measures of the California Green Buildings Standards Code (DEIR 4.2-19), but it would be feasible to go beyond the requirements to also incorporate voluntary measures as mitigation. For example, all buildings on-site could include green roof strategies for all portions of the roof that are not utilized for solar panels, in order to contribute to energy savings and therefore GHG emissions reductions. Some examples of green roof features include the use of solar reflection or thermal emittance materials, and the construction of a thermal mass, such as vegetation on the roof.

B-20

The Project should also implement incentives to provide free or reduced parking rates for registered carpools or vanpools, provide on-site carsharing vehicles or bikes, allow for flexible or alternative work hours to allow for public transportation schedules, and provide access to convenient services within walking distance of the site to reduce the need to drive.

B-21

There are many other strategies that can achieved operational GHG emissions reductions through building design measures and Project-related transportation infrastructure. The City should consider all feasible operational emissions reductions and include corresponding mitigation measures to achieve such reductions in the DEIR.

B-22

### **Solar Panel Installation is a Feasible Mitigation Measure**

B-23

One of the most important feasible on-site mitigation measures is installing solar panels or otherwise incorporating renewable energy production on-site, as to be less reliant on GHG-intense

B-24

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<sup>6</sup> MM GHG-3: For residential projects, all major appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) installed shall be Energy Star certified or of equivalent energy efficiency where applicable. Prior to the issuance of the certificate of occupancy, the City of Jurupa Valley shall verify implementation of this requirement.

<sup>7</sup> MM GHG-4: The development shall divert a minimum of 75 percent of landfill waste. Prior to issuance of certificate of occupancy, a recyclables collection and load area shall be constructed in compliance with City standards for recyclable collection and loading areas. The diversion plan shall also comply with the established standards for recyclable collection and loading areas. The diversion plan shall also comply with the established solid waste and recycling laws including SB 1383, AB 939 and AB 341.

fuels which power the City’s energy system. Plans, Policies, and Programs (PPP) 4.7-4 mandates that 15% of the roof of the warehouse be solar ready in accordance with Title 24 Energy Efficiency Standards. (DEIR 4.7-13.) Accordingly, it would be readily achievable to follow through with the installation of solar panels on the solar-ready roof, and on the maximum roof area that could support solar panels, rather than an arbitrary 15%. Warehouses often have considerable roof space conducive to solar panels, and likewise it would be feasible to install solar panels on the entire available surface. Installing solar panels, rather than making the building “solar-ready,” would also make the identified mitigation measures more effective and decrease GHG emissions overall.

B-24  
cont.

The DEIR does not comment on the feasibility of such measures, but it would seem feasible, at the very least, to make the roofs of these buildings solar-ready, if not install solar panels on the maximum available roof space. It would also be possible to build canopies in the parking lots and install solar panels on them.

B-25

### **Offsets Are Feasible**

B-26

There are many available sources for the purchase of CEQA-compliant offsets, and the City’s conclusion that such offsets are infeasible and pre-determined as non-compliant is not supported by substantial evidence. The DEIR raises the point that “reliance on carbon offsets to reduce either the Project’s mobile or non-mobile emissions is also not feasible,” claiming that the “additionality” requirement cannot be met (DEIR p. 4.7-18.) However, CEQA allows offsets to be used to mitigate a project’s emissions, and offsets are just as accepted as other methods of mitigation (CEQA Guidelines § 15126.4 (c).) Here, the City can easily meet the additionality requirement by using a carbon registry which tracks offsets to ensure that they are additional and have not been claimed by anyone else.

B-27

The DEIR states that the City “has no enforcement authority over offset credits that fund carbon reduction projects outside of the City.” Yet, the City has the authority to enter into a binding commitment with the Applicant to purchase or otherwise implement offsets. (See *King & Gardiner Farms, LLC v. Cnty. of Kern* (2020) 45 Cal. App. 5th 814, 852.) Several carbon registry programs undertake protocols which ensure that the offsets are being achieved, regardless of where they originate, and make lists publicly available for purchase.<sup>8</sup>

B-28

The lead agency further claims that “no local programs are available that would meet CEQA’s criteria for a valid mitigation measure,” (DEIR 4.7-18) but CEQA does not restrict mitigation to local measures. Yet, some applicable plans for reducing GHG emissions emphasize a preference for on-site and local offsets, given the community co-benefits.<sup>9</sup> The Project can create its own local or on-site

B-29

<sup>8</sup> National Forest Foundation (Project ID ACR168), L.D O’Rourke Foundation (Project ID ACR672), and Ecotrust Forest Management, Inc. (Project IDs ACR732, ACR734 and ACR734).

<sup>9</sup> A generally recognized hierarchy in mitigating GHG impacts is: 1) project design features/on-site mitigation, 2) local offsets, 3) State offsets, 4) US offsets, 5) International offsets. (See, e.g., *Sierra Club v. Cnty. of San Diego*, No. D077548, 2021 WL 6050624, at \*11 (Cal. Ct. App. Dec. 21, 2021).)

measures to sequester GHG emissions or offset the Project emissions, such as a conservation easement or restoration to preserve and rehabilitate the wetland and riparian habitat, and therefore sequester carbon emissions (See *Save the Hill Grp. v. City of Livermore* (2022) 76 Cal. App. 5th 1092, 1117.)<sup>10</sup>

B-29  
cont.

Since there is no reason why CEQA-compliant offsets are infeasible, the analysis presented in the DEIR is not supported by substantial evidence. Accordingly, the City should require the Applicant to purchase offsets to the extent necessary to mitigate the Project's fair share of emissions. There are numerous offsets available for purchase that could negate the Project's significant GHG emissions, and the failure to identify offsets as a mitigation measure while at the same time concluding unavoidable impact is misleading and not supported by substantial evidence.

B-30

## Conclusion

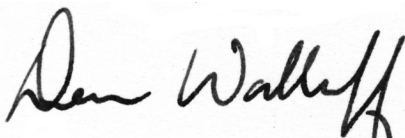
CEQA requires the City to mitigate all of the Project's significant GHG impacts to the fair share extent, because the City has concluded that the Project's GHG emissions will be significant and unavoidable. But the DEIR fails to require this, although there are feasible mitigation measures that should be considered, such as offsets or solar panels on site. The lead agency has not met its burden of showing that such measures are infeasible, and therefore the DEIR should be amended to reflect all feasible mitigation, as well as a reasonable range of project alternatives, to mitigate all the Project's "fair share" of GHG emissions.

B-31

Please put me on the interest list to receive updates about the progress of this project.

B-32

Sincerely,



Dean Wallraff, Attorney at Law  
Executive Director, Advocates for the Environment

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<sup>10</sup>Nahlik, A., Fennessy, M. Carbon storage in US wetlands. *Nat Commun* 7, 13835 at 2 (2016). <https://doi.org/10.1038/ncomms13835>. <https://rdcu.be/cOjBW> (“[W]etlands can accumulate large carbon stores, making them an important sink for atmospheric carbon dioxide and holding up to or, in some cases, even more than 40% soil carbon, which is substantially greater than the 0.5–2% carbon commonly found in agricultural soils”).





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**VIA E-MAIL**

July 30, 2023

Thomas Gorham, Principal Planner  
City of Jurupa Valley Community Development Dept.  
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Jurupa Valley, CA 92509  
Em: [TGorham@JurupaValley.org](mailto:TGorham@JurupaValley.org)

RE: The District at Jurupa Valley (MA21269) (SP21001) (SCH #: 2022040044)

Dear Thomas Gorham:

On behalf of the Southwest Regional Council of Carpenters (“**Southwest Carpenters**” or “**SWRCC**”), my Office is submitting these comments on the City of Jurupa Valley’s (“**City**” or “**Lead Agency**”) Draft Environmental Impact Report (“**DEIR**”) (SCH No. 2021030401) for the District at Jurupa Valley Project (MA21269) (SP21001) (SCH #: 2022040044) (“**Project**”).

C-1

SWMSRCC would like to express its support for this Project. After further reviewing this Project, SWMSRCC believes that the Project will benefit the environment and the local economy by practicing protocols that will protect worker health and safety and will incorporate adequate environmental mitigation.

C-2

Should the City have any questions or concerns, the City should feel free to contact my office.

Sincerely,

Stephanie Papayanis,  
Attorneys for Southwest Regional  
Council of Carpenters