



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach
Director

Agency Notice of Preparation of a Draft Environmental Impact Report

DATE: August 2, 2022

TO: Responsible/Trustee Agencies

The Riverside County Planning Department is currently reviewing a development application (herein, "Project") in the Mead Valley Area Plan of Riverside County. The Project is subject to compliance with the California Environmental Quality Act (CEQA). This notice is to inform public agencies and the general public that an Environmental Impact Report (EIR) will be prepared for the Project, and to solicit guidance as to the scope and content of the required EIR.

PROJECT CASE NO./TITLE: Majestic Freeway Business Center Phase II – Plot Plan 220003 (Building 18), Plot Plan 220008 (Building 13), Plot Plan 220009 (Building 17), and Plot Plan 220015 (Buildings 14A and 14B)

PROJECT LOCATION AND DESCRIPTION: The proposed Project consists of applications for four separate plot plans (Plot Plan Nos. PPT 220003, PPT 220008, PPT 220009, and PPT 220015) to entitle five light industrial buildings for development with 1,219,222 square feet (s.f.) of total building area on a total of 67.86 gross acres within the Mead Valley community of unincorporated Riverside County. Building 13 (PPT 220008) is proposed on an 18.34-acre property located at the northwest corner of Martin Street and Harvill Avenue, and would include a 307,616 s.f. building with a total of 54 docking doors along the western façade of the building. Buildings 14A and 14B (PPT 220015) are proposed on a 20.35-acre property located at the northwest corner of Perry Street and Harvill Avenue and would include a total of 337,698 s.f. of building area. Building 14A is proposed in the western portion of the site, and would include a 200,624 s.f. building with 27 docking doors along the eastern façade of the building. Building 14B is proposed in the eastern portion of the site, and would include a 137,074 s.f. building with 21 docking doors along the eastern façade of the building. Building 17 (PPT 220009) is proposed on a 15.78-acre property located at the northeast corner of Harvill Avenue and America's Tire Drive, and would include a 256,148 s.f. building with 39 docking doors along the southern building facade. Building 18 (PPT 220003) is proposed on a 13.40-acre property located at the southwest corner of Peregrine Way and Harvill Avenue, and would include a 317,760 s.f. building (217,136 s.f. ground floor space and 100,624 s.f. of mezzanine space) with a total of 39 docking doors along the western building façade. The proposed Project conforms to the site's existing General Plan land use designation of "Light Industrial (LI)" and the site's existing zoning classification of "Manufacturing-Service Commercial (M-SC)." Governmental approvals requested by the Project Applicant from Riverside County to implement the Project consist of the following:

1. Adoption by resolution of Plot Plan No. 220003 (Building 18)
2. Adoption by resolution of Plot Plan No. 220008 (Building 13)
3. Adoption by resolution of Plot Plan No. 220009 (Building 17)
4. Adoption by resolution of Plot Plan No. 220015 (Buildings 14A and 14B)

LEAD AGENCY:

Riverside County Planning Department
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502-1409
Attn: Russell Brady, Project Planner

PROJECT SPONSOR:

Applicant: Majestic Freeway Business Center LLC
Attn. John Semcken
Address: 13191 Crossroads Pkwy., 6th Floor
City of Industry, CA 91746-3497

Pursuant to the California Environmental Quality Act, notice is given to responsible and interested agencies, that the Riverside County Planning Department plans to oversee the preparation on an Environmental Impact Report for the above-described project. The purpose of this notice is to solicit guidance from your agency as to the scope and

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

Desert Office · 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

content of the environmental information to be included in the EIR. Information in that regard should be submitted to this office as soon as possible, but **not later than thirty (30) days** after receiving this notice.

SCOPE OF ANALYSIS: It is anticipated that the proposed Project would have the potential to result in significant impacts under the following issue areas. A detailed analysis of the following issue areas will be included in the forthcoming EIR:

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

PUBLIC SCOPING MEETING: A Scoping Session has been scheduled in order to bring together and resolve the concerns of affected federal, State and local agencies, the proponent of the proposed Project, and other interested persons; as well as inform the public of the nature and extent of the proposed project, and to provide an opportunity to identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the EIR and help eliminate from detailed study issues found not to be important. The Scoping Session is not a public hearing on the merit of the proposed project and NO DECISION on the Project will be made. Public testimony is limited to identifying issues regarding the project and potential environmental impacts. The Project proponent will not be required to provide an immediate response to any concerns raised. The Project proponent will be requested to address any concerns expressed at the Scoping Session, through revisions to the proposed Project and/or completion of a Final Environmental Impact Report, prior to the formal public hearing on the proposed Project. Mailed notice of the public hearing will be provided to anyone requesting such notification.

TIME OF SCOPING SESSION: 1:30 p.m. or as soon as possible thereafter

DATE OF SCOPING SESSION: August 29, 2022

Information on how to participate in the hearing will be available on the Planning Department website at: <https://planning.rctlma.org/>. For further information regarding this project please contact Project Planner Russell Brady at (951) 955-3025 or email at rbrady@rivco.org, or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

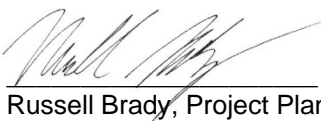
Please send all written correspondence to:

RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Russell Brady, Project Planner
P.O. Box 1409, Riverside, CA 92502-1409

If you have any questions please contact Russell Brady, Project Planner at (951) 955-3025.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT



Russell Brady, Project Planner for John Hildebrand, Planning Director



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach
Director

Applicant's Notice of Preparation of a Draft Environmental Impact Report

DATE: August 2, 2022

TO: Majestic Freeway Business Center LLC
Attn. John Semcken
13191 Crossroads Pkwy., 6th Floor
City of Industry, CA 91746-3497

PROJECT CASE NO./TITLE: Majestic Freeway Business Center Phase II – Plot Plan 220003 (Building 18), Plot Plan 220008 (Building 13), Plot Plan 220009 (Building 17), and Plot Plan 220015 (Buildings 14A and 14B)

PROJECT LOCATION AND DESCRIPTION: The proposed Project consists of applications for four separate plot plans (Plot Plan Nos. PPT 220003, PPT 220008, PPT 220009, and PPT 220015) to entitle five light industrial buildings for development with 1,219,222 square feet (s.f.) of total building area on a total of 67.86 gross acres within the Mead Valley community of unincorporated Riverside County. Building 13 (PPT 220008) is proposed on an 18.34-acre property located at the northwest corner of Martin Street and Harvill Avenue, and would include a 307,616 s.f. building with a total of 54 docking doors along the western façade of the building. Buildings 14A and 14B (PPT 220015) are proposed on a 20.35-acre property located at the northwest corner of Perry Street and Harvill Avenue and would include a total of 337,698 s.f. of building area. Building 14A is proposed in the western portion of the site, and would include a 200,624 s.f. building with 27 docking doors along the eastern façade of the building. Building 14B is proposed in the eastern portion of the site, and would include a 137,074 s.f. building with 21 docking doors along the eastern façade of the building. Building 17 (PPT 220009) is proposed on a 15.78-acre property located at the northeast corner of Harvill Avenue and America's Tire Drive, and would include a 256,148 s.f. building with 39 docking doors along the southern building facade. Building 18 (PPT 220003) is proposed on a 13.40-acre property located at the southwest corner of Peregrine Way and Harvill Avenue, and would include a 317,760 s.f. building (217,136 s.f. ground floor space and 100,624 s.f. of mezzanine space) with a total of 39 docking doors along the western building façade. The proposed Project conforms to the site's existing General Plan land use designation of "Light Industrial (LI)" and the site's existing zoning classification of "Manufacturing-Service Commercial (M-SC)." Governmental approvals requested by the Project Applicant from Riverside County to implement the Project consist of the following:

1. Adoption of Plot Plan No. 220003 (Building 18)
2. Adoption of Plot Plan No. 220008 (Building 13)
3. Adoption of Plot Plan No. 220009 (Building 17)
4. Adoption of Plot Plan No. 220015 (Buildings 14A and 14B)

Pursuant to the Riverside County Rules to Implement the California Environmental Quality Act of 1970, it has been determined that the above referenced project may have a significant effect on the environment and an Environmental Impact Report (EIR) is required.

OPTION TO REVISE PROJECT:

Upon receipt of this notice, the Project sponsor may revise the project to avoid or mitigate any adverse impact. If the potential adverse effects are substantially mitigated by the revised project, an EIR shall not be required and a Mitigated Negative Declaration or a Negative Declaration (statement of no significant effect) shall be prepared.

APPEAL:

The staff requirement to prepare an EIR may be appealed to the Planning Commission within ten (10) days of receipt of this notice. The appeal must be made in writing and contain brief discussion of how the project will avoid the

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

Desert Office · 77588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

environmental effects listed on the attachment. The appeal must be accompanied by: (1) adhesive labels containing the names and addresses of all property owners within a minimum of 600 feet of the project boundaries that total at least 25 different property owners; and (2) the appropriate filing fee. (Refer to the Current Riverside County Planning Department Fee Schedule).

PREPARATION OF THE DRAFT EIR: The Draft EIR shall address the following environmental subject areas:

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

The Draft EIR must meet the form and content requirements of the Planning Department. The sponsor should advise the consultant to meet with the staff on a regular basis to ensure an adequate document is prepared in a timely fashion. A preliminary draft shall be submitted for review and if determined acceptable, the consultant will be notified of the appropriate number of final draft copies to be provided for distribution to State and local agencies and interested parties.

The Draft EIR must be submitted within 120 days of this Notice unless an extension of not more than thirty (30) days is received and granted by the Department.

PUBLIC SCOPING MEETING: A Scoping Session has been scheduled in order to bring together and resolve the concerns of affected federal, State and local agencies, the proponent of the proposed Project, and other interested persons; as well as inform the public of the nature and extent of the proposed project, and to provide an opportunity to identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the EIR and help eliminate from detailed study issues found not to be important. The Scoping Session is not a public hearing on the merit of the proposed project and NO DECISION on the Project will be made. Public testimony is limited to identifying issues regarding the project and potential environmental impacts. The Project proponent will not be required to provide an immediate response to any concerns raised. The Project proponent will be requested to address any concerns expressed at the Scoping Session, through revisions to the proposed Project and/or completion of a Final Environmental Impact Report, prior to the formal public hearing on the proposed Project. Mailed notice of the public hearing will be provided to anyone requesting such notification.

TIME OF SCOPING SESSION: 1:30 p.m. or as soon as possible thereafter
DATE OF SCOPING SESSION: August 29, 2022

Information on how to participate in the hearing will be available on the Planning Department website at: <https://planning.rctlma.org/>. For further information regarding this project please contact Project Planner Russell Brady at (951) 955-3025 or email at rbrady@rivco.org, or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

EIR FEES: The appropriate fee for an EIR (Refer to the Current Riverside County Planning Department Fee Schedule) must be submitted to the Planning Department within thirty (30) days of this Notice.

PROJECT PRESUMED ABANDONED: Unless the EIR fee and the Draft EIR are submitted within the time periods specified above, the project will be presumed abandoned, and there will be no further processing of the development application(s) by the County of Riverside, and no refund of previously paid filing fees.


Please send all written correspondence to:

RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Russell Brady, Project Planner
P.O. Box 1409, Riverside, CA 92502-1409

If you have any questions please contact Russell Brady, Project Planner at (951) 955-3025.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT

A handwritten signature in black ink, appearing to read "Russell Brady", written over a horizontal line.

Russell Brady, Project Planner for John Hildebrand, Planning Director



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach
Director

Public Notice of Preparation of a Draft Environmental Impact Report

DATE: August 2, 2022

TO: Interested Parties

The Riverside County Planning Department is currently reviewing a development application (herein, "Project") in the Mead Valley Area Plan of Riverside County. The Project is subject to compliance with the California Environmental Quality Act (CEQA). This notice is to inform public agencies and the general public that an Environmental Impact Report (EIR) will be prepared for the Project, and to solicit guidance as to the scope and content of the required EIR.

PROJECT CASE NO./TITLE: Majestic Freeway Business Center Phase II – Plot Plan 220003 (Building 18), Plot Plan 220008 (Building 13), Plot Plan 220009 (Building 17), and Plot Plan 220015 (Buildings 14A and 14B)

PROJECT LOCATION AND DESCRIPTION: The proposed Project consists of applications for four separate plot plans (Plot Plan Nos. PPT 220003, PPT 220008, PPT 220009, and PPT 220015) to entitle five light industrial buildings for development with 1,219,222 square feet (s.f.) of total building area on a total of 67.86 gross acres within the Mead Valley community of unincorporated Riverside County. Building 13 (PPT 220008) is proposed on an 18.34-acre property located at the northwest corner of Martin Street and Harvill Avenue, and would include a 307,616 s.f. building with a total of 54 docking doors along the western façade of the building. Buildings 14A and 14B (PPT 220015) are proposed on a 20.35-acre property located at the northwest corner of Perry Street and Harvill Avenue and would include a total of 337,698 s.f. of building area. Building 14A is proposed in the western portion of the site, and would include a 200,624 s.f. building with 27 docking doors along the eastern façade of the building. Building 14B is proposed in the eastern portion of the site, and would include a 137,074 s.f. building with 21 docking doors along the eastern façade of the building. Building 17 (PPT 220009) is proposed on a 15.78-acre property located at the northeast corner of Harvill Avenue and America's Tire Drive, and would include a 256,148 s.f. building with 39 docking doors along the southern building facade. Building 18 (PPT 220003) is proposed on a 13.40-acre property located at the southwest corner of Peregrine Way and Harvill Avenue, and would include a 317,760 s.f. building (217,136 s.f. ground floor space and 100,624 s.f. of mezzanine space) with a total of 39 docking doors along the western building façade. The proposed Project conforms to the site's existing General Plan land use designation of "Light Industrial (LI)" and the site's existing zoning classification of "Manufacturing-Service Commercial (M-SC)." Governmental approvals requested by the Project Applicant from Riverside County to implement the Project consist of the following:

1. Adoption of Plot Plan No. 220003 (Building 18)
2. Adoption of Plot Plan No. 220008 (Building 13)
3. Adoption of Plot Plan No. 220009 (Building 17)
4. Adoption of Plot Plan No. 220015 (Buildings 14A and 14B)

LEAD AGENCY:

Riverside County Planning Department
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502-1409
Attn: Russell Brady, Project Planner

PROJECT SPONSOR:

Applicant: Majestic Freeway Business Center LLC
Attn.: John Semcken
Address: 13191 Crossroads Pkwy., 6th Floor
City of Industry, CA 91746-3497

Pursuant to the California Environmental Quality Act, notice is given to responsible and interested agencies, that the Riverside County Planning Department plans to oversee the preparation on an Environmental Impact Report for the above-described project. The purpose of this notice is to solicit input from the public as to the scope and content of

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

Desert Office · 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

the environmental information to be included in the EIR. Information in that regard should be submitted to this office as soon as possible, but **not later than thirty (30) days** after receiving this notice.

SCOPE OF ANALYSIS: It is anticipated that the proposed Project would have the potential to result in significant impacts under the following issue areas. A detailed analysis of the following issue areas will be included in the forthcoming EIR:

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

PUBLIC SCOPING MEETING: A Scoping Session has been scheduled in order to bring together and resolve the concerns of affected federal, State and local agencies, the proponent of the proposed Project, and other interested persons; as well as inform the public of the nature and extent of the proposed project, and to provide an opportunity to identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the EIR and help eliminate from detailed study issues found not to be important. The Scoping Session is not a public hearing on the merit of the proposed project and NO DECISION on the Project will be made. Public testimony is limited to identifying issues regarding the project and potential environmental impacts. The Project proponent will not be required to provide an immediate response to any concerns raised. The Project proponent will be requested to address any concerns expressed at the Scoping Session, through revisions to the proposed Project and/or completion of a Final Environmental Impact Report, prior to the formal public hearing on the proposed Project. Mailed notice of the public hearing will be provided to anyone requesting such notification.

TIME OF SCOPING SESSION: 1:30 p.m. or as soon as possible thereafter

DATE OF SCOPING SESSION: August 29, 2022

Information on how to participate in the hearing will be available on the Planning Department website at: <https://planning.rctlma.org/>. For further information regarding this project please contact Project Planner Russell Brady at (951) 955-3025 or email at rbrady@rivco.org, or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

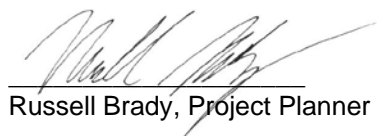
Please send all written correspondence to:

RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Russell Brady, Project Planner
P.O. Box 1409, Riverside, CA 92502-1409

If you have any questions, please contact Russell Brady, Project Planner at (951) 955-3025.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT



Russell Brady, Project Planner for John Hildebrand, Planning Director

**SUPPLEMENTAL INFORMATION FOR NOTICE OF COMPLETION & ENVIRONMENTAL DOCUMENT
TRANSMITTAL AND
SUMMARY FORM FOR ELECTRONIC DOCUMENT SUBMITTAL (FORM F)**

***Majestic Freeway Business Center Phase II – Plot Plan (PPT) 220003 (Building 18), PPT220008
(Building 13), PPT220009 (Building 17), PPT220015 (Buildings 14A and 14B)***

Cross Streets:

Building 13 (PPT220008): Northwest corner of Martin Street and Harvill Avenue
Buildings 14A and 14B (PPT220015): Northwest corner of Perry Street and Harvill Avenue
Building 17 (PPT220009): Northeast corner of Harvill Avenue and America's Tire Drive
Building 18 (PPT220003): Southwest corner of Peregrine Way and Harvill Avenue

Longitude/Latitude

Building 13 (PPT220008): 33° 50' 48" North, 117° 15' 30" West
Buildings 14A and 14B (PPT220015): 33° 50' 58" North, 117° 15' 35" West
Building 17 (PPT220009): 33° 51' 23" North, 117° 15' 34" West
Building 18 (PPT220003): 33° 51' 24" North, 117° 15' 46" West

Assessor's Parcel Numbers

Building 13 (PPT220008): 314-130-015, 314-130-023, 314-130-024, 314-130-026, and 314-1300-27
Buildings 14A and 14B (PPT220015): 314-270-009, 314-270-010, 314-270-011, 314-270-012, 314-270-013, 314-270-014, 314-280-001, 314-280-002, 314-280-003, 314-280-004
Building 17 (PPT220009): 314-100-082, 314-100-084
Building 18 (PPT220003): 314-040-013, 314-040-014, 314-040-015, 314-040-021, 314-040-023, 314-040-024, 314-040-025, 314-040-026, 314-040-028, 314-040-031

Section, Township, and Range

Building 13 (PPT220008): Section 1, Township 4 South, Range 4 West, San Bernardino Baseline and Meridian
Buildings 14A and 14B (PPT220015): Section 1, Township 4 South, Range 4 West, San Bernardino Baseline and Meridian
Building 17 (PPT220009): Section 1, Township 4 South, Range 4 West, San Bernardino Baseline and Meridian
Building 18 (PPT220003): Section 2, Township 4 South, Range 4 West, San Bernardino Baseline and Meridian

Schools within 2 Miles

Mead Valley Elementary School, Thomas Rivera Middle School, Manuel L. Real Elementary School, Val Verde Academy, Val Verde High School, Val Verde Elementary School, Columbia Elementary School

Project Description

The proposed Project consists of applications for four separate plot plans (Plot Plan Nos. PPT 220003, PPT 220008, PPT 220009, and PPT 220015) to entitle five light industrial buildings for development with 1,219,222 square feet (s.f.) of total building area on a total of 67.86 gross acres within the Mead Valley community of unincorporated Riverside County. Building 13 (PPT 220008) is proposed on an 18.34-acre property located at the northwest corner of Martin Street and Harvill Avenue, and would include a 307,616 s.f. building with a total of

54 docking doors along the western façade of the building. Buildings 14A and 14B (PPT 220015) are proposed on a 20.35-acre property located at the northwest corner of Perry Street and Harvill Avenue and would include a total of 337,698 s.f. of building area. Building 14A is proposed in the western portion of the site, and would include a 200,624 s.f. building with 27 docking doors along the eastern façade of the building. Building 14B is proposed in the eastern portion of the site, and would include a 137,074 s.f. building with 21 docking doors along the eastern façade of the building. Building 17 (PPT 220009) is proposed on a 15.78-acre property located at the northeast corner of Harvill Avenue and America’s Tire Drive, and would include a 256,148 s.f. building with 39 docking doors along the southern building facade. Building 18 (PPT 220003) is proposed on a 13.40-acre property located at the southwest corner of Peregrine Way and Harvill Avenue, and would include a 317,760 s.f. building (217,136 s.f. ground floor space and 100,624 s.f. of mezzanine space) with a total of 39 docking doors along the western building façade. The proposed Project conforms to the site’s existing General Plan land use designation of “Light Industrial (LI)” and the site’s existing zoning classification of “Manufacturing-Service Commercial (M-SC).” Governmental approvals requested by the Project Applicant from Riverside County to implement the Project consist of the following:

1. Adoption by resolution of Plot Plan No. 220003 (Building 18)
2. Adoption by resolution of Plot Plan No. 220008 (Building 13)
3. Adoption by resolution of Plot Plan No. 220009 (Building 17)
4. Adoption by resolution of Plot Plan No. 220015 (Buildings 14A and 14B)

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: _____
 Lead Agency: _____ Contact Person: _____
 Mailing Address: _____ Phone: _____
 City: _____ Zip: _____ County: _____

Project Location: County: _____ City/Nearest Community: _____
 Cross Streets: _____ Zip Code: _____
 Longitude/Latitude (degrees, minutes and seconds): **See Attachment _____ Total Acres: _____
 Assessor's Parcel No.: _____ Section: _____ Twp.: _____ Range: _____ Base: _____
 Within 2 Miles: State Hwy #: _____ Waterways: _____
 Airports: _____ Railways: _____ Schools: _____

Document Type:

CEQA: <input type="checkbox"/> NOP	<input type="checkbox"/> Draft EIR	NEPA: <input type="checkbox"/> NOI	Other: <input type="checkbox"/> Joint Document
<input type="checkbox"/> Early Cons	<input type="checkbox"/> Supplement/Subsequent EIR	<input type="checkbox"/> EA	<input type="checkbox"/> Final Document
<input type="checkbox"/> Neg Dec	(Prior SCH No.) _____	<input type="checkbox"/> Draft EIS	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Mit Neg Dec	Other: _____	<input type="checkbox"/> FONSI	_____

Local Action Type:

<input type="checkbox"/> General Plan Update	<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Rezone	<input type="checkbox"/> Annexation
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Prezone	<input type="checkbox"/> Redevelopment
<input type="checkbox"/> General Plan Element	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Use Permit	<input type="checkbox"/> Coastal Permit
<input type="checkbox"/> Community Plan	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Land Division (Subdivision, etc.)	<input type="checkbox"/> Other: _____

Development Type:

<input type="checkbox"/> Residential: Units _____ Acres _____	<input type="checkbox"/> Transportation: Type _____
<input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Mining: Mineral _____
<input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Power: Type _____ MW _____
<input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Waste Treatment: Type _____ MGD _____
<input type="checkbox"/> Educational: _____	<input type="checkbox"/> Hazardous Waste: Type _____
<input type="checkbox"/> Recreational: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Water Facilities: Type _____ MGD _____	

Project Issues Discussed in Document:

<input type="checkbox"/> Aesthetic/Visual	<input type="checkbox"/> Fiscal	<input type="checkbox"/> Recreation/Parks	<input type="checkbox"/> Vegetation
<input type="checkbox"/> Agricultural Land	<input type="checkbox"/> Flood Plain/Flooding	<input type="checkbox"/> Schools/Universities	<input type="checkbox"/> Water Quality
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Forest Land/Fire Hazard	<input type="checkbox"/> Septic Systems	<input type="checkbox"/> Water Supply/Groundwater
<input type="checkbox"/> Archeological/Historical	<input type="checkbox"/> Geologic/Seismic	<input type="checkbox"/> Sewer Capacity	<input type="checkbox"/> Wetland/Riparian
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Minerals	<input type="checkbox"/> Soil Erosion/Compaction/Grading	<input type="checkbox"/> Growth Inducement
<input type="checkbox"/> Coastal Zone	<input type="checkbox"/> Noise	<input type="checkbox"/> Solid Waste	<input type="checkbox"/> Land Use
<input type="checkbox"/> Drainage/Absorption	<input type="checkbox"/> Population/Housing Balance	<input type="checkbox"/> Toxic/Hazardous	<input type="checkbox"/> Cumulative Effects
<input type="checkbox"/> Economic/Jobs	<input type="checkbox"/> Public Services/Facilities	<input type="checkbox"/> Traffic/Circulation	<input type="checkbox"/> Other: _____

Present Land Use/Zoning/General Plan Designation: _____

Project Description: (please use a separate page if necessary)

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.



Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

- | | |
|--|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Fish & Game Region # _____ | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date _____ Ending Date _____

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative:  Date: _____

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



Notice of Preparation

Notice of Preparation

To: _____ **From:** _____

_____ (Address) _____ (Address)

Subject: Notice of Preparation of a Draft Environmental Impact Report

_____ will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.


The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (is is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to _____ at the address shown above. We will need the name for a contact person in your agency.

Project Title: _____

Project Applicant, if any: _____

Date _____ Signature  _____

Title _____

Telephone _____

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: Majestic Freeway Business Center Phase II - Plot Plans (PPT) 220003, 220008, 220009, and 220015

Lead Agency: Riverside County

Contact Name: Russell Brady, Project Planner

Email: rbrady@rivco.org Phone Number: (951) 955-3025

Project Location: **See Attachment

City

County

Project Description (Proposed actions, location, and/or consequences).

****See Attachment**

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

The Draft EIR shall address the following environmental subject areas: Aesthetics; Agriculture & Forest Resources; Air Quality; Biological Resources; Cultural Resources; Energy; Geology / Soils; Greenhouse Gas Emissions; Hazards & Hazardous Materials; Hydrology / Water Quality; Land Use / Planning; Mineral Resources; Noise; Paleontological Resources; Population / Housing; Public Services; Recreation; Transportation; Tribal Cultural Resources; Utilities / Service Systems; and Wildfire. Mitigation measures, if required, will be identified by the forthcoming EIR.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

There are no known areas of controversy regarding the Project at this time.

Provide a list of the responsible or trustee agencies for the project.

Santa Ana Regional Water Quality Control Board
South Coast Air Quality Management District
Riverside County Flood Control and Water Conservation District (RCFCWCD)
South Coast Air Quality Management District (SCAQMD)
Eastern Municipal Water District (EMWD)

Additional Responsible Agencies, if any, will be identified as part of the forthcoming EIR.



NATIVE AMERICAN HERITAGE COMMISSION

August 4, 2022

Russell Brady, Project Planner
Riverside County
P.O. Box 1409
Riverside, CA 92502-1409

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yakaya Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

EXECUTIVE SECRETARY
**Raymond C.
Hitchcock**
Miwok/Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2022080060, Majestic Freeway Business Center Phase II - Plot Plans (PPT) 220003, 220008, 220009, and 220015 Project, Riverside County

Dear Mr. Brady:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
- c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

August 10, 2022

rbrady@rivco.org

Russell Brady, Project Planner
County of Riverside, Planning Department
P.O. Box 1409
Riverside, California 92502-1409

Notice of Preparation of an Environmental Impact Report for the Majestic Freeway Business Center Phase II Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Environmental Impact Report (EIR). Please send a copy of the EIR upon its completion and public release directly to South Coast AQMD as copies of the EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁶. According to the MATES V Carcinogenic Risk interactive Map, the area surrounding the Proposed Project has an estimated cancer risk over 365 in one million⁷. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan⁸, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy⁹.

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft EIR may include the following:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

⁷ South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/mates-v-data-visualization).

⁸ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

⁹ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule¹⁰ and the Heavy-Duty Low NOx Omnibus Regulation¹¹, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentive the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of 2010 model year¹² that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.

- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
- Provide electric vehicle (EV) charging stations or at a minimum, provide the electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care centers, etc.).
- Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
- Design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that there are no trucks queuing outside.

¹⁰ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹¹ CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹² CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NO_x) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of 1,219,222 square feet warehouse uses, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation¹³. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage¹⁴.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at mmorris@aqmd.gov.

Sincerely,

Michael Morris

Michael Morris
Planning and Rules Manager, CEQA IGR
Planning, Rule Development & Area Sources

MM
RVC220803-01
Control Number

¹³ South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

¹⁴ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

rbrady@rivco.org

Russell Brady, Project Planner
County of Riverside, Planning Department
P.O. Box 1409
Riverside, California 92502-1409

August 10, 2022

Notice of Preparation of an Environmental Impact Report for the Majestic Freeway Business Center Phase II Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Environmental Impact Report (EIR). Please send a copy of the EIR upon its completion and public release directly to South Coast AQMD as copies of the EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁶. According to the MATES V Carcinogenic Risk interactive Map, the area surrounding the Proposed Project has an estimated cancer risk over 365 in one million⁷. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan⁸, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy⁹.

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft EIR may include the following:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

⁷ South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/mates-v-data-visualization).

⁸ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

⁹ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule¹⁰ and the Heavy-Duty Low NOx Omnibus Regulation¹¹, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentive the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of 2010 model year¹² that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.

- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
- Provide electric vehicle (EV) charging stations or at a minimum, provide the electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care centers, etc.).
- Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
- Design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that there are no trucks queuing outside.

¹⁰ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹¹ CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹² CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NO_x) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of 1,219,222 square feet warehouse uses, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation¹³. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage¹⁴.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at mmorris@aqmd.gov.

Sincerely,

Michael Morris

Michael Morris
Planning and Rules Manager, CEQA IGR
Planning, Rule Development & Area Sources

MM
RVC220803-01
Control Number

¹³ South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

¹⁴ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

Ph: (626) 381-9248
Fx: (626) 389-5414
Em: info@mitschtsailaw.com



Mitchell M. Tsai
Attorney At Law

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

August 16, 2022

Russell Brady, Project Planner
County of Riverside
4080 Lemon Street, 12th Floor
Riverside, CA 92501
Em: rbrady@rivco.org

**RE: Public Records Act and Mailing List Request Regarding the
Majestic Freeway Business Center Phase II (SCH #: 2022080060).**

Dear Russell Brady,

On behalf of Southwest Regional Council of Carpenters (“**SWRCC**” or “**Southwest Carpenters**”) and its members, this Office requests that the County of Riverside (“**County**” or “**Lead Agency**”) provide any and all information referring or related to the Majestic Freeway Business Center Phase II (“**Project**”) pursuant to the California Public Records Act (“**PRA**”), Cal. Government (“**Gov’t**”) Code §§ 6250–6270 (collectively “**PRA Request**”).

Moreover, SWRCC requests that County provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq.*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The Southwest Regional Council of Carpenters is a labor union representing more than 50,000 union carpenters in six states, including California, and has a strong interest in well-ordered land use planning and addressing the environmental impacts of development projects, such as the Project.

I. PUBLIC RECORDS ACT REQUEST.

Southwest Carpenters is requesting any and all information referring or related to the Project.

The Public Records Act defines the term “public record” broadly as “any writing containing information relating to the conduct of the public’s business . . . regardless of physical form and characteristics.” Gov’t Code § 6252(d). “Records” includes all communications relating to public business regardless of physical form or characteristics, including but not limited to any writing, picture, sound, or symbol, whether paper, magnetic, electronic, text, other media, or written verification of any oral communication. Included in this request are any references in any appointment calendars and applications, phone records, or text records. These “records” are to include, but are not limited to correspondences, e-mails, reports, letters, memorandums, and communications by any employee or elected official of County concerning the Project.

Please include in your response to this request the following examples of “records,” as well as any similar physical or electronic forms of communication: any form of writing such as correspondence, electronic mail records (“email”), legal and factual memoranda, facsimiles, photographs, maps, videotapes, film, data, reports, notes, audiotapes, or drawings. Cal. Government Code § 6252(g) (defining a writing to including “any record thereby created, regardless of the manner in which the record has been stored”). Responsive correspondence should include, inter alia, emails, text messages, or any other form of communication regardless of whether they were sent or received on public or privately-owned electronic devices “relating to the conduct of the public’s business.” Cal. Government Code § 6252(e); *Citizens for Ceres v. Super. Ct.* (“Ceres”) (2013) 217 Cal. App. 4th 889, 909; *Citizens for Open Gov’t v. City of Lodi* (“Lodi”) (2012) 205 Cal.App.4th 296, 307, 311; *City of San Jose v. Superior Court* (2017) 2 Cal. 5th 608, 625 (finding that a public employee or officer’s “writings about public business are not excluded” from the California Public Records Act “simply because they have been sent, received, or stored in a personal account.”) .

This Office requests any and all information referring or related to the Project, including but not limited to:

- (1) All Project application materials;
- (2) All staff reports and related documents prepared by the County with respect to its compliance with the substantive and procedural requirements of the California Environmental Quality Act, Public Resources Code § 21000 et seq., and the CEQA Guidelines, title 14, California Code of Regulations, § 15000 et seq. (collectively

“**CEQA**”) and with respect to the action on the Project;

- (3) All staff reports and related documents prepared by the City and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the agency pursuant to CEQA;
- (4) Any transcript or minutes of the proceedings at which the decisionmaking body of the County heard testimony on, or considered any environmental document on, the Project, and any transcript or minutes of proceedings before any advisory body to the public agency that were presented to the decisionmaking body prior to action on the environmental documents or on the Project;
- (5) All notices issued by the County to comply with CEQA or with any other law governing the processing and approval of the Project;
- (6) All written comments received in response to, or in connection with, environmental documents prepared for the Project, including responses to the notice of preparation;
- (7) All written evidence or correspondence submitted to, or transferred from, the County with respect to compliance with CEQA or with respect to the Project;
- (8) Any proposed decisions or findings submitted to the decisionmaking body of the County by its staff, or the Project proponent, Project opponents, or other persons;
- (9) The documentation of the final County decision and approvals, including the final environmental impact report, mitigated negative declaration, negative declaration, or notice of exemption, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to CEQA;
- (10) Any other written materials relevant to the public agency's compliance with CEQA or to its decision on the merits of the Project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public

review, and copies of studies or other documents relied upon in any environmental document prepared for the Project and either made available to the public during the public review period or included in the County 's files on the Project, and all internal agency communications, including staff notes and memoranda related to the Project or to compliance with CEQA; and

- (11) The full written record before any inferior administrative decisionmaking body whose decision was appealed to a superior administrative decisionmaking body prior to the filing of any litigation.

Please respond within 10 days from the date you receive this request as to whether this request specifies identifiable records not exempt from disclosure under the PRA or otherwise privileged or confidential, and are therefore subject to disclosure. This Office understands that this time may be extended up to 14 days for unusual circumstances as provided by Cal. Government Code § 6253(c), and that we will be notified of any extension and the reasons justifying it.

We request that you provide all documents in electronic format and waive any and all fees associated with this Request. SWRCC is a community-based organization. Please notify and obtain express approval from this Office before incurring any duplication costs.

If any of the above requested documents are available online, please provide us with the URL web address at which the documents may be downloaded. If any of the requested documents are retained by the County in electronic computer-readable format such as PDF (portable document format), please provide us with pdf copies of the documents via email, or inform us of the location at which we can copy these documents electronically.

In preparing your response, please bear in mind that you have an obligation under Government Code section 6253.1 to (1) identify all records and information responsive to our request or the purpose of our request; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

In responding to this request, please bear in mind that any exemptions from disclosure you may believe to be applicable are to be narrowly construed. *Marken v. Santa Monica-Malibu Unif. Sch. Dist.* (2012) 202 Cal. App. 4th 1250,1262; and may be further narrowed or eliminated by the adoption of Proposition 59, which amended article I, section 3(b)(2) of the California Constitution to direct that any “statute ... or other authority ... [that] limits the right of access” to “information concerning the conduct of the people’s business” must be “narrowly construed.”

As for any records that you nonetheless decline to produce on the grounds of an exemption, please bear in mind that the case law under the Public Records Act imposes a duty on you to distinguish between the exempt and the non-exempt portion of any such records, and to attempt in good faith to redact the exempt portion and to disclose the balance of such documents.

Please bear in mind further that should you choose to withhold any document from disclosure, you have a duty under Government Code section 6255, subd. (a) to “justify withholding any record by demonstrating that the record in question is exempt under express provisions” of the Public Records Act or that “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.”

Finally, please note that you must retain and not destroy any and all records, notwithstanding any local record retention or document destruction policies. As the Court noted in *Golden Door Properties, LLC v. Superior Court of San Diego County* (2020) 53 Cal.App.5th 733 that a public agency “must retain ‘[a]ll written evidence or correspondence submitted to, or transferred from’ . . . with respect to” CEQA compliance or “with respect to the project.”

II. NOTICE LIST REQUEST.

We also ask that you put this Office on its notice list for any and all notices issued under the CEQA and the Planning and Zoning Law.

In particular, we request that County send by mail or electronic mail notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the County and any of its subdivision for the Project, or supported, in whole or in part, through permits, contracts, grants, subsidies, loans, or other forms of approvals, actions or assistance, including but not limited to the following:

- Notices of any public hearing held in connection with the Project; as well as
- Any and all notices prepared pursuant to CEQA, including but not limited to:
- Notices of determination that an Environmental Impact Report (“EIR”) or supplemental EIR is required for a project, prepared pursuant to Public Resources Code Section 21080.4;
- Notices of availability of an EIR or a negative declaration for a project prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations;
- Notices of approval or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law;
- Notice of approval or certification of any EIR or negative declaration prepared pursuant to Public Resources Code Section 21152 or any other provision of law;
- Notice of exemption from CEQA prepared pursuant to Public Resources Code section 21152 or any other provision of law; and
- Notice of any Final EIR prepared pursuant to CEQA.

This Office is requesting notices of any approvals or public hearings under CEQA and the California Planning and Zoning Law. This request is filed pursuant to California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 requiring agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

Please send notice by regular and electronic mail to:

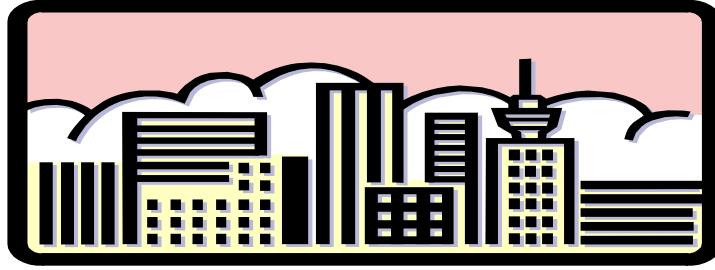
Mitchell M. Tsai, Attorney At Law
139 South Hudson Avenue
Suite 200
Pasadena, California 91101
Em: mitch@mitchtsailaw.com
Em: stephanie@mitchtsailaw.com
Em: rebekah@mitchtsailaw.com
Em: maria@mitchtsailaw.com
Em: hind@mitchtsailaw.com
Em: steven@mitchtsailaw.com
Em: malou@mitchtsailaw.com
Em: barrie@mitchtsailaw.com

We look forward to working with you. If you have any questions or concerns, please do not hesitate to contact our Office.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Regional Council
of Carpenters



Judy Deertrack
450 East Vista Chino, Unit 2011
Palm Springs, California 92262
Phone: 760 325 4290
Email: judydeertrack@gmail.com

September 1, 2022

The Planning Director
Riverside County Planning Department
Riverside, California

Re: Director's Hearing Item 4.1, August 29, 2022, Scoping Session for EIR, Majestic Freeway Business Center Phase II, Mead Valley Area Plan. The proposed project to be analyzed in the Environmental Impact Report (EIR) would be for the development of the site via the Plot Plans for a total of 1,219,222 square feet of industrial buildings on 67.8 acres. (Commentary Open through September 2, 2022 Commentary of J. Deertrack

SUBJECT: Item 4.1 Director's Hearing, August 29, 2022, SCOPING SESSION for ENVIRONMENTAL IMPACT REPORT FOR MAJESTIC FREEWAY BUSINESS CENTER PHASE II – PLOT PLAN NOS. 220003, 220008, 220009, 220015 – CEQ220006 – Applicant: Majestic Freeway Business Center – Engineer/Representative: T&B Planning, Inc. – First Supervisorial District – March Area – Mead Valley Area Plan: Community Development: Light Industrial (CD-LI) – Zoning: Manufacturing – Service Commercial (M-SC) - Industrial Park (I- P) – Location: Southerly of Oleander Avenue, westerly of Interstate 215 Freeway, northerly of Martin Street, and easterly of Decker Road – 67.86 Acres – REQUEST: The Environmental Impact Report analyzes the environmental impacts of Plot Plan Nos. 220003, 220008, 220009, and 220015. Plot Plan No. 220003 is a proposal for the construction and operation of a total of 317,760 sq. ft. warehouse/distribution/manufacturing development on 13.40-acres. Plot Plan No. 220008 is a proposal for the construction and operation of a total of 307,616 sq. ft. warehouse /distribution/ manufacturing development on 18.33-acres. Plot Plan No. 220009 is a proposal for the construction and operation of a total of 256,148 sq. ft. warehouse/distribution/manufacturing development on 15.77-acres. Plot Plan No. 220015 is a proposal for the construction and operation of a total of 337,698 sq. ft. within two (2) buildings of warehouse/ distribution/manufacturing development on 20.34-acres. The first building (Building 14A) is 200,624 sq. ft. and the second building (Building 14B) is 137,074 sq. ft. Project Planner: Russell Brady at (951) 955-3025 or email at RBrady@rivco.org.

To Whom It May Concern:

The following is a list of my primary concerns for full and adequate Environmental Assessment of Warehousing Operations to be submitted for the Scoping Session (Environmental Assessment) that occurred on Item 4.1, Director's Hearing, August 29, 2022, County of Riverside, which remains open for public commentary through September 2, 2022. These are recommendations for the EIR in order to reach full compliance with California State Law, and in order to afford full protection to the health, safety, and welfare of the citizens of Riverside

County. As always, I thank the public officials, directors, and staff of Riverside County for their conscientious and hard work.

(1) Readability and "*Plain English*" of the environmental document is a high priority, particularly discussion of cumulative impacts, greenhouse gas emissions, air quality indexes, and transportation impacts – which tend to get obscure, unreadable, untraceable in its logic and source material, and incomprehensible to the decisionmaker and public – without excuse. Let the preparer of the EIR do the work of making material comprehensible. This task should never become the job of a public who is not fairly equipped to "reassess" a confusing presentation, from the outside, with no meaningful access to the skills needed or the source material required. All too often with a MND/EIR, this is the unfair result.

(2) The County should have strict *internal review criteria* for environmental documents that are prepared by third party consultants or even staff, with review occurring at an appropriate higher administrative level or even county counsel, using guidelines that emphasize (a) clarity of presentation, (b) conformity with state law, (c) thorough incorporation of agency and public input, (d) avoidance of "conclusionary" language, and (e) scrupulous review of "thresholds of significance" to ensure that declaring "conformity with a threshold" as mitigation is not inappropriately confused with the actual work of identifying, reducing, and eliminating significant and avoidable physical impacts of the project.

(3) Riverside County should always publicly include a *list of the agencies* that received notice of the scoping session or environmental assessment (IS/ND/MND/EIR), together with identifying the agency's area of expertise or scope of jurisdiction and why they are being consulted. The County should have stringent guidelines and policies for staff in the preparation of an environmental assessment (EA) to consult rigorously with agencies for how the EA may be improved over time; to identify where it has been considered deficient before; to resolve confusion and conflict between agency missions; and to discuss where mitigation or avoidance techniques require better public presentation and more meaningful treatment.

(4) Riverside County should include a list in its EIR of previous projects or programs that have been assessed for *cumulative impact assessment* in the last ten years, together with easy electronic access to the document and the date of project approval, and how the most current cumulative impact assessment builds upon prior assessment. If cumulative impact assessment is not included in the EA, the document should clearly explain why it is not needed and describe standards and methodology to assure the public that state requirements are met. I refer to multiple letters received by Riverside County from the California State Department of Justice that has repeatedly questioned the County's compliance with cumulative impact assessment. If those (or any other agency) suggestions are not fully incorporated into the EA, the EA should clearly explain why not, and demonstrate compliance through alternate methods. Resolve interagency disputes.

(5) If the County uses "*Regional Growth Projections*" (Program Thresholds) for cumulative impact assessment, clearly explain the use of any 'imported' thresholds of significance. Give the public and decisionmaker effortless electronic access to the source, cite the sections and pages, define clearly how and why regional program guidelines or a previous EIR assessments that are being used either reduce or avoid impacts in the project at hand, and – most importantly – avoid conclusionary language that automatically equates "consistency" with a program or threshold as "mitigation" of the current project.

Explain the options for cumulative impact assessment and also identify and determine why Riverside County is using its current method (ie; List Method, Regional Threshold Method, or combination of List and Threshold) – and how it is reaching "best practices." Demonstrate in the Scoping Session and EA that Riverside County is incorporating recommendations from specialists or experts, such as the Department of Justice, Governor's Office of Planning and Research, Responsible or Trustee Agencies, etc.

Another vulnerability in cumulative impact assessment is to conclude without actual assessment that "IF" a project use is anticipated in the general plan designation or zone, and "IF" the anticipated acreage for that use (or a whole category of associated uses) has not been fully used, and "IF" the Programmatic EIR for that area addressed the category of review at any level, "THEN" no further review is required. Typically, this logic ends

up with a consistency statement attached to it and leaves the decisionmaker and public thoroughly confused and deprived of the chain of logic.

The fact that a General Plan, Regional Plan, or Area Plan anticipates and mitigates an impact at the programmatic level is not a substitute for project-level impact review, even when thresholds are involved, and even when programmatic review has occurred. Program mitigation by nature is limited to what can be determined at the time of passage; it is designed at the program level; by nature, it is generalized because applied over a broad range of time, lands, and uses; it does not anticipate project design or details; it may generate new ordinances or programs to address future impacts, but these are untested and may not be adequate for full project-by-project mitigation without detailed site inspection and review. Never should such thresholds or programs be summarily applied.

This is an area where I recommend Riverside County should pay special attention to seeking Trustee or Responsible Agency assessment, consultation, and input, and also involve community NGO's with special expertise through public meetings. Beware in the ultimate review of "conclusions" without support.

Additionally, this is an assessment area where the California Department of Justice (addressing Mead Valley specifically) has submitted direct recommendations that have yet to be incorporated into Riverside County environmental review, to my knowledge. I refer to the comment letter of the California Department of Justice to the County of Riverside, dated November 13, 2019, addressing the proposed "Good Neighbor Policy for Logistic and Warehouse Distribution Uses," signed by Robert Swanson, Deputy Attorney General for the State of California (attached). That document states"

"Often, analyses under the California Environmental Quality Act (CEQA) conclude that a project has no significant cumulative air quality impact on the basis that the project's impacts alone do not exceed SCAQMD's significance thresholds for an individual project. CEQA documents sometimes use this rationale even if the project is adjacent to other warehouses and their combined impact would clearly exceed SCAQMD standards." (Calif. Department of Justice to RCTLMA Director at page 6). [underline' emphasis added]

The importance of this department / agency feedback to Riverside County goes far beyond compliance with the California Environmental Quality Act (CEQA). Its significance is the disproportionate and serious impact logistic warehousing is having on public health and safety by placement of the logistic centers away from high-end communities that will not tolerate them to communities that have significantly lower economic, educational, or political influence with government – and are already burdened and impacted beyond all thresholds. This is an issue of Environmental Justice that needs major attention in all environmental assessment and program implementation.

(6) Environmental Justice Communities: I recently commented on a letter in the Placentia Parking Lot approval (warehousing parking) that the *Good Neighbor Policy Guidelines* were used, but were unadaptable by nature to the project, because it did not involve a warehousing operation. Placentia involved a warehousing parking lot to accommodate unidentified present and future logistic centers, and the policies did not make sense when applied. Here is a quote from that letter that explains the function of the Policies:

General Plan Guidance for Environmental Justice Impacts: "Good Neighbor" Policy for Logistics and Warehouse/Distribution Uses (F-3)" – *"This policy provides 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. . . . This policy provides a series of development and operational criteria that can be implemented to supplement project-level mitigation measures, in order to further reduce impacts related to logistics and warehousing development and operations."*

Not all development and operational criteria can be identified for all future projects, because they adapt and change by year, and they may also vary considerably by project. It would be difficult for a list to be comprehensive. Riverside County also has a Climate Action Plan it uses in conjunction with the Good Neighbor

Policies. There may be other programs or plans that purport to “further reduce impacts” of warehousing operations. The point of these programs and thresholds is that it is impossible for them to reach “full mitigation” because – by their very nature (and by law) – mitigation requires project-level and individual assessment, as well as meaningful ongoing cumulative assessment. I urge Riverside County to attend vigorously to those project components that are not covered programmatically and assist the preparers of the EA on how to unveil these components and fashion effective project mitigation.

(7) I highly recommend the use of a “combination” of *List of Projects and Regional Growth Projections (Program Thresholds)* for Cumulative Impact Assessment because the use of one without the other leaves serious deficiencies. Program Thresholds, most importantly, may neglect the “location” factor of warehousing near sensitive receptors and Environmental Justice Communities. I refer once again to the comment letters of the California State Department of Justice where Riverside County has been repeatedly warned that its placement of warehousing operations near State Highways and Interstate 10 has potentially endangered “low-income communities” and “communities of color” that already show a disproportionately poor index for “public health and safety” compared to other areas of the County. Since these letters were received, there have been hundreds of thousands, if not several million square feet of warehousing proposed in the areas of complaint. I have looked for cumulative impact assessment and have either found it missing or deficient (particularly in terms of being comprehensible and concrete).

If it has not to date, Riverside County is responsible (and perhaps overdue) to prepare documentation of cumulative impact assessment for warehousing operations under the California Environmental Quality Act (CEQA), including;

(a) a full description or “list” of warehousing, logistics, or other related operations within Riverside County that have been permitted, considered, or expanded in the last ten years;

(b) for any such ‘list’ of warehousing operations in (6)(a) above, a mapped description of the projects’ proximity (in linear feet or miles) to any area within Riverside County or San Bernardino County that has been designated, or is under consideration for designation, as an Environmental Justice Community;

(c) for any such ‘list’ of warehousing operations in (6)(a) above, a mapped description of the projects’ proximity (in linear feet or miles) to any areas within Riverside County or San Bernardino County that has been designated, or is under consideration for designation, as a protected resource area, habitat conservation plan, or other species protection plan, and whether the warehousing project is considered within an area of potential impact;

(d) to identify with adequate specificity the quality, nature, and extent of public outreach for each of these projects, particularly any projects with operations that exceed 200,000 square feet of logistic operations, and the number of attendees, whether public notice and/or attendance was neighborhood, agency, or regional, and recommendations for the scope of “adequacy” for outreach, including identification of “parties or agencies of interest” given potential regional impacts;

(e) a ‘common sense’ and ‘plain English’ public document to accompany the EIR (or incorporate within the EIR) that explains the use and methodology of each regional standard used by Riverside County in environmental assessment, and how they adequately mitigate projects (at the time of their passage) that may not even yet be anticipated. Documents that I have seen and read are often conclusionary and do not adequately demonstrate how their application meets the exacting level of detail required by CEQA on a future timeline. One example of this is the aforementioned “Good Neighbor Policies” to the recently approved Placentia warehousing parking lot; a project use ‘adaptation’ that lies outside of the formulated policies, which were mentioned and applied, but without the necessary “fit.”

(8) The assessment and mitigation of impacts from biology, wildlife, plants, and habitat appears more readable and understandable in the EAs I have reviewed. This may result from a differing level of technicality, but also from the extensive input and incorporated policies of the *Coachella Valley Multi-Species Conservation Habitat Plan (CVMSHCP)*, which has done a creditable job of how to monitor and prevent impacts from adjacent

projects through land classification. Nonetheless, it is less clear to me how deterioration of the air basin from a burgeoning and rampant warehouse industry may affect wildlife and plant biology over the years. This climate effect is something the CVMSHCP did not appear to anticipate, and I question whether the regional response is adequate.

I would recommend to Riverside County that it collaborate with CVAG, CVCC, and associated Trustee and Responsible Agencies for wildlife, habitat, and plant life to determine a broader and more directed approach to environmental assessment overall, and the Riverside County Climate Action Plan, and how or whether it adapts well to project-level environmental review. I was raised in the San Joaquin Valley, where the air basin deterioration for 20-30 years devastated the surrounding national forests with infestations and disease which resulted from air quality impacts. I experienced the same result when I lived in the forested community of Cambria, California, and saw the protected pine species virtually disappear in ten years. The following statistics were taken from the California State Department of Justice Commentary to Riverside County,

"The Inland Empire region, including Riverside County, has been an epicenter of warehouse development in the state. The Los Angeles Times reports that, "[i]n the last decade, more than 150 million square feet of industrial space, the vast majority of it warehouses, has been built in the Inland Empire." 1 Among the largest 100 logistics leases signed in 2018 nationwide, 20 were in the Inland Empire, nearly double the jurisdiction with the second-most signed leases. Those 20 deals, representing only a fraction of overall logistics growth in the Inland Empire, were for a total of nearly 20 million square feet. Furthermore, this development has proliferated near communities. For example, in the Mead Valley area of Riverside County and the neighboring City of Perris, significant new warehouse developments have been placed adjacent to and surrounding pre-existing neighborhoods." (California Department of Justice to RCTLMA Director, November 13, 2019, at page 1-2). [underline emphasis added]

These warehousing operations, with stunning air quality impacts, are also proliferating near non-human biological communities, with little or no assessment of the threshold for disturbing, undermining, or destroying sensitive species or habitat because of contaminated air. These areas of assessment (air quality, greenhouse gases, biological) should be combined for an appropriate impact threshold and possible strategies to avoid regional damage.

(9) The recommendation of greatest import to me personally is to encourage Riverside County to enter serious consultation with the *California Department of Justice* as the primary agency seeking to implement the Climate Action Goals of Governor Newsom and the State of California. Between commentary to Moreno Valley, San Bernardino County, and Riverside County, the Justice Department has repeatedly warned of serious noncompliance issues that may cumulatively threaten the attainment of long-range climate goals for the State of California, particularly because this region has chosen to absorb the lion's share of the logistics growth industry in California, within a very short time period. The DOJ letters make a long series of recommendations to the County on change of practices, and I encourage the County to implement these in full, and particularly take care with its cumulative impact assessment. *Economic assessment of an industry's impact* is not a CEQA issue unless or until the economic impacts create substantial and adverse physical change. I have read numerous articles on the long-range problems of overemphasizing warehousing, because it exacerbates poverty and illness, and creates serious blight if overconcentrated within a region. These impacts should be included in an EIR.

The following statistics were reported in the Press Enterprise, October 20, 2021, *"Inland Empire is Warehouse Central, But How Did It Happen?"*

-- From 2004 to 2020, the Inland logistics footprint roughly doubled to almost 600 million square feet, according to commercial real estate firm CBRE.

*--The number of Inland "big box" distribution centers grew 54% from **463** in 2009 to **711** in 2020, according to Statista, a market and consumer data firm.*

--In 2019, the Inland Empire was home to 21 of the nation's 100 biggest logistics leases, the California attorney general's office reported.

*--An estimated **40%** of the nation's consumer goods come through the region, Bloomberg News reported, and the logistics industry employed almost 1 in 8 Inland workers as of early 2021.*

--Amazon is Riverside County's second-largest employer, according to the county budget report.

--And these examples don't include the planned World Logistics Center, which will bring 40 million square feet — 705 football fields — of warehouse space to eastern Moreno Valley."

Despite significant growth trends prior to COVID, the recent supply chain disruptions, congested ports, and changes to the way customers receive goods during a pandemic are creating unprecedented challenges. Agency warnings have been issued that the boost to the economy from warehousing operations may be transitory and far too bottom-end (low wage) to be sustainable over time, particularly when they begin to dominate the economy and affect diversity of choice in the economic structure of a region.

More troubling is the unanticipated and possibly unevaluated stresses on air quality and climate warming which are already the subject of worldwide panic. I both trust and urge RCTLMA and the County of Riverside to direct its resources towards public and interagency cooperation that will create a safe balance between economic growth and environment.

Thank you for the opportunity to comment on this project.

With regard,

Judy Deertrack
Resident of Palm Springs

ATTACHMENTS:

EXHIBIT A - California DOJ, Letter to RCTLMA dated November 13, 2019 (Good Neighbor Policy)

EXHIBIT B - California DOJ, Letter to Moreno Valley dated September 7, 2018 (FEIR World Logistic Center)

EXHIBIT C - RCTLMA Director's Hearing August 29, 2022, Item 4.1, Staff Report, EIR Scoping (Bus Ctr)

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
"Bringing People Together to Improve Our Social and Natural Environment"

September 2, 2022

Riverside County Planning Department
4080 Lemon Street, 12th Floor
PO Box 1409
Riverside, Ca 92502-1409
Attn: Russell Brady, Project Planner

Re: Majestic Freeway Business Center Phase II Notice of Preparation (SCH #202200060)

Dear Mr. Brady:

This letter is in response to the Notice of Preparation for the Majestic Freeway Business Center Phase II ("Project") which was made available for public review and comment.

We would like to draw attention to the fact that this Project is proposed mere feet from existing residences in what is already a disadvantaged community based on it being in the top-25% on CalEnviroScreen (see Figure 1). As such, this Project is less than ideal and would not be the best fit for the community, but if it is to move forward, it is imperative that the EIR process study and identify full mitigation of any impacts to the community in any of the study topics.

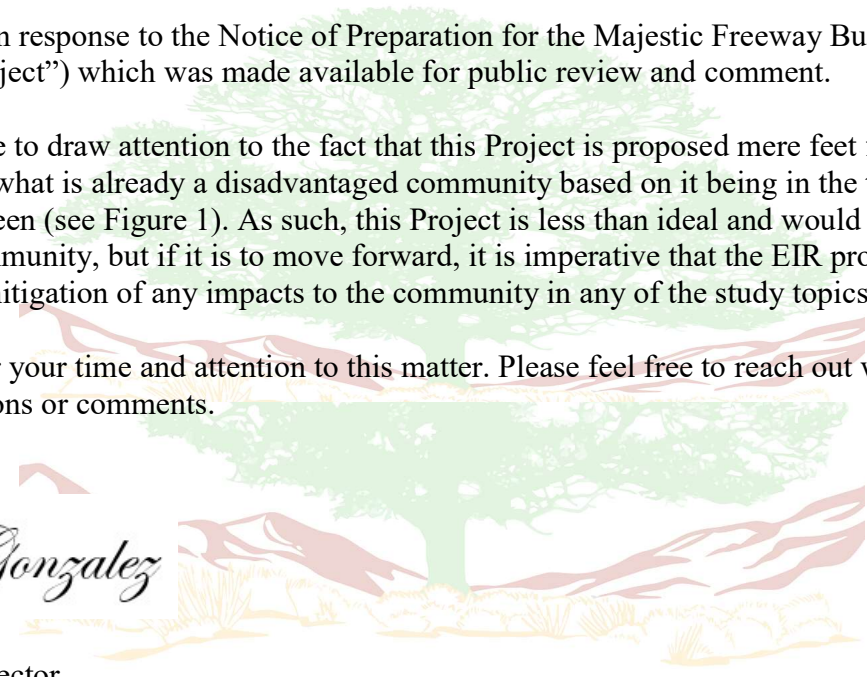
Thank you for your time and attention to this matter. Please feel free to reach out with any further questions or comments.

Sincerely,



Ana Gonzalez

Ana Gonzalez
Executive Director



CCAIEJ is a long-standing community based organization with over 40 years of experience advocating for stronger regulations through strategic campaigns and building a base of community power. Most notably, CCAIEJ's founder Penny Newman won a landmark federal case against Stringfellow Construction which resulted in the 'Stringfellow Acid Pits' being declared one of the first Superfund sites in the nation. **CCAIEJ** prioritizes community voices as we continue our grassroots efforts to bring lasting environmental justice to the Inland Valley Region.

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
 “Bringing People Together to Improve Our Social and Natural Environment”

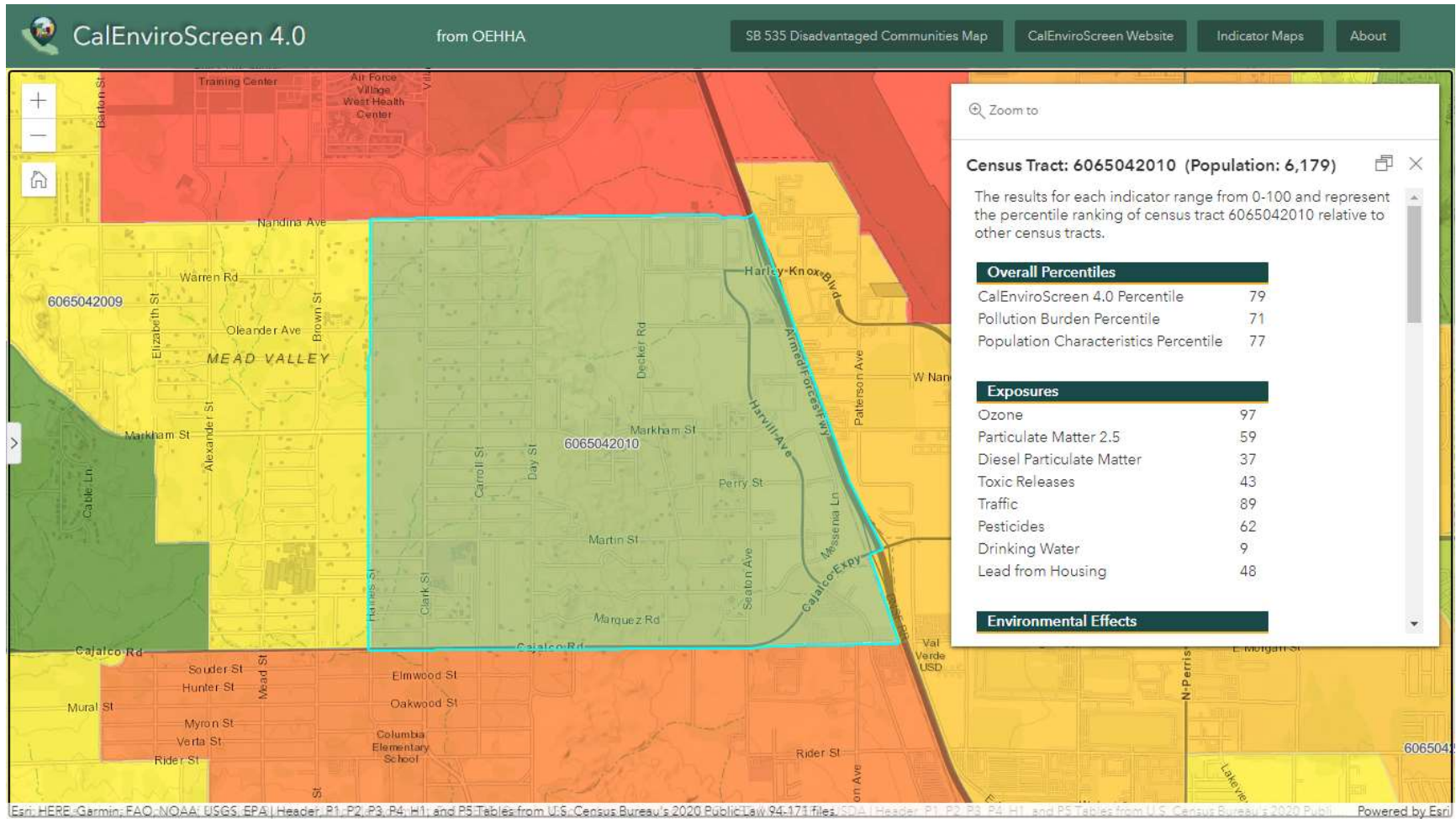
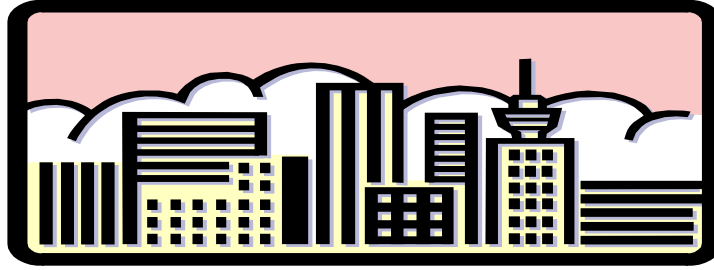


Figure 1. CalEnviroScreen 4.0 results for Census Tract 6065042010 where the proposed Project would be located indicating that it is at the 79th percentile.

Mailing Address
 P.O. Box 33124
 Jurupa Valley CA 92519

Physical Address
 3840 Sunnyhill Drive, Suite A
 Jurupa Valley CA 92509

Tel: 951-360-8451
Fax: 951-360-5950
www.ccaej.org



Judy Deertrack
450 East Vista Chino, Unit 2011
Palm Springs, California 92262
Phone: 760 325 4290
Email: judydeertrack@gmail.com

September 2, 2022

The Planning Director
Riverside County Planning Department
Riverside, California

Re: ADDENDUM TO COMMENT LETTER SUBMITTED SEPT 1, 2022 BY J. DEERTRACK

Director's Hearing Item 4.1, August 29, 2022, Scoping Session for EIR, Majestic Freeway Business Center Phase II, Mead Valley Area Plan. The proposed project to be analyzed in the Environmental Impact Report (EIR) would be for the development of the site via the Plot Plans for a total of 1,219,222 square feet of industrial buildings on 67.8 acres. (Commentary Open through September 2, 2022
Commentary of J. Deertrack

SUBJECT: Item 4.1 Director's Hearing, August 29, 2022, SCOPING SESSION for ENVIRONMENTAL IMPACT REPORT FOR MAJESTIC FREEWAY BUSINESS CENTER PHASE II – PLOT PLAN NOS. 220003, 220008, 220009, 220015 – CEQ220006 – Applicant: Majestic Freeway Business Center – Engineer/Representative: T&B Planning, Inc. – First Supervisorial District – March Area – Mead Valley Area Plan: Community Development: Light Industrial (CD-LI) – Zoning: Manufacturing – Service Commercial (M-SC) - Industrial Park (I- P) – Location: Southerly of Oleander Avenue, westerly of Interstate 215 Freeway, northerly of Martin Street, and easterly of Decker Road – 67.86 Acres

To Whom It May Concern:

I have spent additional time since my comment letter of yesterday reviewing the Riverside County Climate Action Plan (2019), and the Riverside County Greenhouse Gas Screening Tables, together with a Programmatic EIR from the Department of Water Resources (2020) that includes "*Appendix C Assessment Form for Consistency with GHG Emission Reduction Plan*" (attached). I also have included references to the CEQA cumulative impact assessment guidance given by CCR 15064 (Determine Significance of Environmental Effect of the Project); CCR 15064.4 (Determine Significance from GHG Emissions); CCR 15064.7 (Thresholds of Significance); CCR 15065 (Mandatory Findings of Significance); CCR 15130 (Discussion of Cumulative Impacts); CCR 15152 Tiering; and CCR 15183.5 Tiering for Greenhouse Gas Emissions.

All this technicality and legality combined is why I have tremendous respect for staff and public officials for RCTLMA. Your task of implementing the mission of RCTLMA is enormous and probably feels thankless at times. I appreciate your efforts and expertise. Thank you for considering my input (below).

My question (and input) to the County of Riverside on environmental assessment of Greenhouse Gas Emissions for warehousing industries, and particularly the generated trucking on Interstates and State Highways, is as follows:

If the County uses program compliance with a threshold of significance (set in the Screening Tables or elsewhere), as proof of mitigation, is applying the threshold adequate under CEQA, or is further assessment required to assure that the mitigation is indeed rendered "insignificant" as applied to the project itself, or to the industry as a whole (cumulatively considerable)? It would be hard to believe that an industry as intensive as the warehousing industry (perhaps over 200 million square feet of logistic operations), where Riverside County supplies 40% of the nation's warehousing needs in certain industries, is harmless to our environment, and the air quality effects have been rendered "insignificant."

Riverside County appears in its Screening Tables to have set a cap of 3,000 metric tons of carbon dioxide equivalent as a baseline for significance. I believe this is applied to residential, commercial, and industrial. If the project exceeds that cap, apparently there is a "point" system (100 points) that can be applied to the project to mitigate its effect.

I am asking that Riverside County, in its Scoping Session for this EIR, take particular care to ensure that the Screening Tables, with their mitigation measures, bear a direct relationship to actual mitigation of the effects of warehousing and regional transport from an industry that is now huge, troubling, growing exponentially, and growing within environmental justice communities.

At the least, before Riverside County uses its Climate Action Plan and Screening Tables to assess the impact of greenhouse gases on the warehousing industry once again, could there be collaboration with the California State Department of Justice (DOJ), and possibly the Governor's Office of Planning and Research (OPR), to ensure that "causality" exists between application of the standards and actual mitigation to a regional level of insignificance? I cannot reconcile the commentary of the Department of Justice that has been submitted to the County of Riverside with what I see in its planning standards used for cumulative impact assessment. I urge the County to reconcile these differences, given that its justification for the use of these standards is to comply with the Governor's directives on greenhouse gas emissions.

I think it also bears mentioning that when a project meets a "threshold of significance," this requirement, in and of itself, does not bear on the issue of whether mitigation is effective. The CEQA mandate is not to achieve compliance with plans, programs, or local objectives through consistency findings; the CEQA mandate is to analyze project impacts and to avoid or reduce those impacts to an "insignificant level." Meeting thresholds of significance may or may not result in appropriate mitigation, and most court challenges to CEQA cumulative impact assessment are in this area.

I have attached Appendix C from the Department of Water Resources (Climate Action Plan) for a checklist that was developed specifically to this end; for the post-review of whether program compliance (consistency) was adequate to mitigate the effects of the project to insignificance, for purposes of CEQA.

Thank you for your kind consideration of this discussion.

With regard,

Judy Deertrack

ATTACHMENT: APPENDIX C, Climate Action Plan, Department of Water Resources, 2021

California Department of Water Resources



Climate Action Plan Phase 1 Greenhouse Gas Emissions Reduction Plan Update 2020

July 2020

Appendix C. Assessment Form for Consistency with GHG Emissions Reduction Plan

For Projects Using Only Department of Water Resources (DWR) staff and Equipment¹

This form is to be used by DWR project managers to document a DWR CEQA project's consistency with the DWR Greenhouse Gas Emissions Reduction Plan (GGERP). This form is to be used only when DWR is the Lead Agency and when only DWR staff and equipment are used to implement the project.

Project Name: _____

Environmental Document Type: _____

Manager's Name: _____

Manager's E-mail: _____

Division: _____

Office, Branch, or Field Division: _____

Short Project Description:
Project GHG Emissions Summary:
<input type="checkbox"/> All emissions from the project will occur as ongoing operational, maintenance, or business activity emissions and therefore have already been accounted for and analyzed in the GGERP. (This box must be checked if you are using this form. If you cannot check this box you must use a different form.)

¹ This form is recreated from form DWR 9785b.

Project GHG Reduction Plan Checklist:

All Project Level GHG Emissions Reduction Measures have been incorporated into the design or implementation plan for the project (Project Level GHG Emissions Reduction Measures).

All feasible Project Level GHG Emissions Reduction Measures have been incorporated into the design or implementation plan for the project and Measures not incorporated have been listed and determined not to apply to the proposed project (include as an attachment).

Project does not conflict with any of the Specific Action GHG Emissions Reduction Measures (Specific Action GHG Emissions Reduction Measures).

Would implementation of the project result in additional energy demands on the SWP system of 15 GWh/yr or greater?

YES NO

If you answered Yes, attach a Renewable Power Procurement Plan update approval letter from the DWR SWP Power and Risk Office.

Is there substantial evidence that the effects of the proposed project may be cumulatively considerable notwithstanding the proposed project's compliance with the requirements of the DWR GHG Reduction Plan?

YES NO

If you answered Yes, the project is not eligible for streamlined analysis of GHG emissions using the DWR GHG Emissions Reduction Plan. (See CEQA Guidelines, Section 15183.5, subdivision (b)(2).)

Based on the information provided above and information provided in associated environmental documentation completed pursuant to the above referenced project, the DWR CEQA Climate Change Committee has determined that the proposed project is consistent with the DWR Greenhouse Gas Reduction Plan and the greenhouse gasses emitted by the project are covered by the plan's analysis.

Project Manager Signature: _____ Date: _____

C4 Approval Signature: _____ Date: _____

Attachments:

List and Explanation of excluded Project Level GHG Emissions Reduction Measures.

Plan to update Renewable Energy Procurement Plan from DWR SWP Power and Risk Office.



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 210-7808
Facsimile: (916) 327-2319
E-Mail: Robert.Swanson@doj.ca.gov

November 13, 2019

Mr. Juan C. Perez
Director
County of Riverside, Transportation and Land Management Agency
4080 Lemon St., 14th Floor
P.O. Box 1605
Riverside, CA 92502-1605

RE: Proposed "Good Neighbor" Policy for Logistics and Warehouse/Distribution Uses

Dear Mr. Perez:

The California Attorney General's Bureau of Environmental Justice supports Riverside County's efforts to establish a good neighbor policy setting minimum standards for logistics and warehouse projects. As the policy recognizes, the logistics industry has experienced rapid growth in recent years, especially in the Inland Empire. A robust set of minimum standards can protect residents, level the playing field for projects across the County, and provide a predictable business environment. The Attorney General's Office therefore urges the County to adopt a good neighbor policy and provides several recommendations for improving the policy.

I. LOCAL IMPACTS OF WAREHOUSE FACILITIES AND THE NEED FOR A GOOD NEIGHBOR POLICY

The Inland Empire region, including Riverside County, has been an epicenter of warehouse development in the state. The Los Angeles Times reports that, "[i]n the last decade, more than 150 million square feet of industrial space, the vast majority of it warehouses, has been built in the Inland Empire."¹ Among the largest 100 logistics leases signed in 2018 nationwide, 20 were in the Inland Empire, nearly double the jurisdiction with the second-most signed leases.² Those 20 deals, representing only a fraction of overall logistics growth in the Inland Empire, were for a total of nearly 20 million square feet.³ Furthermore, this development has proliferated near communities. For example, in the Mead Valley area of Riverside County

¹ Los Angeles Times, *When your house is surrounded by massive warehouses*, October 27, 2019.

² See <https://www.cbre.us/about/media-center/inland-empire-largest-us-warehouse-leases>.

³ *Id.*

and the neighboring City of Perris, significant new warehouse developments have been placed adjacent to and surrounding pre-existing neighborhoods.⁴

The draft policy acknowledges that construction and operation of warehouse projects can come with significant environmental and public health impacts for nearby sensitive receptors. Indeed, the Attorney General's Office has recently filed several comment letters on logistics projects pursuant to the California Environmental Quality Act to ensure that those impacts are properly disclosed and mitigated.⁵ In addition, the California Air Resources Board (CARB)⁶ and South Coast Air Quality Management District (SCAQMD)⁷ regularly submit comment letters on the air quality impacts of logistics projects. This substantial involvement from state and regional actors underscores the need for minimum development standards for warehouse projects. It should also assure local decision-makers that attracting economic development need not be a race to the bottom.

As the County understands, nearby residents, schools, parks, and places of worship are exposed to the air pollution, noise, and traffic generated by logistics facilities. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a cause of respiratory problems like asthma, bronchitis, lung irritation, and lung cancer—and diesel particulate matter (a subset of fine particulate matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.⁸ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.⁹ The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents.

⁴ See Attachment A, Warehouse Proliferation in the Mead Valley Vicinity from 2012 to 2019.

⁵ California Office of the Attorney General, Comment Letters Filed under the California Environmental Quality Act, <https://oag.ca.gov/environment/ceqa/letters>.

⁶ California Air Resources Board, California Environmental Quality Act Letters for Freight Facilities, <https://ww2.arb.ca.gov/resources/documents/california-environmental-quality-act-letters-freight-facilities>.

⁷ South Coast Air Quality Management District, CEQA Comment Letters – Year 2019, <http://www.aqmd.gov/home/rules-compliance/ceqa/commenting-agency/comment-letters-year-2019>

⁸ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

⁹ Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

These environmental impacts tend to be concentrated in neighborhoods already suffering from disproportionate health impacts. According to CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and vulnerability, many communities in unincorporated Riverside County experience some of the highest pollution in the state and are especially vulnerable to the resulting health effects.¹⁰ For example, several census tracts in Mead Valley rank worse than 90 percent of the rest of the state for combined pollution burden and vulnerability. The majority of Riverside County is in the worst 10% for exposure to ozone, and areas near Mead Valley, Moreno Valley, Corona, Indio, Murrieta, and Temecula have elevated exposures to fine and/or diesel particulate matter. Unsurprisingly, Riverside County residents suffer from health issues that correspond with high levels of air pollution. Areas near Banning, Hemet, Mead Valley, Moreno Valley, and Perris have among the worst rates of asthma and/or cardiovascular disease in the state, and many communities suffer from especially high rates of low birth weight infants. These health issues both are caused by exposure to air pollution, and make the residents more vulnerable to that exposure. Moreover, various communities across unincorporated Riverside County are low-income communities and communities of color. Nearly half of the County's population is Latinx, 19% of whom live below the poverty line.¹¹ Given the high exposure County residents experience, and their vulnerability to this exposure, the County should take care to avoid adding to the existing pollution burden in these communities.

Despite the negative environmental and health impacts they bring to communities, warehouse facilities are often approved on the promise that they will bring jobs. However, the economic benefits of these facilities are often overstated. Many warehouse jobs are part-time, temporary, lack benefits, and/or do not pay a living wage. According to a report from the Los Angeles County Economic Development Corporation's Institute for Applied Economics (LAEDC report), employment in warehousing and logistics jobs in Los Angeles and the Inland Empire grew by 55.1% from 2005 to 2015, while real wages decreased by 9% in the same period.¹² Moreover, a 2018 nationwide industry-sponsored study found that 48% of warehouse employees worked a second job, and that 40% of those employees worked at least 31 hours per

¹⁰ CalEnviroScreen 3.0, available at <https://oehha.ca.gov/calenviroscreen> (as of January 17, 2019). CalEnviroScreen is a tool created by the Office of Environmental Health Hazard Assessment that uses environmental, health, and socioeconomic information to produce scores and rank every census tract in the state. A census tract with a high score is one that experiences a much higher pollution burden than a census tract with a low score. Office of Environmental Health Hazard Assessment, CalEnviroScreen 3.0 Report (January 2017), available at <https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>.

¹¹ U.S. Census Bureau, American Community Survey (data from 2017). 15.6% of all people in Riverside County live below the poverty line, compared to the national average of 13.4%.

¹² Los Angeles County Economic Development Corporation, *Goods on the Move! Trade and Logistics in Southern California*, https://laedc.org/wp-content/uploads/2017/06/TL_20170515_Final.pdf, at 17-18.

week at their second jobs.¹³ Although logistics industry growth and the attendant demand for workers has increased wages somewhat in recent years, still only 65% of workers surveyed made at least \$12 an hour.¹⁴

Job growth from warehouse projects may also be temporary. The LAEDC report warned that “employment prospects for tomorrow will dim as . . . automation of these jobs becomes a reality.” In fact, JD.com, a major online retailer in China, last year unveiled a fully automated warehouse that can fulfill 200,000 packages a day while employing only four workers, who service the facility’s robots.¹⁵ Prominent American retailers’ substantial investments in automation are well-documented.¹⁶

For all these reasons, the County should take special care analyzing the expected benefits of logistics facilities, as well as evaluating the environmental and health impacts of siting these facilities near communities. A good neighbor policy would appropriately place minimum development standards on warehouse projects to ensure that the facilities in fact benefit the communities where they are located. Although improvements are suggested below, the County’s good neighbor policy would be a step in the right direction toward more thoughtful, health-protective, and just warehouse development County-wide. The good neighbor policy could also become a model for other jurisdictions that are grappling with similar issues. Accordingly, the Attorney General’s Office encourages the County to adopt a good neighbor policy.

II. RECOMMENDATIONS FOR IMPROVING THE DRAFT “GOOD NEIGHBOR” POLICY

While we applaud the County’s effort in developing the policy, we have identified several areas that would benefit from revisions to the draft policy. These recommendations fall into four categories—(1) buffers between warehouses and sensitive receptors, (2) cumulative impacts analyses, (3) mitigation of engine emissions, and (4) community engagement.

¹³ ProLogistix, 2018 Warehouse Employee Opinion Survey Results, <https://www.newcastlesys.com/hubfs/docs/2018-Warehouse-Employee-Opinion-Survey-Results.pdf>, at 2.

¹⁴ *Id.* Even though Amazon made headlines when it announced that it will pay its employees a \$15 per hour minimum wage, it simultaneously ended programs that paid workers bonuses and gave them stock. CBS News, *Amazon cutting bonuses and stock benefits as it raises minimum wage to \$15*, <https://www.cbsnews.com/news/amazon-to-cut-bonuses-for-warehouse-workers-and-stock-benefits-as-it-raises-minimum-wage-to-15/>.

¹⁵ Freight Waves, *JD.com opens automated warehouse that employs four people but fulfills 200,000 packages daily*, <https://www.freightwaves.com/news/technology/jdcom-opens-automated-warehouse-that-employs-four-people-but-fulfills-200000-packages-daily>.

¹⁶ See, e.g., InvestorPlace, *Amazon Stocks Should Grow on Its Automation Efforts*, <https://investorplace.com/2019/06/amazon-stock-can-deliver-better-returns-due-to-higher-automation-investments/>; Bloomberg, *Kroger Goes Full Robot to Take On Amazon*, <https://www.bloomberg.com/opinion/articles/2019-07-22/kroger-goes-full-robot-to-take-on-amazon-with-ocado>.

A. The County Should Strengthen the Buffer Between Warehouses and Sensitive Receptors.

Most importantly, the County should increase the distance of the buffer between sensitive receptors and warehouse facilities and revise the way the buffer is measured. The current draft states that warehouse facilities “should be generally designed so that truck bays and loading docks are a minimum of 300 feet, measured from the dock building door to the occupied structure of a sensitive receptor. This distance may be reduced if the site design include berms or other similar features to appropriately shield and buffer the sensitive receptors from the active truck operations areas.”¹⁷ This buffer is insufficient for three reasons. First, it is too small. CARB recommends that sensitive land uses be separated from warehouses by at least 1,000 feet, based on data showing that localized air pollution drops off by 80% about 1,000 feet away.¹⁸ Riverside County has vast swathes of vacant land, such that implementation of CARB’s recommended buffer size is feasible without significantly constraining potential economic development.

Second, the way the 300-foot buffer is measured—from the warehouse dock building door to the occupied structure of a sensitive receptor—provides no actual protection. Three hundred feet—including a backyard, warehouse wall, vegetative buffer, and potentially a road—will typically separate any warehouse building and residence. For example, Attachment B to this letter contains an aerial image of a small, formerly rural community near Mead Valley that is now surrounded by warehouses. All of the occupied structures in the image are at least 300 feet from the nearest dock door. Measuring the buffer from the warehouse dock door to the occupied structure of a sensitive receptor also ignores how sensitive receptors are exposed to the facility’s impacts. Trucks drive and idle on other parts of a warehouse property besides the dock doors, and sensitive receptors are most exposed to pollution outdoors, such as in a backyard or school playground. Finally, the buffer provision expressly permits exceptions to its rule. It states that facilities “should generally be designed” with the buffer, and that the 300-foot buffer “may be reduced” if the site design shields the sensitive receptors. The entire good neighbor policy is non-binding guidance, so it already allows for reasonable flexibility. The buffer provision’s built-in exceptions invite development that ignores the buffer altogether.¹⁹

B. The County Should Add a Requirement to Conduct Meaningful Cumulative Air Quality Impact Analysis.

We are pleased that the draft good neighbor policy requires air quality, health risk assessment, noise, and construction traffic analyses for warehouse projects. In this spirit of robust disclosure, and particularly where a warehouse facility is sited near sensitive receptors,

¹⁷ Good Neighbor Policy (October 15, 2019 Draft), at 4.

¹⁸ California Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at 4-5.

¹⁹ Similarly, the County should remove Policy 3.1. The Purpose and Applicability sections make clear that individual projects are unique, such that deviating from a particular policy may be justified in special circumstances.

the County should also require analysis of a project's cumulative air quality impacts with other nearby sources of pollution. Often, analyses under the California Environmental Quality Act (CEQA) conclude that a project has no significant *cumulative* air quality impact on the basis that the project's impacts alone do not exceed SCAQMD's significance thresholds for an *individual* project. CEQA documents sometimes use this rationale even if the project is adjacent to other warehouses and their combined impact would clearly exceed SCAQMD standards. As a California appellate court has stated, "[o]ne of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources."²⁰ Including a requirement to expressly disclose a warehouse project's cumulative air quality impacts with other projects would ensure that decision makers are aware of the project's cumulative impacts when considering whether to approve facilities that would contribute to communities' cumulative pollution burden. It would also ensure compliance with CEQA's requirement that cumulative impact analysis consider the project's incremental impact in combination with past, present, and reasonably foreseeable future projects. CEQA Guidelines, Appendix G, §§ 15130, 15355; *Communities for a Better Env't v. California Res. Agency* (2002) 103 Cal.App.4th 98, 118 ("[T]he guiding criterion on the subject of cumulative impact is whether any additional effect caused by the proposed project should be considered significant given the existing cumulative effect."); *Kings Cty. Farm Bureau v. City of Hanford, supra*, 221 Cal.App.3d 692, 719-21 (holding that relatively small air quality impacts from a project do not eliminate the need to consider the project's combined impacts with other development).

C. The County Should Improve its Mitigation of Warehouse-Related Engine Emissions.

In addition, the County should strengthen its measures to reduce warehouse-related engine emissions. For example, the County should require that on-site equipment for operations be electric. This is a common mitigation measure found in many warehouse projects, and electric on-site equipment substantially reduces on-site emissions and noise. The County should also revise policy 2.2 so that off-road construction equipment must meet Tier 4 engine standards. Requiring Tier 4 engines is feasible—CARB enacted those standards in 2005—and much cleaner, reducing particulate matter and nitrogen oxide emissions by about 90%. In addition, the County should revise policy 3.12 to require electrical connections at all loading/unloading docks and trailer spaces for cold storage warehouses. Cold storage warehouses attract trucks with transport refrigeration units, which generate significantly higher levels of diesel, nitrogen oxide, and greenhouse gas emissions than trucks without such units.²¹ Without electrical connections, these auxiliary diesel engines idle at warehouse facilities, contributing to higher localized health

²⁰ *Kings Cty. Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720.

²¹ California Air Resources Board, Preliminary Health Analyses: Transport Refrigeration Unit Regulation, Public Review Draft (October 18, 2019), https://ww3.arb.ca.gov/cc/cold-storage/documents/hra_healthanalyses2019.pdf, at ES-2 to ES-3.

risks.²² CARB is currently developing new regulations for transport refrigeration units, so it would also benefit projects in the County to get ahead of the incoming regulations.²³

D. The County Should Clarify its Community Engagement Requirement.

Finally, we appreciate the County's acknowledgment of the importance of including communities in the warehouse project design, siting, and approval process. Policy 6.1 requires warehouse project applicants to "engage in a community outreach effort to engage the existing community in determining issues of concern that can be addressed through site design and other means during the project land use entitlement process."²⁴ While this policy has good intentions, it is unclear what the County expects applicants to do to comply with the policy, and thus it may not accomplish the County's goal of increasing community engagement. More detail would make this community engagement policy more predictable for project applicants and more enforceable for the County. To provide more notice while maintaining flexibility, the County could add examples of recommended community engagement strategies to Policy 6.1. For example, Policy 6.1 could ask project applicants to hold a series of community meetings with affected residents and incorporate suggestions into the project design. Other suggestions to promote successful community outreach strategies include:

- ∞ Posting information on a website about the project, such as a complete, accurate project description, maps and drawings of the project design, and directions for how communities can provide input. The website and information should be in a format that is easy to navigate and understand.
- ∞ Providing notice by mail to residents and schools within a certain radius of the project and by erecting a prominent sign on the project site. The notice should include a brief project description and directions to the website and how to provide input on the project.
- ∞ Providing translation or interpretation in residents' native language, where appropriate.

III. CONCLUSION

The County's good neighbor policy would help safeguard residents' health, without posing undue burdens on economic development. We therefore urge the County to adopt minimum development standards for warehouse projects County-wide and incorporate the recommendations in this letter. We are available to provide assistance to the County as it considers the good neighbor policy, and to provide feedback on any measure the County is considering. Please do not hesitate to contact me if you have any questions or would like to discuss.

²² *Id.*

²³ California Air Resources Board, New Transport Refrigeration Unit Regulation in Development, <https://ww2.arb.ca.gov/our-work/programs/transport-refrigeration-unit/new-transport-refrigeration-unit-regulation>.

²⁴ Good Neighbor Policy (October 15, 2019 Draft), at 7.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Swanson', with a long horizontal flourish extending to the right.

ROBERT SWANSON
Deputy Attorney General

For XAVIER BECERRA
Attorney General

Attachment A: Warehouse Proliferation in the Mead Valley Vicinity from 2012 to 201

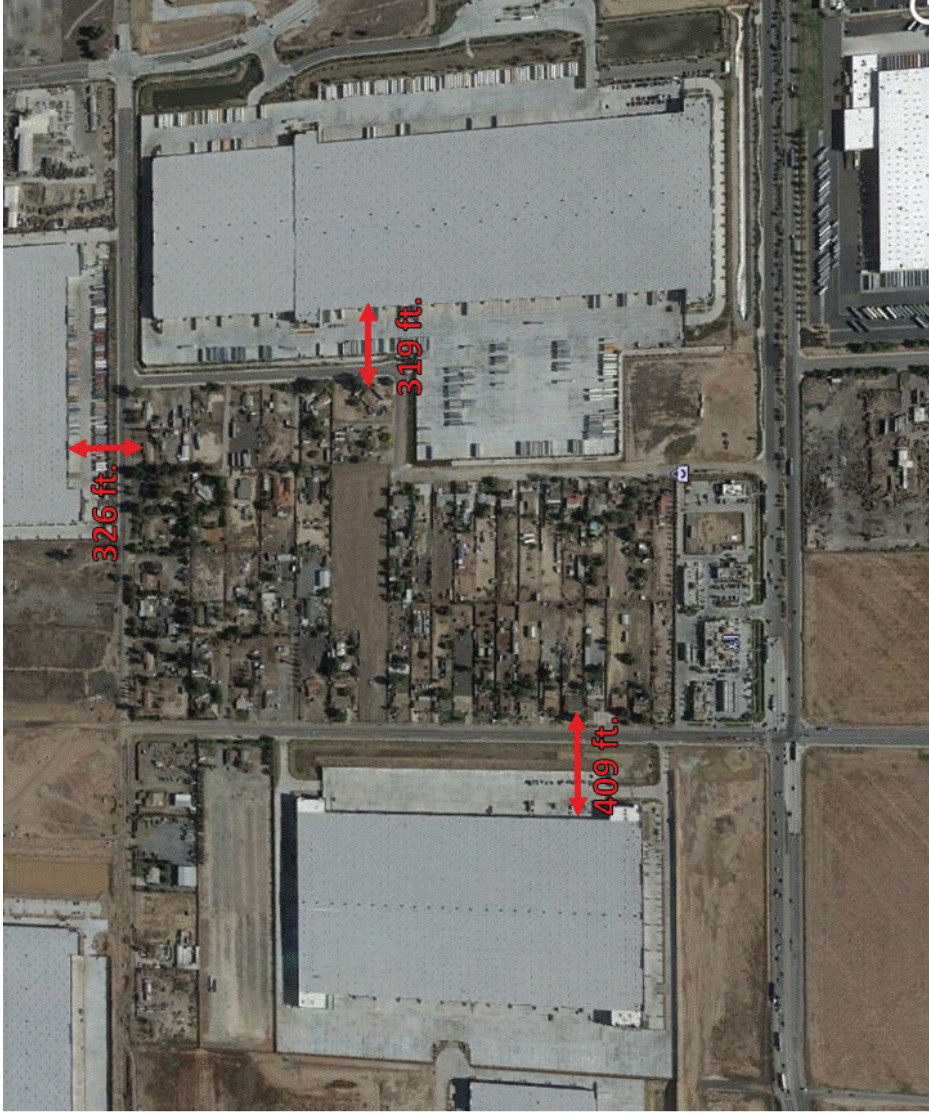


2012



2019

Attachment B: Aerial Image Illustrating a 300-Foot Buffer



As indicated by the annotations, all structures occupied by sensitive receptors in this image are at least nearest warehouse dock door, even though warehouses surround this community and some of the dock do

²⁵ Intersection of N. Webster Ave., W. Markham St., and Ramona Expy. in Perris. Cite: Google Earth (distances

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 210-7832
Facsimile: (916) 327-2319
E-Mail: Heather.Leslie@doj.ca.gov

September 7, 2018

Albert Armijo, Interim Planning Manager
City of Moreno Valley
14177 Frederick Street
Post Office Box 88005
Moreno Valley, California 92552
Phone: (951) 413-3206
Email: alberta@moval.org

RE: Revised Sections of the Final Environmental Impact Report for the World Logistics Center Project

Dear Mr. Armijo:

Attorney General Xavier Becerra submits the following comments on the Revised Sections of the Final Environmental Impact Report (“RFEIR”) prepared for the World Logistics Center (the “Project”).¹ The Project, a proposed warehouse and logistics complex in the City of Moreno Valley (“City”), would be one of the largest warehouse facilities in the world, with square footage equaling approximately 700 regulation-size football fields.

INTEREST OF THE ATTORNEY GENERAL

For well over a decade, the Attorney General has actively encouraged lead agencies to fulfill their CEQA responsibilities as they relate to climate change. It is now well-established that California, through law and policy, and consistent with sound science, is committed to achieving a low-carbon future by 2050 in order to reduce and avoid the most catastrophic effects of climate change. California has already begun to experience adverse climate effects, such as rising sea levels and longer, more intense fire seasons. The Attorney General is particularly concerned about how such effects may impact our most vulnerable communities, such as Inland Empire residents, who are already burdened by some of the worst air quality in the country.

¹ The Attorney General’s Office submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State from pollution, impairment, or destruction, and in furtherance of the public interest. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D’Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.) This letter is not intended, and should not be construed, as an exhaustive discussion of the RFEIR’s compliance with the California Environmental Quality Act (“CEQA”).

Every large development project has the potential either to facilitate, or instead hinder, the State's achievement of its climate goals. It is therefore important that as lead agencies consider the impacts of individual development projects – many of which will operate for decades into the future – they evaluate and impose feasible mitigation for climate change impacts.

With these goals in mind, the Attorney General has provided guidance to local governments, commented on potential projects, and engaged with local interest organizations concerned with climate change and environmental justice. (See California Department of Justice, Office of the Attorney General, *California Environmental Quality Act*, <https://oag.ca.gov/environment/ceqa> (as of Sept. 7, 2018).) The Attorney General has also participated in litigation throughout the State to ensure that local governments comply with state requirements to fully analyze and implement all feasible mitigation measures to lessen significant impacts from greenhouse gas emissions (“GHGs”) caused by land use development projects. (See, e.g., *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497; *People of the State of California v. County of San Bernardino* (Cty. of San Bernardino filed April 12, 2007) No. CIVSS700329.) The Attorney General also has a long-standing interest in ensuring environmental justice throughout the State and for communities in the Inland Empire. (See, e.g., *CCA EJ v. County of Riverside, et al.*, Case No. RIC1112063; California Department of Justice, Office of the Attorney General, *Environmental Justice at the Local and Regional Level: Legal Background* (July 10, 2012) https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf.)

After review of the GHG analysis in the RFEIR, the Attorney General believes that the City has failed to comply with CEQA's requirements for analyzing and implementing feasible mitigation for the significant GHG emissions that will result from this Project. For the reasons outlined below, the City's approach falls substantially short of meeting the requirements of CEQA, the regulations implementing CEQA – the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), and applicable case law. The City's approach in the RFEIR has the potential to seriously undermine the overall effort to meet the State's science-based GHG reduction goals for the transportation and land use sectors, and to disproportionately disadvantage environmental justice communities.

THE RFEIR'S GHG ANALYSIS VIOLATES CEQA AND UNDERMINES THE STATE'S CLIMATE OBJECTIVES.

As the RFEIR acknowledges, this Project at buildout will cause over 281,000 metric tons of GHGs to be released into the atmosphere every year, and will result in over 200,000 metric tons of GHG emissions beginning as early as 2028. (RFEIR at 4.7-35.) These emissions will presumably continue throughout the life of the project, though the RFEIR does not address this.

The RFEIR takes a very unusual and troubling approach to addressing the Project's GHG-related impacts, especially since climate pollution is undeniably a *cumulative* problem. (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 256-257.) The RFEIR divides the Project's GHG emissions into two categories, which it terms

“capped” and “uncapped” – classifications created by this RFEIR. What the RFEIR deems “uncapped” emissions constitute only about 3% of the Project emissions. They include the comparatively minor landfill emissions caused by waste generated at the Project and the use of refrigerants at the Project. (RFEIR at 4.7-33.) For these emissions, the RFEIR follows the approach that would be expected under CEQA: the City has, in its discretion, designated a significance threshold (in this case, 10,000 metric tons of GHGs as recommended by the South Coast Air Quality Management District), compared the “uncapped” emissions to that threshold, and required feasible mitigation measures to ensure those emissions fall below that threshold.² (RFEIR at p. 4.7-19.) What the RFEIR terms “capped” emissions, however, constitute the remaining 97% of the Project’s predicted emissions. Those include emissions caused by mobile sources (namely, diesel trucks) and electricity use at the Project. (RFEIR at p. 4.7-33.) With respect to these emissions, the RFEIR deviates dramatically from standard CEQA methodology. The RFEIR asserts that these emissions are “covered” by the California Air Resources Board’s (“CARB”) Cap-and-Trade Program, and therefore claims that they are exempt from any further CEQA analysis or mitigation. (RFEIR at p. 4.7-22.) This is a novel and unsupportable approach under CEQA.

As discussed below, the RFEIR’s approach does not comply with CEQA, for several reasons. First, the Project is not regulated under the State’s Cap-and-Trade Program, so purported compliance with that Program cannot be used to exclude 97% of the Project’s GHG emissions from the analysis of whether the Project’s GHG emissions will result in significant climate change impacts. Second, CEQA requires that all of the emissions attributable to the Project be evaluated for significance, regardless of their source. Third, when comparing all of the Project’s emissions to California’s ambitious, science-based climate goals, as well as statewide, regional, and local plans for the reduction or mitigation of GHG emissions, the Project’s GHG emissions are clearly significant, requiring further feasible mitigation measures.

We are concerned about the City’s use of this analytical approach, both in the context of this Project and more generally. If the RFEIR’s approach is put into general use by the City, or followed by other lead agencies, emissions from transportation and electricity could largely be exempt from analysis and mitigation under CEQA. This is directly counter to the purposes of CEQA, and the Legislature’s considered decision to make clear that GHG emissions must be analyzed. (Senate Bill 97 (2007); Pub. Resources Code, § 21083.05.) The State cannot meet its well-established, long-term environmental GHG reduction goals if new local projects are free to add hundreds of thousands of tons of GHGs to the atmosphere every year without undergoing the

² Lead agencies may choose to use a “threshold of significance,” a working presumption that can assist in determining whether an impact is significant. (Cal. Code Regs., tit. 14, §§ 15064.4(b)(2); 15064.7.) “A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.” (Cal. Code Regs., tit. 14, § 15064.7, subd. (a).)

analysis and mitigation that CEQA requires. Moreover, the RFEIR's approach will likely expose already-burdened communities in the State to greater amounts of GHG co-pollutants, such as diesel particulate matter and nitrogen oxides.

We urge the City to revise its GHG analysis to comply with CEQA by properly evaluating whether *all* of the Project's emissions—for all phases of the Project, direct and indirect, short-term and long-term—are cumulatively significant, and adopting feasible mitigation to ensure those emissions do not have a significant impact on the environment.

I. THE RFEIR'S NOVEL APPROACH TO "CAPPED" EMISSIONS VIOLATES CEQA.

The purpose of an environmental impact report is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." (Pub. Resources Code § 21061.)

The City's approach violates a number of well-established CEQA principles. Lead agencies must "consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect." (Cal. Code Regs., tit. 14 § 15003, subd. (h).) This Project as a whole includes both the "capped" and "uncapped" GHG emissions, but the RFEIR fails to analyze and mitigate "capped" emissions. Moreover, both "direct and indirect significant effects" and "short-term and long-term effects" should be considered. (Cal. Code Regs., tit. 14, § 15126.2, subd. (a).) The RFEIR fails to inform the public of the long-term effects of the Project's GHG emissions by failing to analyze GHG emissions past buildout.

In addition to violating these more general principles, the City's approach to "capped" emissions contradicts the CEQA Guidelines specific to GHG analysis. "The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data." (Cal. Code Regs., tit. 14, § 15064, subd. (b).) The CEQA Guidelines advise lead agencies on how to determine the significance of a Project's GHG emissions. A lead agency should consider three non-exclusive methods for determining climate significance:

- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project[.];
- (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. . . . If there is substantial evidence that the possible effects of

a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. (Cal. Code Regs., tit. 14, § 15064.4, subd. (b)).

While “[a]n ironclad definition of significant effect is not always possible,” (Cal. Code Regs., tit. 14 § 15064, subd. (b)), the RFEIR’s conclusion that the Project’s GHG impacts are not significant under CEQA (RFEIR at p. 4.7-33) is based solely on its unjustifiable exclusion of the vast majority of the GHG emissions of the Project. That exclusion is neither consistent with CEQA nor justified by the Cap-and-Trade Program, which does not apply to the Project.

A. Since the Project is Not Regulated Under Cap-and-Trade, The RFEIR Cannot Use Cap-and-Trade to Ignore the Significance of the Project’s GHG Emissions.

The RFEIR effectively treats the Cap-and-Trade Program as if it is a qualified mitigation plan for the Project and its “capped” emissions. (See Cal. Code Regs., tit. 17, §§ 15064, subd. (h)(3); 15064.4 subd. (b)(3)). It is not.

California’s Cap-and-Trade Program applies “an aggregate greenhouse gas allowance budget [to] *covered entities* and provides a trading mechanism for compliance instruments.” (Cal. Code Regs., tit. 17, § 95801 (emphasis added).) The Cap-and-Trade Program only applies to expressly identified entities, such as cement producers, petroleum refiners, electricity generators, natural gas supplies, fuel importers, and liquid petroleum gas supplies. (Cal. Code Regs., tit. 17, § 95811.) Warehouse and logistics complexes are *not* covered entities.

Although the operator of a refinery that produces liquefied petroleum gas in California is subject to the Cap-and-Trade Program, (Cal. Code Regs., tit. 17, § 95811, subd. (e)(1)), entities downstream from that refinery in the chain of commerce are not. The refinery itself may have compliance obligations under the Cap-and-Trade Program, which can be met by reducing its own GHG emissions or surrendering compliance instruments, but the gas station that resells the gas, the truck drivers who purchase it, and the warehouses to which the trucks drive do not. Because CEQA Guidelines section 15064.4, subdivision (b)(3) instruct lead agencies to consider the extent to which *the project* complies with GHG regulations or requirements, it is inappropriate to rely upon compliance with Cap-and-Trade by other entities downstream in the chain of commerce as a basis for avoiding analysis of project-related emissions. In the Final Statement of Reasons for the CEQA Guidelines addressing GHG emissions, the California Natural Resources Agency confirmed that, in implementing CEQA Guidelines section 15064.4, a lead agency must show that a GHG reduction plan “actually addresses the emissions that would result from the project.” (California Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97 (2009), available at http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf, at p. 27.)

Further, the City's approach is not, as the RFEIR claims (RFEIR at 4.7-20), supported by *Association of Irrigated Residents v. Kern County Bd. of Supervisors* (2017) 17 Cal.App.5th 708 ("AIR"). Without commenting on whether or not that case was rightly decided, AIR is facially inapposite because the project being evaluated under CEQA in that case was a refinery, a covered entity under the Cap-and-Trade Program. Because this Project is not a covered entity under the Cap-and-Trade Program, it is unjustifiable for the RFEIR to use compliance with Cap-and-Trade as a factor in analyzing the significance of the Project's GHG emissions. There is no basis in the law for the use of Cap-and-Trade to exclude a full 97% of the Project's GHG emissions from analysis or mitigation.

The flaw in the City's approach becomes even more apparent when one considers its incongruous results. The RFEIR describes the Project, in part, as follows: "Goods imported through the Ports of Long Beach and Los Angeles as well as other locations are delivered via truck to the proposed distribution centers and distributed via truck both in and out of state locations. . . ." (Original FEIR at 3-27-3-28.) The heart of this Project is this movement of goods via trucks. Yet, the City's approach avoids any analysis of 210,596 metric tons of GHG emissions associated with the movement of goods via trucks. (RFEIR at p. 4.7-33.) 97% of the Project's total GHG emissions are simply dismissed under this approach. CEQA does not permit such a dismissal.

B. The RFEIR Must Consider All Emissions in Determining Significance.

Correctly applying CEQA requires an evaluation of *all* the Project's GHG emissions in determining significance. (See Cal. Code Regs., tit. 14, §§ 15064.4, subd. (b)(2); 15378 (defining "project" as "the whole of an action. . . .")) There is no basis here for comparing some of the Project's emissions to the significance threshold, but not others. Here, the City elected to use a threshold of 10,000 metric tons of GHGs. (RFEIR at p. 4.7-19.) CEQA Guidelines section 15064.4, subdivision (b)(2), notes that when using a threshold, an agency should compare all of the "project emissions" of GHGs to that threshold. Emissions from trucks and electricity are a result of the Project just as much as the "uncapped" emissions. They therefore must be compared to the significance threshold, and mitigated to the extent feasible.

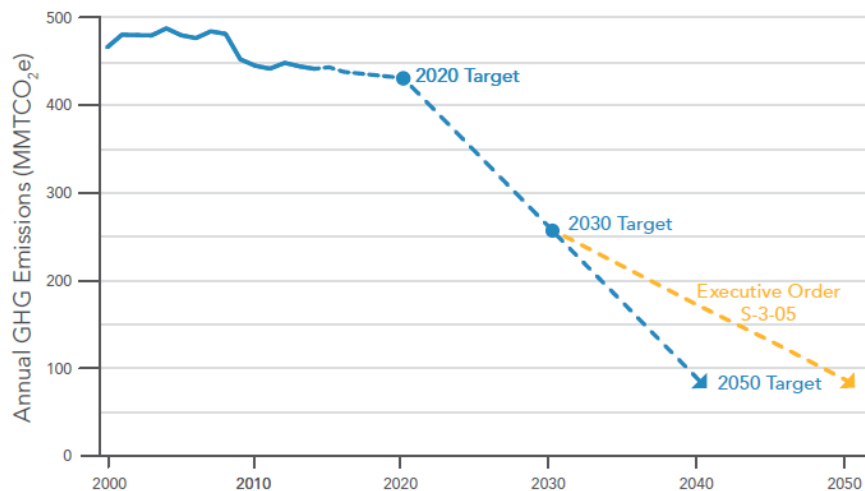
Further, the City's attempt to exempt an impact from any significance analysis based solely on purported compliance with a single rule or regulation is unwarranted. Courts have repeatedly held compliance with a single environmental or land use law or regulation does not create an exemption from CEQA's requirement that lead agencies evaluate all of a project's significant environmental impacts. For example, "compliance with a general plan in and of itself 'does not insulate a project from the EIR requirement, where it may be fairly argued that the project will generate significant environmental effects.'" (*East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 301; see also *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732 ("[A]n EIR is required if substantial evidence supports a fair argument that [a project] may have significant unmitigated noise impacts, even if other evidence shows the [project] will not generate noise in excess of [a] County's noise ordinance or general plan."))

C. In Light of the Project’s Substantial, Long-Term Projected Emissions, Its GHG Impacts Must Be Deemed Significant.

It seems impossible a proper evaluation of the Project’s emissions under CEQA could support a finding that the Project’s emissions are not significant. This Project—as currently designed—will lock in hundreds of thousands of tons of GHG emissions for decades to come, and may put this City and the region on a path that deeply undermines the State’s climate goals.

To reduce and avoid the most catastrophic effects of climate change, science tells us that we must dramatically reduce our annual statewide GHG emissions. California has taken ambitious steps to accomplish that objective. Assembly Bill 32 (“AB 32”) requires California to reduce its total statewide GHG emissions to 1990 levels by 2020. (Health & Saf. Code, § 38550.) Under Senate Bill 32 (“SB 32”), California must reduce its GHG emissions to 40% below 1990 levels by 2030. (Health & Saf. Code, § 38566.) In addition, the Governor’s Executive Order S-3-5 (“EO S-3-05”) directs state agencies to reduce statewide GHG emissions to 80% below 1990 levels by 2050. To achieve such ambitious but necessary goals, California will have to reduce GHG emissions from various sectors of the economy. Transportation, industry, and electricity generation are the top three contributing sectors to the State’s total GHG emissions. (CARB, 2017 Climate Change Scoping Plan (Nov. 2017) at p. 11 (“Scoping Plan”).) Below is a graph showing the dramatic downward trajectory of statewide GHG reductions necessary to achieve the State’s climate goals.

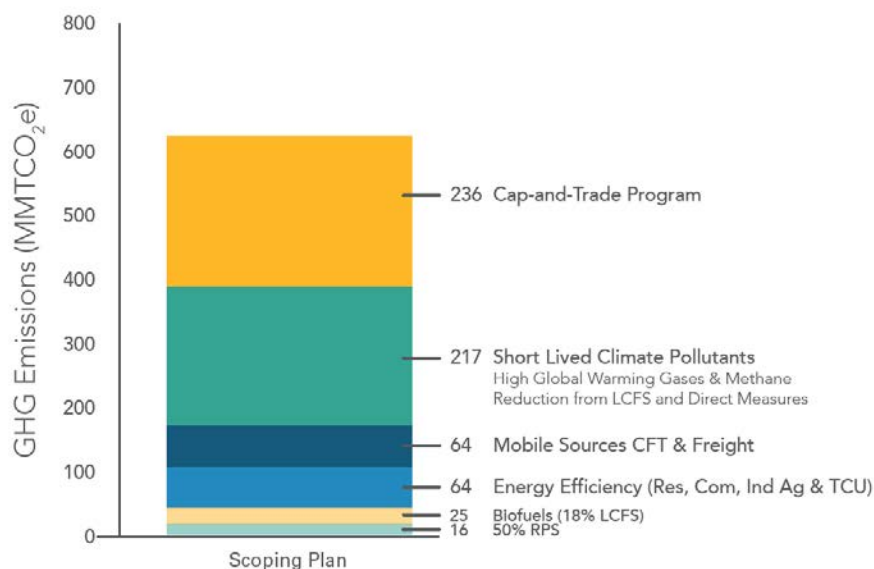
FIGURE 5: PLOTTING CALIFORNIA’S PATH FORWARD



(Scoping Plan at p. 24.)

California has adopted a multitude of regulations, requirements, plans, and policies to achieve the substantial reductions in statewide GHG emissions required by AB 32, SB 32, and EO S-3-5. CARB identified, in its Climate Change Scoping Plan, multiple required and voluntary measures working in concert as necessary for California to achieve its ambitious climate goals as depicted in the graph below. (See Scoping Plan at p. 28.)

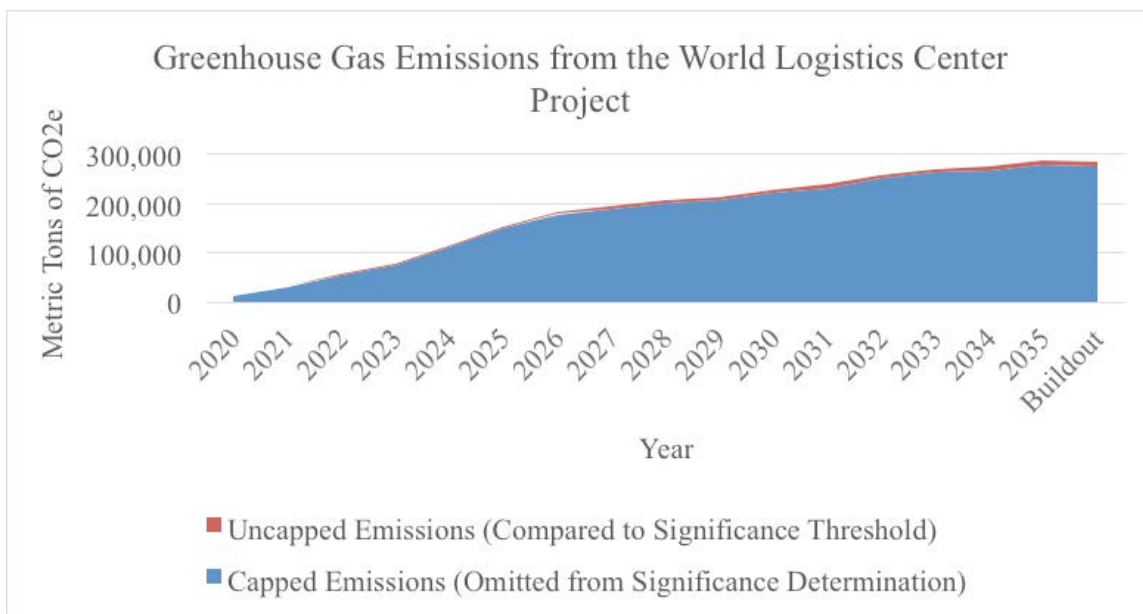
FIGURE 7: SCOPING PLAN SCENARIO – ESTIMATED CUMULATIVE GHG REDUCTIONS BY MEASURE (2021–2030)⁶⁴



The Scoping Plan proposes various strategies for reductions in emissions from transportation and energy sectors. The Scoping Plan notes that for the GHG reductions from the transportation sector, “[vehicle miles traveled (“VMT”)] reductions are necessary to achieve the 2030 target and must be part of any strategy evaluated in this plan.” (Scoping Plan at p. 112.) In addition, under SB 375, CARB assigns California’s 18 Metropolitan Planning Organizations targets for GHG emission reductions in the transportation sector which are to be achieved based on land use patterns and transportation systems. (CARB, Updated Final Staff Report: Proposed Update to the SB 375 Greenhouse Gas Emission Reduction Targets (2017), available at https://www.arb.ca.gov/cc/sb375/final_staff_proposal_sb375_target_update_october_2017.pdf.) CARB’s recommended target for the Southern California Association of Governments is a 19% reduction in GHG emissions from transportation by 2035. (*Id.* at p. 34.)

CEQA requires the City evaluate the consistency of the Project’s substantial increases in GHG emissions with state and regional plans and policies calling for a dramatic reduction in GHG emissions. The Supreme Court in *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497 (“*SANDAG*”) affirmed that an EIR should consider the project’s long-range greenhouse gas emission impacts through the year 2050, and address whether the project as a whole is in accord with the state’s climate goals. (*Id.* at p. 515.) The Supreme Court further instructed lead agencies to “stay in step with evolving scientific knowledge and state regulatory schemes.” (*Id.* at p. 504.)

The RFEIR estimates that the Project's total emissions will increase from the existing conditions of no emissions at the Project site to over 281,000 metric tons of GHG emissions annually at full buildout of the Project in 2040. (RFEIR at p. 4.7-33.) See the graph below depicting the trajectory of the Project's GHG emissions.³



The Project's substantial *increase* in GHG emissions conflicts with the downward trajectory for GHG emissions necessary to achieve state climate goals. This is illustrated clearly in the sharp difference in the upward trajectory of the graph of the Project's GHG emissions versus the steep downward trajectory in the graph of the State's climate goals as depicted in Figure 5 of the Scoping Plan and reproduced above. Yet, the RFEIR failed to evaluate the Project's consistency with state and regional goals, requirements, plans, and policies to reduce

³ Visual depictions such as this graph make it easier to understand the significant impact of GHG emissions from the Project on the environment. Such clarity is encouraged by the CEQA Guidelines, which state that EIRs should be "written in plain language and may use appropriate graphics so that decisionmakers and the public can rapidly understand the documents." (Cal. Code Regs., tit. 17, § 95811.) Such graphs are also helpful because they allow the decisionmakers to see a project's proposed greenhouse gas emissions as a trajectory and assess the "significance of the *shape* of that emissions curve as a whole." (Janill Richards, *The SANDAG Decision: How Lead Agencies Can "Stay in Step" with Law and Science in Addressing the Climate Impacts of Large-Scale Planning and Infrastructure Projects* (2017) 26:2 Environmental Law News 17, 19, available at http://legal-planet.org/wp-content/uploads/2018/09/environmental-law-news_2017_vol-26-no-2_fall_the-sandag-decision.pdf.) To better inform the public of the Project's unmitigated GHG emissions, we recommend revising the RFEIR to include graphical representations of the emissions trajectory of the project.

GHGs that should have been analyzed under CEQA. Comparing the Project's GHG trajectory against the state's climate goals would inform the public of the Project's GHG impacts. For example, the RFEIR's GHG analysis should have considered whether the Project will increase VMT. Because it did not, it is inconsistent with SB 375. Although the RFEIR's revised traffic analysis does include a VMT analysis, it is included only to address air quality issues, and not GHGs. (RFEIR at pp. 4.7-19 and 4.15-3.) Under CEQA, the City is required to consider how the project can reduce VMT and electricity use, "rather than expecting[ing] these reductions to come [only] from technological advances or other measures." (*SANDAG*, at 523.) The City ignores its CEQA obligations and instead, the RFEIR obscures the Project's GHG impacts by improperly exempting them from CEQA analysis.

In addition, there is no discussion in the RFEIR of the GHG emissions from the Project over its expected lifespan. GHG emissions are estimated up until the Project's full buildout in 2040 (RFEIR at p. 4.7-33), but the Project will clearly continue beyond that point, and the RFEIR gives no indication of how long that will be. The cumulative impact of the Project's GHG emissions over its entire lifespan should be considered and mitigated to the greatest extent feasible. Notably, by failing to estimate emissions through 2050, the RFEIR obscures the extent to which the Project does or does not comply with California's explicit 2050 climate goals.

D. The RFEIR Should Analyze and Adopt Feasible Mitigation Measures to Avoid or Lessen the Project's GHG Impacts.

CEQA requires that an EIR consider and adopt feasible alternatives or mitigation measures that would substantially lessen the significant and harmful environment effects of the project being analyzed. (See Pub. Resources Code, § 21002.) The RFEIR's failure to properly analyze the Project's significant GHG impacts also results in a failure to mitigate those impacts as required by CEQA. If the RFEIR's analysis were done properly, the Project's GHG emissions from vehicles and electricity would have vastly exceeded the significance threshold selected by the City. Those emissions would therefore have to be reduced through changes or alterations in the Project, or the City would be required to explain why "[s]pecific economic, legal, social, technological, or other considerations including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives... ." (Cal. Code Regs., tit. 22, § 15091, subds. (a)(1) and (a)(3).) There may be mitigation measures or project alternatives that could reduce or avoid the Project's GHG emissions, such as the adoption of requirements mandating the use of zero emission vehicles or a certain percentage of electricity from renewable electricity sources, such as on-site solar power generation.⁴ By

⁴ The Attorney General recognizes that devising climate mitigation on a project-by-project basis can be challenging. Many local governments have therefore elected to move toward enforceable Climate Action Plans ("CAPs") integrated with their general plans. (CARB, California Climate Action Portal Map, <https://webmaps.arb.ca.gov/capmap/> (as of Sept. 7, 2018).) Done correctly, CAPs can put local governments on the path to a lower-carbon future

excluding 97% of the Project's GHG emissions from its significance determination, the RFEIR obscures the extent of the Project's emissions and improperly evades the City's obligation to mitigate the Project's GHG impacts.

II. ADOPTION OF THIS METHOD OF EXEMPTING "CAPPED" EMISSIONS FROM CEQA ANALYSIS WILL UNDERMINE THE STATE'S VARIOUS POLICIES AND PROGRAMS TO REACH OUR AMBITIOUS CLIMATE GOALS.

The RFEIR's failure to comply with CEQA will have real consequences. If this RFEIR's approach is widely adopted, the State will not be able to achieve its ambitious climate goals. The RFEIR exempts the Project's emissions attributable to mobile sources and electricity use from CEQA analysis and mitigation. And yet transportation and electricity are two of the State's three largest sources of GHG emissions. (Scoping Plan at p. 11). Transportation and electricity are thus two of the most important areas in which GHG emissions must be reduced.

The RFEIR's approach to the transportation and electricity sectors incorrectly presumes that the Cap-and-Trade Program will achieve *all* GHG reductions necessary in those areas. But as CARB's 2017 Scoping Plan points out, "[l]ocal land use decisions play a particularly critical role in reducing GHG emissions associated with transportation, both at the project level, and in long-term plans..." (Scoping Plan at pp. 100-101.) If other lead agencies adopt the City's approach, millions of metric tons of GHGs resulting from development projects would be ignored and unmitigated through what amounts to a categorical exemption from CEQA. Local governments would therefore not be doing their part to help the State reach its ambitious, yet necessary, climate goals of emitting 40% below 1990 GHG levels by 2030 and 80% below 1990 levels by 2050. (Heath & Saf. Code, § 38566, Governor's Executive Order No. S-3-05 (June 1, 2005).)

Instead of claiming that no amount of transportation and electricity emissions can be significant under CEQA, and thus excluding them from any analysis and mitigation, lead agencies have an obligation to acknowledge the significance of such emissions and work to implement feasible mitigation of them.⁵

III. REVISING THE GHG ANALYSIS WILL LIKELY LEAD TO GREATER PROTECTION OF ENVIRONMENTAL JUSTICE COMMUNITIES.

In addition to, and separate from, the CEQA issues, revising the RFEIR's GHG analysis will likely help mitigate some of the Project's direct harmful effects on environmental justice communities. Moreno Valley contains some of the most pollution-burdened census tracts in the

while substantially streamlining the approval of individual projects that are consistent and comply with the CAP.

⁵ There are several examples of economically viable land use development projects that contributed no net additional GHG emissions. (Scoping Plan at p. 99.)

State according to California Environmental Protection Agency's CalEnviroScreen tool.⁶ City residents experience ozone and particulate matter (PM) 2.5 at rates higher than 90% of the State. The South Coast Air Basin, where Moreno Valley is located, exceeds federal public health standards for ozone, ozone precursors, and particulate matter. Exposure to these air contaminants contributes to asthma, lung cancer, and cardiovascular disease. Indeed, residents in Moreno Valley experience higher than average emergency room visits due to asthma and higher than average rates of cardiovascular disease, particularly residents living along freeways.

Furthermore, environmental justice concerns are significant for the residents of Moreno Valley. Moreno Valley residents are predominately people of color, made up of 56.5% Hispanic and 18% African American populations. (United States Census Bureau, Quick Facts for Moreno Valley, California, <https://www.census.gov/quickfacts/fact/table/morenovalleycitycalifornia.ca/PST045217> (as of Sept. 7, 2018).) The rates of poverty are dramatically higher in Moreno Valley compared to the state—according to U.S. Census data, 18.6% of Moreno Valley residents live in poverty, compared with the statewide poverty rate of 14.4%. (*Ibid.*, and United States Census Bureau, Quick Facts for California, <https://www.census.gov/quickfacts/fact/table/ca/PST045217> (as of Sept. 7, 2018).) They experience high rates of unemployment and housing burdens (paying more than 50% of their income for housing costs). These socioeconomic characteristics of Moreno Valley residents increase their sensitivity to the health effects of the heavy pollution burdens they experience.

Adding to these burdens, Riverside County as a whole, and the City of Moreno Valley specifically, are experiencing a great influx of logistics warehouse projects. Recent developments in Moreno Valley alone include an 825,000 square-foot distribution facility for the Aldi grocery chain, a 1.6 million square-foot distribution facility for Deckers Brands footwear company, and a 1.25 million square-foot fulfillment center for Amazon. These large projects, and their related impacts on the low-income communities of color who live nearby and in the communities residing along the freeways serving them, are dwarfed by the over 40 million square-foot Project.

By conducting a proper GHG analysis in the RFEIR and adopting feasible mitigation, the City will likely better protect the environmental justice communities living near both the Project and along the freeways that trucks will use to reach the Project. Reduction of GHG emissions leads to the reduction of co-pollutant emissions. (See Nicky Sheats, *Achieving Emissions Reductions for Environmental Justice Communities Through Climate Change Mitigation Policy* (2017) 41 WM. & MARY ENVTL. L. & POL'Y REV. 377, 387 (“[E]ven without the intentional maximization of co-pollutant reduction, there should be incidental co-pollutant

⁶ CalEnviroScreen is a tool that uses environmental, health, and socioeconomic information to produce scores and rank every census tract in the state. A census tract with a high score is one that experiences a much higher pollution burden than a census tract with a low score. (See CalEnviroScreen 3.0 Report, Office of Environmental Health Hazard Assessment, January 2017, available at <https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>.)

reductions as GHGs are being reduced [which] should improve the health of local communities.”)) This is especially true in the context of diesel truck emissions, where a VMT reduction would reduce both GHG emissions and co-pollutant emissions. Indeed, the RFEIR acknowledges that “[t]he *most effective way to reduce air pollution* impacts on the health of our nearly 17 million residents, including those in disproportionately impacted and environmental justice communities that are concentrated along our transportation corridors and goods movement facilities, *is to reduce emissions from mobile sources*,” and that those mobile sources constitute “the principal contributor to our air quality challenges.” (RFEIR at 4.3-11 (emphasis added).) Therefore, while revising the GHG analysis is necessary to comply with CEQA, the City should also see this as an opportunity to implement mitigation measures that would benefit the City’s residents and the other environmental justice communities impacted by this Project.

CONCLUSION

We appreciate the difficulty in analyzing GHG emissions under CEQA. However, local agencies must comply with the CEQA Guidelines for GHG analysis and cannot exempt GHG emissions from any significance analysis because of California’s Cap-and-Trade Program. We urge the City of Moreno Valley to revise the GHG analysis in the RFEIR as described above so as to support this State’s efforts to reduce GHG emissions, achieve our ambitious but necessary climate goals, and benefit local communities in the area who are already suffering some of the worst air pollution in the country. We would be happy to work with the City of Moreno Valley to take the additional steps needed to fully comply with CEQA’s GHG analysis and mitigation requirements for the Project. We appreciate your consideration of our comments.

Sincerely,



HEATHER LESLIE
BRIAN BILFORD
Deputy Attorneys General

For XAVIER BECERRA
Attorney General



**COUNTY OF RIVERSIDE
PLANNING DEPARTMENT
STAFF REPORT**

Agenda Item No.

4.1

(ID # 19829)

MEETING DATE:

Monday, August 29, 2022

SUBJECT: SCOPING SESSION for ENVIRONMENTAL IMPACT REPORT FOR MAJESTIC FREEWAY BUSINESS CENTER PHASE II – PLOT PLAN NOS. 220003, 220008, 220009, 220015 – CEQ220006 – Applicant: Majestic Freeway Business Center – Engineer/Representative: T&B Planning, Inc. – First Supervisorial District – March Area – Mead Valley Area Plan: Community Development: Light Industrial (CD-LI) – Zoning: Manufacturing – Service Commercial (M-SC) - Industrial Park (I-P) – Location: Southerly of Oleander Avenue, westerly of Interstate 215 Freeway, northerly of Martin Street, and easterly of Decker Road – 67.86 Acres – REQUEST: The Environmental Impact Report analyzes the environmental impacts of Plot Plan Nos. 220003, 220008, 220009, and 220015. Plot Plan No. 220003 is a proposal for the construction and operation of a total of 317,760 sq. ft. warehouse/distribution/manufacturing development on 13.40-acres. Plot Plan No. 220008 is a proposal for the construction and operation of a total of 307,616 sq. ft. warehouse/distribution/manufacturing development on 18.33-acres. Plot Plan No. 220009 is a proposal for the construction and operation of a total of 256,148 sq. ft. warehouse/distribution/manufacturing development on 15.77-acres. Plot Plan No. 220015 is a proposal for the construction and operation of a total of 337,698 sq. ft. within two (2) buildings of warehouse/distribution/manufacturing development on 20.34-acres. The first building (Building 14A) is 200,624 sq. ft. and the second building (Building 14B) is 137,074 sq. ft. Project Planner: Russell Brady at (951) 955-3025 or email at RBrady@rivco.org.

PROPOSED PROJECT

Case Number(s): Plot Plan Nos. 220003, 220008, 220009, 220015

Environmental Type: Environmental Impact Report

Area Plan No. Mead Valley

Zoning Area/District: March Area

Supervisorial District: First District

Project Planner: Russell Brady

Project APN(s): 314-040-013, 314-040-014, 314-040-015, 314-040-021, 314-040-023, 314-040-024, 314-040-025, 314-040-026, 314-040-028, 314-040-031, 314-130-015, 314-130-023, 314-130-024, 314-130-026, 314-130-027, 314-100-082, 314-100-084, 314-270-009, 314-270-010, 314-270-011, 314-270-012, 314-270-013, 314-270-014, 314-

John Hildebrand, Planning Director 8/25/2022

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

280-001, 314-280-002, 314-280-
003, 314-280-004

Continued From:

PROJECT DESCRIPTION AND LOCATION

Project Location and Setting

The overall project site is located within the unincorporated community of Mead Valley. The project encompasses an area of approximately 67.8 acres across four sites generally located south of Oleander Avenue, west of I-315 Freeway, north of Martin Street, and east of Decker Road. The more specific location for each of the four sites or Plot Plans is noted below. Each of the four sites are vacant.

PPT220003/Building 18: Southwest corner of Peregrine Way and Harvill Avenue

PPT220008/Building 13: Northwest corner of Martin Street and Harvill Avenue

PPT220009/Building 17: Northeast corner of Harvill Avenue and America's Tire Drive

PPT220015/Buildings 14A and 14B: Northwest corner of Perry Street and Harvill Avenue.

Project Description

The proposed project to be analyzed in the Environmental Impact Report (EIR) would be for the development of the site via the Plot Plans for a total of 1,219,222 square feet of industrial buildings on 67.8 acres.

Planning Entitlements

The project would consist of applications for four Plot Plans, which are described below:

Plot Plan No. 220003 is a proposal for the construction and operation of a total of 317,760 square foot warehouse/distribution/manufacturing development on 13.40-acres.

Plot Plan No. 220008 is a proposal for the construction and operation of a total of 307,616 square foot warehouse/distribution/ manufacturing development on 18.33-acres.

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

Plot Plan No. 220009 is a proposal for the construction and operation of a total of 256,148 square foot warehouse/distribution/manufacturing development on 15.77-acres.

Plot Plan No. 220015 is a proposal for the construction and operation of a total of 337,698 square feet within two buildings of warehouse/distribution/manufacturing development on 20.34-acres. The first building (Building 14A) is 200,624 square feet and the second building (Building 14B) is 137,074 square feet.



Figure 1 (Project Vicinity Map)

PROJECT RECOMMENDATION

No public hearing on the proposed project has been scheduled at this time. A public hearing on this matter will not be scheduled until staff has concluded review of the proposed project and verified that an adequate and complete response to comments have been incorporated in the Draft EIR.

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

PROJECT DATA	
Land Use and Zoning:	
Specific Plan:	N/A
Specific Plan Land Use:	N/A
Existing General Plan Foundation Component:	Community Development
Proposed General Plan Foundation Component:	N/A
Existing General Plan Land Use Designation:	Light Industrial (LI)
Proposed General Plan Land Use Designation:	N/A
Policy / Overlay Area:	N/A
Surrounding General Plan Land Uses	
North:	Light Industrial (LI)
East:	Light Industrial (LI)
South:	Light Industrial (LI)
West:	Light Industrial (LI), Rural Community – Very Low Density Residential (RC-VLDR)
Existing Zoning Classification:	Manufacturing – Service Commercial (M-SC), Industrial Park (I-P)
Proposed Zoning Classification:	N/A
Surrounding Zoning Classifications	
North:	Manufacturing – Service Commercial (M-SC), Industrial Park (I-P), Manufacturing – Heavy (M-H)
East:	Manufacturing – Service Commercial (M-SC)
South:	Manufacturing – Service Commercial (M-SC)
West:	Manufacturing – Service Commercial (M-SC), Rural Residential, ½-acre minimum (R-R-½)
Existing Use:	Vacant land
Surrounding Uses	
North:	Vacant land, Industrial
East:	Vacant land, Industrial

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

	South: Vacant land, Industrial
	West: Vacant land, Industrial, Single-family residential

Project Details:

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	67.8	N/A
Proposed Building Area (SQFT):	1,219,222	N/A

Located Within:

City's Sphere of Influence:	Yes, City of Perris
Community Service Area ("CSA"):	Yes, CSA 89 (partial)
Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	Yes, Low and Moderate
Subsidence Area:	Yes, Susceptible
Fault Zone:	No
Fire Zone:	No
Mount Palomar Observatory Lighting Zone:	Yes
WRCMSHCP Criteria Cell:	No
CVMSHCP Conservation Boundary:	No
Stephens Kangaroo Rat ("SKR") Fee Area:	Yes
Airport Influence Area ("AIA"):	Yes, March ARB

PROJECT BACKGROUND AND ANALYSIS

Background:

Plot Plan Nos. 220003, 220008, 220009, and 220015 were applied for between February and March of 2022. Rather than have each Plot Plan prepare its own CEQA analysis and document, it was decided given the same applicant and similar types of projects that it would be most efficient to prepare a single CEQA analysis and document for all of them combined. This Notice of Preparation and Scoping Session is intended to gather input prior to the preparation of an Environmental Impact Report for the project consisting of the four Plot Plans.

ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

California Environmental Quality Act

Pursuant to Sections 15060 and 15081 of the California Environmental Quality Act (“CEQA”) Guidelines, the County of Riverside has determined that implementation of the proposed Project could have a direct or indirect impact on the environment. Accordingly, the County has determined that preparation and evaluation of an EIR for the Project is warranted.

An EIR is an informational document which, when its preparation is required by the lead agency, shall be considered by every public agency prior to its approval or disapproval of a project. The purpose of an EIR is to provide public agencies and the public with detailed information about the effect a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.

As part of the Notice of Preparation (NOP) of the EIR, the applicant has requested a Scoping Session to brief the Planning Director, the public, and all responsible and trustee agencies on the nature and extent of the proposed project; and, to allow the Planning Director and the public an opportunity to identify issues that should be addressed in the EIR. The Scoping Session is not a public hearing on the merits of the proposed project, and the Planning Director will not be taking an action on the project. Additionally, the public will be asked to limit their testimony to identifying issues regarding the project’s potential environmental impacts. The EIR consultant will not be required to provide an immediate response to any concerns raised but will be requested to compile and address any concerns expressed at the Scoping Session through revisions to the proposed project and/or completion of the Final Environmental Impact Report (FEIR), prior to the formal public hearing on the proposed project.

An EIR will be prepared for the proposed project. The Draft EIR will respond to comments received during the NOP period including those made by reviewing agencies in addition to those received at the Scoping Session. The EIR will be circulated in draft form, for Notice of Completion (NOC) review and public comment period for at least 45 days. Comments received during that circulation period will be addressed in the FEIR prior to scheduling a public hearing on this item.

The NOP period began on August 3, 2022 and will run for thirty (30) consecutive days which is scheduled to conclude on September 2, 2022. Pursuant to CEQA Guidelines Section 15063(a), no initial study has been prepared with the Notice of Preparation and all applicable topics pursuant to the CEQA guidelines will be addressed in the EIR.

PUBLIC HEARING NOTIFICATION AND COMMUNITY OUTREACH

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT**

NOP notices were mailed to property owners within 600 feet of the proposed project site, and to public agencies and organizations. As of the writing of this report Planning Staff has not received any written communication with comments on the project, but staff has received some emails and phone calls inquiring about the project proposal.