

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

October 28, 2009

SUBJECT: Appeal for Plot Plan No. 22925, Environmental Impact Report No. 510

SECTION: Development Review – Riverside Office

TO: Clerk of the Board of Supervisors
FROM: Planning Department

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|---|--|
| ☐ Approve | ☒ Set for Hearing |
| ☐ Deny | ☒ Publish in Newspaper: Press Enterprise |
| ☐ Place on Policy Calendar | ☒ APPEAL |
| ☐ Place on Consent Calendar | ☒ 10 Day ☐ 20 Day ☐ 30 day |
| ☐ Place on Administrative Action | ☒ Certify Environmental Impact Report |
| ☐ Place on Section of Initiation Proceeding | ☒ Notify Property Owners |
| ☐ File: NOD and Mit. Neg. Declaration | ☒ Labels provided |
| ☐ Labels provided: | Controversial: ☐ YES ☐ NO |
| ☐ If Set For Hearing: | |
| ☐ 10 Day ☐ 20 Day ☐ 30 day | |

Designate Newspaper used by Planning Department for Notice of Hearing: Press Enterprise

PLEASE SCHEDULE FOR 11/24/09 AGENDA

Clerk Of The Board

Please charge your time to case number(s): ZPP22925
ZEIR00510

Documents to be sent to County Clerk's Office for Posting:

Notice of Determination
Fish & Game Receipt (CFG4826)

Do not sent these documents until the Board has taken final action on all of the referenced applications

Revised: 10/29/09

Y:\Planning Case Files-Riverside office\PP22925\APPEAL\11A coversheet APPEAL PP22925.doc

Riverside Office · 4080 Lemon Street, 9th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

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

RM
10/29/09

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



FROM: TLMA - Planning Department

SUBMITTAL DATE:
October 28, 2009

SUBJECT: APPEAL OF PLOT PLAN NO. 22925 / ENVIRONMENTAL IMPACT REPORT NO. 510 – Applicant: Hogle-Ireland – Engineer/Representative: Rick Engineering - First Supervisorial District – March Zoning District – Lake Mathews / Woodcrest Area Plan: Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) – Location: southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street – 54.39 Gross Acres - Zoning: Industrial Park (I-P) - **REQUEST:** The **Plot Plan** proposes a commercial and industrial development comprised of 8 buildings consisting of: four (4) office buildings totaling 258,102 square feet, two (2) industrial warehouse/distribution buildings totaling 409,312 square feet, one (1) retail building with 10,000 square feet, one (1) light industrial/multi-tenant building with 42,222 square feet, 285,696 square feet of landscaping area, 1,779 parking spaces, and three (3) detention basins. The Environmental Impact Report has been prepared to inform decisions makers and the public of the potential significant environmental effects associated with the development of the proposed plot plan per the California Environmental Quality Act (CEQA).– APN(s): 297-080-007, 008, 009, 010.

RECOMMENDED MOTION:

DENIAL of the **APPEAL** filed on October 28, 2009, and uphold the Planning Commission's decision on September 30, 2009 to:

TENTATIVELY CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 510, based on the findings incorporated in the EIR and the conclusion that the project will not have a significant effect on the environment and;

APPROVE PLOT PLAN NO. 22925, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

Ron Goldman
Planning Director

RG:db

REVIEWED BY EXECUTIVE OFFICE

DATE

Tina Grande
Departmental Conference

Dep't Recomm.: ☒ Policy
Per Exec. Ofc.: ☐ Policy
☐ Consent
☐ Consent

Prev. Agn. Ref.

District: First

Agenda Number:

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Planning Department

Ron Goldman · Planning Director

APPLICATION FOR APPEAL

DATE SUBMITTED: October 28, 2009

Appeal of application case No(s): PLOT PLAN NO. 22925 / EIR NO. 510

Name of Advisory Agency: Riverside County Planning Commission

Date of the decision or action: September 30, 2009

Appellant's Name: Jonathan Evans

E-Mail: jevans@biologicaldiversity.org

Mailing Address: 351 California ST, Suite 600

San Francisco CA 94104

City

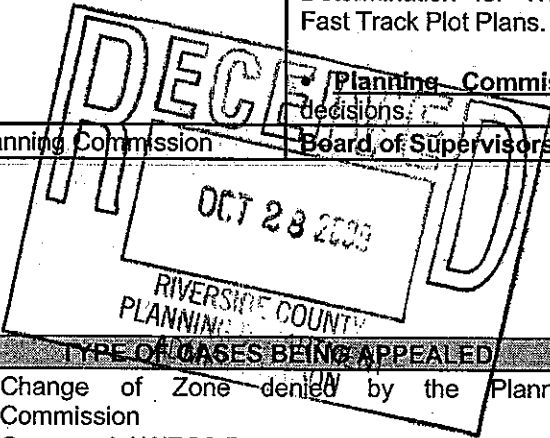
State

ZIP

Daytime Phone No: (415) 436-9682

Fax No: (415) 436-9683

ADVISORY AGENCY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	Board of Supervisors for: Temporary Outdoor Events, Substantial Conformance Determination for WECS, Variances, and Fast Track Plot Plans.	Clerk of The Board for: Appeals before the Board of Supervisors.
Planning Commission	Planning Commission for: all other decisions.	Planning Department for: Appeals before the Planning Commission.
	Board of Supervisors	Clerk of the Board of Supervisors



TYPE OF CASES BEING APPEALED	FILING DEADLINE
- Change of Zone denied by the Planning Commission - Commercial WECS Permit - Conditional Use Permit - Hazardous Waste Facility Siting Permit - Public Use Permit - Variance - Specific Plan denied by the Planning Commission - Substantial Conformance Determination for WECS - Surface Mining and Reclamation Permit	Within 10 days after the notice of decision appears on the Board of Supervisors Agenda. RIVERSIDE COUNTY CLERK OF THE BOARD OF SUPERVISORS PAID DATE: <u>10/28/2009</u> AMOUNT: <u>183.28</u> REC'D BY: <u>[Signature]</u>

APPLICATION FOR APPEAL

See attached appeal letter.

Use additional sheets if necessary.

Jonathan Evans

PRINTED NAME OF APPELLANT

SIGNATURE OF APPELLANT

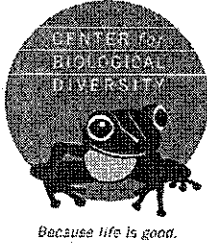
October 27, 2009

DATE

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

1. One completed and signed application form.
2. Public Hearing Notice Label Requirements mailing address labels for notification of the appeal hearing.
3. All appropriate filing fees (the base fee, plus other fees specifically for the Department of Building and Safety, Fire Department, Flood Control District and/or Transportation Department conditions, if applicable).

PLEASE NOTE: Obtain surrounding property owners label package/instructions (Form 295-1051) from a County Public Information Services Center or download it from the Planning Department web page.



via Hand Delivery

Riverside County Board of Supervisors
4080 Lemon ST, 1st Floor
P.O. Box 1409
Riverside, CA. 92502-1409
Attn: Clerk of the Board

October 27, 2009

RE: Appeal of the Riverside County Planning Commission's Approval of the
Alessandro Commerce Centre (EIR #510, Plot Plan #22925, TPM #35365)

Honorable Chairman and Board Members:

This appeal is filed on behalf of the Center for Biological Diversity, San Bernardino Valley Audubon Society, and the Sierra Club (collectively "Conservation Groups") on the Alessandro Commerce Centre ("Project"), located south of Alessandro Blvd. between Gem Lane and Brown Street.

Despite the diligent work by County staff, the EIR and Plot Plan do not meet the legal standards required under state and federal law. As set forth more fully in our attached comments on the Notice of Preparation of an Environmental Impact Report, comments on the Draft Environmental Impact Report, comments on the Final Environmental Impact Report, and Complaint for Declaratory and Injunctive Relief, there are many legal deficiencies that must be rectified in order to comply with the law. Moreover, the Project's location poses a fundamental and irreconcilable threat to the integrity of the Stephens' Kangaroo Rat Habitat Conservation Plan and must be rejected.

First, the project contains numerous issues that run afoul of the California Environmental Quality Act. Public Resources Code §§ 21000 *et seq.* For example, the EIR fails to adequately analyze the impacts to biological resources, air quality, land use and planning, public health, aesthetic resources, and global warming. The EIR also fails to adequately analyze numerous mitigation measures and fails to provide adequate findings regarding a reasonable range of Project Alternatives. All of these issues must be corrected prior to the proper certification of the Environmental Impact Report.

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Montana • Illinois • Minnesota • Vermont • Washington, DC

Jonathan Evans, Staff Attorney
351 California St., Ste. 600 • San Francisco, CA 94104
tel: (213) 598.1466 fax: (415) 436.9683 email: jevans@biologicaldiversity.org
www.BiologicalDiversity.org

Importantly, the Environmental Impact Report fails to make a good faith analysis and require feasible mitigation regarding the Project's greenhouse gas emissions and impacts on climate change. The Environmental Impact Report fails to account for the greenhouse gas emission reduction requirements necessary to achieve the goals of Executive Order S-03-05 and avoid dangerous anthropogenic influences on climate change. Moreover, the Environmental Impact Report ignores the substantive mandate of CEQA to implement feasible mitigation measures that will reduce the Project's significant negative impacts to air quality, including global warming. Public Resources Code § 21002.

Second, the Project as proposed threatens the viability of the Stephens' Kangaroo Rat Habitat Conservation Plan by permanently dividing the Sycamore Canyon Core Reserve dedicated for the protection of endangered wildlife protected under federal law. Permitting the approval of a Project that jeopardizes the integrity of the Stephens' Kangaroo Rat Habitat Conservation Plan will leave Riverside County and the Project applicant open to liability for take of endangered species under the Endangered Species Act. 16 U.S.C 1531 *et seq.*

As set forth more fully in the attached Complaint for Declaratory and Injunctive Relief it is a violation of the Endangered Species Act to disregard the existence and viability of the March Stephens' Kangaroo Rat Preserve, which is located adjacent to the site and plays a critical role in the population viability of the Stephens' Kangaroo Rat Habitat Conservation Plan. The attempt to "trade out" the habitat on the March Stephens' Kangaroo Rat Preserve in exchange for lands within the Potrero Core Reserve violates the Endangered Species Act, 16 U.S.C 1531 *et seq.*, National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, and Administrative Procedures Act, 5 U.S.C. § 701 *et seq.* The County's reliance on the alleged "trade out" would be both ill advised and misplaced. At a minimum the County should not approve this Project that improperly relies upon an illegal trade out and stay the project approval pending the outcome of the litigation.

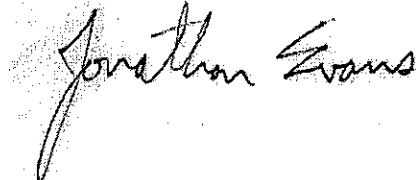
CONCLUSION

The Conservation Groups urge the Board of Supervisors to deny Project and its EIR due to the existing legal violations and irreconcilable conflicts with the Stephens' Kangaroo Rat Habitat Conservation Plan. At a minimum, approval of the Project should be stayed pending the outcome of the federal litigation surrounding the March Stephens' Kangaroo Rat Preserve, which will be permanently impacted as a result of this project

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The Conservation Groups reserve the right to provide supplemental arguments and material at the Board of Supervisors' hearing and intend to do so. The Conservation Groups appreciate the County's consideration of this appeal. Should you have any questions or concerns regarding this appeal please contact Jonathan Evans via the contact information listed above.

Sincerely,



Jonathan Evans
Staff Attorney
Center for Biological Diversity



Drew Feldman
Conservation Chair
San Bernardino Valley Audubon Society



George Hague
Conservation/Endangered Species Chair
Moreno Valley Group
San Gorgonio Chapter
Sierra Club

EXHIBITS

Center for Biological Diversity 2008, Comments RE: Environmental Impact Report No. 510, Plot Plan 22925, (Alessandro Commerce Centre), August 26, 2008.

Center for Biological Diversity 2009, Comments RE: Draft Environmental Impact Report for the Alessandro Commerce Centre, SCH # 2008061136 (EIR # 510, TPM # 35365, Plot Plan # 22925), April 10, 2009

Center for Biological Diversity 2009, Comments RE: Final Environmental Impact Report for the Alessandro Commerce Centre, SCH # 2008061136 (EIR # 510, TPM # 35365, Plot Plan # 22925), July 10, 2009

Center for Biological Diversity 2009, Complaint for Declaratory and Injunctive Relief in the U.S. District Court for the Southern District of California, Case No. 09 CV 1864 JAH POR, filed August 27, 2009.

Center for Natural Lands Management 2007, ANNUAL REPORT OF MANAGEMENT ACTIVITIES FOR THE 2006-07 FISCAL YEAR ON THE MARCH STEPHENS' KANGAROO RAT PRESERVE

Center for Natural Lands Management 2008, ANNUAL REPORT OF MANAGEMENT ACTIVITIES FOR THE 2007-08 FISCAL YEAR ON THE MARCH STEPHENS' KANGAROO RAT PRESERVE

Fresh and Easy, Neighborhood News, Volume 2, Issue 1

Fresh and Easy, Fresh and Easy Riverside Distribution Center, Draft Subsequent Environmental Impact Report, August 2009 (partial).

**PLANNING COMMISSION
MINUTE ORDER SEPTEMBER 30, 2009
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

- I. AGENDA ITEM 6.4: APPEAL OF PLOT PLAN NO. 22925 / TENTATIVE PARCEL MAP NO. 35365 / ENVIRONMENTAL IMPACT REPORT NO. 510** – Intent to Certify an Environmental Impact Report – Applicant: Hogle-Ireland – Engineer/Representative: Rick Engineering - First Supervisorial District – March Zoning District – Lake Mathews / Woodcrest Area Plan: Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) – Location: southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street – 54.39 Gross Acres - Zoning: Industrial Park (I-P) - APN(s): 297-080-007, 008, 009, 010. (Quasi-Judicial)

II. PROJECT DESCRIPTION

The Plot Plan proposes a commercial and industrial development comprised of 8 buildings consisting of: four (4) office buildings totaling 258,102 square feet, two (2) industrial warehouse/distribution buildings totaling 409,312 square feet, one (1) retail building with 10,000 square feet, one (1) light industrial/multi-tenant building with 42,222 square feet, 285,696 square feet of landscaping area, 1,779 parking spaces, and three (3) detention basins. The Parcel Map is a Schedule E subdivision of 54.39 gross acres into 6 industrial and commercial parcels. The Environmental Impact Report has been prepared to inform decisions makers and the public of the potential significant environmental effects associated with the development of the proposed plot plan per the California Environmental Quality Act (CEQA).

III. MEETING SUMMARY

The following staff presented the subject proposal:

Project Planner, Jeffery Childers, at 951-955-3626 or email jchilder@rctlma.org.

The following spoke in a neutral position of the subject proposal:

Kent Norton, Other Interested Person, 621 Carnegie Drive, Ste. 100, San Bernardino, California 92408

The following spoke in opposition of the subject proposal:

Jonathan Evans, Appellant, 351 California St., Ste. 600, San Fransisco, California 94104

No one spoke in favor of the subject proposal.

IV. CONTROVERSIAL ISSUES

The City of Riverside has submitted a letter in response to the Draft Environmental Impact Report public notification since the project is located adjacent and within the sphere of influence of the City. The letter made a number of requests for items to be added as mitigation measures. However, the technical studies provided no support for the requests to be added as additional mitigation, but were added as Conditions of Approval to the project.

The March Joint Powers Authority (MJPA) has also submitted a number of letters to the County in response to concerns regarding the need for right-of-way to be dedicated for the construction of Brown Street and the drainage crossings that will discharge onto the MJPA controlled property. The applicant has met a number of times with MJPA to resolve these issues and the comments submitted in the April 29, 2009 letter have been added as mitigation measures where applicable and specific conditions of approval.

V. PLANNING COMMISSION ACTION

The Planning Commission, by a vote of 5-0, recommended to the Board of Supervisors;

**PLANNING COMMISSION
MINUTE ORDER SEPTEMBER 30, 2009
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

PLANNING COMMISSION 9/30/09
AGENDA ITEM NO. 6.4 PAGE 2

DENIAL of the **APPEAL**;

REMOVAL of **PARCEL MAP NO. 35365** from the agenda and continued off calendar;

CERTIFICATION of **ENVIRONMENTAL IMPACT REPORT NO. 510**, based on the findings incorporated in the EIR and the conclusion that the project will not have a significant effect on the environment; and,

APPROVAL of **PLOT PLAN NO. 22925**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

VI. CD

The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at cgriffin@rctlma.org.

Agenda Item No.: 6.4
Area Plan: Lake Mathews/Woodcrest
Zoning District: March Area
Supervisory District: First
Project Planner: Jeffery Childers
Planning Commission: September 30, 2009

EIR Number: 510
Plot Plan No. 22925
Applicant: Hogle-Ireland, Inc.
Engineer/Representative: Rick Engineering, Inc.
Owner: Amstar/Kaliber, LLC.

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Plot Plan No. 22925 proposes a commercial and industrial development comprised of 8 buildings consisting of: four (4) office buildings totaling 258,102 square feet, two (2) industrial warehouse/distribution buildings totaling 409,312 square feet, one (1) retail building with 10,000 square feet, one (1) light industrial/multi-tenant building with 42,222 square feet, 285,696 square feet of landscaping area, 1,779 parking spaces, and three (3) detention basins.

Environmental Impact Report No. 510 has been prepared to inform decisions makers and the public of the potential significant environmental effects associated with the development of the proposed plot plan per the California Environmental Quality Act (CEQA).

The project is located in the Lake Mathews/Woodcrest Area Plan in Western Riverside County; more specifically, northerly of March Joint Powers Authority property and the former March Air Reserve Base, southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street.

JULY 27, 2009:

The project was Tentatively Approved during the Director's Hearing on July 13, 2009 and placed on the Consent Calendar for July 27, 2009. The Resolution for the Environmental Impact Report has been approved by Staff and the case is ready for action on the August 10, 2009 Director's Hearing.

JULY 13, 2009:

The project was Tentatively Approved during the Director's Hearing on July 13, 2009. However, the Resolution for the Environmental Impact Report has not been approved by Staff at this time and shall be reviewed and approved prior to the August 10, 2009 Director's Hearing.

BACKGROUND:

The case also includes a Schedule E Tentative Parcel Map that proposes the subdivision of 54.39 gross acres into 6 industrial and commercial parcels.

ISSUES OF POTENTIAL CONCERN:

The City of Riverside has submitted a letter in response to the Draft Environmental Impact Report public notification since the project is located adjacent and within the sphere of influence of the City. The letter made a number of requests for items to be added as mitigation measures. However, the technical studies provided no support for the requests to be added as additional mitigation, but were added as Conditions of Approval to the project.

The March Joint Powers Authority (MJPA) has also submitted a number of letters to the County in response to concerns regarding the need for right-of-way to be dedicated for the construction of Brown

ASR 9/2/09

Street and the drainage crossings that will discharge onto the MJPB controlled property. The applicant has met a number of times with MJPB to resolve these issues and the comments submitted in the April 29, 2009 letter have been added as mitigation measures where applicable and specific conditions of approval.

SUMMARY OF FINDINGS:

- | | |
|---------------------------------------|--|
| 1. Existing General Plan Land Use: | Community Development: Light Industrial (CD:LI) (0.25 - 0.60 Floor Area Ratio) |
| 2. Surrounding General Plan Land Use: | Community Development: Light Industrial (CD:LI) (0.25 - 0.60 Floor Area Ratio) to the east, Community Development: Business Park (CD:BP) (0.25 - 0.60 Floor Area Ratio) to the south, Community Development: Medium Density Residential (CD:MDR) (2-5 dwelling units per acre) to the west and the City of Riverside to the north. |
| 3. Existing Zoning: | Industrial Park (I-P) |
| 4. Surrounding Zoning: | Controlled Development Areas (W-2) to the east, Rural Residential (R-R) to the south, Residential Agriculture – 1 acre minimum to the west, and the City of Riverside to the north. |
| 5. Existing Land Use: | Vacant |
| 6. Surrounding Land Use: | Vacant land to the north, east, and south with single family residences to the east. |
| 7. Project Data: | Total Acreage: 54.39 Gross Acres
Total Proposed Building Area: 719,636 sq. ft.
Total Parking: 1,779 spaces |
| 7. Environmental Concerns: | See Environmental Impact Report No. 510 |

RECOMMENDATIONS:

DENIAL of the **APPEAL** filed on August 31, 2009;

TENTATIVE CERTIFICATION of **ENVIRONMENTAL IMPACT REPORT NO. 510**, based on the findings incorporated in the EIR and the conclusion that the project will not have a significant effect on the environment; and,

APPROVAL of **PLOT PLAN NO. 22925**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Industrial Park (I-P) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.

3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is conditionally compatible with the present and future logical development of the area.
5. The proposed project is consistent with the provisions of the Riverside County Comprehensive Airport Land Use Plan.
6. The proposed project will not preclude reserve design for the Multi-Species Habitat Conservation Plan (MSHCP).
7. The Environmental Impact Report has determined that most potentially adverse impacts can be mitigated to a level of less than significant by the recommended mitigation measures. However, the project will require the Riverside County Board of Supervisors to adopt Findings for Overriding Considerations for the significant and unavoidable impact to Air Quality (Project Specific and Cumulative).

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, and in the attached environmental assessment, which is incorporated herein by reference.

1. The project site is designated Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) on the Lake Mathews/Woodcrest Area Plan.
2. The proposed use, a commercial and industrial development, is a permitted use in the Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) land use designation.
3. The proposed use, a commercial and industrial development, is consistent with the Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) land use designation.
4. The project site is surrounded by properties which are designated Community Development: Light Industrial (CD:LI) (0.25 - 0.60 Floor Area Ratio) to the east, Community Development: Business Park (CD:BP) (0.25 - 0.60 Floor Area Ratio) to the south, Community Development: Medium Density Residential (CD:MDR) (2-5 dwelling units per acre) to the west and the City of Riverside to the north.
5. The zoning for the subject site is Industrial Park (I-P).
6. The proposed use, a commercial and industrial development, is a permitted use, subject to approval of a plot plan in the Industrial Park (I-P) zoning classification.
7. The proposed use, a commercial and industrial development, is consistent with the development standards set forth in the Industrial Park (I-P) zone.
8. The project site is surrounded by properties which are zoned Controlled Development Areas (W-2) to the east, Rural Residential (R-R) to the south, Residential Agriculture – 1 acre minimum to the west, and the City of Riverside to the north.

9. Additional commercial and industrial uses have been constructed and are operating in the project vicinity.
10. The adjacent property under the control of the March Joint Powers Authority is master planned for similar industrial and warehousing development.
11. Environmental Impact Report No. 498 identified the following potentially significant impacts:
 - a. Air Quality
 - b. Biological Resources
 - c. Cultural Resources
 - d. Geology, Soils, and Seismicity
 - e. Hydrology and Water Quality
 - f. Land Use
 - g. Noise
 - h. Transportation

These listed impacts will be fully mitigated by the measures indicated in the environmental impact report, conditions of approval, and attached letters. Air Quality could not be mitigated to a level of less than significant; as such, the adoption of overriding findings is recommended as it has been determined that the benefits of the project outweigh and render acceptable those impacts identified in EIR00510.

INFORMATIONAL ITEMS:

1. As of this writing no letters in support or opposition have been received.
2. The project site is not located within:
 - a. A 100-year flood plain;
 - b. An area drainage plan;
 - c. A dam inundation area;
 - d. An agricultural preserve;
 - e. An area susceptible to subsidence;
 - f. A Riverside County Fault Zone; or,
 - g. A high fire area.
3. The project site is located within:
 - a. The City of Riverside Sphere of Influence;
 - b. The March Air Reserve Base influence area;
 - c. The Stephens Kangaroo Rat Fee Area;
 - d. The boundaries of the Lake Mathews/Woodcrest Area Plan;
 - e. An area of Low paleontological sensitivity;
 - f. An area of moderate liquefaction potential; and,
 - g. The Moreno Valley and Riverside Unified School Districts.
4. This project was received on July 11, 2007 and reviewed by the Land Development Committee 3 times on the following dates August 16, 2007, January 3, 2008 and October 23, 2008.
5. Deposit Based Fees charged for this project, as of the time of staff report preparation, total \$113,379.

6. The subject site is currently designated as Assessor's Parcel Numbers: 297-080-007, 008, 009, and 010.

JC

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COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY
Planning Department
Ron Goldman - Planning Director

APPLICATION FOR APPEAL

DATE SUBMITTED: August 31, 2009

Appeal of application case No(s): PLOT PLAN NO. 22925 / EIR NO. 510

Name of Advisory Agency: Riverside County Planning Director

Date of the decision or action: August 24, 2009

Appellant's Name: Jonathan Evans

E-Mail: jevans@biologicaldiversity.org

Mailing Address: 351 California ST, Suite 600

San Francisco

Street
CA 94104

City

State

ZIP

Daytime Phone No: (415) 436-9682

Fax No: (415) 436-9683

ADVISORY AGENCY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	• Board of Supervisors for: Temporary Outdoor Events, Substantial Conformance Determination for WECS, Variances, and Fast Track Plot Plans. • Planning Commission for: all other decisions.	• Clerk of The Board for: Appeals before the Board of Supervisors. • Planning Department for: Appeals before the Planning Commission.
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

TYPE OF CASES BEING APPEALED	FILING DEADLINE
• Change of Zone denied by the Planning Commission • Commercial WECS Permit • Conditional Use Permit • Hazardous Waste Facility Siting Permit • Public Use Permit • Variance • Specific Plan denied by the Planning Commission • Substantial Conformance Determination for WECS • Surface Mining and Reclamation Permit	Within 10 days after the notice of decision appears on the Board of Supervisors Agenda.

Riverside Office • 4080 Lemon Street, 9th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 • Fax (951) 955-3157
Form 295-1013 (8/27/07)

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

Murrieta Office • 39493 Los Alamos Road.
Murrieta, California 92563
• Fax (951) 600-6145

APPLICATION FOR APPEAL

• Land Division (Tentative Tract Map or Tentative Parcel Map) • Revised Tentative Map • Minor Change to Tentative Map • Extension of Time for Land Division (not vesting map)	Within 10 days after the notice of decision appears on the Board of Supervisor's Agenda.
• Extension of Time for Vesting Tentative Map	Within 15 days after the notice of decision appears on the Board of Supervisor's agenda.
• General Plan or Specific Plan Consistency Determination • Temporary Outdoor Event	Within 10 days after date of mailing or hand delivery of decision of the Planning Director.
• Environmental Impact Report	Within 10 days of receipt of project sponsor or Planning Director determination, or within 7 days after notice of decision by Planning Commission appears on the Board's agenda.
• Plot Plan • Second Unit Permit • Temporary Use Permits • Accessory WECS	Within 10 calendar days after the date of mailing of the decision.
• Letter of Substantial Conformance for Specific Plan	Within 7 days after the notice of decision appears on the Board of Supervisor's agenda.
• Revised Permit	Same appeal deadline as for original permit.
• Certificate of Compliance • Tree Removal Permit	Within 10 days after the date of the decision by the Planning Director.
• Revocation of Variances and Permits	Within 10 days following the mailing of the notice of revocation by the Director of Building and Safety, or within 10-days after the notice of decision of the Planning Commission appears on the Board of Supervisor's agenda.

PLEASE STATE THE REASONS FOR APPEAL.

Please state the basis for the appeal and include any supporting evidence if applicable. If appealing one or more specific conditions of approval, indicate the number of the specific condition(s) being protested. In addition, please include all actions on related cases, which might be affected if the appeal is granted. This will allow all changes to be advertised and modified at the same time. AN APPEAL OF ONE OR MORE CONDITIONS OF APPROVAL SHALL BE DEEMED AS AN APPEAL OF THE ACTION AS A WHOLE, AND THE APPEAL BODY MAY APPROVE OR DENY THE ENTIRE MATTER, AND CHANGE ANY OR ALL OF THE CONDITIONS OF APPROVAL.

APPLICATION FOR APPEAL

See attached appeal letter.

Use additional sheets if necessary.

Jonathan Evans

PRINTED NAME OF APPELLANT

SIGNATURE OF APPELLANT

August 28, 2009

DATE

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

1. One completed and signed application form.
2. Public Hearing Notice Label Requirements mailing address labels for notification of the appeal hearing.
3. All appropriate filing fees (the base fee, plus other fees specifically for the Department of Building and Safety, Fire Department, Flood Control District and/or Transportation Department conditions, if applicable).

PLEASE NOTE: Obtain surrounding property owners label package/instructions (Form 295-1051) from a County Public Information Services Center or download it from the Planning Department web page.



via hand delivery

Riverside County Planning Department
4080 Lemon ST, 9th Floor
P.O. Box 1409
Riverside, CA. 92502-1409
Attn: Jeffrey Childers
jchilders@rctlma.org

August 28, 2009

RE: Appeal of the Riverside County Planning Director's Approval of the Alessandro Commerce Centre (EIR #510, Plot Plan #22925, TPM #35365)

This appeal is filed on behalf of the Center for Biological Diversity, San Bernardino Valley Audubon Society, and the Sierra Club (collectively "Conservation Groups") on the Allesandro Commerce Centre ("Project"), located south of Allesandro Blvd. between Gem Ln and Brown St.

Despite the diligent work by County staff the EIR and Plot Plan do not meet the legal standards required under state and federal law. As set forth more fully in our attached comments on the Notice of Preparation of an Environmental Impact Report, comments on the Draft Environmental Impact Report, comments on the Final Environmental Impact Report, and Complaint for Declaratory and Injunctive Relief there are many legal deficiencies that must be rectified in order to comply with the law. Moreover, the Project's location poses a fundamental and irreconcilable threat to the integrity of the Stephens' Kangaroo Rat Habitat Conservation Plan and must be rejected.

First, the project contains numerous issues that run afoul of the California Environmental Quality Act. Public Resources Code §§ 21000 *et seq.* For example, the EIR fails to adequately analyze the impacts to biological resources, air quality, land use and planning, public health, aesthetic resources, and global warming. The EIR also fails to adequately analyze numerous mitigation measures and fails to provide adequate findings regarding a reasonable range of Project Alternatives. All of these issues must be corrected prior to the proper certification of the Environmental Impact Report.

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Montana • Illinois • Minnesota • Vermont • Washington, DC

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Importantly, the Environmental Impact Report fails to make a good faith analysis and require feasible mitigation regarding the Project's greenhouse gas emissions and impacts on climate change. The Environmental Impact Report fails to account for the necessary greenhouse gas emission reduction requirements necessary to achieve the goals of Executive Order S-03-05 and avoid Dangerous Anthropogenic Influence on climate change. Moreover, the Environmental Impact Report ignores the substantive mandate of CEQA to implement feasible mitigation measures that will reduce the Project's significant negative impacts to air quality, including global warming. Public Resources Code § 21002.

Second, the Project as proposed threatens the viability of the Stephens' Kangaroo Rat Habitat Conservation Plan by permanently dividing the Sycamore Canyon Core Reserve dedicated for the protection of endangered wildlife protected under federal law. Permitting the approval of a Project that jeopardizes the integrity of the Stephens' Kangaroo Rat Habitat Conservation Plan will leave Riverside County and the Project applicant open to liability for take of endangered species under the Endangered Species Act. 16 U.S.C 1531 *et seq.*

As set forth more fully in the attached Complaint for Declaratory and Injunctive Relief it is a violation of the Endangered Species Act to disregard the existence and viability of the March Stephens' Kangaroo Rat Preserve, which is located adjacent to the site and plays a critical role in the population viability of the Stephens' Kangaroo Rat Habitat Conservation Plan. The attempt to "trade out" the habitat on the March Stephens' Kangaroo Rat Preserve violates the Endangered Species Act, 16 U.S.C 1531 *et seq.*, National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, and Administrative Procedures Act, 5 U.S.C. § 701 *et seq.* The County's reliance on the alleged "trade out" would be both ill advised and misplaced. At a minimum the County should not approve this Project that improperly relies upon an illegal trade out and stay the project approval pending the outcome of the litigation.

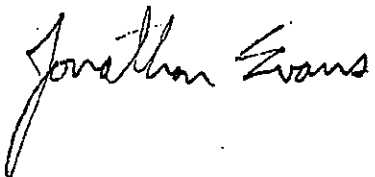
CONCLUSION

The Conservation Groups urge the Planning Commission to deny Project and its EIR due to the existing legal violations and irreconcilable conflicts with the Stephens' Kangaroo Rat Habitat Conservation Plan. At a minimum, approval of the Project should be stayed pending the outcome of the federal litigation surrounding the March Stephens' Kangaroo Rat Preserve, which will be permanently impacted as a result of this project

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The Conservation Groups reserve the right to provide supplemental arguments and material at the Planning Commission hearing and intend to do so. The Conservation Groups appreciate the County's consideration of this appeal. Should you have any questions or concerns regarding this appeal please contact Jonathan Evans via the contact information listed above.

Sincerely,



Jonathan Evans
Staff Attorney
Center for Biological Diversity



Drew Feldman
Conservation Chair
San Bernardino Valley Audubon Society



George Hague
Conservation/Endangered Species Chair
Moreno Valley Group
San Geronimo Chapter
Sierra Club

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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT

12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 CENTER FOR BIOLOGICAL
14 DIVERSITY and SAN BERNARDINO
15 VALLEY AUDUBON SOCIETY,

16 Plaintiffs,

17 v.

18 JIM BARTEL, Field Supervisor for the
19 Carlsbad Office of the United States Fish
20 and Wildlife Service, the UNITED
21 STATES FISH AND WILDLIFE
22 SERVICE, and KEN SALAZAR, Secretary
23 of the Interior,

24 Defendants.

Case No. **09 CV 1 864 JAH** — **POR**

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

BY FAX

INTRODUCTION

1. This action challenges the U.S. Fish and Wildlife Service's ("Service") failure to re-initiate self-consultation to prepare a new biological opinion under the Endangered Species Act, 16 USC §§ 1531 *et seq.* ("ESA"), and conduct environmental review under the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.* ("NEPA"), prior to authorizing the release

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1 of land dedicated in perpetuity for the conservation of the Stephens' kangaroo rat ("SKR") for
2 commercial development.

3 2. The SKR conservation land released for development (the "March SKR
4 Preserve") is located in Western Riverside County, California, west of March Air Reserve Base
5 (formerly March Air Force Base) near the City of Moreno Valley. Through formal consultation
6 under the ESA the March SKR Preserve originated as mitigation for the widening of Highway
7 215 and the 215-60 interchange. The March SKR Preserve was continually expanded, again
8 through formal consultation with the Service, to serve as mitigation for incidental take associated
9 with base mission realignment projects, base housing, a golf course, and expansion of the
10 Riverside National Cemetery.

11 3. Due in part to its existing dedicated status for conservation, the Service relied on
12 the March SKR Preserve as a crucial habitat reserve during the development of the Stephens'
13 kangaroo rat Habitat Conservation Plan ("SKR HCP"). The March SKR Preserve became
14 roughly the southern half of the Sycamore Canyon-March Air Force Base Core Reserve
15 ("Sycamore Canyon-March Core Reserve") that was established through the SKR HCP, and
16 represents the majority of SKR habitat in the Sycamore Canyon-March Core Reserve.

17 4. The March SKR Preserve was released for commercial development ostensibly in
18 "exchange" for other SKR habitat in the Portrero Valley that is outside the boundaries of the
19 SKR HCP. Conversion of the March SKR Preserve threatens the viability and the conservation
20 value of the entire Sycamore Canyon-March Core Reserve—one of seven permanent core
21 reserves in the SKR HCP Core Reserve System. Moreover, elimination of the March SKR
22 Preserve threatens the viability of the SKR HCP because it lowers the persistence probability of
23 SKR in the overall reserve system.

5. The threat to the viability of the entire SKR HCP Core Reserve System is the direct result of the Service's failure to follow the mandatory procedures of the ESA and NEPA. Despite the Service's reliance on the March SKR Preserve for the mitigation of several projects that resulted in take of SKR, and the March SKR Preserve's crucial role in maintaining the Core Reserve System established in the SKR HCP, the Service impermissibly authorized the release of the March SKR Preserve for development without re-initiating consultation, conducting environmental review, or following the required amendment procedures in the SKR HCP. The Service's failure to require consultation under the ESA, conduct environmental review under NEPA, and follow the terms of the SKR HCP for the release of the March SKR Preserve is arbitrary and capricious, an abuse of discretion, otherwise not in accordance with law, and without observance of procedures required by law within the meaning of the Administrative Procedures Act ("APA"). 5 U.S.C. § 701 *et seq.*

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States as a defendant), 16 U.S.C. §§ 1540(c) and (g) (action arising under the Endangered Species Act and citizen suit provision), and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

7. This Court has authority to grant the requested relief pursuant to 28 U.S.C. §§ 2201-2202 (declaratory and injunctive relief) and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

8. As required by the Endangered Species Act (“ESA”), Plaintiffs provided Defendants with written notice of their intent to sue more than 60 days ago. ESA § 11(g)(2), 16 U.S.C. § 1540(g)(2). Because Defendants have not remedied their violations of law, there exists

1 an actual controversy between the parties within the meaning of the Declaratory Judgment Act.
2 28 U.S.C. § 2201.

3 9. Venue lies in this Court pursuant to 28 U.S.C. § 1391(e), ESA § 11(g)(3)(A), and
4 16 U.S.C. § 1540(g)(3)(A). The Service maintains its Carlsbad office in this judicial district,
5 Defendant Jim Bartel resides in this district in his official capacity as Field Supervisor for the
6 Service's Carlsbad office, and a substantial part of the events or omissions giving rise to
7 Plaintiffs' claims occurred within this district.
8

9
10 **PARTIES**

11 10. Plaintiff CENTER FOR BIOLOGICAL DIVERSITY ("the Center") is a non-
12 profit corporation with over 43,000 members and offices in San Francisco, Los Angeles, and
13 Joshua Tree, California; Tucson and Flagstaff, Arizona; Portland, Oregon; Silver City, New
14 Mexico; and Washington, D.C. The Center is dedicated to the preservation, protection, and
15 restoration of biodiversity, native species, ecosystems, and public lands.
16

17 11. The SAN BERNARDINO VALLEY AUDUBON SOCIETY ("Audubon") is a
18 California non-profit public benefit corporation with 2000 members who are residents and
19 property owners within the Inland Empire of Southern California, including within the County of
20 Riverside, and who will be directly affected by this action. The purpose of Audubon is to educate
21 the public about the environment, planning and infrastructure issues, and to take action to protect
22 the region's natural heritage areas when necessary. Many Audubon members receive personal,
23 scientific, professional, and spiritual benefit from rare, sensitive, threatened and endangered
24 species that will be affected by the action that is the subject of this litigation. Audubon members
25 will be directly affected by the actions in this litigation, and its components, as described herein.

26 12. Members and staff of the Center and Audubon regularly use and enjoy, and
27 intend to continue to use and enjoy, lands within the Sycamore Canyon-March Core Reserve—
28

1 where the SKR is found—for recreation, observation, research, aesthetic enjoyment, and other
2 scientific, conservation, spiritual, or educational activities. The Center and Audubon's members
3 and staff also regularly research, study, and observe the federally listed SKR in and around the
4 Sycamore Canyon-March Core Reserve. The Center and Audubon's members and staff derive
5 spiritual, recreational, scientific, and aesthetic benefits from the continued existence of SKR
6 populations and its associated habitat upon which it depends throughout its range in southern
7 California, including within the Sycamore Canyon-March Core Reserve.

9 13. The Center and Audubon's members' recreational, aesthetic, educational,
10 scientific, spiritual, professional, and conservation interests are being adversely affected and
11 irreparably injured by the Service's continued violations of the ESA. The Service's
12 authorization to release the March SKR Preserve for commercial development and the
13 subsequent destruction of native fauna and flora has thus harmed the members and staff of the
14 Center and Audubon by threatening the interests in the March SKR Preserve, the SKR, and its
15 associated fauna and flora. Members and staff of the Center and Audubon have also been
16 harmed because they have not been provided an adequate opportunity to review and comment
17 on the environmental consequences of the release of the March SKR Preserve for development.
18 The recovery of the SKR in the wild would be promoted through protection of habitat on the
19 March SKR Preserve, and the relief sought in this action would redress the injuries to the
20 members and staff of the Center and Audubon.

23 14. The Center and Audubon bring this suit on their own behalf and on behalf of their
24 adversely affected members and staff who have been, and will continue to be, harmed by the
25 Service's failure to consult and analyze the loss of habitat that impacts to threatened and
26 endangered species on the March SKR Preserve.

1 15. Defendant JIM BARTEL is the Field Supervisor for the Carlsbad Office of the
2 United States Fish and Wildlife Service. The Field Supervisor is the federal official charged
3 with implementation of the ESA in the region, including the March SKR Preserve. The Field
4 Supervisor is the signatory on the authorizations that are the subject of this litigation. He is sued
5 in his official capacity.

6
7 16. Defendant U.S. FISH AND WILDLIFE SERVICE is an agency within the
8 Department of the Interior which has been delegated responsibility for implementing the ESA
9 including proposed and final listing and critical habitat decisions, the handling of petitions for
10 such listings, and the decisions to consult on the impacts to endangered species.

11 17. Defendant KEN SALAZAR is the Secretary of the Interior ("Secretary"). The
12 Secretary is the federal official charged with listing species as endangered or threatened and
13 supervising the consultation requirements under the ESA. He is sued in his official capacity.
14 The Secretary has delegated his obligation to oversee consultation requirements under the ESA
15 to the U.S. Fish and Wildlife Service.
16

17 18 STATUTORY BACKGROUND

19 20 THE ENDANGERED SPECIES ACT

21 18. The ESA is a federal statute designed to conserve endangered and threatened
22 species and the ecosystems upon which those species depend. ESA § 2(b), 16 U.S.C. § 1531(b).
23 To achieve these objectives, the Service is required to protect such imperiled species by listing
24 them as either "threatened" or "endangered" if they are facing extinction due to numerous
25 threats. ESA § 4(a)(1), 16 U.S.C. § 1533(a)(1).
26

19. A species is "endangered" if it is "in danger of extinction throughout all or a significant portion of its range." ESA § 3(6), 16 U.S.C. § 1532(6). A species is "threatened" if it is "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." ESA § 3(20), 16 U.S.C. § 1532(20).

20. A species receives mandatory substantive protections under the Endangered Species Act if and only if it is listed as endangered or threatened. *See* 50 C.F.R. § 402.12(d). One of these protections; section 7(a)(2), provides that all federal agencies must avoid actions that (1) jeopardize listed species or (2) destroy or adversely modify designated critical habitat. 16 U.S.C. § 1536(a)(2).

21. Section 7 of the ESA requires a federal agency to initiate consultation with the Service whenever an action by that agency is likely to affect an endangered species or its critical habitat. 16 U.S.C. § 1536(a)(2). Federal agency actions include those projects "authorized, funded, or carried out by such agency." 50 C.F.R. § 402.14(a). The Service is required to self-consult prior to issuing incidental take permits under Section 10(a)(1)(b) of the ESA.

22. Consultation requires the Service to prepare a "Biological Opinion" that examines whether the action in question is likely to jeopardize the continued existence of a listed species or destroy or modify critical habitat and, if so, suggest reasonable and prudent alternatives to avoid those negative impacts. 16 U.S.C. § 1536(b)(3)(A); 50 C.F.R. § 402.12. Although consultation terminates with the issuance of the biological opinion, when new circumstances arise, the Service is required to re-initiate consultation. 50 C.F.R. § 402.16; *Mount Graham Red Squirrel v. Madigan*, 954 F.2d 1441; 1451 (9th Cir. 1992).

23. The Service's consultation regulations require re-initiation of consultation when discretionary federal involvement or control over the action has been retained and: (a) the

1 amount or extent of the take specified in the incidental take statement is exceeded; (b) new,
2 information reveals effects of the action that may affect listed species or critical habitat in a
3 manner or to an extent not previously considered; or (c) the identified action is subsequently
4 modified in a manner that causes an effect to the listed species that was not considered in the
5 biological opinion. 50 C.F.R. § 402.16.

6
7 24. Re-initiation of consultation requires the Service to issue a new biological
8 opinion before a project can proceed. *Id.* In making these decisions the Service must "use the
9 best scientific and commercial data available" during the consultation process. 16 U.S.C. §
10 1536(a)(2); 50 C.F.R. § 402.14(d).

11 12 NATIONAL ENVIRONMENTAL POLICY ACT

13
14 25. NEPA is intended to ensure that federal agencies fully consider environmental
15 consequences before taking an action, and that the public is fully informed of these
16 consequences. "The NEPA process is intended to help public officials make decisions that are
17 based on understanding of environmental consequences, and take actions that protect, restore,
18 and enhance the environment." 40 C.F.R. § 1500.1(c). Federal agencies must "to the fullest
19 extent possible . . . [e]ncourage and facilitate public involvement" in decision making. 40 C.F.R.
20 § 1500.2(d).

21
22 26. NEPA requires federal agencies to prepare a detailed environmental impact
23 statement ("EIS") for all "major federal actions significantly affecting the quality of the human
24 environment." 42 U.S.C. § 4332(2)(C). "Major federal action" includes actions with effects that
25 may be major and are potentially subject to federal control and responsibility. The EIS must,

1 among other things, disclose the environmental impact of the proposed action, describe any
2 unavoidable environmental effects, and analyze alternatives to the proposed action. *Id.*

3 27. To determine whether an action's environmental impacts are significant and
4 whether an EIS must be prepared, federal agencies may prepare an environmental assessment.
5 40 C.F.R. § 1508.9. If the EA concludes that a project may have a significant impact on the
6 environment, then an EIS must be prepared. If not, the federal agency must provide a detailed
7 statement of reasons why the project's impacts are insignificant and issue a finding of no
8 significant impact ("FONSI"). *Id.* § 1508.13.

9 28. In either an EIS or EA, federal agencies must consider the direct, indirect, and
10 cumulative environmental impacts of their actions. Indirect effects are those "caused by the
11 action and are later in time or farther removed in distance but are still reasonably foreseeable."
12 40 C.F.R. § 1508.8. Cumulative impacts include impacts of "other past, present, and reasonably
13 foreseeable future actions regardless of what agency (Federal or non-Federal) or person
14 undertakes such other actions." 40 C.F.R. § 1508.7.

15 29. The NEPA regulations promulgated by the Council on Environmental Quality
16 ("CEQ") and binding on all federal agencies provide that an agency must consider the degree to
17 which the proposed action may adversely affect endangered and threatened species or their
18 critical habitat in evaluating the significance of an impact. 40 C.F.R. § 1508.27(b)(9).

19 30. The CEQ regulations also provide that each federal agency shall identify in its
20 NEPA procedures those classes of actions that normally do not require either an EIS or an
21 environmental assessment. 40 C.F.R. § 1507.3(b)(2)(ii). These "categorical exclusions" are
22 actions that do not individually or cumulatively have a significant effect on the human
23 environment. If an agency action falls within one of the defined categorical exclusions
24

categories, no EIS or environmental assessment is required, unless one or more exceptions apply. These exceptions are also defined in the agency's NEPA procedures. 40 C.F.R. § 1508.4.

31. The Service's NEPA procedures are contained in the Department of the Interior Departmental Manual, Part 516, Chapter 2: "Initiating the NEPA Process." The Departmental Manual states that Categorical Exclusions apply only if "(a) [t]he action or group of actions would have no significant effect on the quality of the human environment; and (b) [t]he action or group of actions would not involve unresolved conflicts concerning alternative uses of available resources." However, as Appendix 2 to the Departmental Manual's Part 516 Chapter 2 details, environmental documents must be prepared for exceptions to the Categorical Exclusions if, *inter alia*, the action would affect ecologically significant or critical areas, have highly controversial effects, establish a precedent for future action or represent a decision in principle about future actions with potentially significant impacts, be directly related to other actions with individually insignificant but cumulatively significant environmental effects, or have adverse effects on species listed on the list of endangered or threatened species.

THE ADMINISTRATIVE PROCEDURE ACT

32. Section 702 of the Administrative Procedure Act ("APA") provides that any "person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute is entitled to judicial review thereof." 5 U.S.C. § 702.

33. Section 704 of the APA states that "agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review." 5 U.S.C. § 704.

34. "The reviewing court shall

1. compel agency action unlawfully withheld or unreasonably delayed; and
2. hold unlawful and set aside agency action, findings, and conclusions found to be—
 - a. arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
 - b. contrary to constitutional right, power, privilege, or immunity;
 - c. in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
 - d. without observance of procedure required by law;
 - e. unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or
 - f. unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court."

5 U.S.C. § 706.

FACTUAL AND PROCEDURAL ALLEGATIONS

35. The Stephens' Kangaroo Rat (*Dipodomys stephensi*), a rodent in the family Heromyidae, occupies grassland and sparse coastal sage scrub habitats in the dry inland valleys of the coastal side of the Peninsular Ranges of western Riverside and northern San Diego counties. The SKR was listed as an endangered species to be protected under the federal ESA.

on September 30, 1988 (53 Fed. Reg. 38465) and listed as a threatened species under the California ESA.

36. Agriculture and accelerating urban development have led to the SKR's decline, as well as the degradation and fragmentation of its available habitat. Only 5% of its original habitat remains. Currently its remaining habitat occurs as small isolated patches embedded in rocky outcrops unsuitable for cultivation or as in patches in protected areas.

ESTABLISHMENT OF THE MARCH SKR PRESERVE

37. In June of 1990, the March SKR Preserve was first established as preservation habitat for the SKR as mitigation for the widening of Highway 215 and the 215-60 interchange. Those original 108 acres of occupied SKR habitat were dedicated to the preservation of the SKR for a long term perpetual preserve between Van Buren and Allesandro boulevards in Riverside County, California.

38. In October 1990, an interim Stephens' kangaroo rat Habitat Conservation Plan (the "Short-term HCP") was adopted. The Short-term HCP established 10 Study Areas to be evaluated as potential SKR reserves and defined limitations on the amount, location, and duration of SKR incidental take, as a long-term HCP was being developed. The Sycamore Canyon-March Core Reserve was identified as one of the Study Areas, which included a portion of March Air Force Base—the March SKR Preserve.

39. In 1991, a larger 1,000-acre "SKR Management Area" at the March SKR Preserve was established as mitigation for incidental take associated with base mission realignment projects, base housing, a golf course, and various other projects on the Western portion of the March Air Force Base. The SKR Management Area incorporated the original

1 108-acre area from the Highway 215 construction and interchange project. Again in 1993, an
2 additional 83.5 acres (including 66.5 acres of occupied habitat) was included in the March SKR
3 Preserve as mitigation for the expansion of the Riverside National Cemetery on the March Air
4 Force Base.

5
6 40. In 1994, the Service's Carlsbad Field Office Supervisor drafted a memorandum
7 to the California Desert District Manager of the Bureau of Land Management outlining the
8 importance of the March SKR Preserve for the Long-Term Stephens' Kangaroo Rat Habitat
9 Conservation Plan ("SKR HCP" or hereinafter "HCP") "as critical to the establishment of a
10 viable, long-term SKR reserve system in western Riverside County." The Service emphasized
11 that if the March SKR Preserve is "removed from the currently proposed long term SKR-HCP,
12 then the Service no longer has assurance of the survival and recovery of the species in the plan
13 area." The 1994 memorandum also provided that, *inter alia*, the acquisition of properties in the
14 "Portrero Basin and the Badlands" and an *additional* "core reserve" were required to provide
15 adequate compensation for the release of the March SKR Preserve for development.
16

17 41. Besides the federally endangered SKR, the March SKR Preserve is host to a wide
18 range native fauna and flora many of which have been recognized as sensitive, rare, threatened
19 or endangered under state and federal law. For example, another native species found on the
20 March SKR Preserve is the least Bells' vireo, protected as endangered under the federal ESA.
21

22 23 THE LONG TERM STEPHENS' KANGAROO RAT HCP

24 42. The Long-Term SKR HCP was adopted in 1996 and an incidental take permit
25 was issued to the Riverside County Habitat Conservation Authority ("RCHCA")—the
26 implementing agency for the SKR HCP—to allow the take of up to 30,000 individual animals
27

and up to 15,000 acres of occupied habitat within the SKR HCP plan area boundary in western Riverside County, California. At that time, approximately 30,000 acres of remaining occupied SKR habitat were thought to occur within the boundaries of the SKR HCP.

43. To mitigate for the loss of 15,000 acres of occupied SKR habitat within the HCP boundary, the HCP established a conservation program that requires the RCHCA to ensure the preservation of at least 15,000 acres of occupied SKR habitat within the HCP planning area.

The Biological Opinion for the SKR HCP identifies seven permanent Core Reserves as part of the Core Reserve System "which shall contain when completed, at least 15,000 acres of occupied SKR habitat, in other words 50% of the SKR habitat within the plan area."

Furthermore, the Biological Opinion for the HCP states that "[t]his reserve system will be permanently set aside, maintained, managed and funded either by Federal, state or local governmental entities for the conservation, preservation, restoration and enhancement of the SKR and its habitat."

44. When the Long-Term SKR HCP was approved in 1996, the March SKR Preserve along with the publicly owned lands in Sycamore Canyon were designated the Sycamore Canyon-March Core Reserve, to be managed for the conservation and recovery of the species. As referenced from previous correspondence including the 1994 letter to the Bureau of Land Management, *supra*, and the 1999 Biological Opinion on the Disposal and Reuse of the March Air Force Base, *infra*, the Service has long recognized that without the March portion of the reserve, the viability of the Sycamore Canyon-March Core Reserve is jeopardized. The March SKR Preserve contains the majority of occupied SKR habitat in the Sycamore Canyon-March Core Reserve, and the Core Reserve itself contains one of the four largest blocks of contiguous SKR habitat within the planning boundary and within the entire range of the species.

1 45. The Service and RCHCA prepared a joint Environmental Impact Statement /
2 Environmental Impact Report ("EIS/EIR") under NEPA and the California Environmental
3 Quality Act ("CEQA") for the Authorization for Incidental Take and Implementation of the
4 Long Term SKR HCP. While the EIS/EIR mentioned the potential for releasing the March SKR
5 Preserve for future development, its analysis of the HCP's effects on SKR conservation assumed
6 that the March SKR Preserve would be maintained as an HCP Core Reserve.

7
8 46. When first established in 1996, the overall SKR HCP Core Reserve System
9 already contained approximately 12,460 acres of occupied SKR habitat. The HCP contemplated
10 that the remaining 2,540 acres (for a total of 15,000 acres occupied by SKR) needed to complete
11 the Core Reserve System would be preserved by the RCHCA through: (1) exchange of 8,156
12 acres of Bureau of Land Management ("BLM") lands for the same acreage within the Lake
13 Mathews Core Reserve, releasing the BLM parcels for sale; (2) acquisition, in fee or by
14 conservation easement, of approximately 1,153 acres of occupied SKR habitat on private lands
15 within each of the Core Reserves; and (3) preservation of an additional 2,540 acres of occupied
16 SKR habitat within the HCP boundary. To date, these actions have not been completed. The
17 BLM land exchange has not occurred, the RCHCA was unable to secure the preservation of the
18 required amount of private land within each of the Core Reserves, and the RCHCA has failed to
19 secure the preservation of an additional 2,540 acres of occupied SKR habitat within the HCP
20 boundaries. In short, the acquisition of 15,000 acres of occupied habitat within the HCP
21 boundaries has not been achieved.
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23

24
25 **RELEASE OF THE MARCH SKR PRESERVE FOR DEVELOPMENT**

26 **IN EXCHANGE FOR THE PORTRERO PRESERVE**

1 47. Despite the importance of the March SKR Preserve, the SKR HCP referenced the
2 potential conversion of the existing March SKR Preserve to commercial development in
3 connection with the realignment of the March Air Force Base from military to civilian uses. The
4 SKR HCP anticipated that the March SKR Preserve could be released for development only if a
5 stringent set of conditions were met. These conditions included the exchange of the March SKR
6 Preserve for other suitable SKR habitat in the HCP area, amendment of the SKR HCP to
7 incorporate mitigation provisions defined in the Service's Biological Opinion on the release of
8 the March SKR Preserve, and the completion of additional environmental review under NEPA
9 and CEQA. To date, the Service has not completed a formal biological opinion on the release of
10 the entire March SKR Preserve for development, completed environmental review under NEPA
11 or CEQA in connection with the release, or completed an adequate amendment to the SKR HCP
12 for the material change resulting from the development proposed on the March SKR Preserve.

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15 48. In 1996 the Air Force issued an Environmental Impact Statement ("EIS") for the
16 March Air Force Base Final Reuse Plan, and the March Joint Powers Authority Redevelopment
17 Agency certified a final Environmental Impact Report on the Final Reuse Plan, which initiated
18 the realignment process. The adequacy of the EIS and EIR was predicated upon formal ESA
19 section 7 consultation with the Service and amendment to the HCP for the release of the March
20 SKR Preserve, leaving responsibility for the mitigation of impacts to SKR with the federal
21 government and not the RCHCA.

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23 49. In 1999, approximately three years after the completion of the SKR HCP, the
24 Service issued a Biological Opinion for the Formal Section 7 Consultation on the Disposal and
25 Reuse of the March Air Force Base, which states that the Sycamore Canyon-March Core
26 Reserve is the "northernmost of the four largest reserves which make up the cornerstones of the
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1 HCP [and] captures a different habitat assemblage than the other reserves in the HCP; mainly an
2 all grassland reserve with relatively small topographic features enabling a larger contiguous area
3 for occupation of SKR." In the 1999 Biological Opinion, the Service outlined replacement
4 criteria that must be met if, in the future, the March SKR Preserve was released for
5 development. In detailing the nondiscretionary "Terms and Conditions" for the release of the
6 March SKR Preserve, the Service stated that their decision was based upon the belief "that no
7 more than 105 acres of SKR will be incidentally taken as a result of the proposed action." The
8 1999 Biological Opinion expressly provided that "reinitiation of consultation and review of the
9 reasonable and prudent measures provided" would be required if this level of incidental take of
10 SKR habitat was exceeded.
11

12 50. In the 1999 Biological Opinion, the Service recognized that the viability of the
13 Sycamore Canyon-March Core Reserve could be jeopardized if the March SKR was reduced or
14 eliminated because the Sycamore Canyon population of SKR is dependent on the conservation
15 of and connectivity to the larger SKR population in the March SKR Preserve. The 1999
16 Biological Opinion projected that the removal of the March SKR Preserve and associated open
17 space would lower the probability of persistence of SKR within the Sycamore Canyon portion to
18 42% and would lower the long term viability of the overall reserve system below the 95%
19 viability threshold established in the SKR HCP. The Service thus acknowledged that the loss of
20 all occupied SKR habitat in the March SKR Preserve will not only directly take the SKR in that
21 occupied habitat but will have direct, indirect, and cumulative impacts on the SKR within the
22 entire Sycamore Canyon-March Core Reserve, and on the entire SKR Core Reserve System as a
23 whole.
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1 51. By letters dated December 29, 2003 and May 22, 2006, the Service approved a
2 series of actions termed a "trade-out" that would allow the release of over 1,300 acres of
3 occupied SKR habitat within the March SKR Preserve and permit the take of all SKR on those
4 preserve lands. In "exchange" for this take authorization, the Service expected RCHCA to
5 create a new SKR HCP Core Reserve at the Potrero Preserve including at least 2,488 acres of
6 occupied SKR habitat outside the SKR HCP plan area. In these letters the Service further
7 alleged that the land acquisition portion of the SKR HCP had been completed, yet no mapping
8 or line-item accounting for the total SKR occupied habitat has been reported.

10 52. In December 2003, the Service, RCHCA, and California State Wildlife
11 Conservation Board purchased property from Lockheed Martin in the Portrero Valley ("Potrero
12 Preserve"). The Potrero Preserve contains 2,488 acres of known occupied SKR habitat.
13 However, the Potrero Preserve is outside of the boundaries of the Long-term SKR HCP planning
14 area.

16 53. In a February 5, 2009 letter to the City of Riverside, the RCHCA memorialized a
17 June 25, 2007 reduction of the northerly Sycamore Canyon Core Reserve, which eliminated
18 acreage available within that core reserve for SKR and SKR management. This reduction of
19 area available for SKR within the Sycamore Canyon Core Reserve was due, in part, to the fact
20 that "the SKR Management Area of the former March Air Force Base" was released for
21 development. No ESA section 7 consultation, environmental review, or amendment to the HCP
22 was performed to authorize the elimination of habitat in the Sycamore Canyon Core Reserve.

24 54. On January 20 and July 3, 2009, Environmental Impact Reports for two separate
25 commercial development projects were submitted to the California State Clearinghouse. The
26 Allesandro Commerce Centre and Allesandro Business Center, respectively, propose large scale,
27

1 industrial warehouse projects for areas that have been mapped as occupied SKR habitat within
2 or adjacent to the March SKR Preserve and Sycamore Canyon-March Core Reserve within the
3 City and County of Riverside. The projects are pending approval at the local agencies. The
4 development footprints for these projects will sever the last remaining biological linkage
5 connecting SKR between the Sycamore Canyon Preserve and the March SKR Preserve. The
6 Environmental Impact Reports for both projects conclude that the respective projects will not
7 adversely affect SKR based on the release of the March SKR Preserve, and they do not address
8 the existing biological resources present at the March SKR Preserve.

10 55. To date, the Center for Natural Lands Management is actively managing the
11 March SKR Preserve as habitat and open space for the conservation of native flora and fauna
12 with a special emphasis on maintaining the habitat needs of the SKR.

15 FIRST CLAIM FOR RELIEF

16 (Violation of the Requirements § 7 of the ESA and

17 Administrative Procedures Act)

18 56. Each and every allegation set forth in this Complaint is incorporated herein by
19 reference.

20 57. The Service's consultation regulations require re-initiation of consultation when
21 discretionary federal involvement or control over the action has been retained and: (a) the
22 amount or extent of the take specified in the incidental take statement is exceeded; (b) new
23 information reveals effects of the action that may affect listed species or critical habitat in a
24 manner or to an extent not previously considered; or (c) the identified action is subsequently
25 modified in a manner that causes an effect to the listed species that was not considered in the
26 biological opinion. 50 C.F.R. § 402.16. The Service's actions being challenged satisfy all three
27 of the provisions of 50 C.F.R § 402.16.

28 COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

58. First, the development of all occupied SKR habitat at the March SKR Preserve will likely result in a net loss of SKR and SKR occupied habitat *within the HCP boundaries* that exceeds the amount of take authorized in the SKR HCP and its accompanying 1996 Biological Opinion. Furthermore, the release of the March SKR Preserve exceeds the amount of take of SKR habitat permitted by the 1990 Biological Opinion for the Highway 215 expansion, the 1991 Biological Opinion for the March Land Use Strategy Plan, the 1993 Biological Opinion for the Riverside National Cemetery, 1996 Biological Opinion for the SKR HCP, and the 1999 Biological Opinion for the Disposal and Reuse of March Air Force Base. To date, there has been no biological opinion that examines the loss of the total March SKR Preserve or the potential for the complete loss of all viable SKR habitat within the Sycamore Canyon-March Core Reserve on the species as a whole.

59. Moreover, in the 1999 Biological Opinion for the Disposal and Reuse of March Air Force Base, the Service found that the potential removal of the southerly March Air Force Base portion of the Sycamore Canyon-March Core Reserve would lower the probability of persistence of SKR within the Sycamore Canyon portion to 42% and reduce the overall viability of the reserve system below the 95% viability threshold established in the SKR HCP. The loss of the occupied SKR habitat within the March SKR Preserve will not only directly take the SKR in that occupied habitat but will have direct, indirect, and cumulative impacts on the SKR within the entire Sycamore Canyon-March Core Reserve and within the entire Core Reserve System as a whole. The loss of this habitat will likely have significant impacts on the survival and conservation of the species as a whole.

60. Second, the potential loss of all viable SKR populations within the entire Sycamore Canyon-March Core Reserve constitutes new information that will affect the SKR in a manner and to an extent not previously considered in the Biological Opinions covering take of SKR. The RCHCA's reduction of the Sycamore Canyon Core Reserve, and pending approvals

1 for commercial development in Core Reserve areas and crucial biological linkages also
2 constitute new information not contemplated in previous consultations.

3 61. The impacts associated with the reduction in viability of the Sycamore Canyon-
4 March Core Reserve population, the reduction of habitat in the Sycamore Canyon Core Reserve,
5 development on previous Core Reserves, and the elimination of a biological linkage between the
6 preserves on the species as a whole, and on remaining reserve areas, constitute new information
7 that have not been identified and analyzed and require re-initiation of consultation. *See Sierra*
8 *Club v. Marsh*, 816 F.2d 1376, 1388 (9th Cir. 1987).

9 62. Third, the modification of the requirements of the SKR HCP, SKR HCP
10 Biological Opinion, and other SKR biological opinions associated with the March SKR Preserve
11 affects the SKR in ways not previously considered during consultation.

12 63. The Service has repeatedly modified the terms and substance of the SKR HCP,
13 and its associated BO throughout the term of the SKR HCP. The potential loss of all viable
14 SKR populations within the entire Sycamore Canyon-March Core Reserve, due to the release of
15 the March SKR Preserve, will modify the terms of the HCP and affect the SKR in a manner not
16 previously considered in any biological opinion. The full terms of the SKR HCP requiring
17 monitoring of acquired lands and disturbance of SKR occupied lands, acquisition of private
18 lands adjacent to the March SKR Preserve, completion of the 15,000 acre reserve within the
19 HCP boundary, exchange of land held by the Bureau of Land Management, and environmental
20 review and ESA consultation prior to release of the March SKR Preserve have never been
21 fulfilled. The Service's failure to monitor the compliance of the SKR HCP's overall reasonable
22 and prudent measures, and the failure to assure that the reasonable and prudent measures were
23 achieved prior to authorizing the release of the HCP, runs contrary to the requirements of 50
24 C.F.R. § 402.16. *Forest Guardians v. Johanns*, 450 F.3d 455, 463-464 (9th Cir. 2006).

25 64. Moreover, as discussed *infra*, the Service has failed to comply with this
26 requirements regarding material changes to the SKR HCP, instead relying on "administrative
27 amendments" that are only applicable to minor modifications of the HCP and ESA Section 10
28

1 permit.

2 65. Terms of other biological opinions associated with the SKR on the March SKR
3 Preserve have been similarly neglected. By releasing the entire March SKR Preserve from the
4 terms and conditions of numerous biological opinions, including the 1990 Biological Opinion
5 for the Highway 215 expansion, the 1991 Biological Opinion for the March Land Use Strategy
6 Plan, the 1993 Biological Opinion for the Riverside National Cemetery, and the 1999 Biological
7 Opinion for the release of the March SKR Preserve, which includes a 105-acre maximum
8 release; the Service has modified its actions in a way that was not considered in previous
9 biological opinions and has negatively impacted listed species..

10 66. In short the Service's actions to release the entire March SKR Preserve without
11 re-initiating consultation and preparing a new biological opinion violated 50 C.F.R. § 402.16 by
12 authorizing the release of all SKR habitat in the March SKR Preserve for development. The
13 Service's action was and is arbitrary, capricious, an abuse of discretion and otherwise not in
14 accordance with the ESA within the meaning of the APA. 5 U.S.C. § 706(2).

15
16 **SECOND CLAIM FOR RELIEF**

17 (Violation of NEPA -- 42 U.S.C. § 4332(2)(C))

18 67. Each and every allegation set forth in this Complaint is incorporated herein by
19 reference.

20 68. The Service's December 29, 2003 and May 22, 2006 authorizations to release the
21 March SKR Preserve for development constitute a major federal action significantly affecting
22 the quality of the human environment. As the Service repeatedly recognized during
23 correspondence and formal consultation on establishing protected areas in the March SKR
24 Preserve, the release of the March SKR Preserve may have a significant impact on SKR
25 populations, SKR core reserves, and SKR individually.

26 69. Despite the Service's own acknowledgment in the SKR HCP that the release of
27 the March SKR Preserve would need to be evaluated in a comprehensive NEPA and CEQA

document and formal amendment to the HCP prior to completion, the Service never prepared an EIS, an EA, or any NEPA documentation for the direct and indirect impacts of its authorization to release all of the March SKR Preserve lands for development.

70. The Service's authorization of the conversion of the March SKR Preserve to development does not fall within any of the categorical exclusions described in the Departmental Manual. In addition, one or more of the exceptions to Categorical Exclusions described in the Departmental Manual apply to the Service's authorization to allow development on endangered species habitat in the March SKR Preserve.

71. In particular, the authorization to release the March SKR Preserve for development would result in significant environmental effects that qualify as exceptions to categorical exclusions. The action affects ecologically significant and critical areas that have been protected for the SKR. The action will result in highly controversial effects by threatening the effectiveness of a longstanding HCP. Permitting the Service to authorize the release of HCP preserves for development without environmental review would establish a precedent for future action and represent a decision in principle about future actions with potentially significant impacts on the SKR HCP or other HCPs. Release of the March SKR Preserve is directly related to other actions with cumulatively significant environmental effects such as the limiting of environmental review of development projects on or adjacent to the March SKR Preserve. Finally, the action will have adverse effects on threatened and endangered species that inhabit the March SKR Preserve such as the SKR and least Bell's vireo.

72. Accordingly, the Service's December 29, 2003 and May 22, 2006 authorization to release the March SKR Preserve for development without any NEPA documentation despite the acknowledged potential for impacts to SKR and the SKR HCP is arbitrary and capricious, an abuse of discretion, otherwise not in accordance with law, and without observance of procedures required by law within the meaning of the APA. 5 U.S.C. § 706(2).

THIRD CLAIM FOR RELIEF

(Violation of the Administrative Procedures Act)

73. Each and every allegation set forth in this Complaint is incorporated herein by reference.

74. The release of the entire March SKR Preserve and potential loss of the entire Sycamore Canyon-March Core Reserve is a material change to the HCP that can only be accomplished by a formal amendment to the section 10 permit in accordance with ESA requirements. The Service failed to comply with this requirement by incorrectly relying on an "administrative amendment" to authorize the release of the March SKR Preserve.

75. The HCP clearly contemplates that Core Reserve boundary modifications accomplished through an administrative amendment are those connected with the *expansion* of the Core Reserve System. In contrast, changes to the Core Reserve System as a whole (such as the potential loss of all viable SKR populations on an entire Core Reserve) or reduction in the amount of land within a Core Reserve are material changes that require a formal amendment of the HCP. The elimination of the March SKR Preserve and potential elimination of SKR populations on the Sycamore Canyon-March SKR Core Reserve reduces the overall acreage of SKR occupied habitat within the SKR HCP boundaries below the required 15,000 acres as required by the SKR HCP. By relying on an administrative amendment the Service failed to properly amend the HCP to account for an action that reduces habitat within a core reserve, reduces the overall core reserve acreage within the boundaries of the SKR HCP, and threatens to eliminate the entire Sycamore Canyon-March Core Reserve by reducing the viability of the population.

76. The HCP further provides that "[i]n the event that the [March] SKR Management Area is made available for development or otherwise cease to be dedicated to this species, the RCHCA will amend this HCP to incorporate mitigation provisions defined in the USFWS Biological Opinion." As discussed, *supra*, the Service has not completed a Biological

1 Opinion for the release of the entire March SKR Preserve beyond the contemplated release of
2 105 acres analyzed in the 1999 Biological Opinion for the release of the March SKR Preserve.

3 77. The HCP limits the use of administrative amendments regarding changes to the
4 configuration of Core Reserves for minor modifications of the HCP or section 10 permit
5 "generally ...not requiring formal NEPA or CEQA processing." As discussed, *supra*, the
6 Service failed to conduct both NEPA and CEQA on the 2003 and 2006 release of the entire
7 March SKR Preserve for development.

8 78. Because the SKR HCP only permits administrative amendments to the HCP for
9 expansion of core reserves that do not require review under NEPA, CEQA or section 7 of the
10 ESA the Service's administrative amendment of the SKR HCP is arbitrary, capricious, an abuse
11 of discretion or otherwise not in accordance with law in violation of the APA, 5 U.S.C. § 706.

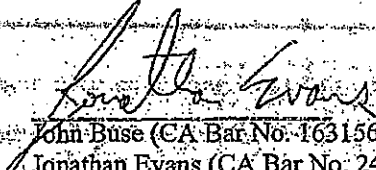
12 13 PRAYER FOR RELIEF

14 Plaintiffs request that this Court enter judgment providing the following relief:

- 15 1. Issue a Declaratory Judgment that Defendants are in violation of the law
16 as alleged herein;
- 17 2. Declare unlawful and set aside the Service's approval of the March SKR
18 Preserve release;
- 19 3. Order Defendants, through a permanent injunction, to set aside and vacate
20 all authorizations related to the release of the March SKR Preserve for
21 development;
- 22 4. Order Defendants, through a permanent injunction, to halt all activities
23 related to the release of the March SKR Preserve for development,
24 including issuing any incidental take permit approval for any actions that
25 may harm the SKR or cause adverse modification to SKR habitat
26 throughout its range;

- 1 5. Order Defendants, through a permanent injunction, to complete ESA § 7
2 consultation and complete a biological opinion prior to any release of the
3 March SKR Preserve for development;
4 6. Order Defendants, through a permanent injunction, to complete NEPA
5 analysis and a full Environmental Impact Statement prior to any release of
6 the March SKR Preserve for development;
7 7. Award Plaintiffs their costs of litigation, including reasonable attorneys'
8 fees as provided in the ESA, the Equal Access to Justice Act and/or any
9 other applicable law; and
10 8. Any other such relief as the Court deems just and proper.
11

12 DATED: August 27, 2009
13

14 
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July 10, 2009

RE: Final Environmental Impact Report for the Allesandro Commerce Centre,
SCH # 2008061136 (EIR #510, TPM #35365, Plot Plan #22925)

Dear Mr. Childers:

These comments are submitted on behalf of the Center for Biological Diversity and Sierra Club (collectively "Conservation Groups") on the Final Environmental Impact Report ("FEIR") for the Allesandro Commerce Centre ("Project"). These comments are submitted in addition to comments submitted on the Notice of Preparation of a Draft Environmental Impact Report ("DEIR") and Draft Environmental Impact Report itself. Please make these comments available for County Staff at the July 13th 2009 Riverside County Planning Director's Hearing.

The Conservation Groups are disheartened by the EIR's failure to make a good faith effort at the substantive requirements of the California Environmental Quality Act ("CEQA") to mitigate and avoid the significant environmental impacts that result from this Project. Furthermore, the EIR's disregard for CEQA's informational mandate to disclose the significant impacts to biological resources, aesthetic resources, and cultural resources, and provide an adequate response to comments is troubling. The Conservation Groups urge the County to require the Project applicant to adhere to CEQA's requirements to adopt a feasible environmentally superior alternative that requires full mitigation for the Project's potentially significant impacts.

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Illinois • Minnesota • Vermont • Washington, DC

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I THE EIR FAILS TO ADEQUATELY DISCLOSE AND ANALYZE IMPACTS TO NATURAL RESOURCES DUE TO INADEQUATE ANALYSIS AND PROJECT DESCRIPTION

While the FEIR attempts to correct the numerous deficiencies with the DEIR it fails to address many of the informational deficiencies that run afoul of CEQA's requirements for a proper analysis of the Project's impacts and description of the project area affected. In one example, out of many, the FEIR fails to correct the misleading comments in the DEIR that "the Project site does not contain any species listed or considered as sensitive by federal or state resource agencies." DEIR at 4.4-16. This is patently false because the Project site is recognized habitat for the Stephens' kangaroo rat ("SKR") (*Dipodomys stephensi*)—a species listed under the Endangered Species Act—and numerous SKR burrows and sign were observed on the project site (SKR HCP Figure 26, Sycamore Canyon Core Reserve; DEIR App. D. BURROWING OWL FOCUSED SURVEY REPORT, Aug. 12, 2008 at 9).

The DEIR and FEIR also fail to disclose and analyze the adjacent Center for Natural Lands Management Preserve March SKR Preserve, instead dismissing the biological importance of the adjacent site. The EIR claims that the adjacent natural preserve is undeveloped land that is designated as business park. DEIR 3-1, 4.9-8, 4.9-11, 4.9-12. The March SKR Preserve is home to a wide variety of animals and plants, including the SKR and least Bell's Vireo both of which are listed as imperiled under the Endangered Species Act (CNLM, March Stephens' Kangaroo Rat Preserve brochure; CNLM Preserve—March SKR webpage). Despite the existence of this regionally important wildlife preserve the DEIR fails to mention the existence and importance of the March SKR preserve. The EIR's glaring omission of this biologically important preserve that will be impacted by the Project fails the information disclosure requirements of CEQA. The EIR cannot dismiss the existence and importance of this preserve because of the alleged "release of the March Air Base Management Area for development. DEIR at 4.4-16. As the managers of the March SKR have stated the "Preserve will be maintained as a SKR protection area independent of whatever course the [March Air Force Base] realignment process takes (CNLM Preserve—March SKR webpage). Unfortunately, the EIR ignores this issue and fails to adequately respond to comments on the issue.

The DEIR and FEIR also fail to properly disclose and analyze the existence and presence of Core Reserves for the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) on the Project site. Core Reserves are important wildlife areas designated under the MSHCP for wildlife conservation and protection, prohibiting harmful development. The Appendices to the EIR recognizes that "approximately 5.4 acres of the southern edge of the Project Site located in Existing Core D." Habitat Assessment and MSHCP Consistency Analysis (Burrowing Owl) for the Amstar/Kaliber Property Riverside County, California at 15. The DEIR also acknowledges that Core Area D exists on the project site. DEIR 4.4-21. Exhibit 4.4-3 of the DEIR demonstrates that the Core Area D is located on the Project Area. Instead of consistently analyzing impacts to Core Area D on the Project site and the potential conflict with the regional MSHCP the FEIR later claims that Core Area D does not exist on the project site. FEIR 3-121 ("Core D... consists of the City of Riverside Park and Recreation Department and March JPA lands."). This type of contradictory opinion does not qualify as substantial evidence

under CEQA. Moreover, the DEIR fails to describe the requirements of Core Area D and how the Project will impact the area that has been designated for wildlife conservation (WRC MSHCP Core Area D).

The DEIR also fails to describe the importance of the Project site for wildlife movement and migration between the Sycamore Canyon and March SKR preserve. DEIR at 4.4-20. The Project site is located at a critical linkage point between the two preserves that provide for the movement of species and their genetic flow to benefit wildlife species including the SKR (1999 BO 1-6-99-F-13 at 20-21; SKR HCP EIS/EIR p.C-5; SKR HCP Sycamore Canyon Cropped Map). The linkage is currently impacted by Alessandro blvd., but still permits wildlife crossing (SKR HCP EIS/EIR p.C-5). The failure to disclose and analyze impacts to wildlife movement fails to provide the information and disclosure required by CEQA.

As described in previous comments the EIR fails to adequately analyze and mitigate the impacts to SKR and SKR populations. "The Site is located within the fee area established for the Habitat Conservation Plan for Stephen's Kangaroo Rat in Western Riverside County (1996) (HCP)." Habitat Assessment and MSHCP Consistency Analysis (Burrowing Owl) for the Amstar/Kaliber Property Riverside County, California at 1. However, the EIR doesn't describe whether payment for SKR mitigation fee was accomplished, DEIR at 4.9-15, and there is no required payment of the SKR mitigation fees as part of the mitigation and monitoring program. FEIR at 5.6, 5.7.

The EIR also improperly defers analysis of jurisdictional drainages on the project site precluding the public and decision makers from a full analysis of the Project's impacts. The California Regional Water Quality Control Board for the Santa Ana Region requested the final jurisdictional delineation that would be provided to the Army Corps of Engineers and the California Department of Fish and Game (California Regional Water Quality Control Board, DEIR Comments at 2). Instead of providing that jurisdictional delineation to the Responsible agency the FEIR defers the analysis and disclosure "until applications and processing for regulatory permits has been initiated." FEIR at 3-41. Furthermore, the FEIR fails to address "all of the Project's direct and/or indirect impacts to waters of the state and to water quality standards [that] have not been fully analyzed in the DEIR." (California Regional Water Quality Control Board, DEIR Comments at 3). Furthermore, the FEIR fails to incorporate feasible mitigation measures to reduce the project's potentially significant impacts to water quality. *Id.* at 3-4. The EIR also fails to account for impacts from changes in hydrology and water quality on adjacent preserves, like the March SKR preserve. This type of response fails to disclose important impacts of the project, defers analysis of impacts and feasible mitigation measures, and represents an inadequate response to comments.

The EIR also fails to properly analyze and address the cumulatively significant impacts to biological resources, hydrology and water quality, and air quality. For example, the EIR claims that cumulative impacts to biological resources will be minimized to below a level of significance because of the EIR's reliance on the Western Riverside County MSHCP. DEIR at 5-9. However, the Western Riverside County MSHCP discloses that the cumulative impacts to biological resources for sensitive upland habitat and non-covered species from development such

as the Project are significant (WRCMSHCP Final EIS/EIR). The EIR fails to disclose this cumulatively significant impact.

Finally, the EIR's failure to provide a stable and accurate project description of the air quality impacts, and subsequent modifications to the project design and disclosure require recirculation of the EIR.

II THE COUNTY MUST ADOPT ALL FEASIBLE AIR QUALITY AND CLIMATE CHANGE MITIGATION MEASURES

CEQA requires that an EIR propose "feasible" mitigation measures "to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy." CAL. PUB. RES. CODE §§ 21000(b)(3), 21002.1(b); CEQA Guidelines § 15126.4(a)(1); *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal. App. 4th 342, 360 (2001). "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified." CEQA Guidelines § 15126.4(a)(1)(B). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal. App. 3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." CAL. PUB. RES. CODE § 21002. Unfortunately, the EIR fails to adopt many feasible mitigation measures that reduce pollutants, and, in responding to comments, disregards feasible mitigation measures without substantial evidence.

Many mitigation measures are dismissed because they are allegedly not economically feasible. See, e.g. FEIR 3-135 to 3-137. However, the EIR provides no substantial evidence that the mitigation measures are economically infeasible contrary to CEQA. Upon a cursory review it becomes clear that the mitigation measures are feasible and, in fact, provide an economic benefit (See e.g. Rarus, SunEdison, SolarCity, SolSource, City of Riverside). Furthermore, many mitigation measures are unenforceable. FEIR at 3-137, 3-138; DEIR at 1-5 (air quality mitigation measures only required "to the extent feasible", "to the extent practical", if they would be "economically feasible" or "encouraged"). This runs afoul of CEQA.

Many mitigation measures to be considered and adopted are described in detail in the two documents attached as Appendix A: (1) Greenhouse Gas Emission Mitigation Strategies and references provided by the California Office of the Attorney General and (2) the California Air Pollution Control Officer's Association. The two documents identify existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008 at Appendix B; California Office of the Attorney General 2008b.) These mitigation measures also provide the co-benefits of reducing the significant impacts to air quality from the release of Clean Air Act criteria pollutants, such as ozone and particulate matter. The reduction of diesel exhaust is a particularly important means to address the severe health impacts associated with this Project (CARB).

While the EIR analyzed a portion of mitigation measures it neglected to analyze the feasibility of others that would have reduced the significant environmental effects of this project. Importantly, the EIR does little, beyond encouraging carpools and alternative transportation, to address the massive increases in vehicle miles and their associated pollutants. The EIR claims to address mitigation measures provided by the California Attorney General's Office and the California Air Pollution Control Officer's Association, but in reality disregards their suggested feasible mitigation for air quality impacts. The EIR also fails to provide substantial evidence refuting data provided by CAPCOA regarding feasibility.

Furthermore, the EIR fails to conduct a good faith analysis of other mitigation measures and fails to respond to comments suggested on mitigation measures. For example, instead of analyzing the feasibility of LEED standards, the EIR arbitrarily analyzes only three measures that LEED recommends, FEIR 3-133, 3-138, instead of addressing the feasibility of adopting LEED criteria of other green building criteria as suggested as mitigation (USGBC, LEED Wikipedia, City of Riverside Greenbuilder, Press Enterprise, Riverside Public Utilities). Other types of mitigation are dismissed unless the applicant "may choose" to employ them. FEIR at 3-135, 137. The FEIR also fails to analyze or provide a good faith analysis of the air quality mitigation measures provided by the South Coast Air Quality Management District (Port of Los Angeles and Port of Long Beach); FEIR 3-50, 3-51. The EIR also must address other feasible mitigation measures such as Indirect Source Review or Voluntary Emission Reduction Agreements (SJVAPCD ISR 2008 Report; Environmental Defense Fund; TMV Voluntary Emissions Reduction Agreement).

III THE EIR FAILS TO ADEQUATELY DISCLOSE AND ANALYZE LAND USE IMPACTS

The EIR fails to adequately disclose and analyze the impacts to applicable land use regulations. For example, the "Proposed Project has some inconsistencies with the Business/Office Park designation" for the City of Riverside. DEIR at 4.9-15. This is pertinent because the Project is within the City of Riverside's Sphere of Influence, but allows inconsistency with City requirements. Furthermore, the EIR fails to discuss whether the Project violates the MOU between the City and County regarding development in mutually important regions. DEIR at 4.9-11. ("[T]he County and various cities of the County, including Riverside, produced a Memorandum of Understanding (MOU) in March 12, 2002. This document emphasizes the necessity of planning together when dealing with new development in mutually important regions (RivCo 2002).") Furthermore the Project runs contrary to the Riverside County General Plan, which calls for the protection of open space such as that on the Project site. (OS 20.1 Preserve and maintain open space that protects County environmental resources and maximizes public health and safety in areas where significant environmental hazards and resources exist.)

IV THE DEIR FAILS TO ANALYZE IMPACTS TO AESTHETIC RESOURCES

The EIR's disregard for the significant impacts to aesthetic resources is compounded by the FEIR's failure to provide a good faith analysis of comments submitted by the public. As

discussed in comments on the DEIR the Project will have a significant negative aesthetic impact on vistas from the adjacent Sycamore Canyon Park. These vistas currently show undeveloped grasslands, coastal sage scrub, and rock outcroppings (See attached photos, July 2009). These vistas would be permanently destroyed by the project. Furthermore, the EIR fails to provide project simulations that demonstrate there will be no negative aesthetic impact. The EIR's assertion of less than significant impacts cannot be supported by substantial evidence, and runs contrary to Riverside County Code requiring an "architectural perspective of all buildings and grounds showing the relationship of the proposed development to adjacent properties. (Ord. 348, § 10.3)." DEIR 4.9-8.

V THE EIR FAILS TO CONSIDER A REASONABLE RANGE OF ALTERNATIVES AND FAILS TO ADOPT FEASIBLE ALTERNATIVES THAT MEET THE PROJECT OBJECTIVES

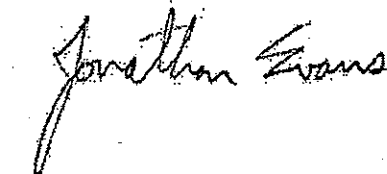
The EIR fails to consider a reasonable range of alternatives. The FEIR fails to mention alternatives proposed by the Conservation Groups during comments on the DEIR, such as avoidance of sensitive habitat, or mixed use combined with habitat preservation. FEIR 3-139. This omission violates both CEQA's requirements to respond to comments and analyze a reasonable range of alternatives. Furthermore, the FEIR disregards CEQA's substantive mandate to deny projects when other feasible alternatives exist that meet most of the project objectives. Pub. Res. Code § 21002, 21002.1; CEQA Guidelines §§ 15021, 15126.6. This project must be denied because the EIR itself acknowledges environmentally superior alternatives that meet most of the project objectives.

CONCLUSION

Thank you for your attention to these comments. The Conservation Groups would also like to note that while we requested to be placed on the notice list for all future notices regarding this project that notice was never received. However, the FEIR was provided to us for review by MBA the beginning of this month.

We hope to have the opportunity to work with the County to assure that the EIR conforms to the requirements of CEQA and to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. Should you have any questions feel free to contact Jonathan Evans at the contact information listed above.

Best regards,



Center for Biological Diversity

George Hague
Conservation/Endangered Species Chair
Moreno Valley Group
San Geronio Chapter
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REFERENCES

(enclosed on CD)

California Air Resources Board, Health Effects of Diesel Exhaust Particulate Matter.

City of Riverside, Business Photovoltaic Program - Riverside Public Utilities,
<http://www.riversideca.gov/utilities/busi-solar.asp>

City of Riverside, Riverside Green Builder.

Environmental Defense Fund, Indirect Source Review Frequently Asked Questions.

LEED® Wikipedia, Leadership in Energy and Environmental Design,
http://en.wikipedia.org/wiki/Leadership_in_Energy_and_Environmental_Design

Port of Los Angeles and Port of Long Beach, San Pedro Bay Ports Clean Air Action Plan, April 12, 2007.

Press Enterprise, J. Glick, New Riverside County buildings must meet sustainability standards, February 17, 2009.

Rahus, the Rahus Institute, Customer's Guide to Solar Power Purchase Agreements, 2008.

Riverside Public Utilities, Riverside, a Solar City - Riverside Public Utilities, A Map of Solar Projects around our City, webpage.

SJVAPCD ISR 2008 Report, San Joaquin Valley Air Pollution Control District 2008 Annual Report on the District's Indirect Source Review Program

SolarCity, combined webpages: SolarCity Introduces Affordable Solar Financing Option for Small, Medium and Large Businesses, Heritage Paper Case Study, eBay Case Study.

SolSource, Solar Purchase Power Agreement, <http://www.solsourceinc.com/financing-purchase.htm>

SunEdison, combined webpages: Commercial Solar Energy Programs, SunEdisonMap.

TMV Voluntary Emissions Reduction Agreement. Air Quality Emission Reduction Agreement between Tejon Mountain Village and the San Joaquin Air Pollution Control District.

USGBC, US Green Building Council, combined web pages: Intro- What is Leed, Intro - What LEED Measures, How to achieve certification.

US Fish and Wildlife Service, Species Profile for Granite Spiny lizard (*sceloporus orcutti*).

WRC MSHCP Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) FINAL MSHCP, VOLUME IV, FINAL EIR/EIS, June 17, 2003.

WRC MSHCP Core Area D, Western Riverside County Multiple Species Habitat Conservation Plan, Final MSHCP, Existing Core D, Page 3-35\

Appendix A: Greenhouse Gas Emission Mitigation Strategies

California Office of the Attorney General 2008, The California Environmental Quality Act Addressing Global Warming Impacts at the Local Agency Level: Mitigation Measures available at

http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf

CAPCOA 2008, California Air Pollution Control Officers Association, CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (2008), Appendix B: Mitigation Measure Summary



via electronic and US mail

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April 10, 2009

RE: Draft Environmental Impact Report for the Allesandro Commerce Centre,
SCH # 2008061136 (EIR #510, TPM #35365, Plot Plan #22925)

These comments are submitted on behalf of the Center for Biological Diversity, San Bernardino Valley Audubon Society, and the Sierra Club (collectively "Conservation Groups") on the Allesandro Commerce Centre ("Project"), located south of Allesandro Blvd. between Gem Ln and Brown St. The Project site is currently undeveloped open space that is covered with non-native grasslands, coastal sage scrub, southern willow scrub, riparian/riverine habitat, and small rocky outcroppings. The Project site is occupied habitat for the federally and state protected Stephen's kangaroo rat ("SKR") (*Dipodomys stephensi*) and is bordered by core reserve areas for the SKR. The Project represents a significant impact to biological resources, including SKR, air quality, and climate change.

The Project proposes over 700,000 square feet of commercial and industrial warehouse development on endangered species habitat, adjacent to several biologically significant preserve areas, and within a crucial constrained linkage connecting the Sycamore Canyon Wilderness Park and March SKR preserve. The Project would result in significant impacts to air quality contributing tons of criteria pollutants into an area currently designated as non-attainment under the Clean Air Act, and poses a significant impact to climate change. The EIR fails to adequately analyze a range of environmental impacts, mitigation measures, and alternatives. At a minimum, the EIR must be revised and recirculated to remedy these deficiencies. However, because of the permanent and irreconcilable conflicts with the SKR Habitat Conservation Plan and Western Riverside County Multiple Species Habitat Conservation Plan the Project must be denied or the HCPs must be amended and consultation must be re-initiated under the ESA to accommodate the project.

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The Center for Biological Diversity is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center for Biological Diversity has over 200,000 members and e-activists throughout California and the western United States, including residents of western Riverside County. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in the Inland Empire.

The San Bernardino Valley Audubon Society (SBVAS) is a local chapter of the National Audubon Society, a 501(c)3 corporation. The SBVAS chapter area covers almost all of Riverside and San Bernardino Counties and includes the project area. We have about 2,000 members, about half of whom live in Riverside County. Part of our chapter's mission is to preserve habitat in our area, not just for birds, but for other wildlife, and to maintain the quality of life in the Inland Empire.

The Sierra Club is a national nonprofit organization of over 732,000 members dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Over 193,500 Sierra Club members reside in California. The San Geronimo Chapter of the Sierra Club focuses on issues within the inland empire, including western Riverside County.

I. THE EIR MUST FULLY EVALUATE AND ANALYZE IMPACTS TO THE STATE AND FEDERALLY PROTECTED STEPHENS KANGAROO RAT

As mentioned by the Conservation Groups in comments on the Notice of Preparation for the Draft EIR, the Project poses a potentially significant threat to Stephens kangaroo rat (*Diapodomys spheni*) ("SKR") and the surrounding SKR populations because the development is planned in a crucial linkage for SKR populations at the Sycamore Canyon Core Reserve and March SKR Reserve (collectively "the Sycamore Canyon Core Reserve" as defined by the SKR Habitat Conservation Plan). (SKR HCP Figure 26, Sycamore Canyon Core Reserve). Instead of analyzing the Project's impacts SKR populations and SKR onsite the EIR simply dismisses any analysis of SKR on the project site because "the Project site is no longer adjacent to the SKR reserve." (DEIR at 4.4-16). This is patently false and fails to take into consideration the direct impacts to SKR on site and the indirect impacts to adjacent populations from the elimination of the crucial linkage between the Sycamore Canyon and March SKR populations.

The March SKR reserve exists and is currently being managed for the benefit of threatened and endangered species, in particular the SKR. (CNLM March SKR webpage; CNLM March SKR brochure, CNLM March SKR Preserve Sensitive bird locations). The Biological Surveys conducted as part of the EIR recognize the existence of the SKR preserve. DEIR App. D BURROWING OWL FOCUSED SURVEY REPORT, Aug. 12, 2008. at 9 ("Surrounding land uses include... undeveloped land (as part of a Stephen's Kangaroo Rat preserve) to the east.") The EIR's clearly erroneous conclusion that the March SKR preserve no longer exists cannot be

supported by substantial evidence. The EIR cannot assume away the existence of wildlife on site or adjacent preserve systems.

Furthermore it imposes an improper baseline by failing to consider the existing conditions on site in favor of hypothetical conditions based on the "release of the March Air Base Management Area for development." (DEIR at 4.4-16). The March portion of the Sycamore Canyon-March Core Reserve still contains occupied SKR habitat and continues to be managed as an SKR preserve. The proper baseline for environmental analysis is not what might happen if the tradeout is fully implemented and the March portion of the Core Reserve is developed; it is the existing environment at the time of the project's Initial Study. This existing environment includes actual SKR populations in both Sycamore Canyon and March. Crucial connectivity exists between these populations through the project site.

The SKR is listed as endangered by the United States Fish and Wildlife Service under the Federal Endangered Species Act and threatened by the California Department of Fish and Game under the California Endangered Species Act. The potential impacts to SKR occupying the habitat, adjacent SKR populations, and the SKR HCP must be fully disclosed, analyzed, mitigated, and avoided in the EIR. There is no indication, however, that the project site was even surveyed for SKR, despite the fact that other surveys indicated the presence of SKR.

The proposed project would result in an overall direct loss of 54 acres of currently existing open space that is a critical linkage between the populations of SKR within the existing Sycamore Canyon-March Core Reserve for the SKR. Populations of SKR exist within the Sycamore Canyon Wilderness Park north of Alessandro Blvd. Additionally, there is known occupied habitat for SKR within the March Air Force Base property south of Alessandro Blvd. and west of Highway 215, and on the Project site. The linkage between populations is essential in maintaining the integrity of the overall Sycamore Canyon reserve, allowing genetic flow and animal dispersal between the two component parts of the reserve.

The 1999 Biological Opinion ("BO") issued by the U.S. Fish and Wildlife Service recognizes that Sycamore Canyon is unlikely to maintain a viable population of Stephen's kangaroo rats, absent the connection to the March portion of the core reserve (1999 BO 1-6-99-F-13 on the Disposal and Reuse of March Air Force Base at pg. 21). The 1999 BO thus indicates that if the connection is severed between the Sycamore Canyon and March units of the Sycamore Canyon Core Reserve, the longterm viability of the Sycamore Canyon unit could be jeopardized. Already habitat fragmentation has affected the genetic diversity of SKR. (McCleneghan and Truesdale 2002). The EIR must disclose and analyze the Project's potential to impact genetic flow and population viability for the SKR.

Protection of SKR movement across Alessandro Boulevard has long been seen as essential for SKR conservation. The 1990 Biological Opinion for the Highway 215 improvement project required Caltrans to construct culverts under Alessandro to maintain the biological connection between SKR populations. (Final SKR HCP 5(e); 1990 BO 1-6-90-F-29 Regarding Proposed Improvements to State Route 215 at pg. 4). However, this improvement has not been implemented. Despite this, the animals currently successfully cross Alessandro Blvd in order to

achieve this crucial genetic interchange. According to the 1999 Biological Opinion for the Disposal and Reuse of March Air Force Base, the large, contiguous, and intact Sycamore Canyon/March AFB Core SKR Reserve is important:

because small isolated populations of SKR in the plan area and reserve system are at risk simply because of their small sizes. Small populations have a higher probability of extinction than larger populations because their low abundance renders them susceptible to stochastic (random naturally occurring) events such as inbreeding, the loss of genetic variation, high variability in age and sex ratios, and catastrophes such as floods, droughts, or disease epidemics.

Another factor that renders populations vulnerable to stochastic events is isolation, which often acts in concert with small population size to increase the probability of extinction for endangered populations. Urbanization and land conversion has fragmented the historic ranges of the SKR such that remaining blocks of occupied habitat now function independently of each other. Isolated populations are more susceptible to extirpation by accidental or natural catastrophes because their recolonization has been precluded.

(1999 BO 1-6-99-F-13 at pp. 20-21.) Based on modeling, the U.S. Fish and Wildlife Service estimated the long-term probability of persistence of the Sycamore Canyon SKR population would drop from 66 percent to 42 percent if the March population were lost. (1999 BO 1-6-99-F-13 at p. 21.) The same result necessarily applies if the linkage between these populations is severed. Accordingly, the Fish and Wildlife Service modeling indicates that the Project will result in the likely elimination of the Sycamore Canyon SKR population -- an impact that is entirely ignored in the Draft EIR.

The Environmental Impact Statement/Environmental Impact Report for the SKR HCP ("HCP EIS/EIR") also indicates that SKR can and do move across Alessandro between the project site and areas to the south. The HCP EIS/EIR states that:

Chance crossings of the road by SKR and manual relocation of SKR from one portion of the reserve to the other would be a practical and biologically acceptable way to maintain connectivity among SKR populations in the reserve. Relocation, however, will require coordination of efforts by the City of Riverside Park and Recreation Department (the manager of Sycamore Canyon Park) and The Nature Conservancy (the manager of the MAFB conservation areas).

(SKR HCP EIS/EIR p. C-5.) We are unaware of any current relocation efforts by the City, further increasing the importance of the project site as a linkage between Sycamore Canyon and SKR populations to the south.

These statements in the Biological Opinion and HCP EIS/EIR indicate that SKR movement between Sycamore Canyon and March is both possible and extremely important to the viability of the Sycamore Canyon preserve. The project will sever the remaining connection between the March and Sycamore Canyon SKR populations because it is placed on a narrow

constrained linkage, or pinch point, between the March and Sycamore Canyon populations. (SKR HCP Sycamore Canyon, Cropped Map). The effect on the long-term viability of the Sycamore Canyon SKR population is potentially significant and must be disclosed and fully mitigated or avoided during the EIR process.

The EIR cannot rely on the March Air Force Base tradeout as a basis for determining that the impacts to the Stephen's kangaroo rat would be less than significant. The SKR HCP requires that the March Air Force Base tradeout must be subject to environmental review and Endangered Species Act consultation before the March portion of the Core Reserve is made available for development. (Final SKR HCP 5(C)(1)(e)). The 1999 Biological Opinion for the Disposal and Reuse of March Air Force Base further states that the SKR HCP must be amended prior to any impacts to the Core Reserve not addressed in the SKR HCP. (1999 BO 1-6-99-F-13 at p. 20.) To date, none of these requirements – environmental review, Endangered Species Act consultation, or HCP amendment – have been met for the tradeout. Notably, the 1999 Biological Opinion is not an Endangered Species Act consultation on the tradeout, but merely anticipates that the effects of the tradeout will be reviewed in the future. (1999 BO 1-6-99-F-13 at pp. 19-21.)

The EIR should also analyze the potential for night lighting to impact SKR populations both on and off the Project site. SKR often forages and moves around at night. Natural and artificial lighting impacts kangaroo rats because it inhibits their nocturnal foraging and makes them more susceptible to the chance of predation. (COSEWIC 2006). The EIR must discuss the extent that the proposed lighting will reduce SKR habitat adjacent to the project because of predation or avoidance.

Importantly, the EIR should disclose and analyze impacts to SKR on the Project site and not simply dismiss the obligation for disclosure and analysis required by CEQA under the guise that the Project applicant "must pay the appropriate mitigation fee." (DEIR at 4.4-16). (DEIR App. D BURROWING OWL FOCUSED SURVEY REPORT, Aug. 12, 2008, at 9 ("numerous Stephens' kangaroo rat (*Dipodomys stephensi*) (SKR) burrows and kangaroo rat sign were also observed on site."); SKR HCP Figure 26, Sycamore Canyon Core Reserve (Project site mapped as known occupied SKR habitat). Surveys for SKR should be conducted on the project site and adjacent to the project site to determine the potential impact from the project. Surveys are necessary to disclose to the responsible agencies what the overall impact of the project site would be to the existing SKR population, to determine the potential impacts to adjacent SKR populations, and to provide sufficient tracking and monitoring data. Without SKR surveys and the disclosure of accurate information regarding the presence of SKR on the Project site, the EIR would violate the information requirements of CEQA to disclose and evaluate impacts to rare, threatened, sensitive, or endangered species.

The CEQA Guidelines require mandatory findings of significance and preparation of an EIR when a project "has the potential to ... substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten or eliminate a plant or animal community, [or] reduce the number or restrict the range of an endangered, rare or threatened species ..." (CEQA Guidelines § 15065(a).) The project will do all of these things. It has the potential to substantially reduce the habitat of the SKR, cause the

Sycamore Canyon SKR population to drop below self-sustaining levels, and/or threaten or eliminate the Sycamore Canyon SKR population by reducing the long-term viability of the population. In addition, it will manifestly reduce the number and/or restrict the range of the endangered SKR by directly destroying occupied habitat and severing the connection between Sycamore Canyon and March populations.

A. THE EIR MUST FULLY EVALUATE AND ANALYZE IMPACTS TO THE AFFECTED SKR HCP.

The Project has the potential to conflict with the established SKR Habitat Conservation Plan, which must be fully disclosed and analyzed. CEQA requires the evaluation of a project's potential to conflict with an established HCP. CEQA Guidelines App. G. The Project would sever the important connection between the Sycamore Canyon and March Air Force Base SKR populations that provides a tenuous connectivity relied upon in the SKR HCP. Furthermore, the elimination of the connection acts as the functional separation of the Sycamore Canyon and March Air Force Base populations reducing the population viability of SKR within the Core Reserve, and reducing the overall population viability analysis of the SKR HCP. (1999 BO 1-6-99-F-13 at p. 21.)

Moreover development of the parcel threatens the implementation of requirements under the SKR HCP and associated Biological Opinions. As referenced above the SKR HCP and 1990 Biological Opinion for Interstate 215 (1-6-90-P-29) required Caltrans to "provide for a crossing for SKR under Alessandro Boulevard to connect the Sycamore Canyon Study Area to habitat on MAFB." (SKR HCP 5(E)(1)(a)). Because Caltrans was unable to perform that task and in order to maintain that connection US Fish and Wildlife Service directed that Caltrans perform the following tasks:

1. Two privately held parcels of land south of Alessandro would be acquired and conserved as SKR habitat. An amount equal to ten percent of the purchase price would be set aside to finance a "periodic, managed translocation of SKR between suitable SKR habitat areas in Sycamore Canyon Park and March Air Force Base and monitoring of such translocation efforts.", and;
2. Funding would be provided for a two-year monitoring study of SKR movement between MAFB and Sycamore Canyon Park.

(Final SKR HCP 5(E)(1)(a)). The industrial development of this land and conversion of it precludes the necessary mitigation measures required by Caltrans as part of their obligation to provide for a connection across Alessandro and the acquisition and conservation of privately held parcels south of Alessandro. The EIR has not disclosed how Caltrans has achieved that conservation and whether the development of this privately held land south of Alessandro would prohibit the implementation of the SKR HCP and conditions of the 1990 Biological Opinions for Interstate 215.

As discussed above this Project would potentially conflict with the existing SKR HCP and re-open the HCP for evaluation and amendment, pending section 7 consultation. 50 C.F.R. § 402.16(a-d). These impacts must be fully disclosed in the EIR.

II. THE EIR MUST FULLY EVALUATE AND ANALYZE IMPACTS TO THE AFFECTED WESTERN RIVERSIDE MSHCP AND ITS COVERED SPECIES

The Project threatens important components of the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP") and must disclose or analyze those impacts to both the plan and species covered under the MSHCP. The Project threatens Core D, constrained linkages, and conducts a faulty Determination of a Biologically Equivalent or Superior Preservation ("DBESP").

The proposed project impacts Core Area D under the MSHCP by proposing development on and adjacent to Core Area D. (DEIR 4.4-6, Exhibit 4.4-3). Instead of analyzing this impact the EIR assumes that the southern portion of Core Area D has been eliminated from the MSHCP, and thus does not need to be analyzed. The MSHCP emphasizes that "the main blocks of occupied [SKR] habitat are concentrated in several Core Areas that must be conserved." (MSHCP at M-197). One of those Core Areas includes the March SKR preserve. (MSHCP at M-198 (Core areas, as identified in the HCP, include... Sycamore Canyon-March Air Force (Reserve) Base, Steele Peak, and Potrero ACEC.")). Elimination or infringement on the viability of Core Area D for purposes of this project would constitute a Major Amendment to the MSHCP.

The proposed changes to the MSHCP constitute a Major Amendment that must undergo formal review and approval prior to adoption. The MSHCP contemplated two tiers of amendments to the plan. The first tier of amendments is Minor Amendments "where the effect on Covered Species, levels of Take and Permittees' ability to implement the MSHCP are not significantly different than those described in the MSHCP as originally adopted." (MSHCP Implementing Agreement ("IA") at 61). Minor amendments constitute an exclusive and limited list of actions. (MSHCP IA at 62). The second tier of amendments is Major Amendments which propose changes that are not clerical or Minor Amendments. (MSHCP IA at 63).

The Project applicant has proposed substantive changes through the elimination of Core Area D and the severance of the linkage from the March SKR preserve to the Sycamore Canyon Core Area that do not fall into the limited list of contemplated minor amendments to the MSHCP. Minor revisions to survey, monitoring, reporting and/or management protocols must *clearly* not affect species or overall MSHCP Conservation Area functions and values. (MSHCP IA at 62 (emphasis added)). Major Amendments are a non-exclusive list that includes "changes in anticipated Reserve Assembly or funding strategies and schedules that would have substantial adverse effects on the Covered Species." (MSHCP IA at 23). Amendments that conflict with existing Federal law, 16 U.S.C. 1531, existing Endangered Species Act take permits or Habitat Conservation Plans, constitute major amendments that must be fully reviewed and analyzed. Minor amendments are not permitted for changes that impact the survival or recovery of listed species, substantially change Permittee's ability to achieve reserve assembly, and/or permit

development that impacts covered species and critical habitat for listed species, especially when these potential changes stand to impact overall function and value for conservation areas. As discussed above the Project threatens reserve assembly, and impacts covered species in a way that threatens the overall viability of conservation areas. The Project's impacts to Reserve Assembly through elimination of the linkage in Core Area D and assumption of the elimination of Core Area constitutes a Major Amendment that must be analyzed in the EIR.

Importantly, linkages such as the one impacted by the Project provide crucial connectivity between wildlife core areas to allow species to migrate and breed between population centers. The Biological Opinion for the MSHCP relies upon the viability of the linkages, such as the one threatened by this project.

Notably, 60 percent of the linkages are described as "constrained linkages" indicating that their design may be particularly narrow, encounter a road or highway crossing(s), incorporate disturbed, developed or agricultural land uses, involve the use of culverts or be restricted to a modified stream channel, and/or are adjoined by land uses that will likely impair their suitability for supporting movement of some or all of the target species. Given the narrowness of many of the linkages, their high edge to interior ratios, and the constraints that many of them face such as developed land uses and roads, *functional connectivity between habitat areas will necessitate using the high end of the conservation Criteria ranges*, targeted for cells or cell groupings (e.g., Proposed Constrained Linkages 1, 2, 14 and 19). Additionally, large linkage distances between several core areas (e.g., Alberhill to Antelope Valley, Lake Mathews to Lake Perris, Santa Rosa Ecological Preserve to Santa Margarita Ecological Preserve) will necessitate conservation of suitable and diverse live-in habitat within the linkages in order to preserve functional connectivity among core areas for a number of target species. MSHCP BO at 130 (emphasis added).

Development throughout the MSHCP area has already impacted constrained linkages. Permitting the conversion of constrained linkages to development compromises the viability of the MSHCP conservation area by destroying critical linkages that have already been severely impacted by development.

Finally, the EIR conducts a faulty DBESP. Instead of conducting a reasonable avoidance feasibility analysis, minimization, and mitigation analysis for Riparian/Riverine resources the EIR fails to propose methods to avoid riparian/riverine habitat, and fails to minimize those impacts in the proposed design. In concert with a valid alternatives analysis the EIR could have conducted a DBESP that would have complied with both the MSHCP and CEQA. Further the mitigation through payment of mitigation fees fails to recognize the difficulty of restoring habitat once it has been lost.

A. THE EIR FAILS TO ANALYZE THE NEED FOR BUFFERS FOR RIPARIAN VEGETATION IMPACTED BY THE PROJECT

No buffers for riparian vegetation affected by the Project are discussed. Maintaining appropriate, fully protected buffer strips between streams and upland soil-disturbing activities is critical to sustaining aquatic and riparian ecosystems (Erman et al. 1996). Most of the current literature about estimating appropriate widths of riparian buffer strips takes into account the complexity of landscapes. Research conducted as part of the Sierra Nevada Ecosystem Project (Erman et al. 1996) provided guidance for designating riparian buffers that incorporate steepness of surrounding slopes and erodability of soils: this research concluded that if the average slope were 25 percent, the buffer width should be 524 feet on either side of the stream, and if the slope were 50 percent, the buffer should be 672 feet. The EIR fails to cite any available scientific literature or substantial evidence about appropriate buffer widths or how these significant impacts to riparian resources will be mitigated.

III. THE DEIR FAILS TO ANALYZE IMPACTS TO AESTHETIC RESOURCES

The location of the project will cause a significant impact on the aesthetic character of the area. Any substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA. See *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas*, (4th Dist. 1994), 29 Cal.App.4th 1597, 1604. Personal observations on nontechnical issues such as aesthetics and affects upon a viewshed can constitute substantial evidence that there will be a significant impact under CEQA. *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.*, (2nd Dist. 2004), 116 Cal. App. 4th 396, 402. These comments emphasize that the project would create a significant detrimental effect on the aesthetic quality of the area.

The project will have a significant effect on the visual character of the area by creating a aesthetically undesirable large scale industrial warehouse project, contributing to increased urbanization of existing natural areas, destroying visually desirable wildlife, plant species, and natural areas, impacting the viewshed of the regionally important Sycamore Canyon Wilderness Park, and increasing tractor-trailer diesel truck traffic. On the Project site the EIR and Biological Surveys document several scenic rock outcroppings and scenic vistas of the surrounding Sycamore Canyon Wilderness Park and Box Springs Mountains. (See DEIR Exhibits 4.1-2a, 4-1.2c). The Conservation Groups find the large industrial project aesthetically unpleasant in its own right. The project will also result in the further destruction of the coastal sage scrub, rock outcroppings, natural grasslands, and low rolling hills that provide aesthetic, spiritual, and scientific values for the Conservation Groups from adjacent parklands and thoroughfares. Increasing the amount of automobile and heavy truck traffic in the area will further degrade the character of the community. The destruction of additional habitat for listed species is a substantial negative effect of the project that will impact the visual character of the area. The project's destruction of this aesthetically desirable plant species such as California sagebrush (*Artemisia California*), California buckwheat (*Erigonum fasciculatum*), and bush monkey flower (*Mimulus aurantiacus*) is a significant aesthetic impact. The detrimental effect on the viewshed

would be seen by adjacent residents within the project vicinity, individuals passing along the roadway, and the many public individuals enjoying the regionally important Sycamore Canyon Wilderness Park across the road and to the north of the project. As a matter of law these observations represent the substantial evidence necessary to for a finding of significance and the required mitigation under CEQA.

IV. THE EIR MUST ADEQUATELY ANALYZE AND MITIGATE AIR QUALITY IMPACTS

The EIR fails to adequately analyze and mitigate the significant impacts to air quality resulting from the project. Californians experience the worst air quality in the nation, with annual health and economic impacts estimated in at 8,800 deaths (3,000–15,000 probable range) and \$71 billion (\$36–\$136 billion) per year (Cayan 2006). Ozone and particulate matter (PM) are the pollutants of greatest concern (maximum levels are about double California's air quality standards) and the current control programs for motor vehicles and industrial sources cost about \$10 billion per year. In light of these underlying conditions it is critical that the air quality analysis be rigorous. The EIR is required to properly analyze the Projects' direct, indirect, and cumulative contribution to deteriorating air quality.

A. SIGNIFICANT AIR QUALITY HAZARDS IN RIVERSIDE COUNTY

Riverside County has the dubious distinction of being one of the most polluted areas in the country. (American Lung Association 2005; American Lung Association 2008). The Project will directly result in an increase in construction emissions and vehicle trips per day which will increase the level of a broad number of criteria pollutants under the Clean Air Act. The Project will result in significant impacts to air quality that result from significant levels of emissions of Volatile Organic Compounds (VOCs), Nitrogen Oxides (NOx), Carbon Monoxide (CO), and Particulate Matter of 10 microns and 2.5 microns or less (PM10 and PM2.5). Increased diesel exhaust is particularly detrimental to long term human and lung health.

Ozone (O₃) is the chief component of the common pollutant known as "smog." Ozone is formed when emissions including reactive organic gases (ROG) and oxides of nitrogen (NOx) undergo photochemical reactions in sunlight and are transformed to O₃. Ozone irritates lung airways and causes inflammation much like a sunburn. Ozone causes wheezing, coughing, pain when taking a deep breath, and breathing difficulties during outdoor activities. The American Lung Association focuses on ozone as one of the most hazardous of the common air pollutants. (American Lung Association 2008). Repeated exposure to ozone pollution for several months may cause permanent lung damage. Children, the elderly, and those with respiratory problems are most at risk, but anyone who spends time outdoors may be affected. Even at very low levels, ozone triggers a variety of health problems including aggravated asthma, reduced lung capacity, and increased susceptibility to pneumonia and bronchitis. Ozone also interferes with the ability of plants to produce and store food, which makes them more susceptible to disease, insects, and weather, and damages the leaves of trees and plants, ruining the appearance of cities, national parks, and recreation areas. Ozone also reduces crop yields, and is, in fact, responsible for 98% of air quality related crop damage in California. A revised EIR must discuss the proposed

project's production of ozone precursor emissions and the direct, indirect, and cumulative impact both on human health and on vegetation and wildlife habitat, especially habitat for threatened, endangered, and sensitive species.

Particulate matter (PM) is a category of pollutant which includes the respirable particles suspended in the the air. PM is classified into "coarse" particles, PM₁₀, or those under 10 microns in diameter, and "fine" particles, PM_{2.5}, or those under 2.5 microns in diameter, and comes from a variety of sources including diesel exhaust, windblown dust from agriculture and construction and motor vehicles. Because the human respiratory system's ability to filter out harmful particles decreases as particles size decreases, the smallest particles lodge deepest in the lungs and are especially dangerous. PM can contain at least 40 toxic chemicals including heavy metals, nitrates, sulfates, and aerosols, as well as soot, soil, and dust.

PM is associated with extreme health consequences. PM causes premature death, aggravates asthma, increases coughing, painful breathing, and chronic bronchitis, and decreases lung function. Lung inflammation caused by inhaling PM can also lead to changes in heart rhythm, constriction of blood vessels, blood coagulation, and increased risk of heart attacks. Unlike what is believed about some other air pollutants, there is no "safe" level of PM pollution: even very low levels of PM lead to health impacts. (EWG 2002 at 25). One study found that in Riverside County alone, 353 deaths per year are due to current PM₁₀ levels, and 42,149 asthma attacks per year are due to current PM₁₀ levels. (EWG 2002 at 19). The EIR's failure to address basic information on the link between air quality, health impacts, and impacts to biological resources render it inadequate. This and other information must be analyzed in a revised EIR so that the project's air quality impacts can be analyzed in the full environmental context.

B. THE EIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT AND ENVIRONMENTAL SETTING

The EIR must provide a stable and accurate project description in order to properly inform decision makers and the public, as well as provide a proper basis for analysis of impacts and mitigation to address those impacts. Here the EIR fails to fully disclose and analyze the air quality impacts from diesel emissions. One of the project objectives is the "transportation of goods and services" provided by over 400,000 square feet of industrial warehouse/distribution. (DEIR at 3-13, 3-9). Presumably much of the transportation and traffic associated with industrial warehouse and distribution facilities will be diesel truck traffic, which poses a much greater threat to human health due to the carcinogenic effects of diesel exhaust and fine particulates associated with diesel emissions. However, the EIR fails to describe what types of vehicles will be accessing the facility, in what volumes, at what frequency, and during what times. The EIR must fully disclose the types of vehicles that will be associated with the Project because those different vehicles pose very different threats and must be analyzed and mitigated in different fashions.

The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines §

15125(a) & (c). The Project lies within a mile of the residential community of Orangecrest, off of Van Buren Blvd., but fails to discuss the potential adverse health effects to that community from the recognized significant air quality impacts. The California Air Resources Board and others confirm that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. (CARB 2005). Specifically, these studies found reduced lung function and increased asthma in children within 1,000 feet of heavy traffic. Id. In addition to the respiratory health effects, proximity to freeways increases potential cancer risk. Id.

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. The South Coast Air Quality Management District ("SCAQMD") includes in its list of sensitive receptors, residences, schools, playgrounds, childcare centers, convalescent homes, retirement homes, rehabilitation centers, and athletic facilities. Sensitive population groups include children, the elderly, and the acutely and chronically ill, especially those with cardiorespiratory diseases. Residential areas are also considered to be sensitive to air pollution because residents tend to be home for extended periods of time, resulting in sustained exposure to any pollutant present. The Project fails to adequately identify the number and type of sensitive receptors that would be affected by this proposed Project. For example, the sensitive receptors in the Orangecrest community are not addressed, neither are the sensitive receptors in the regionally important Sycamore Canyon Wilderness park where many in the local community go to exercise and recreate. Exercise increases the impacts of air pollution on pulmonary function.

C. THE EIR FAILS TO ADEQUATELY EXAMINE THE PROJECT'S HEALTH RISKS

The EIR air quality analysis fails to adequately address the Project's effect on the community's health. Although the DEIR acknowledges that proximity to roads is related to adverse health outcomes, including respiratory problems, the document fails to conduct this critical study of demonstrating what the qualitative or quantitative risk is associated to nearby residents as result of the Project. The Project can lead to increased rates of asthma, decreased lung or cardiac function, and other threats, but there is no analysis of what that means for the regional residents or visitors. As with other important impact analyses it appears that the EIR authors use their failure to gather data as an excuse for their inability to document the Project's impacts. Such an approach violates the fundamental tenets of CEQA. Without this information, it is all but impossible to accurately and effectively gauge the severity and extent of the health effects that would result from building the proposed Project. Again, the agencies have a duty to "painstakingly ferret out" the Project's impacts. *Env'tl Planning and Information Council of W. El Dorado County v. County of El Dorado* (1982) 131 Cal. App. 3d 350,357. It is critically important that the EIR emphasize the cumulative impacts of negative air quality and not simply dismiss those issues without thorough analysis and mitigation.

D. THE EIR FAILS TO ADEQUATELY ANALYZE AND IMPOSE MITIGATION MEASURES FOR SIGNIFICANT IMPACTS TO AIR QUALITY

In an attempt to subvert the procedural requirements of CEQA, the EIR fails to adopt feasible mitigation measures that would have substantially lessened significant environmental impacts resulting from the Project. To effectuate its overarching purpose of reducing environmental harm, CEQA requires that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen" a Project's significant environmental effects. Pub. Res. Code § 21002; Guidelines 15021. CEQA's substantive mandate is clear, "each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b) (emphasis added). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990).

There are numerous mitigation measures that could be adopted to reduce the significant air quality impacts associated with this project. Many of the mitigation measures outlined to reduce the significant impacts associated with greenhouse gas emissions can reduce criteria pollutants. Therefore the EIR should fully analyze all greenhouse gas and criteria pollutant mitigation measures in order to reduce the significant impacts to air quality, or describe why those mitigation measures are infeasible.

V. THE EIR MUST ADEQUATELY ADDRESS THE IMPACTS OF GLOBAL WARMING AND CLIMATE CHANGE

As discussed in the comments provided on the NOP, as a potential significant impact, the Draft EIR must thoroughly evaluate alternatives and mitigation measures that would reduce the Project's greenhouse gas emissions. Curbing greenhouse gas emissions to limit the effects of climate change is one of the most urgent challenges of our time. Fortunately, the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000 et seq., 14 Cal. Code Regs. § 15000 et seq. ("Guidelines"), set forth a clear and mandatory process to address the Project's greenhouse gas and global warming impacts. This letter sets forth how this analysis should be completed.

A. THE EIR MUST ADDRESS THE IMPACT GLOBAL WARMING WILL HAVE ON THE PROJECT

Unfortunately, the EIR fails to address the impacts of global warming on the Project contrary to the requirements under CEQA. California's temperatures are expected to rise "dramatically" over the course of this century (Cayan 2007). These factors will impact the planned project, as well as exacerbate its own environmental impacts. Global warming will affect California's climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability. These factors will impact development under the General Plan Update, as well as exacerbate its own environmental impacts. Therefore, these factors must be considered in the EIR. See Guidelines § 15126.2(a) (an EIR "shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.") The EIR must use its best efforts to find out and disclose all it reasonably can about the impacts of climate change on the

environment and, most importantly—use that information to form an educated opinion about how to plan and adapt for the impacts of climate change. (California Attorney General 2009). Examples of how global warming will impact development under the General Plan and intensify the environmental impacts it will already have are discussed below. It is not an exhaustive list.

The rise in temperatures resulting from global warming will create a more conducive environment for air pollution formation (Cayan 2007). This will intensify the adverse effects the proposed project will already have on air quality in the project area and threaten residents' health (Cayan 2007).

Significantly for the state, as well as the project area, is global warming's impact on water supply. The IPCC specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows" (IPCC 2007b). Recently, researches found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States" (Barnett 2008). Using several climate models and comparing the results, the researches found that "warmer temperatures accompany" decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels (Barnett 2008). These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snow pack between 1950-1999" are human-induced (Barnett 2008). This, the researchers wrote, is "not good news for those living in the western United States" (Barnett 2008).

The California Center on Climate Change has also recognized the problem global warming presents to the state's water supply and predicts that if greenhouse gas emissions continue under the business-as-usual scenario, this snowpack could decline up to 70-90 percent, affecting winter recreation, water supply and natural ecosystems (Cayan 2007). Global warming will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels and water resources are already under strain (Cayan 2007). The decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies (Cayan 2007). It could also potentially reduce hydropower and lead to the loss of winter recreation (Cayan 2007). All of this means "major changes" in water management and allocation will have to be made (Cayan 2007). Thus, global warming may directly affect the City's ability to supply clean, affordable water to the residents, or force the City to change how it will utilize water, and it may also impact other activities outside the project area, such as agriculture.

Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in the size and frequency of flood events (NRDC 2007). The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection (NRDC 2007). At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more

difficult (NRDC 2007). These changes in hazard risk and water supply availability must be considered during environmental review.

Water quality, in addition to water quantity and timing, will also be impacted: Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems (NRDC 2007). Changes in precipitation affect water quantity, flow rates, and flow timing (Gleick 2000). Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn (Epstein 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions (Schindler 1997).

These are only examples of how global warming will impact the proposed project and intensify the environmental impacts the project will already have. It is not an exhaustive list. Thus, when assessing the impact of the Project on air quality, water supply, flood hazards, and biological resources, the EIR must take into account global warming. To ignore the impact of global warming on the Project and the resources impacted by the Project significantly understates the Project's impacts.

B. The EIR's Significance Determination is Flawed

i. The EIR Fails to Properly Frame the Question of the Significance of the Project's Greenhouse Gas Impacts

As the EIR properly recognizes, the greenhouse gas emissions generated by the Project constitute a significant impact. (DEIR at 4-16-13). However, the DEIR improperly limits the consideration of its determination of significance to whether "the project would significantly hinder or delay California's ability to meet reduction targets contained in AB 32." (DEIR at 4-16-6). While the emission reduction targets set by AB 32 are important, they are only a first interim step toward a longer emission reduction pathway necessary to avoiding dangerous anthropogenic interference (DAI) with the climate system. While Project impacts remain significant, the significance criteria should be revised to recognize California's long term emission targets set by Executive Order S-3-05 and consider the extent to which these reductions are consistent with the emission reduction pathway necessary to avoid DAI.

The relevant environmental objective with regard to a project's impact on global warming is stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference ("DAI") with the climate system. Framing the objective of a threshold of significance in the context of preventing DAI with the climate system is consistent with the policy of CEQA. As set forth in Public Resources Code Section 21000(d), "The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." With regard to climate change, the prevention of DAI is the critical threshold to protect the health and safety of the people of California. The prevention of DAI

with the climate is also the objective adopted by the international community. As set forth in the United Nations Framework Convention on Climate Change, to which the United States is a party: "The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system."¹

Dangerous anthropogenic interference with the climate system is a defined concept from which a threshold of significance under CEQA can be derived. While environmental impacts from global warming are already being experienced, dangerous anthropogenic interference has typically been defined at temperature increases above 2°C from pre-industrial levels, or a 450 ppm atmospheric concentration of CO₂ eq. (Union of Concerned Scientists 2007). 2050 is the time frame commonly set by scientists in which to achieve the emission reductions necessary for climate stabilization. The emission reduction scenario set by AB 32 and Executive Order S-3-05, whereby emissions are reduced to 1990 levels by 2020 and then to 80% below 1990 levels by 2050, is consistent with a stabilization scenario in the +/- 450 ppm range.²

However, climate scientists, including NASA's premier climatologist, James Hansen, are increasingly calling for more stringent stabilization targets in order to sufficiently reduce the risk of catastrophic outcomes. The best available scientific evidence now indicates that a 2°C temperature increase from pre-industrial levels is well past the point where severe and irreversible impacts will occur. It is now estimated that a mean global temperature increase of 1.5°C above pre-industrial levels has the potential to trigger irreversible melting of the Greenland ice sheet, a process that would result in an eventual 7m sea level rise over and above that caused by thermal expansion of the oceans, and potentially causing an additional sea level rise of 0.75m as soon as 2100. (Warren 2006 at 95). Specific consequences of a 2°C temperature rise from pre-industrial levels include the loss of 97% of the world's coral reefs and the transformation of 16% of global ecosystems. Approximately one to three billion people would experience an increase in water stress, sea level rise and cyclones would displace millions from the world's coastlines and agricultural yields would fall in the developed world. (Warren 2006). In the Arctic, ecosystem disruption is predicted owing to complete loss of summer sea ice, with only 42% of the tundra remaining stable. This would destroy the Inuit hunting culture and cause the extinction of the polar bear and large losses in global populations of birds. Moreover, because Arctic ice functions to reflect heat back into the atmosphere, its loss would allow more sunlight to heat the Arctic Ocean and further accelerate the buildup heat and the melting of the Greenland ice sheet. In the Antarctic, key marine mollusks are predicted to become extinct with damaging ramifications for the rest of the Antarctic marine ecosystem. (Warren 2006). As the devastating and irreversible impacts resulting from a 2°C mean global temperature rise are far in excess of

1 United Nations Framework Convention on Climate Change (UNFCCC), art. 2, May 9, 1992, available at http://unfccc.int/essential_background/convention/background/items/1349.php.

2 While the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. See, e.g., *Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004).

any reasonable definition of "dangerous" interference with the climate, a 2°C target is not an acceptable objective for climate policy.

Moreover, equating a particular atmospheric concentration of greenhouse gases with a specific temperature increase involves a significant degree of uncertainty. This is because climate sensitivity – the extent to which temperatures will rise as a result of increasing concentrations of heat-trapping gases – depends on Earth's response to certain physical processes that are not fully understood. (Cayan 2007 at 4). For example, as greenhouse gas emissions cause temperatures to rise, the atmosphere can hold more water vapor, which traps heat and raises temperatures further – a positive feedback. Clouds created by this water vapor could absorb and re-radiate outgoing infrared radiation from Earth's surface (another positive feedback) or reflect more incoming shortwave radiation from the sun before it reaches Earth's surface (a negative feedback). (Cayan 2007). Thus, due to uncertainty in climate sensitivity, scientists estimate that the mean probability of exceeding 2°C where stabilizing greenhouse gases at a CO₂eq level of 450 ppm is 54% with a 30% probability that global average temperature would rise more than 3°C. (Cayan 2007; Union of Concerned Scientists 2007). This is effectively the equivalent of flipping a coin in the hopes that our children and grandchildren will not be confronted with the displacement of millions of people due to sea level rise, irreversible loss of entire ecosystems, and the triggering of multiple climatic "tipping points" wherein climate change begins to feed on itself and spin rapidly out of control.

As noted by the Attorney General in a recent guidance on the treatment of climate change in general plans, "the targets set by AB 32 and Executive Order S-3-05 can inform the CEQA analysis." (California Attorney General 2009 at 4). However, while the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. See Guidelines § 15064(b) ("[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment ... based to the extent possible on scientific and factual data."). Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. See, e.g., *Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004). Thus, to properly address the question of the significance of Project impacts, the EIR should set forth the environmental objective of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent DAI with the climate system, discuss California's emission reduction targets and the extent to which these targets are sufficient to meet avoid DAI. In this manner, the EIR will set forth the issues related to the significance of Project impacts in a manner that accurately informs decision makers and the public.

ii. To Properly Evaluate Significance and Fulfill Its Informational Mandate, the EIR Must Compare Project Emissions with Emission Reduction Targets Set by AB 32 and Executive Order S-3-05

Although the EIR asserts that the Project would interfere with the goals of AB 32, the EIR fails to provide any data on Project emissions as compared with 1990 levels. Accordingly, it

is impossible to analyze the extent to which the Project exceeds AB 32 emission reduction mandates. The EIR must be revised to provide this data.

Moreover, in a failure to adequately describe the Project, the EIR fails to note the year for which the Project envisions build-out. Should the General Plan update contemplate growth past 2020, its significance analysis should evaluate the extent to which the Project complies with Executive Order targets. While the trajectory of reductions under Executive Order S-3-05 has not been definitely established, the EIR should make an appropriate assumption, such as a linear decrease to 2050 to determine significance criteria for the undisclosed year of build-out. Thus, if the General Plan is intended to accommodate growth until 2030, then the EIR could compare Project emissions with emissions approximately 27% below 1990 levels.

C. THE EIR MUST ANALYZE AND ADOPT ALL FEASIBLE MITIGATION MEASURES TO REDUCE THE PROJECT'S GREENHOUSE GAS EMISSIONS

In addition to thoroughly evaluating project alternatives, because it is clear that the project's greenhouse gas emissions will cumulatively contribute to global warming, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. Importantly, mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000).

There are any number of feasible measures that can be incorporated into a Climate Action Plan to reduce vehicle miles traveled, energy use, waste, water consumption and other sources of emissions. The California Air Pollution Control Officer's Association (CAPCOA) White Paper on CEQA and Climate Change identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008 at Appendix B). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (California Office of the Attorney General 2008b). These resources provide a rich and varied array of mitigation measures to be incorporated in both the programmatic and project level. Furthermore, substantial federal funding is available to implement these projects so that implementation of greenhouse gas mitigation measures is economically feasible.³ Because CEQA requires the

³ Energy Efficiency and Conservation Block Grants are offered by the U.S. Department of Energy to municipalities in order to meet the following purposes: reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; reduce the total

adoption of all feasible mitigation measures to reduce significant impacts like climate change the Project must adopt all feasible mitigation measures to reduce GHGs or provide substantial evidence as to why the mitigation measures are infeasible. Pub. Res. Code § 21081(a)(3).

i. Land Use Measures Reducing Traffic Flow

The development plan for the proposed project should incorporate public transit into the project design and should attempt to facilitate the use of public transit. (California Office of the Attorney General 2008). Additionally, the EIR should analyze ways of including pedestrian and bicycle only streets and plazas within the development and create routes that will allow residents to reach the commercial center, schools and parks by public transportation, bicycling and walking.

ii. Land Use and Energy

The EIR should consider mitigation measures that will ensure the planned community will use energy efficiently and conservatively. In doing so, it should analyze incorporating "green building" in the development. Green buildings are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste (Commission for Environmental Cooperation 2008).

Buildings create environmental impacts throughout their lifecycle; from the construction phase to their actual use to their eventual destruction (Commission for Environmental Cooperation 2008). In the United States, buildings account for 40 percent of total energy use, 68 percent of total electricity consumption, and 60 percent of total non-industrial waste (Commission for Environmental Cooperation 2008). Buildings also significantly contribute to the release of greenhouse gases. In the U.S. they account for 38 percent of total carbon dioxide emissions (Commission for Environmental Cooperation 2008). More specifically, residential buildings cause up to 1,210 megatons of carbon dioxide, while commercial buildings create approximately 1,020 megatons (Commission for Environmental Cooperation 2008). This is because buildings require a lot of energy for their day to day operations. Most of the coal-fired power plants – one of the biggest sources of greenhouse gas emissions – slated for development in the United States will supply buildings with the energy they need. In fact, 76 percent of the energy these plants produce will go to operating buildings in the U.S. (Commission for Environmental Cooperation 2008).

Using green building techniques, however, can substantially reduce buildings' influence in increasing greenhouse gas emissions. Green buildings help reduce the amount of energy used to light, heat, cool and operate buildings and substitute carbon-based energy sources with alternatives that do not result in greenhouse gas emissions (Commission for Environmental Cooperation 2008). Currently green buildings can reduce energy by 30 percent or more and carbon emissions by 35 percent. (Commission for Environmental Cooperation 2008). The

energy use of the eligible entities; and improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors. (US DOE 2009). See <http://www.eecbg.energy.gov/>

technologies available for green building are already in wide-use and include "passive solar design, high-efficiency lighting and appliances, highly efficient ventilation and cooling systems, solar water heaters, insulation materials and techniques, high-reflectivity building materials and multiple glazing (IPCC 2007c). Additionally, the U.S. Green Building Council (USGBC), a private, nonprofit corporation, has established a nationwide green building rating system, called Leadership in Energy and Environmental Design ("LEED"). The LEED standard supports and certifies successful green building design, construction and operations. It is one of the most widely used and recognized systems, and to obtain LEED certification from the USGBC, project architects must verify in writing that design elements meet established LEED goals.

Specific mitigation for the greenhouse gas emissions generated by the Project's energy consumption include, but are not limited to:

- Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting
- Limiting the hours of operation of outdoor lighting
- Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.

iii. Mitigation Related to Project Construction

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;

- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

iv. Transportation Mitigation Measures

- Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles;
- Create a car sharing program within the planned community;
- Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system;
- Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations;
- Provide a shuttle service to public transit within and beyond the planned community;
- Incorporate bicycle lanes and routes into the planned community's street systems.

v. Carbon Offsets

After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Preference should be given to offset mitigation measures in that are in close proximity to the project. (SCAQMD 2008). In other words project applicants should prioritize first on mitigation onsite, then on mitigation in the neighborhood or air district, next in state, then finally out of state. (SCAQMD 2008). Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets should be discussed in the EIR. As demonstrated by the Office of the Attorney General and SCAQMD offsets are a feasible CEQA mitigation measures⁴ once all feasible mitigation measures have been adopted to reduce the Project's carbon footprint and produce energy using renewable sources. (SCAQMD 2008).

VI. THE EIR MUST CONSIDER A REASONABLE RANGE OF ALTERNATIVES

The EIR failed to consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be

⁴ The California Attorney General's Office has adopted CEQA settlements calling for the auditing, reduction, and offsetting of greenhouse gas emissions related with a Project demonstrating that offsets are a feasible way to reduce a Project's negative environmental effects on global warming. See <http://ag.ca.gov/newsalerts/release.php?id=1466&category=global%20warming> See generally <http://ag.ca.gov/globalwarming/ceqa.php>

excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly' even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

As discussed in comments on the NOP the EIR must consider a reasonable range of alternatives including, but not limited to, the following: creation of the Project on an alternative site that does not impact SKR habitat, existing core reserves, or connections between existing reserves; Development of the Project on existing lands previously disturbed by development and exclusion of development on undeveloped lands; and increased density, mixed use development, transportation oriented design surrounding existing transit nodes or transit corridors within or adjacent to the Project area; and mixed use development combined with preservation and enhancement of existing wildlife habitat.

In analyzing the no-project alternative, the EIR must discuss the need for this project and whether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in greenhouse gas emissions and help solve the problem of global warming is to "facilitate more efficient and economic use of the lands" already developed within the community (CAPCOA 2008). Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases (CAPCOA 2008). The EIR should consider an alternative that relies more on higher-density, mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to individual vehicle travel and encourage efficient delivery of services and goods (Office of the California Attorney General 2008).

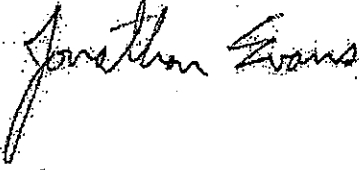
An analysis of alternatives should also quantify the estimated greenhouse gas emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative.

CONCLUSION

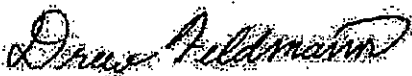
Thank you for your attention to these comments. We look forward to working with the County to assure that the EIR conforms to the requirements of CEQA to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. Should you have any questions feel free to contact Jonathan Evans at the contact information listed above.

The Center for Biological Diversity, San Bernardino Valley Audubon Society, and Sierra Club wish to be placed on the mailing list for all future notices regarding this project. Please mail all notices to CBD at the address listed above (via email at jevans@biologicaldiversity.org); San Bernardino Valley Audubon Society at and P. O. Box 10973, San Bernardino, California 92423-0973; and Sierra Club, San Geronimo Chapter, Moreno Valley Group, 26711 Ironwood Ave, Moreno Valley, CA. 92555.

Best regards,



Jonathan Evans
Staff Attorney
Center for Biological Diversity



Drew Feldman
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EXHIBITS
(enclosed on CD)

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via electronic and US mail

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August 26, 2008

RE: Environmental Impact Report No. 510, Tentative Parcel Map No. 35365, Plot Plan 22925, (Allesandro Commerce Centre).

These comments are submitted on behalf of the Center for Biological Diversity, San Bernardino Valley Audubon Society, and the Sierra Club on the Allesandro Commerce Centre ("Project"), located south of Allesandro Blvd. between Gem Ln and Brown St. The Project site is currently undeveloped open space that is covered with non-native grasslands, coastal sage scrub, southern willow scrub, riparian/riverine habitat, and small rocky outcroppings. The Project site is known occupied habitat for the federally and state protected Stephen's kangaroo rat ("SKR") (*Dipodomys stephensi*). (SKR Habitat Conservation Plan Fig. 26.). The Project represents a significant impact to biological resources including SKR, and the long term population viability for nearby SKR populations. Additionally, the Environmental Impact Report ("EIR") must fully analyze, quantify, and mitigate the Project's greenhouse gas pollution.

Although the comment period for the NOP has officially expired, because the following comments relate to matters that must be included in an EIS/EIR, we hope that the lead agencies will consider the comments in their preparation of the EIR. We also respectfully remind the County that under Public Resources Code § 21167.6(e)(6-7) all written comments received in connection with environmental documents become part of the administrative record for the environmental document and must be considered by the Lead Agencies in preparation, review, and approval of environmental documents.

The Center for Biological Diversity is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center for Biological Diversity has over 180,000 members and e-activists throughout

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Montana • Illinois • Minnesota • Vermont • Washington, DC

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California and the western United States, including residents of the City of Riverside and surrounding areas of western Riverside County. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in the Inland Empire.

The San Bernardino Valley Audubon Society (SBVAS) is a local chapter of the National Audubon Society, a 501(c)3 corporation. The SBVAS chapter area covers almost all of Riverside and San Bernardino Counties and includes the project area. We have about 2,000 members, about half of whom live in Riverside County. Part of our chapter's mission is to preserve habitat in our area, not just for birds, but for other wildlife, and to maintain the quality of life in the Inland Empire.

The Sierra Club is a national nonprofit organization of over 732,000 members dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Over 193,500 Sierra Club members reside in California. The San Geronimo Chapter of the Sierra Club focuses on issues within the inland empire, including western Riverside County.

I. THE EIR MUST FULLY EVALUATE AND ANALYZE IMPACTS TO THE STATE AND FEDERALLY PROTECTED STEPHENS KANGAROO RAT

The Project poses a potentially significant threat to SKR and the surrounding SKR populations because the development is planned in a crucial linkage for SKR populations at the Sycamore Canyon Core Reserve, which encompasses both Sycamore Canyon Wilderness Park and portions of March Air Force Base. The SKR is listed as endangered by the United States Fish and Wildlife Service under the Federal Endangered Species Act and threatened by the California Department of Fish and Game under the California Endangered Species Act. The potential impacts to SKR occupying the habitat, adjacent SKR populations, and the SKR HCP must be fully disclosed, analyzed, mitigated, and avoided in the EIR.

The proposed project would result in an overall direct loss of 54.17 acres of currently existing open space that is a critical linkage between the populations of SKR within the existing Sycamore Canyon-March Core Reserve for the SKR. Populations of SKR exist within the Sycamore Canyon Wilderness Park north of Allesandro Blvd. Additionally, there is known occupied habitat for SKR within the March Air Force Base property south of Allesandro Blvd. and west of Highway 215. The linkage between populations is essential in maintaining the integrity of the overall Sycamore Canyon reserve, allowing genetic flow and animal dispersal between the two component parts of the reserve.

The 1999 Biological Opinion ("BO") issued by the U.S. Fish and Wildlife Service recognizes that Sycamore Canyon is unlikely to maintain a viable population of Stephen's kangaroo rats, absent the connection to the March portion of the core reserve (1999 BO 1-6-99-F-13 on the Disposal and Reuse of March Air Force Base at pg. 21). The 1999 BO thus indicates

that if the connection is severed between the Sycamore Canyon and March units of the Sycamore Canyon Core Reserve, the longterm viability of the Sycamore Canyon unit could be jeopardized. The EIR must disclose and analyze the Project's potential to impact genetic flow and population viability for the SKR.

Protection of SKR movement across Alessandro Boulevard has long been seen as essential for SKR conservation. The 1990 Biological Opinion for the Highway 215 improvement project required Caltrans to construct culverts under Alessandro to maintain the biological connection between SKR populations. (Final SKR HCP 5(e); 1990 BO 1-6-90-F-29 Regarding Proposed Improvements to State Route 215 at pg. 4). However, this improvement has not been implemented. Despite this, the animals currently successfully cross Alessandro Blvd in order to achieve this crucial genetic interchange. According to the 1999 Biological Opinion for the Disposal and Reuse of March Air Force Base, the large, contiguous, and intact Sycamore Canyon/March AFB Core SKR Reserve is important:

because small isolated populations of SKR in the plan area and reserve system are at risk simply because of their small sizes. Small populations have a higher probability of extinction than larger populations because their low abundance renders them susceptible to stochastic (random naturally occurring) events such as inbreeding, the loss of genetic variation, high variability in age and sex ratios, and catastrophes such as floods, droughts, or disease epidemics ...

Another factor that renders populations vulnerable to stochastic events is isolation, which often acts in concert with small population size to increase the probability of extinction for endangered populations. Urbanization and land conversion has fragmented the historic ranges of the SKR such that remaining blocks of occupied habitat now function independently of each other. Isolated populations are more susceptible to extirpation by accidental or natural catastrophes because their recolonization has been precluded.

(1999 BO 1-6-99-F-13 at pp. 20-21.) Based on modeling, the U.S. Fish and Wildlife Service estimated the long-term probability of persistence of the Sycamore Canyon SKR population would drop from 66 percent to 42 percent if the March population were lost. (1999 BO 1-6-99-F-13 at p. 21.) The same result necessarily applies if the linkage between these populations is severed. The Environmental Impact Statement/Environmental Impact Report for the SKR HCP ("HCP EIS/EIR") also indicates that SKR can and do move across Alessandro between the project site and areas to the south. The HCP EIS/EIR states that:

Chance crossings of the road by SKR and manual relocation of SKR from one portion of the reserve to the other would be a practical and biologically acceptable way to maintain connectivity among SKR populations in the reserve. Relocation, however, will require coordination of efforts by the City of Riverside Park and Recreation Department (the manager of Sycamore Canyon Park) and The Nature Conservancy (the manager of the MAFB conservation areas).

(HCP EIS/EIR p. C-5.) We are unaware of any current relocation efforts by the City, further increasing the importance of the project site as a linkage between Sycamore Canyon and SKR populations to the south.

These statements in the Biological Opinion and HCP EIS/EIR indicate that SKR movement between Sycamore Canyon and March is both possible and extremely important to the viability of the Sycamore Canyon preserve. The project will sever the remaining linkage between the March and Sycamore Canyon SKR populations. The effect on the long-term viability of the Sycamore Canyon SKR population is potentially significant and must be disclosed and fully mitigated or avoided during the EIR process.

The EIR cannot rely on the March Air Force Base Trade Out as a basis for determining that the impacts to the Stephen's kangaroo rat would be less than significant. The environmental review and permitting of the March Air Force Base Trade Out has not been completed. The SKR HCP requires that the tradeout must be subject to environmental review and Endangered Species Act consultation before the March portion of the Core Reserve is made available for development. (Final SKR HCP 5(C)(1)(e). The 1999 Biological Opinion for the Disposal and Reuse of March Air Force Base further states that the SKR HCP must be amended prior to any impacts to the Core Reserve not addressed in the SKR HCP. (1999 BO 1-6-99-F-13 at p. 20.) To date, none of these requirements – environmental review, Endangered Species Act consultation, or HCP amendment – have been met for the tradeout. Notably, the 1999 Biological Opinion is not an Endangered Species Act consultation on the tradeout, but merely anticipates that the effects of the tradeout will be reviewed in the future. (1999 BO 1-6-99-F-13 at pp. 19-21.)

Furthermore, the March portion of the Sycamore Canyon-March Core Reserve still contains occupied SKR habitat and continues to be managed as an SKR preserve. The proper baseline for environmental analysis is not what might happen if the tradeout is completed and the March portion of the Core Reserve is developed; it is the existing environment at the time of the project's Initial Study. This existing environment includes actual SKR populations in both Sycamore Canyon and March. Some connectivity exists between these populations.

The EIR should also analyze the potential for night lighting to impact SKR populations. SKR often forages and moves around at night. Lighting known SKR habitat increases the chance of predation of SKR.

Surveys for SKR should be conducted on the project site and adjacent to the project site to determine the potential impact from the project. The area is known habitat for the SKR. (SKR HCP Figure 26, Sycamore Canyon Core Reserve). Surveys are necessary to disclose to the responsible agencies what the overall impact of the project site would be to the existing SKR population, to determine the potential impacts to adjacent SKR populations, and to provide sufficient tracking and monitoring data. Without SKR surveys the EIR would violate the information requirements of CEQA to disclose and evaluate impacts to rare, threatened, sensitive, or endangered species.

The CEQA Guidelines require mandatory findings of significance and preparation of an EIR when a project "has the potential to ...substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten or eliminate a plant or animal community, [or] reduce the number or restrict the range of an endangered, rare or threatened species ..." (CEQA Guidelines § 15065(a).) The project will do all of these things. It has the potential to substantially reduce the habitat of the SKR, cause the Sycamore Canyon SKR population to drop below self-sustaining levels, and/or threaten or eliminate the Sycamore Canyon SKR population by reducing the long-term viability of the population. In addition, it will manifestly reduce the number and/or restrict the range of the endangered SKR by directly destroying occupied habitat and severing the connection between Sycamore Canyon and March populations.

A. THE EIR MUST FULLY EVALUATE AND ANALYZE IMPACTS TO THE AFFECTED SKR HCP

The Project has the potential to conflict with the established SKR Habitat Conservation Plan, which must be fully disclosed and analyzed. CEQA requires the evaluation of a project's potential to conflict with an established HCP. CEQA Guidelines App. G. The Project would sever the important connection between the Sycamore Canyon and March Air Force Base SKR populations that provides a tenuous connectivity relied upon in the SKR HCP. Furthermore, the elimination of the connection acts as the functional separation of the Sycamore Canyon and March Air Force Base populations reducing the population viability of SKR within the Core Reserve, and reducing the overall population viability analysis of the SKR HCP. (1999 BO 1-6-99-F-13 at p. 21.) This Project would potentially conflict with the existing SKR HCP and re-open the HCP for evaluation and amendment, pending section 7 consultation. 50 C.F.R. § 402.16(a-d). These impacts must be fully disclosed in the EIR.

II. THE DEIR MUST ADEQUATELY ADDRESS THE IMPACTS OF GLOBAL WARMING AND CLIMATE CHANGE

As a potential significant impact, the Draft EIR must thoroughly evaluate alternatives and mitigation measures that would reduce the Project's greenhouse gas emissions. Curbing greenhouse gas emissions to limit the effects of climate change is one of the most urgent challenges of our time. Fortunately, the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000 et seq., 14 Cal. Code Regs. § 15000 et seq. ("Guidelines"), set forth a clear and mandatory process to address the Project's greenhouse gas and global warming impacts. This letter sets forth how this analysis should be completed.

A. THE DEIR MUST ADEQUATELY SET FORTH THE THREAT OF GREENHOUSE GAS POLLUTION AND GLOBAL WARMING

The DEIR should discuss the grave threats posed by global warming to California and the world. Current scientific consensus on climate change has now determined that the link between greenhouse gas emissions and global warming is highly certain. In California, elected leaders, through Executive Order S-03-05 and the California Global Warming Solutions Act of 2006 (AB

32), have also squarely linked greenhouse gases with global warming.

In order to conform to CEQA's informational mandates and properly inform the public and decision makers of the significance of the Project's contribution to greenhouse gases, the DEIR must first adequately discuss the threat posed by greenhouse gas emissions and avoid minimizing or discounting the severity of global warming's impacts. See Guidelines § 15151. See, e.g., *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* ("Laurel Heights I"), 47 Cal.3d 376, 392 (1988) (EIR is intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action."); Guidelines § 15151 (requiring an EIR be detailed, complete, and reflect a good faith effort at full disclosure). A discussion of global warming impacts need not be lengthy, but should, at a minimum, convey the magnitude of the threat posed by global warming to humans and the environment. For the City's convenience, a scientific background on global warming and the specific threats posed to California is provided below.

i. Scientific Background on Climate Change

There is no longer credible scientific dispute that the climate is warming. In its most recent assessment, the Intergovernmental Panel on Climate Change ("IPCC") concluded that "[w]arming of the climate is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising mean sea level."¹ (IPCC 2007a). Expressed as a global average, surface temperatures have increased by about 0.74°C over the last hundred years, with 11 of the 12 warmest years on record having occurred in the past 12 years (IPCC 2007a). In September 2007, Arctic sea ice plummeted to a record low level not anticipated by most climate models until 2050, leading scientists to predict that the Arctic could be ice-free in summer by 2030 (National Snow & Ice Data Center 2007). Other observed consequences of the warming climate include sea level rise, increased frequency of droughts, floods, and heat waves and substantial increases in the duration and intensity of hurricanes (IPCC 2007a).

The IPCC now states with "very high confidence" that most of the warming observed over the past 50 years is the result of human generation of greenhouse gases, including carbon dioxide, methane, and nitrous oxide² (IPCC 2007a). The rapid warming observed since the 1970s has occurred in a period when the increase in greenhouse gases has dominated over all other factors (IPCC 2007a). The largest known contribution to global warming is from carbon dioxide (IPCC 2007a). Fossil fuel combustion is responsible for more than 75% of human-caused carbon dioxide emissions with the remainder due to land-use change (primarily deforestation) (IPCC 2007a). The global atmospheric concentration of carbon dioxide has increased from a pre-industrial value of about 280 parts per million (ppm) to 379 ppm in 2005, a

1 Based on the startling loss of sea ice in 2007, some scientists have predicted that "the Arctic Ocean could be nearly ice-free at the end of the summer by 2012." Seth Borenstein, *Ominous Arctic Melt Worries Experts*, Associated Press, Dec. 11, 2007.

2 IPCC, 2007: *Summary for Policymakers*, in CLIMATE CHANGE 2007: THE PHYSICAL SCIENCE BASIS, CONTRIBUTION OF WORKING GROUP I TO THE FOURTH ASSESSMENT REPORT OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE at 4 (Susan Solomon et al. eds., Cambridge Univ. Press 2007) at 2-3. "Very high confidence" is defined at "at least a 9 out of 10 chance of being correct." *Id.* at 3 n.7.

level that has not been exceeded during the past 650,000 years (during which carbon dioxide concentrations remained between 180 and 300 ppm). (IPCC 2007a; Canadell et al. 2007). In 2006, carbon dioxide concentrations reached a new high of 381.2 ppm (World Meteorological Organization 2007). As greenhouse gas concentrations increase, more heat reflected from the earth's surface is absorbed by these greenhouse gases and radiated back into the atmosphere and to the earth's surface.³ Consequently, the higher the level of greenhouse gas concentrations, the larger the degree of warming experienced.

At current growth rates and continued reliance on fossil fuels, atmospheric concentrations of carbon dioxide would likely exceed 1,000 ppm by the end of the century, resulting in an average global temperature increase of more than 5°C (United Nations Foundation & Sigma XI 2007). This is equivalent to the change in temperature since the last ice age – an era in which Europe and North America was under more than one kilometer of ice (United Nations Foundation & Sigma XI 2007). The growing consensus among climate scientists is that the threshold for dangerous climate change, whereupon a potential “tipping point” is reached and ecological changes become dramatically more rapid and out of control, is estimated at a temperature increase of around 2°C from pre-industrial levels, or an atmospheric concentration of carbon dioxide of approximately 450 ppm (United Nations Foundation & Sigma XI 2007; IPCC 2007c). In 2006, Dr. James E. Hansen, Director of the NASA Goddard Institute for Space Studies, and NASA's top climate scientist, stated: “In my opinion there is no significant doubt (probability > 99%) that . . . additional global warming of 2° C would push the earth beyond the tipping point and cause dramatic climate impacts including eventual sea level rise of at least several meters, extermination of a substantial fraction of the animal and plant species on the planet, and major regional climate disruptions” (Hansen et al. 2006). More recently however, given the recent unpredicted and extreme rate of loss of arctic ice observed in 2007, Dr. Hansen concluded that “the safe upper limit for atmospheric CO₂ is no more than 350 ppm” (McKibben 2007). Moreover, according to Hansen, just 10 more years of “business-as-usual” global emissions will make it difficult, if not impossible, to keep atmospheric concentrations of greenhouse gases at levels necessary to avoid a temperature increase above 2°C (Hansen et al. 2007).

Keeping the climate within the 2°C threshold requires significant reductions in the world's greenhouse gas emissions. To reach this objective, it is estimated that developed countries would have to target an emissions peak between 2012 and 2015, with 30 percent cuts by 2020 and 80 percent cuts from 1990 levels by 2050 (United Nations Foundation & Sigma XI 2007). In recognition of need for immediate action, California has committed itself through Executive Order S-3-05 and the California Global to reduce the state's emissions to 1990 levels by 2020 and by 80% reductions from 1990 levels by 2050. Ca. Health & Safety Code § 38550; Cal. Executive Order S-3-05 (2005).

The costs of taking no action to reduce greenhouse gas emissions far outweigh the costs of stabilizing emissions. The Stern Review of the Economics of Climate Change, a

³ Greenhouse gases have a warming effect because, when solar radiation is reflected by the earth, greenhouse gases capture this thermal radiation and reradiate it back to earth, much like the effect of a common garden greenhouse resulting in the “greenhouse effect.”

comprehensive report commissioned by the British government, recently concluded that allowing current emissions trajectories to continue unabated would eventually cost the global economy between 5 to 20 percent of GDP each year within a decade, or up to \$7 trillion, and warned that these figures should be considered conservative estimates (Stern 2006). By contrast, measures to mitigate global warming by reducing emissions were estimated to cost about one percent of global GDP each year, and could save the world up to \$2.5 trillion per year (Stern 2006). The Stern Report determined that if no action is taken to control greenhouse gas emissions, each ton of CO₂ emitted causes damage worth at least \$85 (Stern 2006).

ii. Impacts to California from Global Warming

Climate change poses enormous risks to California. Scientific literature on the impact of greenhouse gas emissions on California is well developed.⁴ The California Climate Change Center ("CCCC") has evaluated the present and future impacts of climate change to California and the project area in research sponsored by the California Energy Commission and the California Environmental Protection Agency (Cayan et al. 2007). The severity of the impacts facing California is directly tied to atmospheric concentrations of greenhouse gases (Cayan et al. 2007; Hayhoe et al. 2004). According to the CCCC aggressive action to cut greenhouse gas emissions today can limit impacts, such as loss of the Sierra snow pack to 30%, while a business-as-usual approach could result in as much as a 90% loss of the snowpack by the end of the century. As aptly noted in a report commissioned by the California EPA:

Because most global warming emissions remain in the atmosphere for decades or centuries, the choices we make today will greatly influence the climate our children and grandchildren inherit. The quality of life they experience will depend on if and how rapidly California and the rest of the world reduce greenhouse gas emissions (Cayan et al. 2007).

Some of the types of impacts to California and estimated ranges of severity -- in large part dependent on the extent to which emissions are reduced -- are summarized as follows:

- A 30 to 90 percent reduction of the Sierra snowpack during the next 100 years, including earlier melting and runoff.
- An increase in water temperatures at least commensurate with the increase in air temperatures.
- A 6 to 30 inch rise in sea level, before increased melt rates from the dynamical properties of ice-sheet melting are taken into account.
- An increase in the intensity of storms, the amount of precipitation and the proportion of precipitation as rain versus snow.
- Profound impacts to ecosystem and species, including changes in the timing of life events, shifts in range, and community abundance shifts. Depending on the timing and interaction of these impacts, they can be catastrophic.

4 Additional reports issued by California agencies are available at <http://www.climatechange.ca.gov>, and IPCC reports available at <http://www.ipcc.ch/>.

- A 200-to 400 percent increase in the number of heat wave days in major urban centers.
- An increase in the number of days meteorologically conducive to ozone (O₃) formation.
- A 55 percent increase in the expected risk of wildfires (Cayan et al. 2007).

By providing details as to the ranges of proposed impacts, and indicating that the higher-range of impact estimates are projected if greenhouse gas emissions continue to increase under a "business as usual" scenario, decision-makers and the public will be better informed of the magnitude of the climate crisis and the urgency with which it must be addressed.

Finally, the DEIR should also include a brief discussion of other laws to address climate change, including California's mandate to reduce emissions to 1990 levels by 2020 and goal of further reducing emissions to 80% below 1990 levels by 2050. Achievement of state mandated emissions reductions will be severely impeded if agencies across the state continue to approve new projects without incorporating measures to reduce the added emissions created by these

B. The EIR the Project Must Include an Inventory and Analysis of the Project's Projected Greenhouse Gas Emissions

The first step in determining a project's greenhouse gas pollution impact is to complete a full inventory of all emissions sources. In conducting such an inventory, all phases of the proposed project must be considered. See 14 Cal. Code Regs. § 15126. A basic requirement of CEQA is that "[a]n EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." 14 Cal. Code Regs. § 15151. The greenhouse gas inventory for a project must include a complete analysis of all of a project's substantial sources of greenhouse gas emissions, from building materials and construction emissions to operational energy use, vehicle trips, water supply and waste disposal.

A greenhouse gas inventory for the project must include the project's direct and indirect greenhouse gas emissions. See 14 Cal. Code Regs § 15358(a)(1) (Indirect or secondary effects may include effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.). Consequently, a complete inventory of a project's emissions should include, at minimum, an estimate of emissions from the following:

- Fugitive emissions of greenhouses gases, such as methane, from the proposed project;
- Emissions during construction from vehicles and machinery;
- Manufacturing and transport of building materials;
- Electricity generation and transmission for the heating, cooling, lighting, and other energy demands of the project;
- Water supply and transportation to the project;
- Vehicle trips and transportation emissions generated by the project;

- Wastewater and solid waste storage or disposal, including transport where applicable; and
- Outsourced activities and contracting.

Methodologies are readily available to inventory the emissions from the proposed project. In its recent white paper, CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (Jan. 2008), the California Air Pollution Control Officers Association (CAPCOA) set forth methodologies for analyzing greenhouse gas pollution (CAPCOA 2008). The California Office of Planning and Research ("OPR") has also released technical guidance on the preferred approach for analyzing greenhouse gas emissions and climate change entitled "Technical Advisory, CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act Review" (California OPR 2008). OPR also provides references to methodologies to quantify greenhouse gas emissions. In addition to the methodologies set forth by CAPCOA and OPR, ICLEI's Clean Air/Climate Protection (CACP) software allows cities to calculate emissions reductions, track and quantify emission outputs, and develop emissions scenarios to inform the planning process.⁵ As noted in the ICLEI Climate Action Handbook, "Expertise in climate science is not necessary" to conduct an emissions inventory and compare this inventory against a forecast year (ICLEI). "A wide range of government staff members, from public works to environment and facilities departments, can conduct an inventory" (ICLEI). ICLEI also provides technical assistance and training to local government using the CACP software. It is incumbent on the City to "disclose all it can about project impacts and educate itself on methodologies that are available to measure project emissions. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm'rs* (*"Berkeley Jets"*), 91 Cal. App. 4th 1344, 1370 (2001).

As with any other project under CEQA, the baseline used for analyzing the impacts of a project is the existing on the ground environmental conditions at the time of the NOP. See *Environmental Planning & Information Council v. County of El Dorado (EPIC)*, 131 Cal.App.3d 350, 355 (1982) (effect of general plan amendment must be compared against actual environment, not assumptions in existing general plan). Accordingly, the DEIR should compare emissions from existing conditions with those that would result from the development of the project, as well as those that would occur under any proposed alternative scenarios. Because the Project envisions development over a long period, the EIR should also provide data on the trajectory for emissions in the planned community and under each proposed alternative in five-year increments.

Without a complete inventory, the DEIR cannot adequately inform the public and decision-makers about the Project's impacts. Similarly, without a complete inventory and analysis of greenhouse gas emissions that will result from the project, there is simply no way that

⁵ ICLEI's Clean Air/Climate Protection software is available at <http://www.cacpsoftware.org/>. ICLEI-Local Governments for Sustainability is an international association of more than 650 local governments. Cities, counties, towns and villages around the world are members of ICLEI. ICLEI's mission is to improve the global environment through local action. On the issue of global warming, for example, ICLEI provides resources, tools, peer networking, best practices, and technical assistance to help local governments measure and reduce greenhouse gas emissions in their communities.

the EIR can then adequately discuss alternatives, avoidance, and mitigation measures to reduce those impacts.

C. THE EIR MUST ADDRESS THE IMPACT GLOBAL WARMING WILL HAVE ON THE PROJECT

California's temperatures are expected to rise "dramatically" over the course of this century (Cayan 2007). These factors will impact the planned project, as well as exacerbate its own environmental impacts.

The rise in temperatures resulting from global warming will create a more conducive environment for air pollution formation (Cayan 2007). This will intensify the adverse effects the proposed project will already have on air quality in the project area and threaten residents' health (Cayan 2007).

Significantly for the state, as well as the project area, is global warming's impact on water supply. The IPCC specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows" (IPCC 2007b). Recently, researches found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States" (Barnett 2008). Using several climate models and comparing the results, the researches found that "warmer temperatures accompany" decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels (Barnett 2008). These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snow pack between 1950-1999" are human-induced (Barnett 2008). This, the researchers wrote, is "not good news for those living in the western United States" (Barnett 2008).

The California Center on Climate Change has also recognized the problem global warming presents to the state's water supply and predicts that if greenhouse gas emissions continue under the business-as-usual scenario, this snowpack could decline up to 70-90 percent, affecting winter recreation, water supply and natural ecosystems (Cayan 2007). Global warming will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels and water resources are already under strain (Cayan 2007). The decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies (Cayan 2007). It could also potentially reduce hydropower and lead to the loss of winter recreation (Cayan 2007). All of this means "major changes" in water management and allocation will have to be made (Cayan 2007). Thus, global warming may directly affect the City's ability to supply clean, affordable water to the residents, or force the City to change how it will utilize water, and it may also impact other activities outside the project area, such as agriculture.

Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in

the size and frequency of flood events (NRDC 2007). The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection (NRDC 2007). At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more difficult (NRDC 2007). These changes in hazard risk and water supply availability must be considered during environmental review.

Water quality, in addition to water quantity and timing, will also be impacted. Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems (NRDC 2007). Changes in precipitation affect water quantity, flow rates, and flow timing (Gleick 2000). Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn (Epstein 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions (Schindler 1997).

These are only examples of how global warming will impact the proposed project and intensify the environmental impacts the project will already have. It is not an exhaustive list. Thus, when assessing the impact of the Project on air quality, water supply, flood hazards, and biological resources, the EIR must take into account global warming. To ignore the impact of global warming on the Project and the resources impacted by the Project would significantly understate Project impacts.

D. THE PROJECT'S GREENHOUSE GAS IMPACTS ARE CLEARLY SIGNIFICANT

The greenhouse gas emissions generated by a project of this size and scope will have a clearly significant cumulative impact. An impact is considered significant where its "effects are individually limited but cumulatively considerable." Guidelines § 15065(a)(3). Climate change is the classic example of a cumulative effects problem; emissions from numerous sources combine to create the most pressing environmental and societal problem of our time. *Ctr. for Biological Diversity*, 508 F.3d 508, 550 (9th Cir. 2007) ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct."); *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 720 (1990) ("Perhaps the best example [of a cumulative impact] is air pollution, where thousands of relatively small sources of pollution cause a serious environmental health problem."). While a particular project's greenhouse gas emissions represent a fraction of California's total emissions, courts have flatly rejected the notion that the incremental impact of a project is not cumulatively considerable because it is so small that it would make only a de minimis contribution to the problem as a whole. *Communities for a Better Environment v. California Resources Agency*, 103 Cal.App.4th 98, 117 (2002); see also *Kings County Farm Bureau*, 221 Cal. App. 3d at 720 ("[p]erhaps the best example of [a cumulative impact] is air pollution, where thousands of relatively small sources of pollution cause a serious environmental health problem.").

In addition, there is nothing speculative about the fact that higher levels of greenhouse gas pollution will lead to greater impacts, which is why the State of California has prioritized greenhouse gas pollution reductions under AB 32. Moreover, in the analogous context of the National Environmental Policy Act (NEPA), the Ninth Circuit has already rejected the argument that "global warming is too speculative to warrant NEPA analysis." *Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, 508 F.3d at 554.

In addition, lack of established significance thresholds does not excuse an agency from its obligation under CEQA to determine the significance of a Project's impacts. CEQA routinely calls for an agency to evaluate impacts in the absence of thresholds or to exercise its individual discretion in determining the significance of an impact. See, e.g., *Protect the Historic Amador Waterways*, 116 Cal. App. 4th at 1111 (agency required to assess potential impact not listed in CEQA checklist). The development of significance thresholds is "encouraged" and not a prerequisite for an impact analysis. Guidelines § 15064.7. Indeed, as noted in the CAPCOA white paper on CEQA and Climate Change, "[t]he absence of a threshold does not in any way relieve agencies of their obligations to address GHG emissions from projects under CEQA" (CAPCOA 2008). In fact, CEQA may require additional analysis even if a project meets an adopted standard, if other evidence indicates the project may nonetheless have a significant impact. See *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners*, 91 Cal.App.4th 1344, 1380-82 (2001).

As the lead agency, CEQA requires the City to determine the significance of the Project's emissions with or without established significance thresholds. Guidelines § 15064. CAPCOA provides various means by which a lead agency can determine the significance of project emissions (CAPCOA 2008). Importantly, a universally adopted methodology is *not* necessary to analyze project impacts. *Berkeley Keep Jets*, 91 Cal.App.4th at 1370 ("the fact that a single methodology does not exist...requires the [respondent] to do the necessary work to educate itself about the different methodologies that are available.").

"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." Guidelines § 15064(b). Any determination of whether there is a fair argument that the project may have a significant impact must include the consideration of the California Global Warming Solutions Act of 2006 (AB 32), wherein the State of California recognized that "global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California" and required that existing levels of greenhouse gases be reduced to 1990 levels by 2020. Health & Safety Code §§ 38501(a), 38550. Because AB 32 establishes that existing greenhouse gas levels are unacceptable and must be substantially reduced within a fixed timeframe, any additional emissions that contribute to existing levels frustrate California's ability to meet its ambitious and critical emissions reduction mandate. Ignoring emissions from smaller sources would be neglecting a major portion of the greenhouse gas inventory.

In accordance with the scientific and factual data, the City should adopt a zero significance threshold for the Project's greenhouse gas emissions. As noted by the Ninth Circuit

in *Center for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*:

[W]e cannot afford to ignore even modest contributions to global warming. If global warming is the result of the cumulative contributions of myriad sources, any one modest in itself, is there not a danger of losing the forest by closing our eyes to the felling of the individual trees?

508 F.3d 508, 550 (9th Cir. 2007). Accordingly, the City must unequivocally consider Project emissions to be a potentially significant impact.

E. THE EIR MUST ANALYZE AND ADOPT ALL FEASIBLE MITIGATION MEASURES TO REDUCE THE PROJECT'S GREENHOUSE GAS EMISSIONS

In addition to thoroughly evaluating project alternatives, because it is clear that the project's greenhouse gas emissions will cumulatively contribute to global warming, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. Importantly, mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000).

To the extent that the project moves forward as planned, there are many mitigation measures the City can consider, as described below. This is not an exhaustive list and the EIR should explore these and all other feasible mitigation measures that will reduce the project's greenhouse gas emissions (CAPCOA 2008; California Office of the Attorney General 2008).

i. Land Use Measures Reducing Traffic Flow

The development plan for the proposed project should incorporate public transit into the project design and should attempt to facilitate the use of public transit. (California Office of the Attorney General 2008). Additionally, the EIR should analyze ways of including pedestrian and bicycle only streets and plazas within the development and create routes that will allow residents to reach the commercial center, schools and parks by public transportation, bicycling and walking.

ii. Land Use and Energy

The EIR should consider mitigation measures that will ensure the planned community will use energy efficiently and conservatively. In doing so, it should analyze incorporating "green building" in the development. Green buildings are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste (Commission for Environmental Cooperation 2008).

Buildings create environmental impacts throughout their lifecycle, from the construction phase to their actual use to their eventual destruction (Commission for Environmental Cooperation 2008). In the United States, buildings account for 40 percent of total energy use, 68 percent of total electricity consumption, and 60 percent of total non-industrial waste (Commission for Environmental Cooperation 2008). Buildings also significantly contribute to the release of greenhouse gases. In the U.S. they account for 38 percent of total carbon dioxide emissions (Commission for Environmental Cooperation 2008). More specifically, residential buildings cause up to 1,210 megatons of carbon dioxide, while commercial building create approximately 1,020 megatons (Commission for Environmental Cooperation 2008). This is because buildings require a lot of energy for their day to day operations. Most of the coal-fired power plants – one of the biggest sources of greenhouse gas emissions – slated for development in the United States will supply buildings with the energy they need. In fact, 76 percent of the energy these plants produce will go to operating buildings in the U.S. (Commission for Environmental Cooperation 2008).

Using green building techniques, however, can substantially reduce buildings' influence in increasing greenhouse gas emissions. Green buildings help reduce the amount of energy used to light, heat, cool and operate buildings and substitute carbon-based energy sources with alternatives that do not result in greenhouse gas emissions (Commission for Environmental Cooperation 2008). Currently green buildings can reduce energy by 30 percent or more and carbon emissions by 35 percent. (Commission for Environmental Cooperation 2008). The technologies available for green building are already in wide-use and include "passive solar design, high-efficiency lighting and appliances, highly efficient ventilation and cooling systems, solar water heaters, insulation materials and techniques, high-reflectivity building materials and multiple glazing (IPCC 2007c). Additionally, the U.S. Green Building Council (USGBC), a private, nonprofit corporation, has established a nationwide green building rating system, called Leadership in Energy and Environmental Design ("LEED"). The LEED standard supports and certifies successful green building design, construction and operations. It is one of the most widely used and recognized systems, and to obtain LEED certification from the USGBC, project architects must verify in writing that design elements meet established LEED goals.

Specific mitigation for the greenhouse gas emissions generated by the Project's energy consumption include, but are not limited to:

- Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-

efficient building during pre-design, design, construction, operations and management.

- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting
- Limiting the hours of operation of outdoor lighting
- Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.

iii. Mitigation Related to Project Construction

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

iv. Transportation Mitigation Measures

- Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles;
- Create a car sharing program within the planned community;
- Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system;
- Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example; by developing electric vehicle charging facilities and conveniently located alternative fueling stations;
- Provide a shuttle service to public transit within and beyond the planned community;

- Incorporate bicycle lanes and routes into the planned community's street systems.

v. Carbon Offsets

After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets should be discussed in the EIR. As demonstrated by the Office of the Attorney General offsets are a feasible CEQA mitigation measures⁶ once all feasible mitigation measures have been adopted to reduce the Project's carbon footprint and produce energy using renewable sources.

III. THE EIR MUST CONSIDER A REASONABLE RANGE OF ALTERNATIVES

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

The EIR must consider a reasonable range of alternatives including, but not limited to, the following: creation of the Project on an alternative site that does not impact SKR habitat, existing core reserves, or connections between existing reserves; Development of the Project on existing lands previously disturbed by development and exclusion of development on undeveloped lands; and increased density, mixed use development, transportation oriented design surrounding existing transit nodes or transit corridors within or adjacent to the Project area; and mixed use development combined with preservation and enhancement of existing wildlife habitat.

In analyzing the no-project alternative, the EIR must discuss the need for this project and whether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in greenhouse gas emissions and help solve the problem of global warming is to

⁶ The California Attorney General's Office has adopted CEQA settlements calling for the auditing, reduction, and offsetting of greenhouse gas emissions related with a Project demonstrating that offsets are a feasible way to reduce a Project's negative environmental effects on global warming. See <http://ag.ca.gov/newsalerts/release.php?id=1466&category=global%20warming> See generally <http://ag.ca.gov/globalwarming/ceqa.php>

"facilitate more efficient and economic use of the lands" already developed within the community (CAPCOA 2008). Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases (CAPCOA 2008). The EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and encourage efficient delivery of services and goods (Office of the California Attorney General 2008).

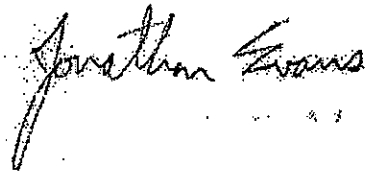
An analysis of alternatives should also quantify the estimated greenhouse gas emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative.

CONCLUSION

Thank you for your attention to these comments. We look forward to working with the County to assure that the EIR conforms to the requirements of CEQA to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. Should you have any questions feel free to contact Jonathan Evans at the contact information listed above.

The Center for Biological Diversity, San Bernardino Valley Audubon Society, and Sierra Club wish to be placed on the mailing list for all future notices regarding this project. Please mail all notices to CBD at the address listed above (via email at jevans@biologicaldiversity.org); San Bernardino Valley Audubon Society at and P. O. Box 10973, San Bernardino, California 92423-0973; and Sierra Club, San Geronio Chapter, Moreno Valley Group, 26711 Ironwood Ave, Moreno Valley, CA 92555.

Best regards,



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COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

R0912510

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: HOGLE-IRELAND INC

\$983.28

paid by: CK 2046

paid towards: PP22925

NOT EXEMPT FROM CEQA

at parcel #:

appl type: PP03

By

SBROSTRO

Aug 31, 2009 14:32

posting date Aug 31, 2009

Account Code	Description	Amount
200063130100230168	CMP TRANS PLAN	\$28.00
100001000100777520	CLERK OF THE BOARD	\$26.00
202033100200772210	LMS SURCHARGE	\$19.28
100003120100777180	PLANNING: APPEALS	\$910.00

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

Additional info at www.rctlma.org

** Appeal -
gt. for
9/17/09
PC.*

COPY 1-CUSTOMER

G. B. HAGUE
M. E. LANGLEY

28710 WOOD AVE
WOHENS, CALIF. 92355-1908

01/01/07

Check of P. B. Langley

Amount of \$ 983.28

WELLS
FARGO

AT THE BANK

1000

1000

1000

1000

1000

1000

2046

16-24/1220410

009150084

1000

\$ 983.28

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN, certify that on 6/16/09

The attached property owners list was prepared by Riverside County GIS

APN (s) or case numbers PP 22925 For

Company or Individual's Name Planning Department

Distance buffered 600'

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

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

NAME: Vinnie Nguyen

TITLE GIS Analyst

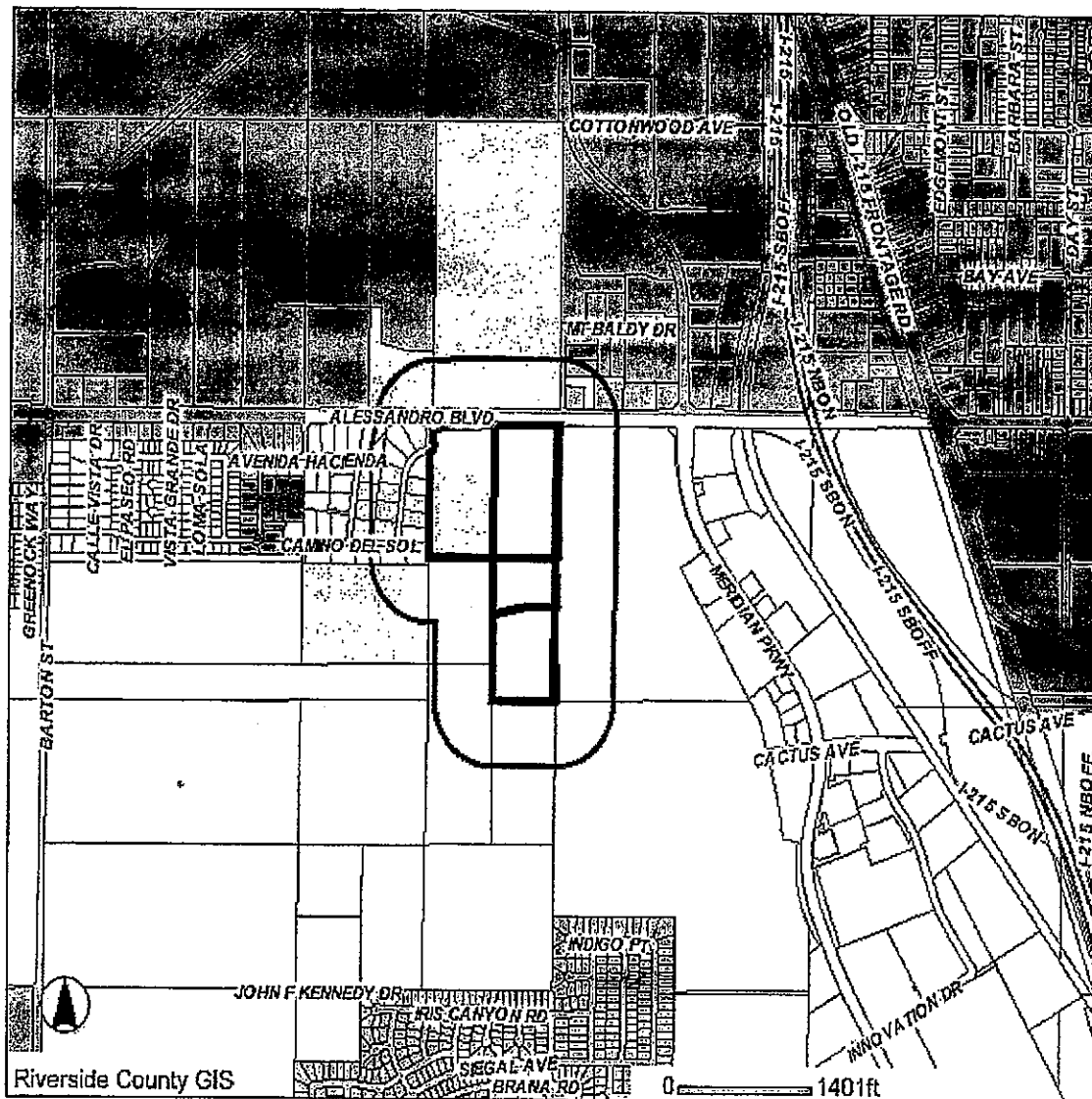
ADDRESS: 4080 Lemon Street 2nd Floor

Riverside, Ca. 92502

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

✓ 6-17-09 CO
EXPIRES 12-16-09

600 feet buffer

**Selected parcel(s):**

263-060-021	263-060-032	263-250-064	297-061-005	297-061-006	297-061-007	297-061-008
297-061-009	297-061-010	297-061-011	297-061-012	297-063-001	297-063-002	297-072-001
297-072-002	297-072-003	297-072-004	297-072-005	297-073-001	297-073-002	297-073-003
	297-073-004	297-073-005	297-073-006	297-080-004	297-080-007	

IMPORTANT

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MAP PRINTED ON...06/16/2009

APN: 263060021 ASMT: 263060021
CORAC ALESSANDRO
C/O GARY EDWARDS
500 NEWPORT CENTER DR 630
NEWPORT BEACH CA 92660

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

APN: 263250064 ASMT: 263250064
CHRISTIAN E SINGLETARY
RU ANNA SINGLETARY
2023 CHICAGO AVE NO B8
RIVERSIDE CA 92507

APN: 297061005 ASMT: 297061005
ALBERTO URENA
SOCRATES URENA
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RIVERSIDE CA. 92508

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BEATRIZ ZIEGENFUS
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14075 CAMINO DEL ORO
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APN: 297061010 ASMT: 297061010
ARLEN W IRVIN
14055 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297061011 ASMT: 297061011
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DIANNA T KOWALLIS
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RICARDO T ESPIRITU
14015 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297063001 ASMT: 297063001
JORGE GONZALEZ
EMILIA SANCHEZ
14040 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297063002 ASMT: 297063002
NATHANIEL WILLIAM CAMPBELL
14080 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297072001 ASMT: 297072001
MICHAEL F VINSON
KAREN VINSON
P O BOX 51015
RIVERSIDE CA 92517



APN: 297072002 ASMT: 297072002
LOUIE M ALVARADO
OPHELIA ALVARADO
20630 CAMINO DEL SOL
RIVERSIDE CA. 92508

APN: 297072003 ASMT: 297072003
WAYNE D PAULSON
BECKY A PAULSON
14205 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297072004 ASMT: 297072004
KIM VANTRAN
KIM TRINH THI CHAU
14135 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297072005 ASMT: 297072005
NEIL H ODELL
CHRISTINE T ODELL
14105 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297073001 ASMT: 297073001
HERM A ESPIRITU
17318 S BARNHILL AVE
CERRITOS CA 90703

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

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

APN: 297073004 ASMT: 297073004
JAMES THOMSON
LORI J THOMSON
20735 CAMINO DEL SOL
RIVERSIDE CA. 92508

APN: 297073005 ASMT: 297073005
GLEN H MCMULIN
DOLORES V MCMULIN
20685 CAMINO DEL SOL
RIVERSIDE CA. 92508

APN: 297073006 ASMT: 297073006
HSBC BANK USA
C/O MIDLAND MORTGAGE CO
999 N W GRAND BLV STE 100
OKLAHOMA CITY OK 73118

APN: 297080004 ASMT: 297080004
MARCH JOINT POWERS AUTHORITY
C/O ELLEN STEPHENS FINANCE MANAGER
23555 MEYER DR
RIVERSIDE CA 92518

APN: 297080007 ASMT: 297080007
AMSTAR KALIBER
C/O KARYN K REED
305 N HARBOR BLV STE 325
FULLERTON CA 92832

PROPERTY OWNERS CERTIFICATION FORM

Alessandro Commerce Centre

APN's 297-080-007 - 010

I, Mickey Zolezio, certify that on
(Print Name)

8/31/2009 the attached property owners list
(Date)

was prepared by County of Riverside / GIS
(Print Company or Individual's Name)

Distance Buffered : 800'

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

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

NAME: Mickey Zolezio

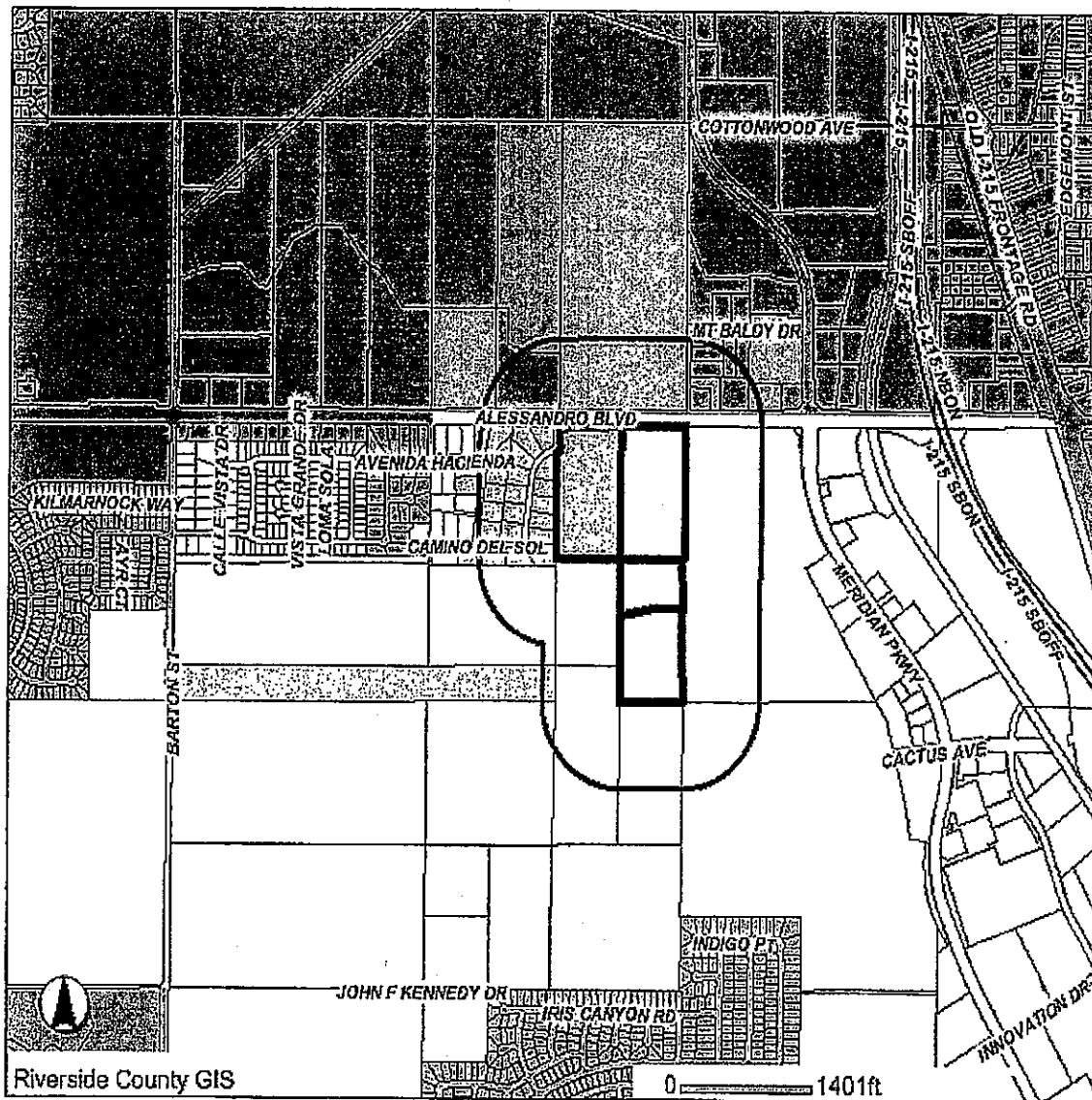
TITLE/REGISTRATION Senior GIS Analyst

ADDRESS: 4080 Lemon St. 2nd Floor

Riverside, CA 92501

TELEPHONE (8 a.m. - 5 p.m.): (951) 955-4649

Alessandro Commerce Centre



Selected parcel(s):

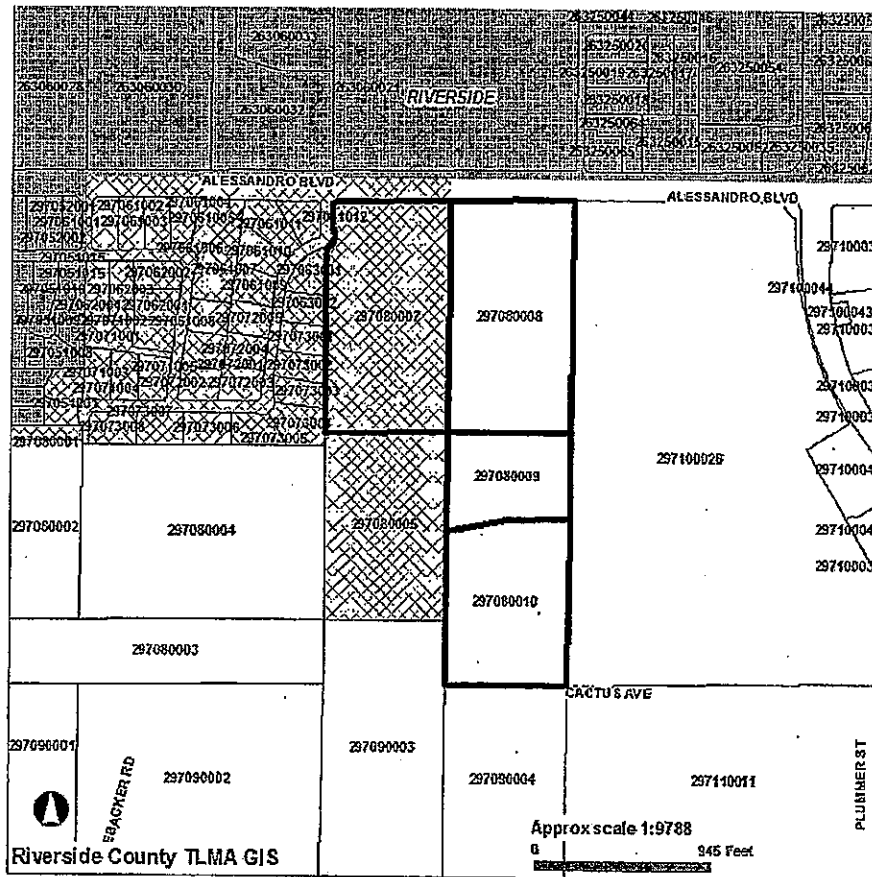
263-060-021	263-060-030	263-060-033	263-250-052	263-250-054	263-250-064	297-061-004
297-061-005	297-061-006	297-061-007	297-061-008	297-061-009	297-061-010	297-061-011
297-061-012	297-062-001	297-062-002	297-063-001	297-063-002	297-072-001	297-072-002
297-072-003	297-072-004	297-072-005	297-073-001	297-073-002	297-073-003	297-073-004
	297-073-005	297-073-006	297-073-007	297-080-003	297-080-007	

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MAP PRINTED ON...08/31/2009

Alessandro Commerce Centre: Plot Plan 22925 / EIR 51



Selected parcel(s):
297-080-007 297-080-008 297-080-009 297-080-010

CITY BOUNDARY/SPHERE

SELECTED PARCEL

PARCELS

RIVERSIDE

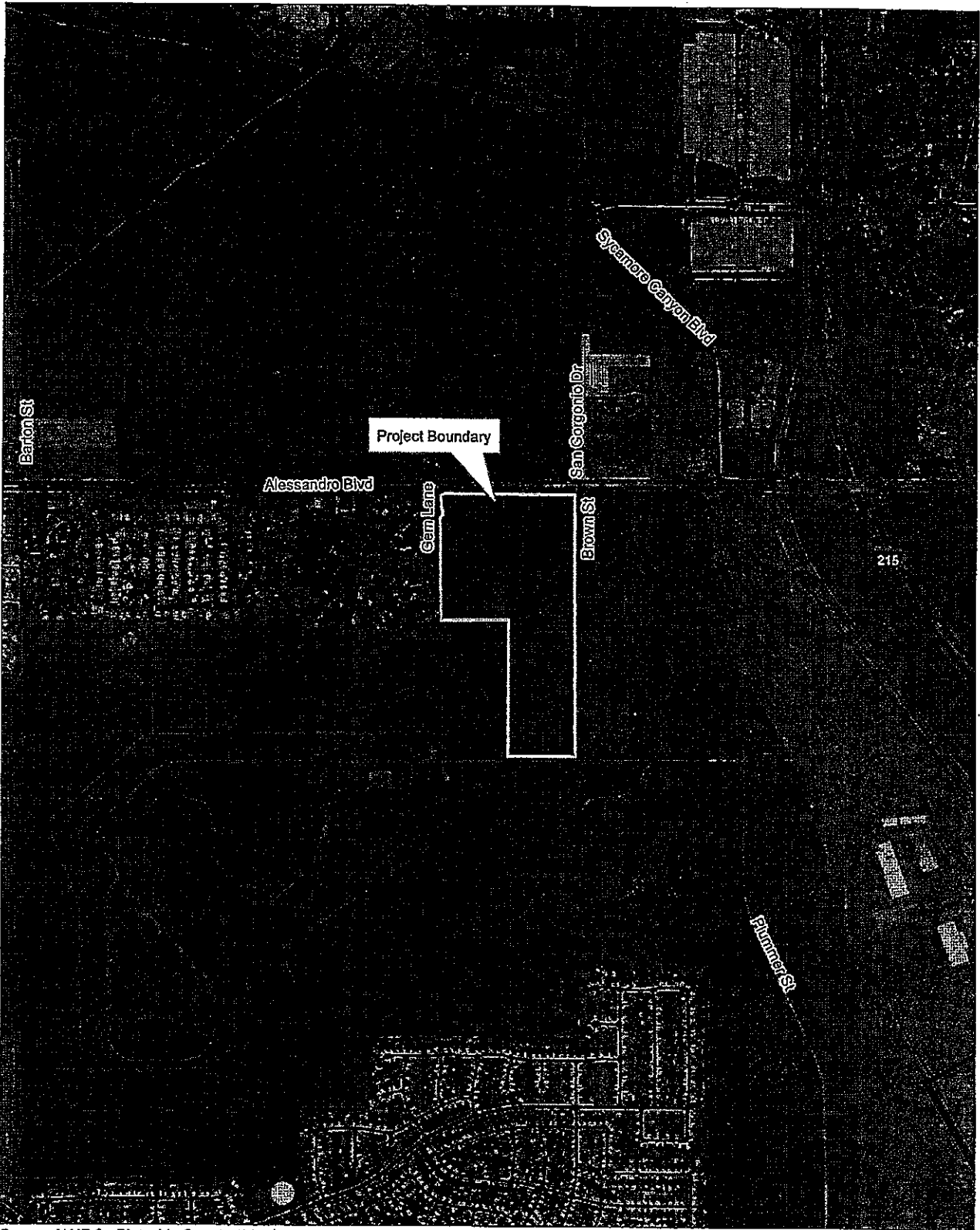
RIVERSIDE SPHERE OF INFLUENCE

IMPORTANT

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REPORT PRINTED ON...Thu Aug 27 2009 17:54:20 GMT-0700 (Pacific Daylight Time)

Plot Plan 22925 / Environmental Impact Report 510; APNs 297-080-007 through 297-080-010



Source: NAIP for Riverside County (2005).



1,500 750 0 1,500
Feet

Michael Brandman Associates

30470006 • 09/2008 | 3-2_local_aerial.mxd

Exhibit 3-2 Local Vicinity Aerial Map

RIVERSIDE COUNTY EIR #510
ALESSANDRO COMMERCE CENTRE

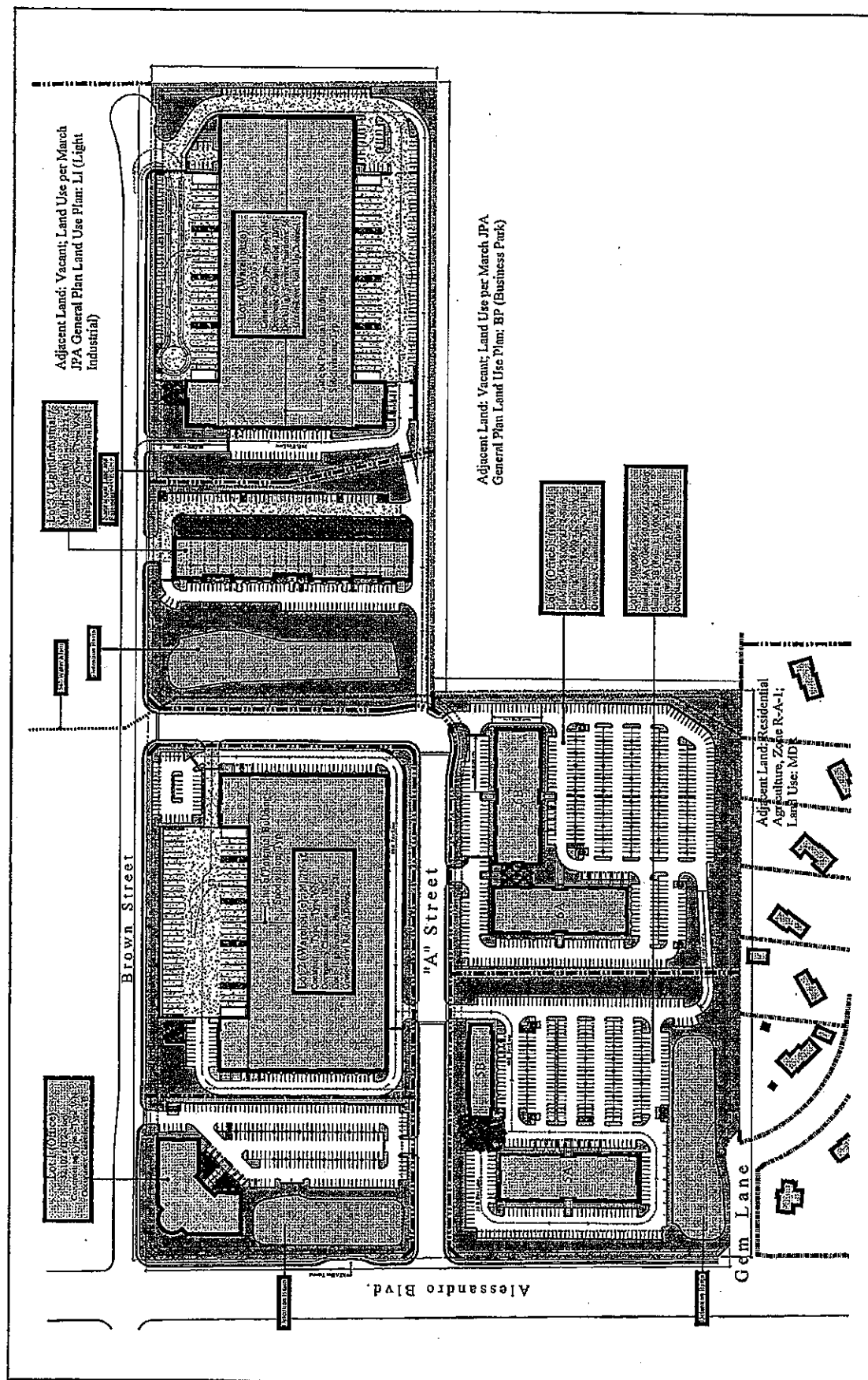


Exhibit 3-4 Conceptual Site Plan

PUBLIC HEARING NOTICE LABEL REQUIREMENTS

PUBLIC HEARING NOTICE LABELS CERTIFICATION FORM

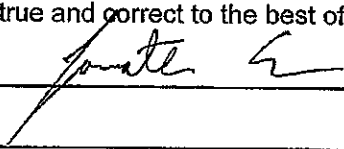
I, Jonathan Evans, certify that on August 31, 2009,
Print name Date

the attached property owner's list was prepared by:

Riverside TLMA GIS Dept. & J. Evans for the following project, Plot Plan 22925 / EIR 510
Print Company Name and/or Individual's Name Project case number(s)

using a radius distance of 800 feet, pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the project applicant, the applicant's engineer/representative, if any, the owner(s) of the subject property, the school district or districts within whose boundary the subject project is located, every City within one mile of the subject property or within whose sphere of influence the subject property is located, if any, and, all other property owners within a 600 foot radius around the subject property, and all contiguously owned properties, if any, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the property is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all the property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information field is true and correct to the best of my knowledge.

Name: Jonathan Evans 

Title/Registration: Staff Attorney

Address: Center for Biological Diversity

Address: 351 California ST, Suite 600

City: San Francisco State: CA Zip: 94705

Telephone No.: (415) 436-9682 Fax No.: (415) 436-9683

E-Mail: jevans@biologicaldiversity.org

Case No.: Plot Plan 22925 / Environmental Impact Report 510; APNs 297-080-007 through 297-080-010

APN: 263060021 ASMT: 263060021
CORAC ALESSANDRO
C/O GARY EDWARDS
500 NEWPORT CENTER DR 630
NEWPORT BEACH CA 92660

APN: 263060030 ASMT: 263060030
GIBSON RIVERSIDE PROP
2410 YATES AVE
COMMERCE CA 90040

APN: 263060033 ASMT: 263060033
STATE OF CALIF
1416 9TH ST
SACRAMENTO CA 95814

APN: 263250052 ASMT: 263250052
SATAHA
C/O FURNITURE SUPERSTORE
11382 TESOTA LOOP
CORONA CA 92883

APN: 263250054 ASMT: 263250054
22 SYCAMORE CANYON PARTNERSHIP
C/O JACK M LANGSTON
4100 NEWPORT PL NO 750
NEWPORT BEACH CA 92660

APN: 263250064 ASMT: 263250064
CHRISTIAN E SINGLETARY
RU ANNA SINGLETARY
2023 CHICAGO AVE NO B8
RIVERSIDE CA 92507

APN: 297061004 ASMT: 297061004
WATSON BARBARA K ESTATE OF
20600 AVENIDA HACIENDA
RIVERSIDE CA. 92508

APN: 297061005 ASMT: 297061005
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14015 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297062001 ASMT: 297062001
RANDA EID
5168 WESTERN WAY
PERRIS CA 92571

APN: 297062002 ASMT: 297062002
ROSEMARY L CANTELLI
STEVEN W CANTELLI
14075 AVENIDA LUNA
RIVERSIDE CA. 92508

APN: 297063001 ASMT: 297063001
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OPHELIA ALVARADO
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RIVERSIDE CA. 92508

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GLEN H MCMULIN
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20685 CAMINO DEL SOL
RIVERSIDE CA. 92508

APN: 297073006 ASMT: 297073006
HSBC BANK USA
C/O MIDLAND MORTGAGE CO
999 N W GRAND BLV STE 100
OKLAHOMA CITY OK 73118

APN: 297073007 ASMT: 297073007
JEFFREY C LLOYD
GRACE C LLOYD
20585 CAMINO DEL SOL
RIVERSIDE CA. 92508

APN: 297080003 ASMT: 297080003
MARCH JOINT POWERS AUTHORITY
C/O ELLEN STEPHENS FINANCE MANAGER
23555 MEYER DR
RIVERSIDE CA 92518

APN: 297080007 ASMT: 297080007
AMSTAR KALIBER
C/O REED PROP GROUP INC
305 N HARBOR BLV STE 215
FULLERTON CA 92832

**Labels for
Owner/Applicant/Engineer**

Craig M. Reed
C/O REED PROP GROUP INC
305 N HARBOR BLV STE 215
FULLERTON CA. 92832

Kent Norton
Michael Brandman Associates
621 E. Carnegie Drive, Ste 100
San Bernardino, CA 92408

Craig M. Reed
Amstar/Kaliber, LLC
305 N. Harbor Blvd, Ste 325
Fullerton, CA 92832

Pam Steele
Hogle-Ireland, Inc.
1500 Iowa Street, Suite 110
Riverside, CA 92507

Gabe L. Finke
Amstar
1050 17th Street
Suite 1200
Denver, CO 80265

Rick Engineering Company
1223 University Ave, Suite 240
Riverside, CA. 92507

**Label for City with applicable
Sphere of Influence**

City of Moreno Valley
Planning Department
14177 Frederick St.
Moreno Valley, CA 92553

City of Riverside
Planning Department
3900 Main Street - 3rd Floor
Riverside, CA 92522

Agenda Item No.: 1.1
Area Plan: Lake Mathews/Woodcrest
Zoning District: March Area
Supervisory District: First
Project Planner: Jeffery Childers
Directors Hearing: August 10, 2009
Consent Calendar from: July 27, 2009

EIR Number: 510
Plot Plan No. 22925
Applicant: Hogle-Ireland, Inc.
Engineer/Representative: Rick Engineering, Inc.
Owner: Amstar/Kaliber, LLC.

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Plot Plan No. 22925 proposes a commercial and industrial development comprised of 8 buildings consisting of: four (4) office buildings totaling 258,102 square feet, two (2) industrial warehouse/distribution buildings totaling 409,312 square feet, one (1) retail building with 10,000 square feet, one (1) light industrial/multi-tenant building with 42,222 square feet, 285,696 square feet of landscaping area, 1,779 parking spaces, and three (3) detention basins.

Environmental Impact Report No. 510 has been prepared to inform decisions makers and the public of the potential significant environmental effects associated with the development of the proposed plot plan per the California Environmental Quality Act (CEQA).

The project is located in the Lake Mathews/Woodcrest Area Plan in Western Riverside County; more specifically, northerly of March Joint Powers Authority property and the former March Air Reserve Base, southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street.

JULY 27, 2009:

The project was Tentatively Approved during the Director's Hearing on July 13, 2009 and placed on the Consent Calendar for July 27, 2009. The Resolution for the Environmental Impact Report has been approved by Staff and the case is ready for action on the August 10, 2009 Director's Hearing.

JULY 13, 2009:

The project was Tentatively Approved during the Director's Hearing on July 13, 2009. However, the Resolution for the Environmental Impact Report has not been approved by Staff at this time and shall be reviewed and approved prior to the August 10, 2009 Director's Hearing.

BACKGROUND:

The case also includes a Schedule E Tentative Parcel Map that proposes the subdivision of 54.39 gross acres into 6 industrial and commercial parcels.

ISSUES OF POTENTIAL CONCERN:

The City of Riverside has submitted a letter in response to the Draft Environmental Impact Report public notification since the project is located adjacent and within the sphere of influence of the City. The letter made a number of requests for items to be added as mitigation measures. However, the technical studies provided no support for the requests to be added as additional mitigation, but were added as Conditions of Approval to the project.

The March Joint Powers Authority (MJPA) has also submitted a number of letters to the County in response to concerns regarding the need for right-of-way to be dedicated for the construction of Brown

Street and the drainage crossings that will discharge onto the MJPB controlled property. The applicant has met a number of times with MJPB to resolve these issues and the comments submitted in the April 29, 2009 letter have been added as mitigation measures where applicable and specific conditions of approval.

SUMMARY OF FINDINGS:

- | | |
|---------------------------------------|--|
| 1. Existing General Plan Land Use: | Community Development: Light Industrial (CD:LI) (0.25 - 0.60 Floor Area Ratio) |
| 2. Surrounding General Plan Land Use: | Community Development: Light Industrial (CD:LI) (0.25 - 0.60 Floor Area Ratio) to the east, Community Development: Business Park (CD:BP) (0.25 - 0.60 Floor Area Ratio) to the south, Community Development: Medium Density Residential (CD:MDR) (2-5 dwelling units per acre) to the west and the City of Riverside to the north. |
| 3. Existing Zoning: | Industrial Park (I-P) |
| 4. Surrounding Zoning: | Controlled Development Areas (W-2) to the east, Rural Residential (R-R) to the south, Residential Agriculture – 1 acre minimum to the west, and the City of Riverside to the north. |
| 5. Existing Land Use: | Vacant |
| 6. Surrounding Land Use: | Vacant land to the north, east, and south with single family residences to the east. |
| 7. Project Data: | Total Acreage: 54.39 Gross Acres
Total Proposed Building Area: 719,636 sq. ft.
Total Parking: 1,779 spaces |
| 7. Environmental Concerns: | See Environmental Impact Report No. 510 |

RECOMMENDATIONS:

CERTIFICATION of **ENVIRONMENTAL IMPACT REPORT NO. 510**, based on the findings incorporated in the EIR and the conclusion that the project will not have a significant effect on the environment;

APPROVAL of **PLOT PLAN NO. 22925**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report; and,

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Industrial Park (I-P) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.

4. The proposed project is conditionally compatible with the present and future logical development of the area.
5. The proposed project is consistent with the provisions of the Riverside County Comprehensive Airport Land Use Plan.
6. The proposed project will not preclude reserve design for the Multi-Species Habitat Conservation Plan (MSHCP).
7. The Environmental Impact Report has determined that most potentially adverse impacts can be mitigated to a level of less than significant by the recommended mitigation measures. However, the project will require the Riverside County Board of Supervisors to adopt Findings for Overriding Considerations for the significant and unavoidable impact to Air Quality (Project Specific and Cumulative).

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, and in the attached environmental assessment, which is incorporated herein by reference.

1. The project site is designated Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) on the Lake Mathews/Woodcrest Area Plan.
2. The proposed use, a commercial and industrial development, is a permitted use in the Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) land use designation.
3. The proposed use, a commercial and industrial development, is consistent with the Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) land use designation.
4. The project site is surrounded by properties which are designated Community Development: Light Industrial (CD:LI) (0.25 - 0.60 Floor Area Ratio) to the east, Community Development: Business Park (CD:BP) (0.25 - 0.60 Floor Area Ratio) to the south, Community Development: Medium Density Residential (CD:MDR) (2-5 dwelling units per acre) to the west and the City of Riverside to the north.
5. The zoning for the subject site is Industrial Park (I-P).
6. The proposed use, a commercial and industrial development, is a permitted use, subject to approval of a plot plan in the Industrial Park (I-P) zoning classification.
7. The proposed use, a commercial and industrial development, is consistent with the development standards set forth in the Industrial Park (I-P) zone.
8. The project site is surrounded by properties which are zoned Controlled Development Areas (W-2) to the east, Rural Residential (R-R) to the south, Residential Agriculture – 1 acre minimum to the west, and the City of Riverside to the north.
9. Additional commercial and industrial uses have been constructed and are operating in the project vicinity.

10. The adjacent property under the control of the March Joint Powers Authority is master planned for similar industrial and warehousing development.
11. Environmental Impact Report No. 498 identified the following potentially significant impacts:
 - a. Air Quality
 - b. Biological Resources
 - c. Cultural Resources
 - d. Geology, Soils, and Seismicity
 - e. Hydrology and Water Quality
 - f. Land Use
 - g. Noise
 - h. Transportation

These listed impacts will be fully mitigated by the measures indicated in the environmental impact report, conditions of approval, and attached letters. Air Quality could not be mitigated to a level of less than significant; as such, the adoption of overriding findings is recommended as it has been determined that the benefits of the project outweigh and render acceptable those impacts identified in EIR00510.

INFORMATIONAL ITEMS:

1. As of this writing no letters in support or opposition have been received.
2. The project site is not located within:
 - a. A 100-year flood plain;
 - b. An area drainage plan;
 - c. A dam inundation area;
 - d. An agricultural preserve;
 - e. An area susceptible to subsidence;
 - f. A Riverside County Fault Zone; or,
 - g. A high fire area.
3. The project site is located within:
 - a. The City of Riverside Sphere of Influence;
 - b. The March Air Reserve Base influence area;
 - c. The Stephens Kangaroo Rat Fee Area;
 - d. The boundaries of the Lake Mathews/Woodcrest Area Plan;
 - e. An area of Low paleontological sensitivity;
 - f. An area of moderate liquefaction potential; and,
 - g. The Moreno Valley and Riverside Unified School Districts.
4. This project was received on July 11, 2007 and reviewed by the Land Development Committee 3 times on the following dates August 16, 2007, January 3, 2008 and October 23, 2008.
5. Deposit Based Fees charged for this project, as of the time of staff report preparation, total \$113,379.
6. The subject site is currently designated as Assessor's Parcel Numbers: 297-080-007, 008, 009, and 010.

JC

Y:\Planning Case Files-Riverside office\PP22925\DH 7-13-09\PP22925-Staff Report 5-11-09.doc

Agenda Item No.: 2.1
Area Plan: Lake Mathews/Woodcrest
Zoning District: March Area
Supervisory District: First
Project Planner: Jeffery Childers
Directors Hearing: July 27, 2009
Consent Calendar from: July 13, 2009

EIR Number: 510
Plot Plan No. 22925
Applicant: Hogle-Ireland, Inc.
Engineer/Representative: Rick Engineering, Inc.
Owner: Amstar/Kaliber, LLC.

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Plot Plan No. 22925 proposes a commercial and industrial development comprised of 8 buildings consisting of: four (4) office buildings totaling 258,102 square feet, two (2) industrial warehouse/distribution buildings totaling 409,312 square feet, one (1) retail building with 10,000 square feet, one (1) light industrial/multi-tenant building with 42,222 square feet, 285,696 square feet of landscaping area, 1,779 parking spaces, and three (3) detention basins.

Environmental Impact Report No. 510 has been prepared to inform decisions makers and the public of the potential significant environmental effects associated with the development of the proposed plot plan per the California Environmental Quality Act (CEQA).

The project is located in the Lake Mathews/Woodcrest Area Plan in Western Riverside County; more specifically, northerly of March Joint Powers Authority property and the former March Air Reserve Base, southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street.

JULY 13, 2009:

The project was Tentatively Approved during the Director's Hearing on July 13, 2009. However, the Resolution for the Environmental Impact Report has not been approved by Staff at this time and shall be reviewed and approved prior to the August 10, 2009 Director's Hearing.

BACKGROUND:

The case also includes a Schedule E Tentative Parcel Map that proposes the subdivision of 54.39 gross acres into 6 industrial and commercial parcels.

ISSUES OF POTENTIAL CONCERN:

The City of Riverside has submitted a letter in response to the Draft Environmental Impact Report public notification since the project is located adjacent and within the sphere of influence of the City. The letter made a number of requests for items to be added as mitigation measures. However, the technical studies provided no support for the requests to be added as additional mitigation, but were added as Conditions of Approval to the project.

The March Joint Powers Authority (MJPA) has also submitted a number of letters to the County in response to concerns regarding the need for right-of-way to be dedicated for the construction of Brown Street and the drainage crossings that will discharge onto the MJPA controlled property. The applicant has met a number of times with MJPA to resolve these issues and the comments submitted in the April 29, 2009 letter have been added as mitigation measures where applicable and specific conditions of approval.

SUMMARY OF FINDINGS:

- | | |
|---------------------------------------|--|
| 1. Existing General Plan Land Use: | Community Development: Light Industrial (CD:LI) (0.25 - 0.60 Floor Area Ratio) |
| 2. Surrounding General Plan Land Use: | Community Development: Light Industrial (CD:LI) (0.25 - 0.60 Floor Area Ratio) to the east, Community Development: Business Park (CD:BP) (0.25 - 0.60 Floor Area Ratio) to the south, Community Development: Medium Density Residential (CD:MDR) (2-5 dwelling units per acre) to the west and the City of Riverside to the north. |
| 3. Existing Zoning: | Industrial Park (I-P) |
| 4. Surrounding Zoning: | Controlled Development Areas (W-2) to the east, Rural Residential (R-R) to the south, Residential Agriculture – 1 acre minimum to the west, and the City of Riverside to the north. |
| 5. Existing Land Use: | Vacant |
| 6. Surrounding Land Use: | Vacant land to the north, east, and south with single family residences to the east. |
| 7. Project Data: | Total Acreage: 54.39 Gross Acres
Total Proposed Building Area: 719,636 sq. ft.
Total Parking: 1,779 spaces |
| 7. Environmental Concerns: | See Environmental Impact Report No. 510 |

RECOMMENDATIONS:

CONTINUE to the **August 10, 2009** Director's hearing in order to allow Staff time to review the Environmental Impact Report Resolution.

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Industrial Park (I-P) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is conditionally compatible with the present and future logical development of the area.
5. The proposed project is consistent with the provisions of the Riverside County Comprehensive Airport Land Use Plan.
6. The proposed project will not preclude reserve design for the Multi-Species Habitat Conservation Plan (MSHCP).

7. The Environmental Impact Report has determined that most potentially adverse impacts can be mitigated to a level of less than significant by the recommended mitigation measures. However, the project will require the Riverside County Board of Supervisors to adopt Findings for Overriding Considerations for the significant and unavoidable impact to Air Quality (Project Specific and Cumulative).

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, and in the attached environmental assessment, which is incorporated herein by reference.

1. The project site is designated Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) on the Lake Mathews/Woodcrest Area Plan.
2. The proposed use, a commercial and industrial development, is a permitted use in the Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) land use designation.
3. The proposed use, a commercial and industrial development, is consistent with the Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) land use designation
4. The project site is surrounded by properties which are designated Community Development: Light Industrial (CD:LI) (0.25 - 0.60 Floor Area Ratio) to the east, Community Development: Business Park (CD:BP) (0.25 - 0.60 Floor Area Ratio) to the south, Community Development: Medium Density Residential (CD:MDR) (2-5 dwelling units per acre) to the west and the City of Riverside to the north.
5. The zoning for the subject site is Industrial Park (I-P).
6. The proposed use, a commercial and industrial development, is a permitted use, subject to approval of a plot plan in the Industrial Park (I-P) zoning classification.
7. The proposed use, a commercial and industrial development, is consistent with the development standards set forth in the Industrial Park (I-P) zone.
8. The project site is surrounded by properties which are zoned Controlled Development Areas (W-2) to the east, Rural Residential (R-R) to the south, Residential Agriculture – 1 acre minimum to the west, and the City of Riverside to the north.
9. Additional commercial and industrial uses have been constructed and are operating in the project vicinity.
10. The adjacent property under the control of the March Joint Powers Authority is master planned for similar industrial and warehousing development.
11. Environmental Impact Report No. 498 identified the following potentially significant impacts:
 - a. Air Quality
 - b. Biological Resources
 - c. Cultural Resources
 - d. Geology, Soils, and Seismicity
 - e. Hydrology and Water Quality

- f. Land Use
- g. Noise
- h. Transportation

These listed impacts will be fully mitigated by the measures indicated in the environmental impact report, conditions of approval, and attached letters. Air Quality could not be mitigated to a level of less than significant; as such, the adoption of overriding findings is recommended as it has been determined that the benefits of the project outweigh and render acceptable those impacts identified in EIR00510.

INFORMATIONAL ITEMS:

1. As of this writing no letters in support or opposition have been received.
2. The project site is not located within:
 - a. A 100-year flood plain;
 - b. An area drainage plan;
 - c. A dam inundation area;
 - d. An agricultural preserve;
 - e. An area susceptible to subsidence;
 - f. A Riverside County Fault Zone; or,
 - g. A high fire area.
3. The project site is located within:
 - a. The City of Riverside Sphere of Influence;
 - b. The March Air Reserve Base influence area;
 - c. The Stephens Kangaroo Rat Fee Area;
 - d. The boundaries of the Lake Mathews/Woodcrest Area Plan;
 - e. An area of Low paleontological sensitivity;
 - f. An area of moderate liquefaction potential; and,
 - g. The Moreno Valley and Riverside Unified School Districts.
4. This project was received on July 11, 2007 and reviewed by the Land Development Committee 3 times on the following dates August 16, 2007, January 3, 2008 and October 23, 2008.
5. Deposit Based Fees charged for this project, as of the time of staff report preparation, total \$113,379.
6. The subject site is currently designated as Assessor's Parcel Numbers: 297-080-007, 008, 009, and 010.

Agenda Item No.: 4.7
Area Plan: Lake Mathews/Woodcrest
Zoning District: March Area
Supervisory District: First
Project Planner: Jeffery Childers
Directors Hearing: July 13, 2009

EIR Number: 510
Plot Plan No. 22925
Applicant: Hogle-Ireland, Inc.
Engineer/Representative: Rick Engineering, Inc.
Owner: Amstar/Kaliber, LLC.

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Plot Plan No. 22925 proposes a commercial and industrial development comprised of 8 buildings consisting of: four (4) office buildings totaling 258,102 square feet, two (2) industrial warehouse/distribution buildings totaling 409,312 square feet, one (1) retail building with 10,000 square feet, one (1) light industrial/multi-tenant building with 42,222 square feet, 285,696 square feet of landscaping area, 1,779 parking spaces, and three (3) detention basins.

Environmental Impact Report No. 510 has been prepared to inform decisions makers and the public of the potential significant environmental effects associated with the development of the proposed plot plan per the California Environmental Quality Act (CEQA).

The project is located in the Lake Mathews/Woodcrest Area Plan in Western Riverside County; more specifically, northerly of March Joint Powers Authority property and the former March Air Reserve Base, southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street.

BACKGROUND:

The case also includes a Schedule E Tentative Parcel Map that proposes the subdivision of 54.39 gross acres into 6 industrial and commercial parcels.

ISSUES OF POTENTIAL CONCERN:

The City of Riverside has submitted a letter in response to the Draft Environmental Impact Report public notification since the project is located adjacent and within the sphere of influence of the City. The letter made a number of requests for items to be added as mitigation measures. However, the technical studies provided no support for the requests to be added as additional mitigation, but were added as Conditions of Approval to the project.

The March Joint Powers Authority (MJPA) has also submitted a number of letters to the County in response to concerns regarding the need for right-of-way to be dedicated for the construction of Brown Street and the drainage crossings that will discharge onto the MJPA controlled property. The applicant has met a number of times with MJPA to resolve these issues and the comments submitted in the April 29, 2009 letter have been added as mitigation measures where applicable and specific conditions of approval.

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use:

Community Development: Light Industrial (CD:LI)
(0.25 - 0.60 Floor Area Ratio)

2. Surrounding General Plan Land Use:

Community Development: Light Industrial (CD:LI)
(0.25 - 0.60 Floor Area Ratio) to the east,
Community Development: Business Park (CD:BP)
(0.25 - 0.60 Floor Area Ratio) to the south,

ABH 6/29

- | | |
|----------------------------|---|
| 3. Existing Zoning: | Community Development: Medium Density Residential (CD:MDR) (2-5 dwelling units per acre) to the west and the City of Riverside to the north. |
| 4. Surrounding Zoning: | Industrial Park (I-P) |
| 5. Existing Land Use: | Controlled Development Areas (W-2) to the east, Rural Residential (R-R) to the south, Residential Agriculture – 1 acre minimum to the west, and the City of Riverside to the north. |
| 6. Surrounding Land Use: | Vacant |
| 7. Project Data: | Vacant land to the north, east, and south with single family residences to the east. |
| | Total Acreage: 54.39 Gross Acres |
| | Total Proposed Building Area: 719,636 sq. ft. |
| | Total Parking: 1,779 spaces |
| 7. Environmental Concerns: | See Environmental Impact Report No. 510 |

RECOMMENDATIONS:

TENTATIVE CERTIFICATION of **ENVIRONMENTAL IMPACT REPORT NO. 510**, based on the findings incorporated in the EIR and the conclusion that the project will not have a significant effect on the environment;

APPROVAL of **PLOT PLAN NO. 22925**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report; and,

ADOPTION of a **Planning Director's Finding** that the Environmental Impact Report has been prepared to inform decisions makers and the public of the potential significant environmental effects associated with the development of the proposed plot plan per the California Environmental Quality Act (CEQA), has been prepared consistent with CEQA Section 21083, and is found to be **complete**.

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Light Industrial (CD:LI) (0.25 – 0.60 Floor Area Ratio) Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Industrial Park (I-P) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is conditionally compatible with the present and future logical development of the area.
5. The proposed project is consistent with the provisions of the Riverside County Comprehensive Airport Land Use Plan.

6. The proposed project will not preclude reserve design for the Multi-Species Habitat Conservation Plan (MSHCP).
7. The Environmental Impact Report has determined that most potentially adverse impacts can be mitigated to a level of less than significant by the recommended mitigation measures. However, the project will require the Riverside County Board of Supervisors to adopt Findings for Overriding Considerations for the significant and unavoidable impact to Air Quality (Project Specific and Cumulative).

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, and in the attached environmental assessment, which is incorporated herein by reference.

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9. Additional commercial and industrial uses have been constructed and are operating in the project vicinity.
10. The adjacent property under the control of the March Joint Powers Authority is master planned for similar industrial and warehousing development.
11. Environmental Impact Report No. 498 identified the following potentially significant impacts:
 - a. Air Quality
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- c. Cultural Resources
- d. Geology, Soils, and Seismicity
- e. Hydrology and Water Quality
- f. Land Use
- g. Noise
- h. Transportation

These listed impacts will be fully mitigated by the measures indicated in the environmental impact report, conditions of approval, and attached letters. Air Quality could not be mitigated to a level of less than significant; as such, the adoption of overriding findings is recommended as it has been determined that the benefits of the project outweigh and render acceptable those impacts identified in EIR00510.

INFORMATIONAL ITEMS:

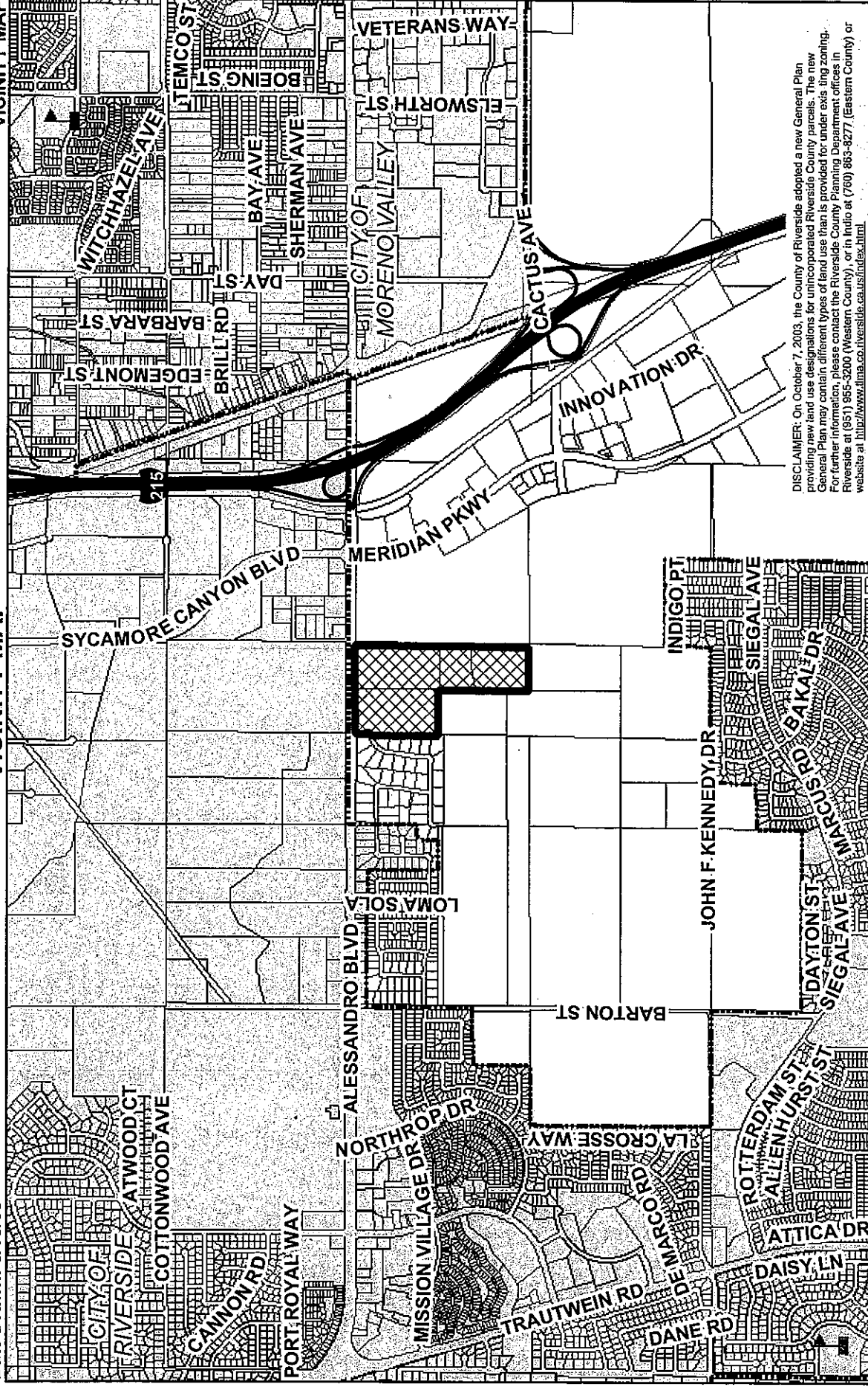
1. As of this writing no letters in support or opposition have been received.
2. The project site is not located within:
 - a. A 100-year flood plain;
 - b. An area drainage plan;
 - c. A dam inundation area;
 - d. An agricultural preserve;
 - e. An area susceptible to subsidence;
 - f. A Riverside County Fault Zone; or,
 - g. A high fire area.
3. The project site is located within:
 - a. The City of Riverside Sphere of Influence;
 - b. The March Air Reserve Base influence area;
 - c. The Stephens Kangaroo Rat Fee Area;
 - d. The boundaries of the Lake Mathews/Woodcrest Area Plan;
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 - f. An area of moderate liquefaction potential; and,
 - g. The Moreno Valley and Riverside Unified School Districts.
4. This project was received on July 11, 2007 and reviewed by the Land Development Committee 3 times on the following dates August 16, 2007, January 3, 2008 and October 23, 2008.
5. Deposit Based Fees charged for this project, as of the time of staff report preparation, total \$113,379.
6. The subject site is currently designated as Assessor's Parcel Numbers: 297-080-007, 008, 009, and 010.

Supervisor Buster
District 1

Date Drawn: 6/18/09

PP22925 PM35365

Planner: Jeff Childers
Date: 6/24/09
VICINITY MAP



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: March
Township/Range: T3SR4W
Section: 16

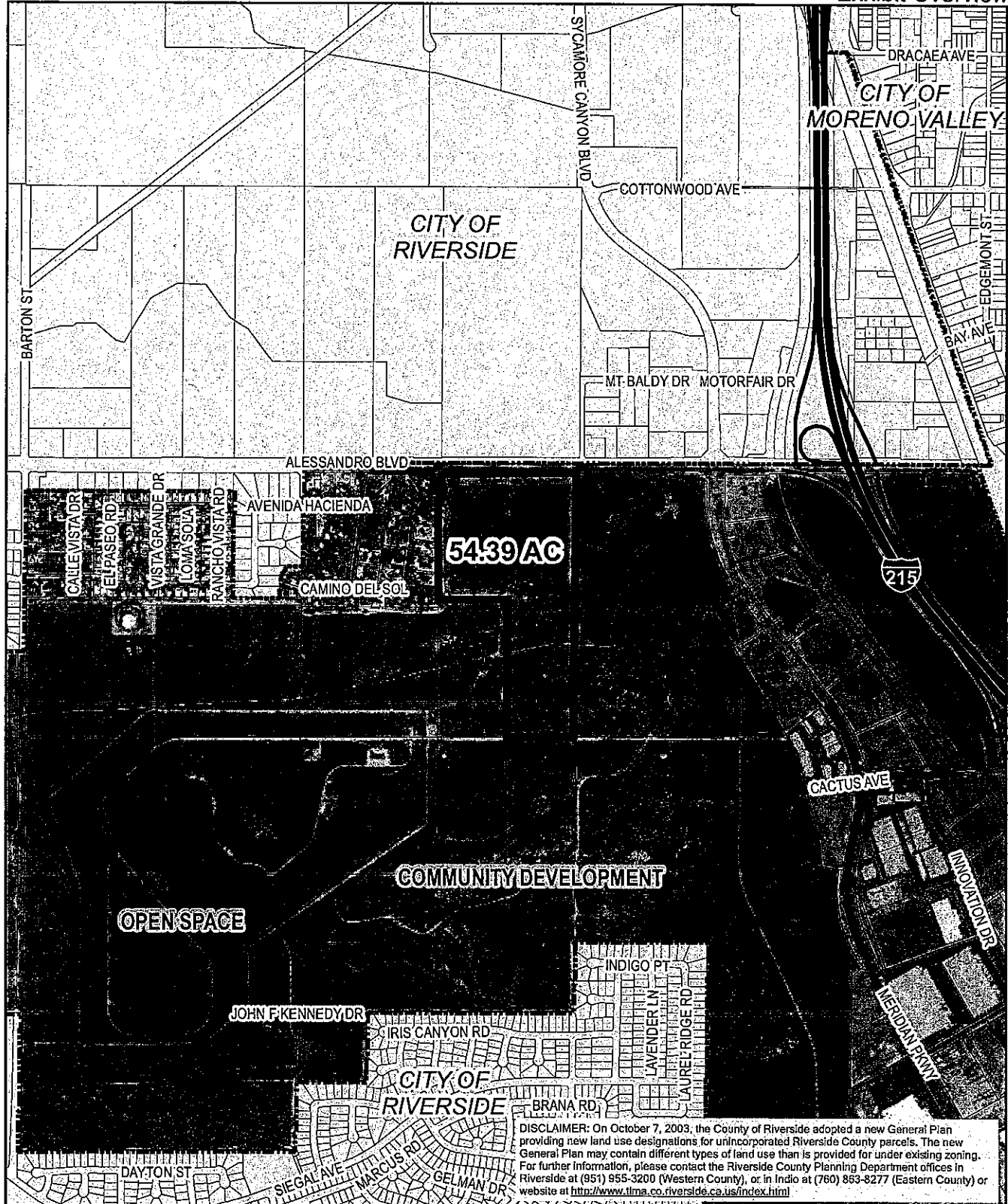
Assessors
Bk. Pg. 297-08
Thomas
Bros. Pg. 716 H6



Supervisor: Buster
District: 1
Date Drawn: 6/18/09

PP22925 PM35365
DEVELOPMENT OPPORTUNITY

Planner: Jeff Childers
Date: 6/24/09
Exhibit Overview



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: March
Township/Range: T3SR4W
Section: 16



Assessors
Bk. Pg. 297-08
Thomas
Bros. Pg. 716 H6

Supervisor: Buster
District: 1
Date Drawn: 6/18/09

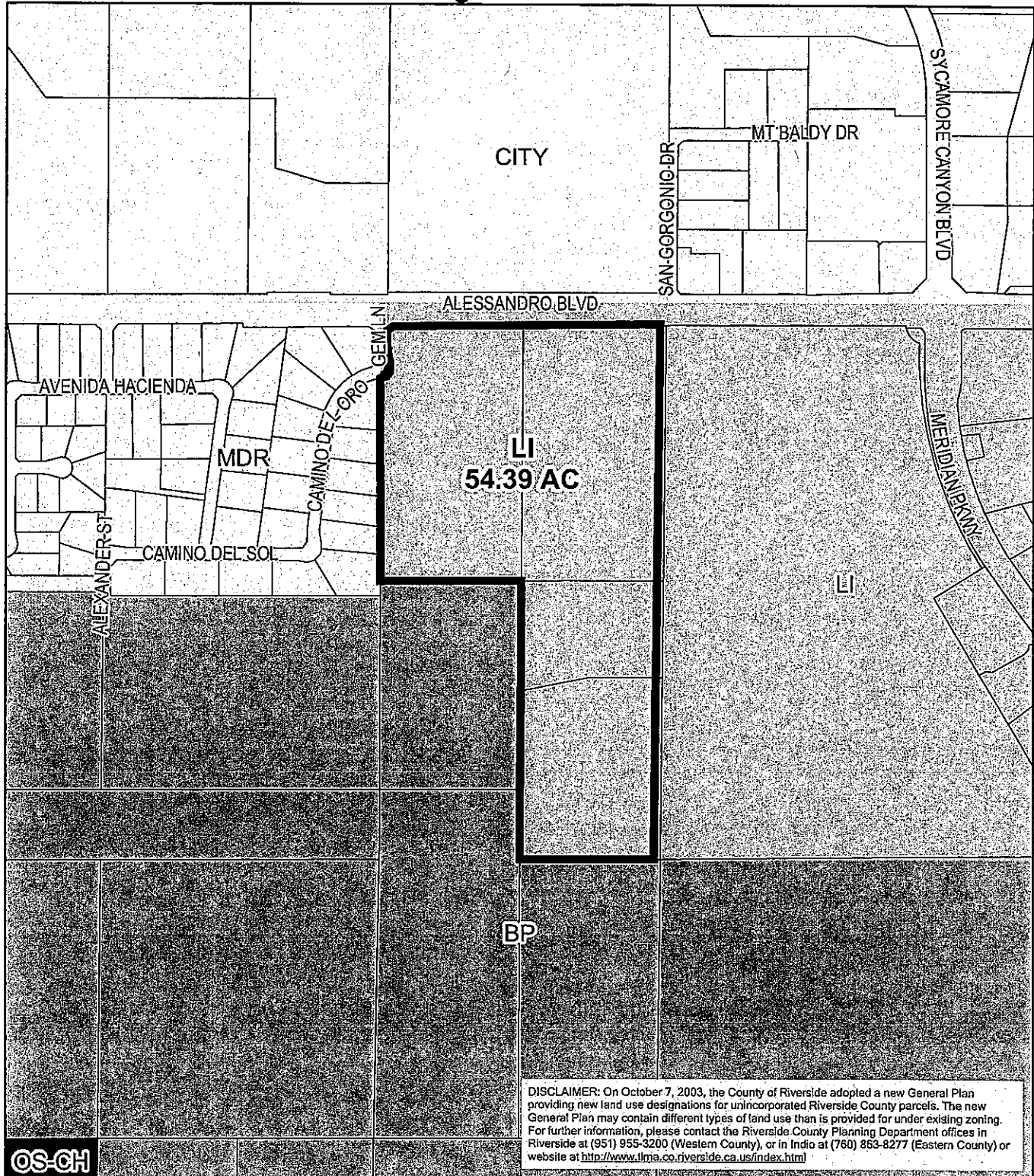
PP22925 PM35365

Planner: Jeff Childers

Date: 6/24/09

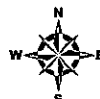
Existing General Plan

Exhibit 5



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: March
Township/Range: T3SR4W
Section: 16

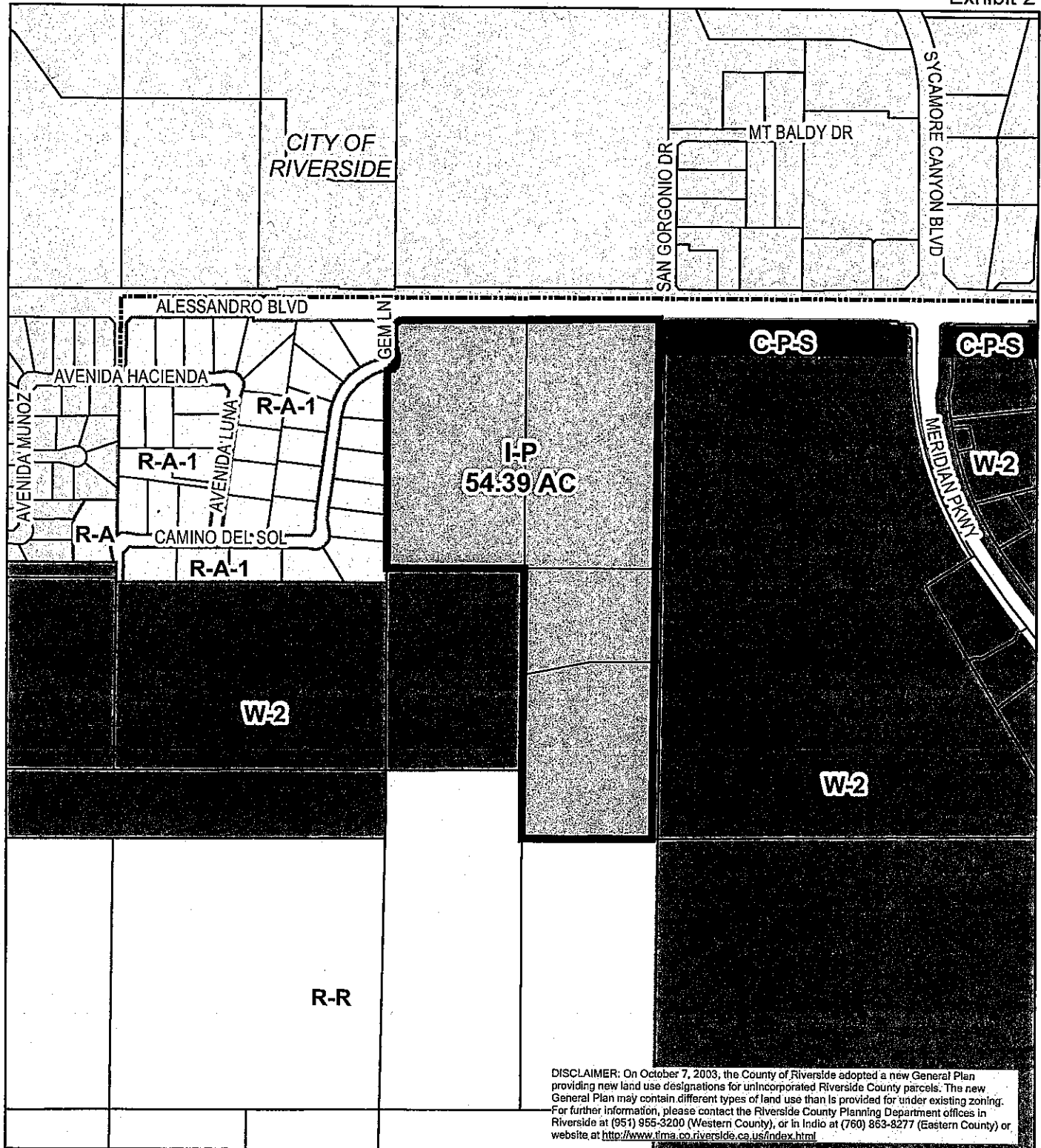


Assessors
Bk. Pg. 297-08
Thomas
Bros. Pg. 716 H6

Supervisor: Buster
District: 1
Date Drawn: 6/18/09

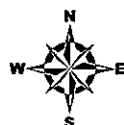
PP22925 PM35365
EXISTING ZONING

Planner: Jeff Childers
Date: 6/24/09
Exhibit 2



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: March
Township/Range: T3SR4W
Section: 16



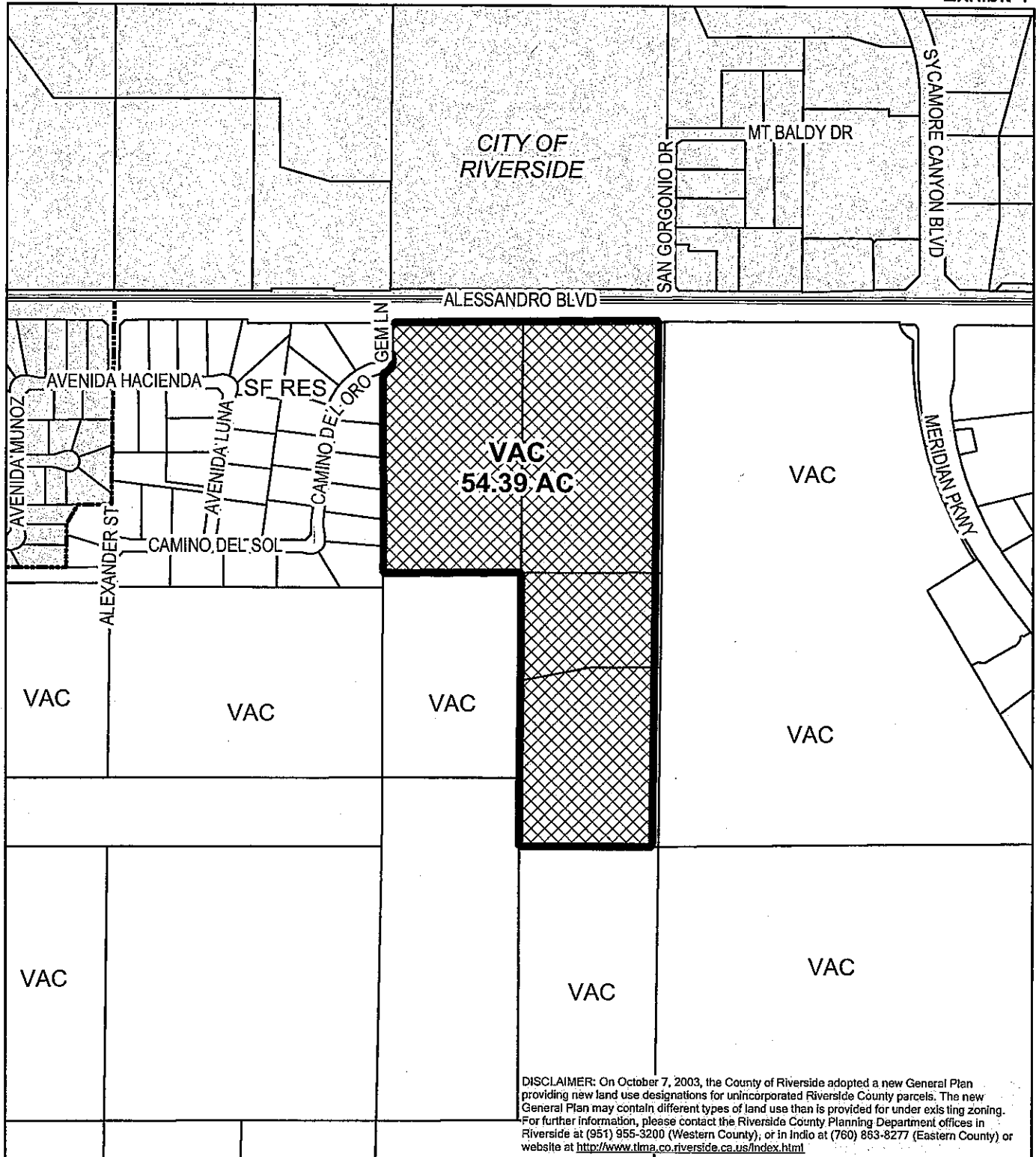
Assessors
Bk. Pg. 297-08
Thomas
Bros. Pg. 716 H6

Supervisor: Buster
District: 1
Date Drawn: 6/18/09

PP22925 PM35365

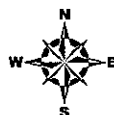
Planner: Jeff Childers
Date: 6/24/09
Exhibit 1

Land Use



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: March
Township/Range: T3SR4W
Section: 16



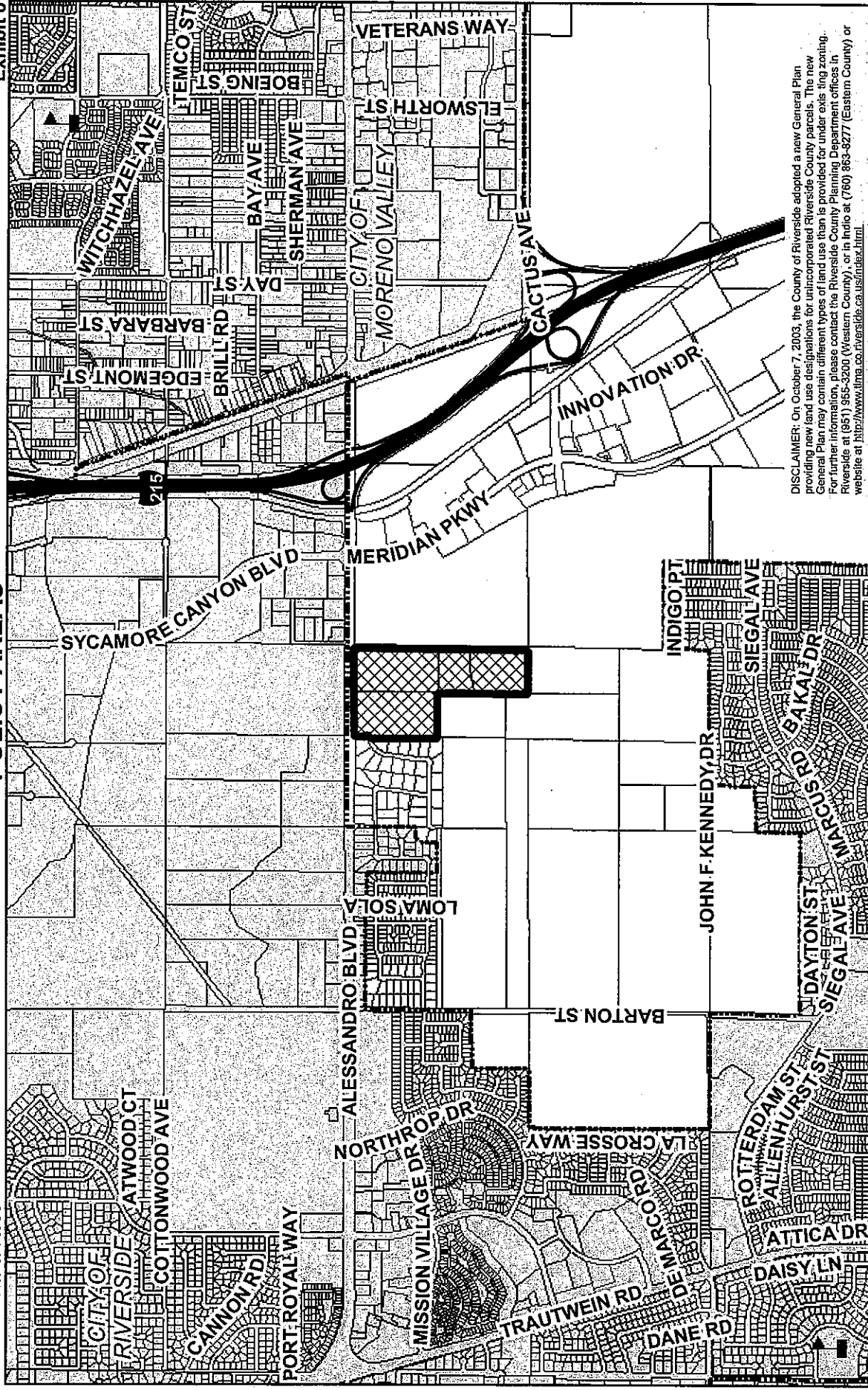
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PP22925 PM35365

POLICY AREAS

Planner: Jeff Childers
Date: 6/24/09
Exhibit 8

Supervisor Buster
District 1
Date Drawn: 6/18/09



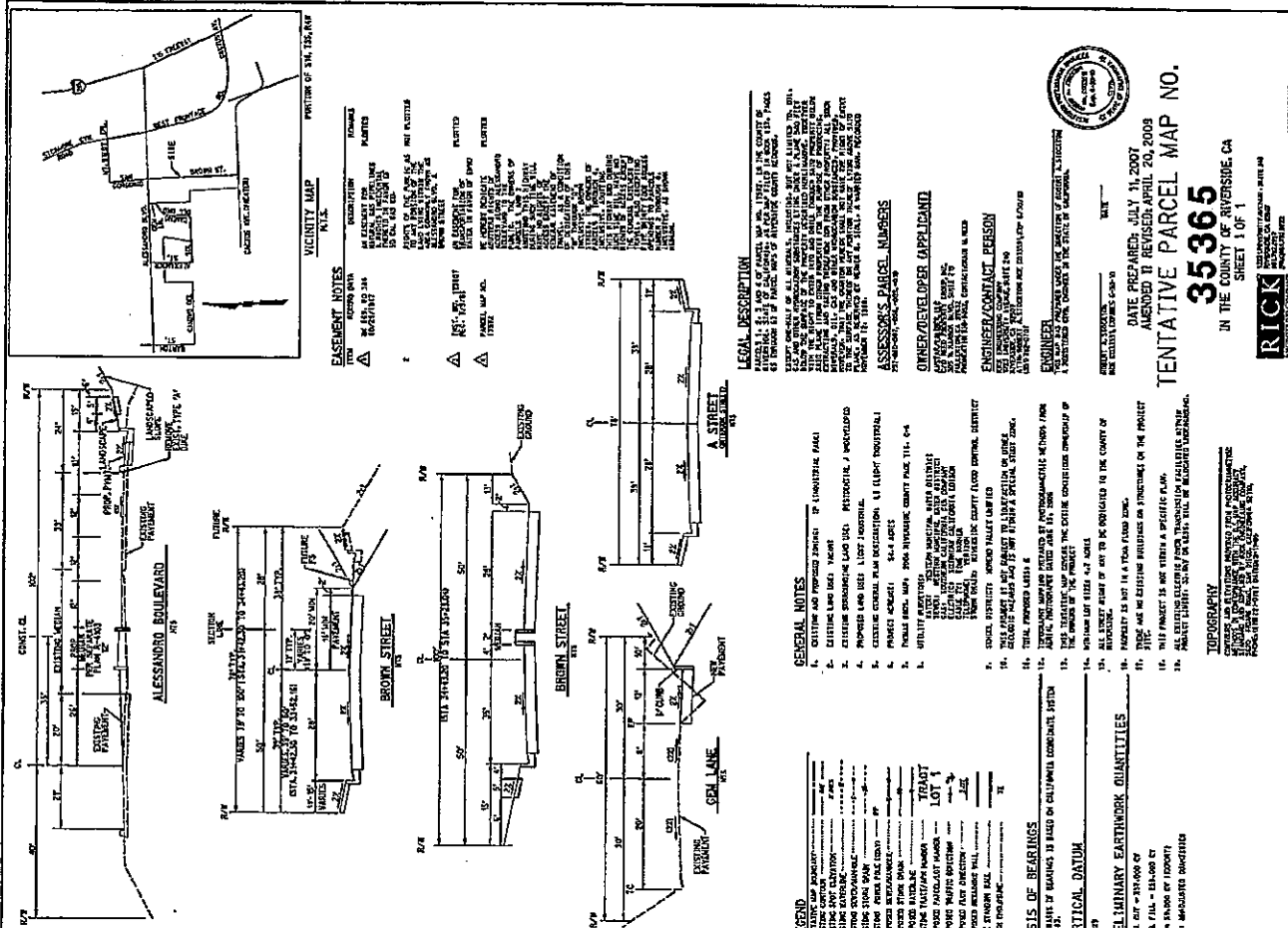
DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-9277 (Eastern County) or website at <http://www.lima.co/riverside.ca.us/index.html>.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 297-08
Thomas
Bros. Pg. 716 H6

Area: March
Township/Range: T3SR4W
Section: 16

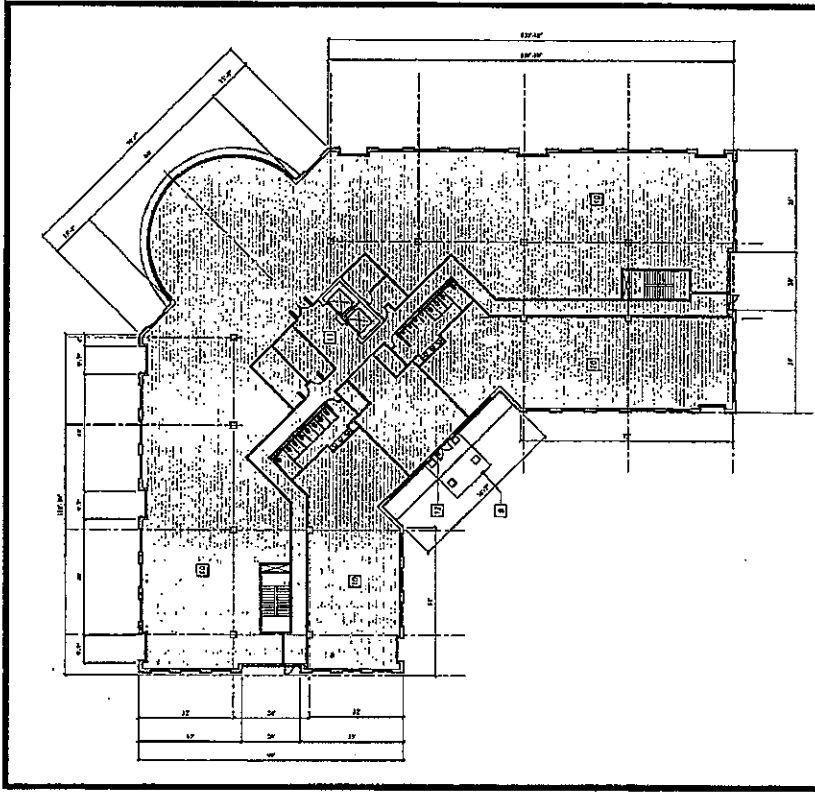
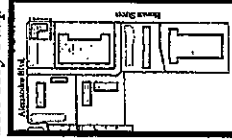




Floor Plan Notes

1. Approximate Bound of Office Area - Type
2. Boundary of Site Bound to Other Levels - Type
3. Boundary of Site Bound to Other Levels - Type
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Site Key Map



Ground Floor Plan - 26,051 s.f. (Second Floor Identical*)
Total Floor Area: 52,102 s.f.

BUILDING #1 - CONCEPTUAL FLOOR PLAN

Graphic Scale: 1/8" = 1'-0"



ALESSANDRO COMMERCE CENTRE

Riverside County, California

A2.0

20 April 2009

GENERAL NOTES:
Approved by: [Signature]
200 N. Harbor Blvd., Suite 215
Tulsa, Oklahoma 74103
Contact: Craig Reed

Plot Plan Case No. 22925

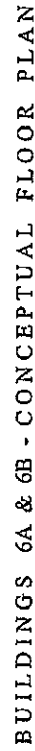
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1/1/2009
1/1/2009

BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
11111 Alameda Avenue, Suite 100
Tulsa, Oklahoma 74122
Phone: (918) 438-1111
Fax: (918) 438-1112
Email: bastien@bastienandassociates.com

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| 1 | Apprenticeship Rates of Office Area - Typ. |
| 2 | Business from Power to the Great Lakes - Typ. |
| 3 | Executive Stamp from the Great Lakes - Typ. |
| 4 | Great High School and Education - Typ. |
| 5 | State Dept. - Typ. |
| 6 | Customer Service - Typ. |
| 7 | Product Launching for Advertising and Marketing - Typ. |
| 8 | Emergency services and the impact of the economy - Typ. |
| 9 | Midland County (MTC) per Est. Estimated |
| 10 | Open Office Area |
| 11 | Classroom Core Elements |
| 12 | Primary Building Core |
| 13 | Warehouse Space |
| 14 | Retail Area |
| 15 | Construction Type - Typ. 100, 150, 200, 250, 300, 350, 400, 450, 500, 550, 600, 650, 700, 750, 800, 850, 900, 950, 1000, 1050, 1100, 1150, 1200, 1250, 1300, 1350, 1400, 1450, 1500, 1550, 1600, 1650, 1700, 1750, 1800, 1850, 1900, 1950, 2000, 2050, 2100, 2150, 2200, 2250, 2300, 2350, 2400, 2450, 2500, 2550, 2600, 2650, 2700, 2750, 2800, 2850, 2900, 2950, 3000, 3050, 3100, 3150, 3200, 3250, 3300, 3350, 3400, 3450, 3500, 3550, 3600, 3650, 3700, 3750, 3800, 3850, 3900, 3950, 4000, 4050, 4100, 4150, 4200, 4250, 4300, 4350, 4400, 4450, 4500, 4550, 4600, 4650, 4700, 4750, 4800, 4850, 4900, 4950, 5000, 5050, 5100, 5150, 5200, 5250, 5300, 5350, 5400, 5450, 5500, 5550, 5600, 5650, 5700, 5750, 5800, 5850, 5900, 5950, 6000, 6050, 6100, 6150, 6200, 6250, 6300, 6350, 6400, 6450, 6500, 6550, 6600, 6650, 6700, 6750, 6800, 6850, 6900, 6950, 7000, 7050, 7100, 7150, 7200, 7250, 7300, 7350, 7400, 7450, 7500, 7550, 7600, 7650, 7700, 7750, 7800, 7850, 7900, 7950, 8000, 8050, 8100, 8150, 8200, 8250, 8300, 8350, 8400, 8450, 8500, 8550, 8600, 8650, 8700, 8750, 8800, 8850, 8900, 8950, 9000, 9050, 9100, 9150, 9200, 9250, 9300, 9350, 9400, 9450, 9500, 9550, 9600, 9650, 9700, 9750, 9800, 9850, 9900, 9950, 10000, 10050, 10100, 10150, 10200, 10250, 10300, 10350, 10400, 10450, 10500, 10550, 10600, 10650, 10700, 10750, 10800, 10850, 10900, 10950, 11000, 11050, 11100, 11150, 11200, 11250, 11300, 11350, 11400, 11450, 11500, 11550, 11600, 11650, 11700, 11750, 11800, 11850, 11900, 11950, 12000, 12050, 12100, 12150, 12200, 12250, 12300, 12350, 12400, 12450, 12500, 12550, 12600, 12650, 12700, 12750, 12800, 12850, 12900, 12950, 13000, 13050, 13100, 13150, 13200, 13250, 13300, 13350, 13400, 13450, 13500, 13550, 13600, 13650, 13700, 13750, 13800, 13850, 13900, 13950, 14000, 14050, 14100, 14150, 14200, 14250, 14300, 14350, 14400, 14450, 14500, 14550, 14600, 14650, 14700, 14750, 14800, 14850, 14900, 14950, 15000, 15050, 15100, 15150, 15200, 15250, 15300, 15350, 15400, 15450, 15500, 15550, 15600, 15650, 15700, 15750, 15800, 15850, 15900, 15950, 16000, 16050, 16100, 16150, 16200, 16250, 16300, 16350, 16400, 16450, 16500, 16550, 16600, 16650, 16700, 16750, 16800, 16850, 16900, 16950, 17000, 17050, 17100, 17150, 17200, 17250, 17300, 17350, 17400, 17450, 17500, 17550, 17600, 17650, 17700, 17750, 17800, 17850, 17900, 17950, 18000, 18050, 18100, 18150, 18200, 18250, 18300, 18350, 18400, 18450, 18500, 18550, 18600, 18650, 18700, 18750, 18800, 18850, 18900, 18950, 19000, 19050, 19100, 19150, 19200, 19250, 19300, 19350, 19400, 19450, 19500, 19550, 19600, 19650, 19700, 19750, 19800, 19850, 19900, 19950, 20000, 20050, 20100, 20150, 20200, 20250, 20300, 20350, 20400, 20450, 20500, 20550, 20600, 20650, 20700, 20750, 20800, 20850, 20900, 20950, 21000, 21050, 21100, 21150, 21200, 21250, 21300, 21350, 21400, 21450, 21500, 21550, 21600, 21650, 21700, 21750, 21800, 21850, 21900, 21950, 22000, 22050, 22100, 22150, 22200, 22250, 22300, 22350, 22400, 22450, 22500, 22550, 22600, 22650, 22700, 22750, 22800, 22850, 22900, 22950, 23000, 23050, 23100, 23150, 23200, 23250, 23300, 23350, 23400, 23450, 23500, 23550, 23600, 23650, 23700, 23750, 23800, 23850, 23900, 23950, 24000, 24050, 24100, 24150, 24200, 24250, 24300, 24350, 24400, 24450, 24500, 24550, 24600, 24650, 24700, 24750, 24800, 24850, 24900, 24950, 25000, 25050, 25100, 25150, 25200, 25250, 25300, 25350, 25400, 25450, 25500, 25550, 25600, 25650, 25700, 25750, 25800, 25850, 25900, 25950, 26000, 26050, 26100, 26150, 26200, 26250, 26300, 26350, 26400, 26450, 26500, 26550, 26600, 26650, 26700, 26750, 26800, 26850, 26900, 26950, 27000, 27050, 27100, 27150, 27200, 27250, 27300, 27350, 27400, 27450, 27500, 27550, 27600, 27650, 27700, 27750, 27800, 27850, 27900, 27950, 28000, 28 |

Building 6A (Building 6B is Identical)
Ground Floor Plan - 29,000 s.f. (Second Floor Identical)
Total Floor Area: 58,000 s.f.
Total Floor Area Buildings 6A & 6B: 116,000 s.f.



ALESSANDRO COMMERCE CENTRE
Riverside County, California

A.2.5

20 April 2009

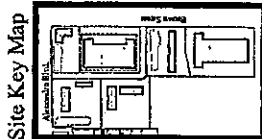
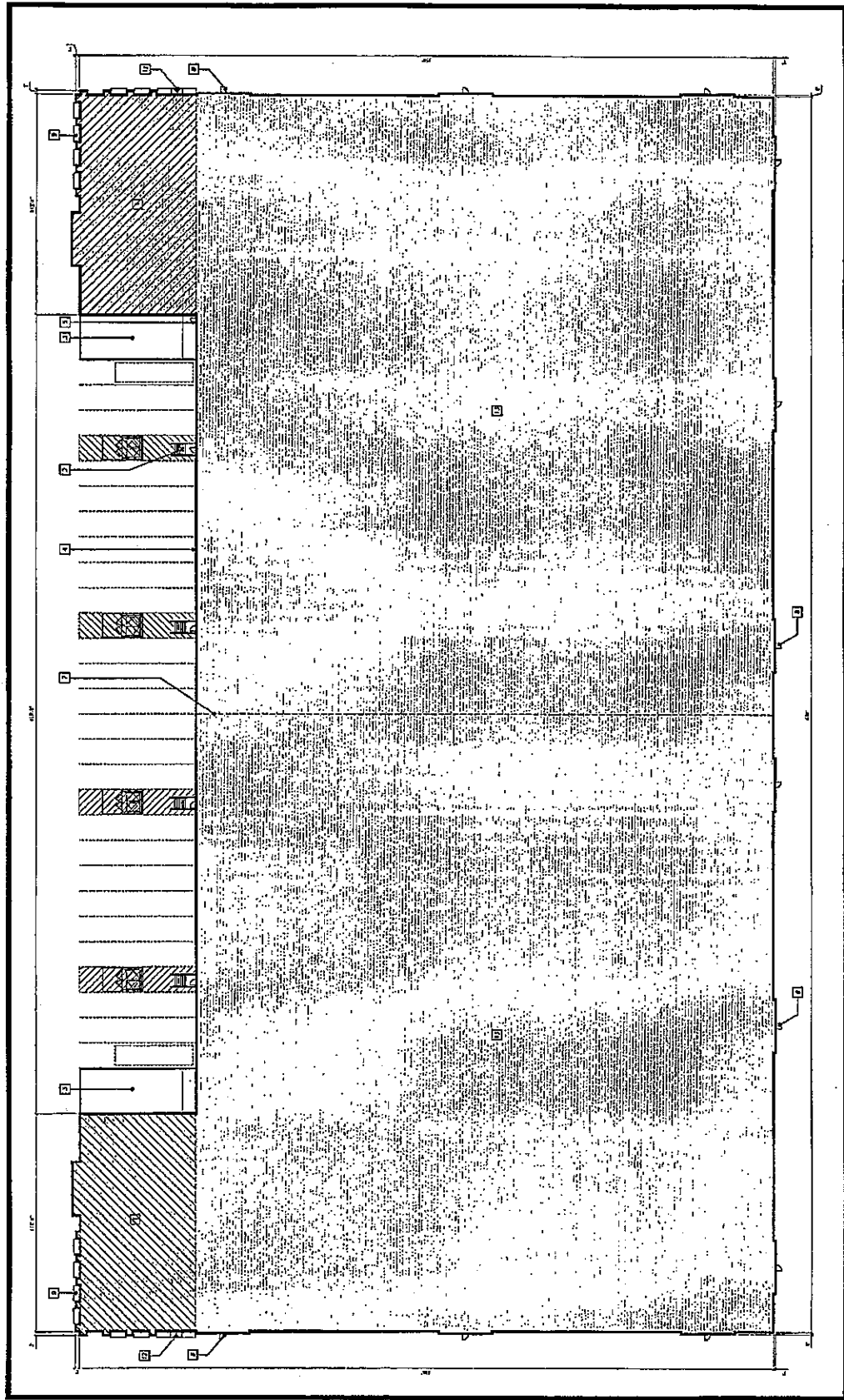
BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
2111 EDINGER AVENUE
HOUSTON, TEXAS 77055
713/661-1211
FAX 713/661-1212
WWW.BASTIEN.COM



included 24 patients, 10 males and 14 females, aged 18 to 60 years, with a mean age of 36 years. The patients were recruited from the Department of Neurology, University of California, San Francisco, and the Department of Neurology, University of Washington, Seattle. The patients were recruited from the Department of Neurology, University of California, San Francisco, and the Department of Neurology, University of Washington, Seattle. The patients were recruited from the Department of Neurology, University of California, San Francisco, and the Department of Neurology, University of Washington, Seattle.

Floor Plan Notes

- 1. Applicable Section of Office Area - Typ
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Ground Floor Plan - 201,776 s.f.

BUILDING 2 - CONCEPTUAL FLOOR PLAN



ALESSANDRO COMMERCE CENTRE
Riverside County, California

A 2.1

20 April 2009

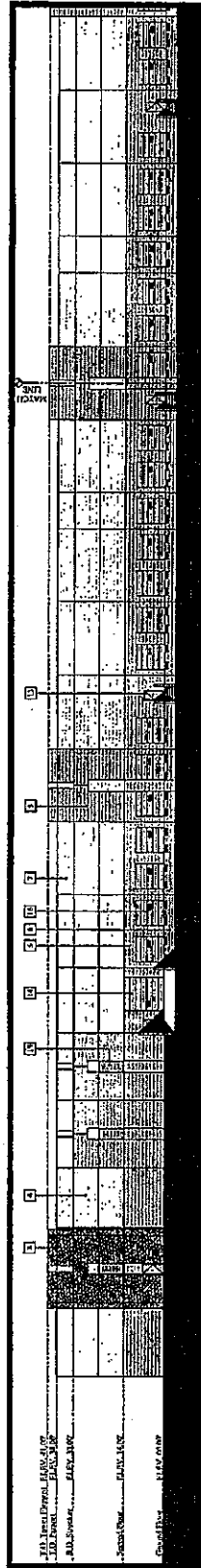
Plot Plan Case No. 22925

1. Project Name	2. Project Number
3. Project Location	4. Project Date
5. Project Status	6. Project Owner

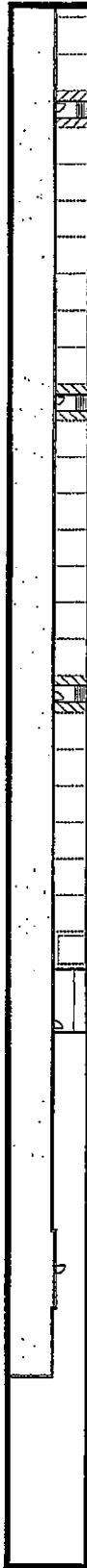
BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
10000 Vanowen Street, Suite 100
Vanowen, California 92585
Phone: (951) 771-1111
Fax: (951) 771-1112



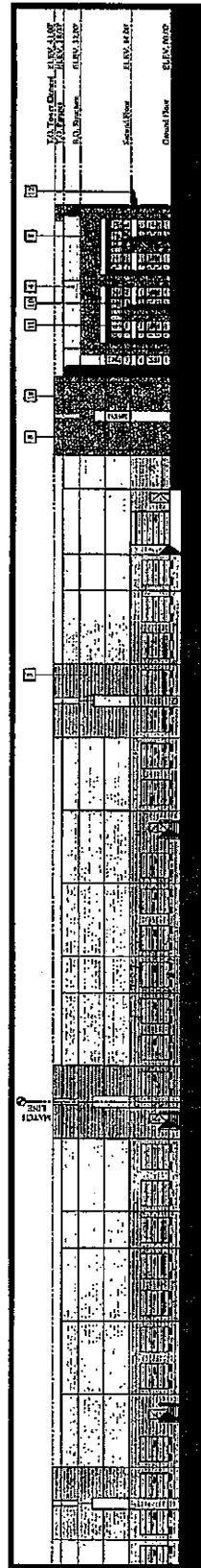
Reed Property Group is a subsidiary of Reed Group, Inc. Reed Group, Inc. is a public company listed on the New York Stock Exchange under the ticker symbol 'REED'. Reed Property Group is a real estate development and management company. Reed Property Group is a subsidiary of Reed Group, Inc. Reed Group, Inc. is a public company listed on the New York Stock Exchange under the ticker symbol 'REED'. Reed Property Group is a real estate development and management company.



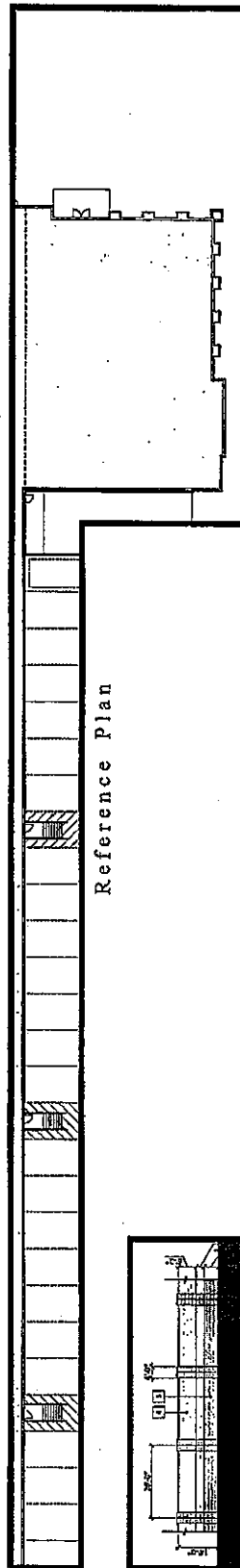
Partial East Elevation (West Elevation Symmetrical)



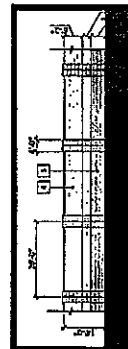
Reference Plan



Partial East Elevation (West Elevation Symmetrical)



Reference Plan



Screen Wall-Typical Elevation

Notes: See Elevation Notes for details of materials and construction.

Elevation Notes

1. Paint 1 (Grain to Match) (Paint)
2. Paint 2 (Grain to Match) (Paint)
3. Paint 3 (Grain to Match) (Paint)
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BUILDING 4 - CONCEPTUAL ELEVATIONS



ALESSANDRO COMMERCE CENTRE

Riverside County, California

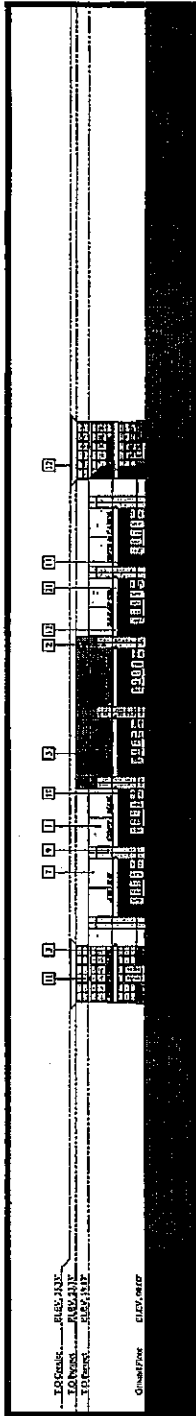
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30 APRIL 2009

Plot Plan Case No. 22925

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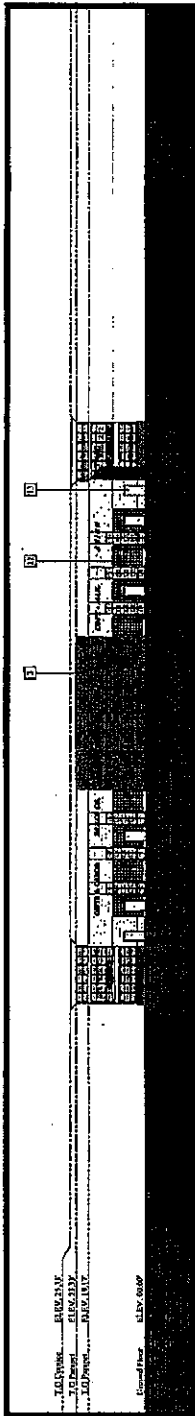
BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
10000 BASTIEN DRIVE
RIVERSIDE, CALIFORNIA 92504
TEL: (951) 508-1111
FAX: (951) 508-1112
WWW.BASTIENANDASSOCIATES.COM



West Elevation



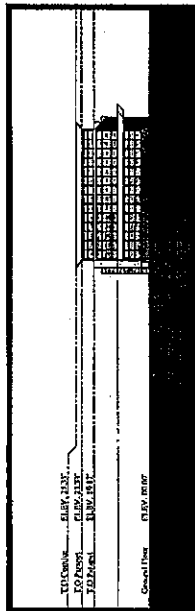
Reference Plan



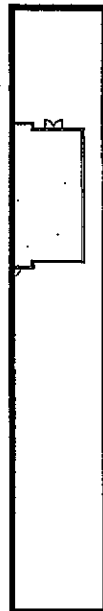
East Elevation



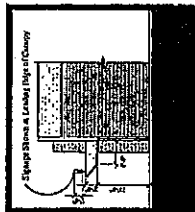
Reference Plan



South Elevation (North Elevation Symmetrical)



Reference Plan



Conceptual Wall Section
(West Facade)

Elevation Notes

1. Paint (Refer to General Notes)
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NOTES: Elevation shown for Conceptual Purpose Only.
Do not construct to these elevations.



ALESSANDRO COMMERCE CENTRE

Riverside County, California

A3.5.2

BUILDING SB - CONCEPTUAL ELEVATIONS

Plot Plan Case No. 22925

10/10/2010	10/10/2010
10/10/2010	10/10/2010
10/10/2010	10/10/2010

BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
1111 S. GATEWAY AVENUE
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10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1 USE - PROJECT DESCRIPTION

RECOMMND

The use hereby permitted is for a commercial and industrial development comprised of 8 buildings consisting of: four (4) office buildings totaling 258,102 square feet, two (2) industrial warehouse/distribution buildings totaling 409,312 square feet, one (1) retail building with 10,000 square feet, one (1) light industrial/multi-tenant building with 42,222 square feet, 285,696 square feet of landscaping area, 1,779 Parking spaces, and three (3) detention basins.

10. EVERY. 2 USE - HOLD HARMLESS

RECOMMND

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside (COUNTY) its agents, officers, or employees from any claim, action, or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning PP22925. The COUNTY will promptly notify the applicant/permittee of any such claim, action, or proceeding against the COUNTY and will cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify, or hold harmless the COUNTY.

10. EVERY. 3 USE - DEFINITIONS

RECOMMND

The words identified in the following list that appear in all capitals in the attached conditions of Plot Plan No. 22925 shall be henceforth defined as follows:

APPROVED EXHIBIT A = Site Plan for Plot Plan No. 22925, Exhibit A, Amended No. 2, dated 5-5-09.

APPROVED EXHIBIT B = Building Elevations for Plot Plan No. 22925, Exhibit B, Amended No. 2, dated 5-5-09.

APPROVED EXHIBIT C = Building Floor Plans for Plot Plan No. 22925, Exhibit C, Amended No. 2, dated 5-5-09.

APPROVED EXHIBIT L = Landscape Plans for Plot Plan No.

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10. GENERAL CONDITIONS

10. EVERY. 3 USE - DEFINITIONS (cont.)

RECOMMND

22925, Exhibit L, Amended No. 2, dated 5-5-09.

APPROVED EXHIBIT M = Color and Materials board for Plot
Plan No. 22925, Exhibit M, Amended No. 2, dated 5-5-09

BS GRADE DEPARTMENT

10.BS GRADE. 1 USE -GIN INTRODUCTION

RECOMMND

Improvements such as grading, filling, over excavation and recompaction, and base or paving which require a grading permit are subject to the included Building and Safety Department Grading Division conditions of approval.

10.BS GRADE. 3 USE-G1.2 OBEY ALL GDG REGS

RECOMMND

All grading shall conform to the California Building Code, Ordinance 457, and all other relevant laws, rules, and regulations governing grading in Riverside County and prior to commencing any grading which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Building and Safety Department.

10.BS GRADE. 4 USE-G1.3 DISTURBS NEED G/PMT

RECOMMND

Ordinance 457 requires a grading permit prior to clearing, grubbing, or any top soil disturbances related to construction grading.

10.BS GRADE. 5 USE-G1.6 DUST CONTROL

RECOMMND

All necessary measures to control dust shall be implemented by the developer during grading. PM10 plan may be required at the time a grading permit is issued.

10.BS GRADE. 6 USE-G2.3SLOPE EROS CL PLAN

RECOMMND

Erosion control - landscape plans, required for manufactured slopes greater than 3 feet in vertical height, are to be signed by a registered landscape architect and bonded per the requirements of Ordinance 457 (refer to dept. form 284-47).

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10. GENERAL CONDITIONS

10.BS GRADE. 7 USE-G2.5 2:1 MAX SLOPE RATIO RECOMMND

Graded slopes shall be limited to a maximum steepness ratio of 2:1 (horizontal to vertical) unless otherwise approved.

10.BS GRADE. 8 USE-G2.6SLOPE STABL'TY ANLYS RECOMMND

A slope stability report shall be submitted and approved by the County Geologist for all proposed cut or fill slopes steeper than 2:1 (horiz. to vert.) or over 30' in vertical height - unless addressed in a previous report.

10.BS GRADE. 9 USE-G2.7DRNAGE DESIGN Q100 RECOMMND

All grading and drainage shall be designed in accordance with Riverside County Flood Control & Water Conservation District's conditions of approval regarding this application. If not specifically addressed in their conditions, drainage shall be designed to accommodate 100 year storm flows.

Additionally, the Building and Safety Department's conditional approval of this application includes an expectation that the conceptual grading plan reviewed and approved for it complies or can comply with any WQMP (water Quality Management Plan) required by Riverside County Flood Control & Water Conservation District.

10.BS GRADE. 10 USE-G2.8MINIMUM DRNAGE GRADE RECOMMND

Minimum drainage grade shall be 1% except on portland cement concrete where .35% shall be the minimum.

10.BS GRADE. 11 USE-G2.9DRNAGE & TERRACING RECOMMND

Provide drainage facilities and terracing in conformance with the Uniform Building Code's chapter on "EXCAVATION & GRADING".

10.BS GRADE. 12 USE-G2.10 SLOPE SETBACKS RECOMMND

Observe slope setbacks from buildings & property lines per the Uniform Building Code as amended by Ordinance 457.

10.BS GRADE. 13 USE-G2.23 OFFST. PAVED PKG RECOMMND

All offstreet parking areas which are conditioned to be paved shall conform to Ordinance 457 base and paving design

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10. GENERAL CONDITIONS

10.BS GRADE. 13 USE-G2.23 OFFST. PAVED PKG (cont.) RECOMMND
and inspection requirements.

10.BS GRADE. 14 USE-G.3.1NO B/PMT W/O G/PMT RECOMMND

Prior to the issuance of any building permit, the property owner shall obtain a grading permit and/or approval to construct from the Grading Division of the Building and Safety Department.

10.BS GRADE. 15 USE-G3.3RETAINING WALLS RECOMMND

Lots which propose retaining walls will require separate permits. They shall be obtained prior to the issuance of any other building permits - unless otherwise approved by the Building and Safety Director. The walls shall be designed by a Registered Civil Engineer - unless they conform to the County Standard Retaining Wall designs shown on the Building and Safety Department form 284-197.

10.BS GRADE. 16 USE-G3.4CRIB/RETAIN'G WALLS RECOMMND

Cribwall (retaining) walls shall be designed by a qualified professional who shall provide the following information for review and approval - this shall be in addition to standard retaining wall data normally required. The plans shall clearly show: soil preparation and compaction requirements to be accomplished prior to footing-first course installation, method/requirement of footing-first course installation, properties of materials to be used (i.e. Fc=2500 p.s.i.). Additionally special inspection by the manufacturer/dealer and a registered special inspector will be required.

10.BS GRADE. 17 USE-G4.1E-CL 4:1 OR STEEPER RECOMMND

Plant & irrigate all manufactured slopes steeper than a 4:1 (horizontal to vertical) ratio and 3 feet or greater in vertical height with grass or ground cover; slopes 15 feet or greater in vertical height shall be planted with additional shrubs or trees or as approved by the Building & Safety Department's Erosion Control Specialist.

10.BS GRADE. 18 USE-G4.3PAVING INSPECTIONS RECOMMND

The developer/applicant shall be responsible for obtaining the paving inspections required by Ordinance 457.

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10. GENERAL CONDITIONS

10.BS GRADE. 19 USE-G2.17/LOT TO LOT DRN ESMT

RECOMMND

A recorded easement is required for lot to lot drainage.

10.BS GRADE. 20 USE-G1.4 NPDES/SWPPP

RECOMMND

Prior to issuance of any grading or construction permits - whichever comes first - the applicant shall provide the Building and Safety Department evidence of compliance with the following: "Effective March 10, 2003 owner operators of grading or construction projects are required to comply with the N.P.D.E.S. (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of "ONE" acre or larger. The owner operator can comply by submitting a "Notice of Intent" (NOI), develop and implement a STORM WATER POLLUTION PREVENTION PLAN (SWPPP) and a monitoring program and reporting plan for the construction site.

For additional information and to obtain a copy of the NPDES State Construction Permit contact the SWRCB at (916) 657-1146.

Additionally, at the time the county adopts, as part of any ordinance, regulations specific to the N.P.D.E.S., this project (or subdivision) shall comply with them.

EPD DEPARTMENT

10.EPD. 1 - UWIG

RECOMMND

The project must avoid indirect impacts to conserved habitats and must be compliant with section 6.1.4 of the MSHCP. The following guidelines must be incorporated into the project design.

* Drainage

Proposed Developments in proximity to the MSHCP Conservation Area shall incorporate measures, including measures required through the National Pollutant Discharge Elimination System (NPDES) requirements, to ensure that the quantity and quality of runoff discharged to the MSHCP Conservation Area is not altered in an adverse way when compared with existing conditions. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the

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10. GENERAL CONDITIONS

10.EPD. 1

- UWIG (cont.)

RECOMMEND

MSHCP Conservation Area. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the MSHCP Conservation Area. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. Regular maintenance shall occur to ensure effective operations of runoff control systems.

* Toxics

Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife species, Habitat or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. Measures such as those employed to address drainage issues shall be implemented.

* Lighting

Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.

* Noise

Proposed noise generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards.

* Invasives

When approving landscape plans for Development that is proposed adjacent to the MSHCP Conservation Area, Permittees shall consider the invasive, non-native plant species listed in Table 6-2 and shall require revisions to landscape plans (subject to the limitations of their jurisdiction) to avoid the use of invasive species for the portions of Development that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected

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10. GENERAL CONDITIONS

10.EPD. 1

- UWIG (cont.) (cont.)

RECOMMEND

within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography and other features.

TABLE 6-2

PLANTS THAT SHOULD BE AVOIDED

ADJACENT TO THE MSHCP CONSERVATION AREA

BOTANICAL NAME-COMMON NAME

Acacia spp. (all species)-acacia
Achillea millefolium-var. millefolium common yarrow
Ailanthus altissima-tree of heaven
Aptenia cordifolia-red apple
Arctotheca calendula-cape weed
Arctotis spp. (all species & hybrids)-African daisy
Arundo donax-giant reed or arundo grass
Asphodelus fistulosus-asphodel
Atriplex glauca-white saltbush
Atriplex semibaccata-Australian saltbush
Carex spp. (all species*)-sedge
Carpobrotus chilensis-ice plant
Carpobrotus edulis-sea fig
Centranthus ruber -red valerian
Chrysanthemum coronarium-annual chrysanthemum
Cistus ladanifer-(incl. hybrids/varieties) gum rockrose
Cortaderia jubata [syn.C. Atacamensis]-jubata grass, pampas grass
Cortaderia dioica [syn. C. sellowana]-pampas grass
Cotoneaster spp. (all species)-cotoneaster
Cynodon dactylon-(incl. hybrids varieties) Bermuda grass
Cyperus spp. (all species*)-nutsedge, umbrella plant
Cytisus spp. (all species)-broom
Delosperma 'Alba' -white trailing ice plant
Dimorphotheca spp. (all species)-African daisy, Cape marigold
Drosanthemum floribundum-rosea ice plant
Drosanthemum hispidum-purple ice plant
Eichhornia crassipes-water hyacinth
Elaeagnus angustifolia-Russian olive
Eucalyptus spp. (all species)-eucalyptus or gum tree
Eupatorium coelestinum [syn. Ageratina sp.]-mist flower
Festuca arundinacea-tall fescue
Festuca rubra-creeping red fescue
Foeniculum vulgare-sweet fennel
Fraxinus uhdei-(and cultivars) evergreen ash, shamel ash
Gaura (spp.) (all species)-gaura
Gazania spp. (all species & hybrids)-gazania
Genista spp. (all species)-broom

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10.EPD. 1

- UWIG (cont.) (cont.) (cont.)

RECOMMEND

Hedera canariensis-Algerian ivy
Hedera helix-English ivy
Hypericum spp. (all species)-St. John's Wort
Ipomoea acuminata-Mexican morning glory
Lampranthus spectabilis-trailing ice plant
Lantana camara-common garden lantana
Lantana montevidensis [syn. L. sellowiana]-lantana
Limonium perezii -sea lavender
Linaria bipartita-toadflax
Lolium multiflorum-Italian ryegrass
Lolium perenne -perennial ryegrass
Lonicera japonica-(incl. 'Halliana') Japanese honeysuckle
Lotus corniculatus-birdsfoot trefoil
Lupinus arboreus-yellow bush lupine
Lupinus texanus-Texas blue bonnets
Malephora crocea-ice plant
Malephora luteola -ice plant
Mesembryanthemum nodiflorum-little ice plant
Myoporum laetum-myoporum
Myoporum pacificum-shiny myoporum
Myoporum parvifolium-(incl. 'Prostratum') ground cover
myoporum
Oenothera berlandieri-Mexican evening primrose
Olea europea-European olive tree
Opuntia ficus-indica-Indian fig
Osteospermum spp. (all species)-trailing African daisy,
African daisy,
Oxalis pes-caprae-Bermuda buttercup
Parkinsonia aculeate-Mexican palo verde
Pennisetum clandestinum-Kikuyu grass
Pennisetum setaceum-fountain grass
Phoenix canariensis-Canary Island date palm
Phoenix dactylifera-date palm
Plumbago auriculata-cape plumbago
Polygonum spp. (all species)-knotweed
Populus nigra 'italica-' Lombardy poplar
Prosopis spp. (all species*)-mesquite
Ricinus communis-castorbean
Robinia pseudoacacia-black locust
Rubus procerus-Himalayan blackberry
Sapium sebiferum-Chinese tallow tree
Saponaria officinalis-bouncing bet, soapwort
Schinus molle-Peruvian pepper tree, California pepper
Schinus terebinthifolius-Brazilian pepper tree
Spartium junceum-Spanish broom
Tamarix spp. (all species)-tamarisk, salt cedar

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10. GENERAL CONDITIONS

10.EPD. 1 - UWIG (cont.) (cont.) (cont.) (cont.) RECOMMND

Trifolium tragiferum-strawberry clover
Tropaelolum majus-garden nasturtium
Ulex europaeus-prickly broom
Vinca major-periwinkle
Yucca gloriosa -Spanish dagger
An asterisk (*) indicates some native species of the genera exist that may be appropriate.

Sources: California Exotic Pest Plant Council, United States Department of Agriculture-Division of Plant Health and Pest Prevention Services, California Native Plant Society, Fremontia Vol. 26 No. 4, October 1998, The Jepson Manual; Higher Plants of California, and County of San Diego-Department of Agriculture.

* Barriers

Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass or dumping in the MSHCP Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage and/or other appropriate mechanisms.

* Grading/Land Development

Manufactured slopes associated with proposed site development shall not extend into the MSHCP Conservation Area.

FIRE DEPARTMENT

10.FIRE. 1 USE-#01A - SHELL/FPE/COMM. RECOMMND

THESE CONDITIONS ARE FOR A SHELL BUILDING ONLY.
Shell building will receive a shell final only. No Certificate of Occupancy (human occupant and/or materials) will be issued until the building occupant has been identified with their occupancy classification and have been conditioned by Riverside County Fire Department. Occupant or tenant identification is imperative for orderly and prompt processing. Upon identification of the occupant or tenant a Fire Protection Analysis report maybe required prior to establishing the requirements for the occupancy permit. Failure to provide a comprehensive data analysis and/or technical information acceptable to the fire department may result in project delays.
A complete commodity listing disclosing type, quantity,

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10. GENERAL CONDITIONS

10.FIRE. 1 USE-#01A - SHELL/FPE/COMM. (cont.) RECOMMND

level of hazard and potential for "Reactivity" must be provided within 120 days. The foregoing is necessary to properly occupancy classify the building(s). Failure to provide comprehensive data and/or highly technical information, will result in project delay and requirement for a complete Fire Protection Study for review.

10.FIRE. 2 USE-#04-HIGH PILE/RACK STORAGE RECOMMND

A separate permit may be required for high-pile storage and/or racks. Sprinkler plans and/or sprinkler review must be submitted by a licensed sprinkler contractor with storage and/or rack plans to Riverside County Fire Department for review and approval of the 2007 CFC compliance. Complete information re: all commodities stored, rack dimensions, placement in building, sprinkler densities, etc. must be provided with suppression system for racks and/or high-pile storage review. A complete listing of commodities, classified using 2007 CFC and NFPA 13, 2002 Edition guidelines by a licensed Fire Protection Engineer (or other consultant approved by this jurisdiction).

10.FIRE. 3 USE-#50-BLUE DOT REFLECTOR RECOMMND

Blue retroreflective pavement markers shall be mounted on private street, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by the Riverside County Fire Department.

10.FIRE. 4 USE-#23-MIN REQ FIRE FLOW RECOMMND

Minimum required fire flow shall be 4000 GPM for a 4 hour duration at 20 PSI residual operating pressure, which must be available before any combustible material is placed on the job site. Fire flow is based on type VB construction per the 2007 CBC and Building(s) having a fire sprinkler system.

10.FIRE. 5 USE-#19-ON/OFF LOOPED HYD RECOMMND

A combination of on-site and off-site super fire hydrants, on a looped system (6"x4"x 2-2 1/2"), will be located not less than 25 feet or more than 165 feet from any portion of the building as measured along approved vehicular travel

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10. GENERAL CONDITIONS

10.FIRE. 5 USE-#19-ON/OFF LOOPED HYD (cont.) RECOMMND

ways. The required fire flow shall be available from any adjacent hydrants(s) in the system.

10.FIRE. 6 USE-#84-TANK PERMITS RECOMMND

Applicant or Developer shall be responsible for obtaining under/aboveground fuel, chemical and mixed liquid storage tank permits, from the Riverside County Fire Department and Environmental Health Departments. Plans must be submitted for approval prior to installation. Aboveground fuel/mixed liquid tanks(s) shall meet the following standard: Tank must be tested and labeled to UL2085 Protected Tank Standard or SWRI 93-01. The test must include the Projectile Penetration Test and the Heavy Vehicle Impact Test. A sample copy of the tank's label from an independent test laboratory must be included with your plans.

10.FIRE. 7 USE-#89-RAPID HAZMAT BOX RECOMMND

Rapid entry Hazardous Material data and key storage cabinet shall be installed on the outside of the building. Plans shall be submitted to the Riverside County Fire Department for approval prior to installation.

10.FIRE. 8 USE-#25-GATE ENTRANCES RECOMMND

Any gate providing access from a road to a driveway shall be located at least 35 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38 foot turning radius shall be used.

10.FIRE. 9 USE-#88A-AUTO/MAN GATES RECOMMND

Gate(s) shall be automatic operated, minimum 20 feet in width, with a setback of 35 feet from face of curb/flow line. Gate access shall be equipped with a rapid entry system. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 foot pounds. Automatic gates shall be equipped with emergency backup power. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system.

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10. GENERAL CONDITIONS

FLOOD RI DEPARTMENT

10.FLOOD RI. 1 USE FLOOD HAZARD REPORT

RECOMMND

Plot Plan 22925 is a proposal for a commercial and industrial development (Alessandro Commerce Center) on an approximately 54-acre site. The site is located off Interstate 215 in the Woodcrest area on the southwest corner of Alessandro Boulevard and Brown Street. The site is also being processed through the County as Parcel Map 35365 and Environmental Impact Report 00510.

An approximately 80-acre watershed is tributary to the central portion of the site along the western boundary. It is proposed to collect the runoff from this watershed and convey these flows in a storm drain through the site and discharge these flows back into the existing low on the eastern side of the project. The inlet to this storm drain shall be designed with maintenance access in mind and therefore has to be within an easement. This may require obtaining an easement from the adjacent property owner. If this easement cannot be obtained, the inlet shall be redesigned. A catch basin located in Brown Street just south of Alessandro Boulevard collects flows from Brown Street and also discharges flows on the eastern side of the project. These facilities have to be publicly maintained and as such access to the outlet for maintenance purposes shall be provided. The property owner (March Joint Powers Authority) has provided a letter indicating that they will provide an easement where these flows will be discharged. A portion of the onsite runoff flows north and would be discharged across Alessandro Blvd. via an existing culvert.

The development's onsite runoff divides the site into 3 drainage systems but still perpetuates the natural drainage patterns of the area. Basins are proposed for each of the 3 subareas to mitigate both the increased runoff and water quality attributed to the development of the site. The submitted exhibit leaves out some areas of the project from being treated. This error would be corrected at final plan improvement stage to ensure the entire site drains into a water quality mitigation feature including Brown Street. Thus some modifications to the basins may be necessary. It is to be noted that the basin on Lot 3 is very deep. To ensure the public's health and safety, fencing, acceptable to the County Planning Department, shall be provided along the top of the slope.

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10. GENERAL CONDITIONS

10.FLOOD RI. 1 USE FLOOD HAZARD REPORT (cont.)

RECOMMND

The development's onsite runoff divides the site into 3 drainage systems but still perpetuates the natural drainage patterns of the area. Basins are proposed for each of the 3 subareas to mitigate both the increased runoff and water quality attributed to the development of the site. While some modifications to the basins may be necessary, the onsite drainage plan proposed is acceptable to the District. The basin on Lot 3 is at the bottom of a very high slope. To ensure the public's health and safety, fencing, acceptable to the County Planning Department, shall be provided along the top of the slope.

10.FLOOD RI. 3 USE 10 YR CURB - 100 YR ROW

RECOMMND

The 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right of way. When either of these criteria is exceeded, additional drainage facilities shall be installed. The property shall be graded to drain to the adjacent street or an adequate outlet.

10.FLOOD RI. 4 USE 100 YR SUMP OUTLET

RECOMMND

Drainage facilities outletting sump conditions shall be designed to convey the tributary 100 year storm flows. Additional emergency escape shall also be provided.

10.FLOOD RI. 5 USE PERP DRAINAGE PATTERNS

RECOMMND

The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the District for review.

10.FLOOD RI. 6 USE COORDINATE DRAINAGE DESIGN

RECOMMND

Development of this property shall be coordinated with development of adjacent properties to ensure that watercourses remain unobstructed and stormwaters are not diverted from one watershed to another. This may require

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10. GENERAL CONDITIONS

10.FLOOD RI. 6 USE COORDINATE DRAINAGE DESIGN (cont.) RECOMMND

the construction of temporary drainage facilities or offsite construction and grading. A drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the District for review.

10.FLOOD RI. 9 USE MAJOR FACILITIES RECOMMND

Major flood control facilities are being proposed. These shall be designed and constructed to District standards including those related to alignment and access to both inlets and outlets. The applicant shall consult the District early in the design process regarding materials, hydraulic design and transfer of rights of way.

10.FLOOD RI. 10 USE INCREASED RUNOFF RECOMMND

The development of this site will adversely impact downstream property owners by increasing the rate and volume of flood flows. To mitigate this impact, the developer has proposed a detention basin. Although final design of the basin will not be required until the improvement plan stage of this development, the applicant's engineer has submitted a preliminary hydrology and hydraulics study that indicates that the general size, shape, and location of the proposed basin is sufficient to mitigate the impacts of the development.

10.FLOOD RI. 11 USE INCREASED RUNOFF CRITERIA RECOMMND

The development of this site would increase peak flow rates on downstream properties. Mitigation shall be required to offset such impacts. An increased runoff basin shall be shown on the exhibit and calculations supporting the size of the basin shall be submitted to the District for review.

The entire area of proposed development will be routed through a detention facility(s) to mitigate increased runoff. All basins must have positive drainage; dead storage basins shall not be acceptable.

A complete drainage study including, but not limited to, hydrologic and hydraulic calculations for the proposed detention basin shall be submitted to the District for review and approval.

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10. GENERAL CONDITIONS

10.FLOOD RI. 11

USE INCREASED RUNOFF CRITERIA (cont.)

RECOMMND

Storms to be studied will include the 1-hour, 3-hour, 6-hour and 24-hour duration events for the 2-year, 5-year and 10-year return frequencies. Detention basin(s) and outlet(s) sizing will ensure that none of these storm events has a higher peak discharge in the post-development condition than in the pre-development condition. For the 2-year and 5-year events the loss rate will be determined using an AMC I condition. For the 10-year event AMC II will be used. Constant loss rates shall be used for the 1-hour, 3-hour and 6-hour events. A variable loss rate shall be used for the 24-hour events.

Low Loss rates will be determined using the following:

1. Undeveloped Condition --> LOW LOSS = 90%
2. Developed Condition --> LOW LOSS = .9 - (.8x%IMPERVIOUS)
3. Basin Site --> LOW LOSS = 10%

Where possible and feasible the on-site flows should be mitigated before combining with off-site flows to minimize the size of the detention facility required. If it is necessary to combine off-site and on-site flows into a detention facility two separate conditions should be evaluated for each duration/return period/before-after development combination studied; the first for the total tributary area (off-site plus on-site), and the second for the area to be developed alone (on-site). It must be clearly demonstrated that there is no increase in peak flow rates under either condition (total tributary area or on-site alone), for each of the return period/duration combinations required to be evaluated. A single plot showing the pre-developed, post-developed and routed hydrographs for each storm considered, shall be included with the submittal of the hydrology study.

No outlet pipe(s) will be less than 18" in diameter. Where necessary an orifice plate may be used to restrict outflow rates. Appropriate trash racks shall be provided for all outlets less than 48" in diameter.

The basin(s) and outlet structure(s) must be capable of passing the 100-year storm without damage to the facility. Embankment shall be avoided in all cases unless site constraints or topography make embankment unavoidable in the judgment of the General Manager-Chief Engineer.

Mitigation basins should be designed for joint use and be

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10. GENERAL CONDITIONS

10.FLOOD RI. 11 USE INCREASED RUNOFF CRITERIA (cont.) (cont.)RECOMMND

incorporated into open space or park areas. Sideslopes should be no steeper than 4:1 and depths should be minimized where public access is uncontrolled.

A viable maintenance mechanism, acceptable to both the County and the District, should be provided for detention facilities. Generally, this would mean a CSA, landscape district, parks agency or commercial property owners association.

10.FLOOD RI. 13 USE WQMP ESTABL MAINT ENTITY RECOMMND

This project proposes BMP facilities that will require maintenance by public agency or commercial property owner association. To ensure that the public is not unduly burdened with future costs, prior to final approval or recordation of this case, the District will require an acceptable financial mechanism be implemented to provide for maintenance of treatment control BMPs in perpetuity. This may consist of a mechanism to assess individual benefiting property owners, or other means approved by the District. The site's treatment control BMPs must be shown on the project's improvement plans - either the street plans, grading plans, or landscaping plans. The type of improvement plans that will show the BMPs will depend on the selected maintenance entity.

10.FLOOD RI. 14 USE SUBMIT FINAL WQMP>PRELIM RECOMMND

In compliance with Santa Ana Region and San Diego Region Regional Water Quality Control Board Orders, and Beginning January 1, 2005, projects submitted within the western region of the unincorporated area of Riverside County for discretionary approval will be required to comply with the Water Quality Management Plan for Urban Runoff (WQMP). The WQMP addresses post-development water quality impacts from new development and redevelopment projects. The WQMP requirements will vary depending on the project's geographic location (Santa Ana, Santa Margarita or Whitewater River watersheds). The WQMP provides detailed guidelines and templates to assist the developer in completing the necessary studies. These documents are available on-line at:
www.floodcontrol.co.riverside.ca.us under Programs and Services, Stormwater Quality.

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10. GENERAL CONDITIONS

10.FLOOD RI. 14

USE SUBMIT FINAL WQMP>PRELIM (cont.)

RECOMMND

To comply with the WQMP a developer must submit a "Project Specific" WQMP. This report is intended to a) identify potential post-project pollutants and hydrologic impacts associated with the development; b) identify proposed mitigation measures (BMPs) for identified impacts including site design, source control and treatment control post-development BMPs; and c) identify sustainable funding and maintenance mechanisms for the aforementioned BMPs. A template for this report is indicated as 'exhibit A' on the website above. A final Project Specific WQMP must be approved by the District prior to issuance of building or grading permits.

Projects that require a Project Specific WQMPs were required to submit a PRELIMINARY Project Specific WQMP along with the land-use application package in the tentative phase of development in order to obtain recommended conditions of approval. The developer has submitted a report that minimally meets the criteria for a preliminary project specific WQMP of addressing points a, b, and c above. It shall be noted that while the preliminary project specific WQMP was adequate at that stage, the preliminary WQMP report will need significant revisions at the improvement plan check phase of the development in order to meet the requirements of a final project specific WQMP - including detailed drawings for the BMPs along with all supporting calculations. It should also be noted that if 401 certification is necessary for the project, the Water Quality Control Board may require additional water quality measures.

10.FLOOD RI. 16

USE BMP MAINTENANCE & INSPECT

RECOMMND

The BMP maintenance plan shall contain provisions for all treatment controlled BMPs to be inspected, and if required, cleaned no later than October 15 each year. Required documentation shall identify the entity that will inspect and maintain all structural BMPs within the project boundaries. A copy of all necessary documentation shall be submitted to the District for review and approval prior to the issuance of occupancy permits.

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10. GENERAL CONDITIONS

PLANNING DEPARTMENT

10.PLANNING. 1

MAP - IF HUMAN REMAINS FOUND

RECOMMND

If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a resonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

10.PLANNING. 2

MAP - INADVERTENT ARCHAEO FIND

RECOMMND

If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance.

1. All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the Native American tribal representative and the Planning Director to discuss the significance of the find.

2. At the meeting, the significance of the discoveries shall be discussed and after consultation with the Native American tribal representative and the archaeologist, a decision shall be made, with the concurrence of the Planning Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.

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10. GENERAL CONDITIONS

10.PLANNING. 2 MAP - INADVERTENT ARCHAEO FIND (cont.) RECOMMND

3. Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation.

10.PLANNING. 3 USE - COMPLY WITH ORD./CODES RECOMMND

The development of these premises shall comply with the standards of Ordinance No: 348 and all other applicable Riverside County ordinances and State and Federal codes.

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, unless otherwise amended by these conditions of approval.

10.PLANNING. 4 USE - FEES FOR REVIEW RECOMMND

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

10.PLANNING. 5 USE - LIGHTING HOODED/DIRECTED RECOMMND

Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public rights-of-way.

10.PLANNING. 6 USE - COLORS & MATERIALS RECOMMND

Building colors and materials shall be in substantial conformance with those shown on APPROVED EXHIBIT M.

10.PLANNING. 7 USE - LAND DIVISION REQUIRED RECOMMND

Prior to the sale of any individual structure as shown on APPROVED EXHIBIT A, a land division shall be recorded per Tentative Tract Map No. 35365 and in accordance with Riverside County Ordinance No. 460, and any other pertinent ordinance.

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10. GENERAL CONDITIONS

10.PLANNING. 8 USE - HOURS OF OPERATION

RECOMMND

Use of the facilities approved under this plot plan shall be twenty four (24) hours a day except for buildings 5A, 5B, 6A, and 6B which shall only operate during the hours of 7:00 a.m. to 10:00 p.m., Monday through Saturday in order to reduce conflict with adjacent residential zones and/or land uses.

10.PLANNING. 9 USE - BASIS FOR PARKING

RECOMMND

Parking for this project was determined primarily on the basis of County Ordinance No. 348, Section 18.12. a.(2).b),

Business office = 1,162 spaces required

Warehouse office = 138 spaces required

Warehouse = 210 spaces required

Retail = 50 spaces required

1,560 parking spaces require - 1,779 parking spaces provided according to the APPROVED EXHIBIT A.

10.PLANNING. 10 USE - PERMIT SIGNS SEPARATELY

RECOMMND

No signs are approved pursuant to this project approval. Prior to the installation of any on-site advertising or directional signs, a signing plan shall be submitted to and approved by the Planning Department pursuant to the requirements of Section 18.30 (Planning Department review only) of Ordinance No. 348.

10.PLANNING. 11 USE - LIMIT ON SIGNAGE

RECOMMND

Signage for this project shall be limited to the 5 monument signs shown on APPROVED EXHIBIT A. Any additional signage shall be approved by the Planning Department pursuant to the requirements of Section 18.30 (Planning Department review only) of Ordinance No. 348.

10.PLANNING. 12 USE - NO OUTDOOR ADVERTISING

RECOMMND

No outdoor advertising display, sign or billboard (not including on-site advertising or directional signs) shall be constructed or maintained within the property subject to this approval.

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10. GENERAL CONDITIONS

10. PLANNING. 14 USE - PHASE BY NEW PERMIT

RECOMMND

Construction of this project may be done progressively in phases provided a plan is submitted with appropriate fees to the Planning Department and approved prior to issuance of any building permits. Phasing approval shall not apply to the requirements of any agency other than the Planning Department unless so indicated by the affected agency.

10. PLANNING. 20 USE - NO SECOND FLOOR

RECOMMND

No tenant improvement permit, or any other building permit, shall be granted for any second story, second floor, mezzanine, or interior balcony unless a plot plan, conditional use permit, public use permit, substantial conformance or a revised permit is approved by the Planning Department pursuant to Section 18.12 of Ordinance No. 348 in order to assure adequate parking remains within the property. Only a one story building was approved as part of this permit and reviewed for parking standards.

10. PLANNING. 21 USE - NO RESIDENT OCCUPANCY

RECOMMND

No permanent occupancy shall be permitted within the property approved under this plot plan as a principal place of residence except the caretaker's dwelling as shown on the APPROVED EXHIBIT A. No person shall use the premises as a permanent mailing address nor be entitled to vote using an address within the premises as a place of residence.

10. PLANNING. 24 USE - EXTERIOR NOISE LEVELS

RECOMMND

Exterior noise levels produced by any use allowed under this permit, including, but not limited to, any outdoor public address system, shall not exceed 55 db(A), 10-minute LEQ, between the hours of 10:00 p.m. to 7:00 a.m., and 75 db(A), 10-minute LEQ, at all other times as measured at any residential, hospital, school, library, nursing home or other similar noise sensitive land use. In the event noise exceeds this standard, the permittee or the permittee's successor-in-interest shall take the necessary steps to remedy the situation, which may include discontinued operation of the facilities. The permit holder shall comply with the applicable standards of Ordinance No. 847.

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10. GENERAL CONDITIONS

10.PLANNING. 25

USE - NOISE MONITORING REPORTS

RECOMMND

The permit holder may be required to submit periodic noise monitoring reports as determined by the Department of Building and Safety as part of a code enforcement action. Upon written notice from the Department of Building and Safety requiring such a report, the permittee or the permittee's successor-in-interest shall prepare and submit an approved report within thirty (30) calendar days to the Department of Building and Safety, unless more time is allowed through written agreement by the Department of Building and Safety. The noise monitoring report shall be approved by the Office of Industrial Hygiene of the Health Service Agency (the permittee or the permittee's successor-in-interest shall be required to place on deposit sufficient funds to cover the costs of this approval prior to commencing the required report).

10.PLANNING. 28

USE - NO EA FOR GRADING

RECOMMND

No environmental assessment for grading within the project boundaries shall be required provided such grading substantially conforms to the grading plan submitted as APPROVED EXHIBIT A, and does not significantly exceed 357,000 cubic yards of cut and 298,000 cubic yards of fill.

10.PLANNING. 29

USE - PREVENT DUST & BLOWSAND

RECOMMND

Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blowsand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Building and Safety Department and the State air quality management authorities.

10.PLANNING. 31

USE - CAUSES FOR REVOCATION

RECOMMND

In the event the use hereby permitted under this permit, a) is found to be in violation of the terms and conditions of this permit, b) is found to have been obtained by fraud or perjured testimony, or c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

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10. GENERAL CONDITIONS

10.PLANNING. 32 USE - CEASED OPERATIONS RECOMMND

In the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.

10.PLANNING. 33 USE - 90 DAYS TO PROTEST RECOMMND

The project applicant has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, The imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of the project.

10.PLANNING. 38 USE - ORD 810 O S FEE (1) RECOMMND

In accordance with Riverside County Ordinance No. 810, to assist in providing revenue to acquire and preserve open space and habitat, an Interim Open Space Mitigation Fee shall be paid for each development project or portion of an expanded development project to be constructed in Western Riverside County. The amount of the fee for commercial or industrial development shall be calculated on the basis of "Project Area," which shall mean the net area, measured in acres, from the adjacent road right-of-way to the limits of the project development. Any area identified as "NO USE PROPOSED" on the APPROVED EXHIBIT shall not be included in the Project Area.

10.PLANNING. 42 USE - BUSINESS LICENSING RECOMMND

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department at www.rctlma.org.buslic.

10.PLANNING. 43 USE - LC LANDSCAPE REQUIREMENTS RECOMMND

The developer/ permit holder shall:
1)Ensure all landscape and irrigation plans are in conformance with the APPROVED EXHIBITS;
2)Ensure all landscaping is provided with California Friendly landscaping and a weather based irrigation controller(s) as defined by County Ordinance No. 859;

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10. GENERAL CONDITIONS

10.PLANNING. 43

USE - LC LANDSCAPE REQUIREMENTS (cont.)

RECOMMND

- 3)Ensure that irrigation plans which may use reclaimed water conform with the requirements of the local water purveyor; and,
- 4)Be responsible for maintenance, viability and upkeep of all slopes, landscaped areas, and irrigation systems until the successful completion of the twelve (12) month inspection or those operations become the responsibility of the individual property owner(s), a property owner's association, or any other successor-in-interest, whichever occurs later.

To ensure ongoing maintenance, the developer/ permit holder or any successor in interest shall:

- 1)Connect to a reclaimed water supply for landscape irrigation purposes when reclaimed water is made available.
- 2)Ensure that landscaping, irrigation and maintenance systems comply with the Riverside County Guide to California Friendly Landscaping, and Ordinance No. 859.
- 3)Ensure that all landscaping is healthy, free of weeds, disease and pests.

TRANS DEPARTMENT

10.TRANS. 1

USE - TS/CONDITIONS

RECOMMND

The Transportation Department has reviewed the traffic study submitted for the referenced project. The study has been prepared in accordance with County-approved guidelines. We generally concur with the findings relative to traffic impacts.

The Comprehensive General Plan circulation policies require a minimum of Level of Service 'C', except that Level of Service 'D' may be allowed in community development areas at intersections of any combination of secondary highways, major highways, arterials, urban arterials, expressways or state highways and ramp intersections.

The study indicates that it is possible to achieve adequate levels of service for the following intersections based on the traffic study assumptions.

Trautwein Road (NS) at:
Alessandro Boulevard (EW)

Mission Grove Parkway (NS) at:

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10. GENERAL CONDITIONS

10.TRANS. 1 USE - TS/CONDITIONS (cont.)

RECOMMND

Alessandro Boulevard (EW)

San Gorgonio Drive/Brown Street (NS) at:
Alessandro Boulevard (EW)

Sycamore Canyon Boulevard (NS) at:
Alessandro Boulevard (EW)

I-215 Freeway Southbound Ramps (NS) at:
Alessandro Boulevard (EW)

I-215 Freeway Northbound Ramps (NS) at:
Alessandro Boulevard (EW)

Project Access (NS) at:
Alessandro Boulevard (EW)

As such, the proposed project is consistent with this
General Plan policy.

The associated conditions of approval incorporate
mitigation measures identified in the traffic study, which
are necessary to achieve or maintain the required level of
service.

The traffic study for the proposed project indicates that
at the intersection of Trautwein Road (NS) at Alessandro
Boulevard (EW) the existing Level of Service is "F" in the
morning peak hour. The proposed project will add traffic
to this intersection in the City of Riverside and will thus
have a cumulative traffic impact. The project applicant
shall pay TUMF and traffic signal fees, which shall
constitute adequate mitigation for the cumulative traffic
impact of the project at this intersection.

10.TRANS. 2 USE - STD INTRO 3(ORD 460/461)

RECOMMND

With respect to the conditions of approval for the
referenced tentative exhibit, the landowner shall provide
all street improvements, street improvement plans and/or
road dedications set forth herein in accordance with
Ordinance 460 and Riverside County Road Improvement
standards (Ordinance 461). It is understood that the exhibit
correctly shows acceptable centerline elevations, all
existing easements, traveled ways, and drainage courses
with appropriate Q's, and that their omission or

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20. PRIOR TO A CERTAIN DATE

20.PLANNING. 8 USE - UNDEVELOPED VOID DATE (cont.)

RECOMMND

no lawful occupancy or structure exists. A notice to the Building and Safety Department concerning this condition shall be placed on this application to take effect on the date specified in this condition.

60. PRIOR TO GRADING PRMT ISSUANCE

BS GRADE DEPARTMENT

60.BS GRADE. 1 USE-G2.1 GRADING BONDS

RECOMMND

Grading in excess of 199 cubic yards will require performance security to be posted with the Building and Safety Department. Single Family Dwelling units graded one lot per permit and proposing to grade less than 5,000 cubic yards are exempt.

60.BS GRADE. 2 USE-G2.3SLOPE EROS CL PLAN

RECOMMND

Erosion control - landscape plans, required for manufactured slopes greater than 3 feet in vertical height, are to be signed by a registered landscape architect and bonded per the requirements of Ordinance 457, see form 284-47.

60.BS GRADE. 3 USE-G2.4GEOTECH/SOILS RPTS

RECOMMND

Geotechnical soils reports, required in order to obtain a grading permit, shall be submitted to the Building and Safety Department's Grading Division for review and approval prior to issuance of a grading permit.

All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by Riverside County.*

*The geotechnical/soils, compaction and inspection reports will be reviewed in accordance with the RIVERSIDE COUNTY GEOTECHNICAL GUIDELINES FOR REVIEW OF GEOTECHNICAL AND GEOLOGIC REPORTS.

60.BS GRADE. 4 USE-G2.7DRNAGE DESIGN Q100

RECOMMND

All grading and drainage shall be designed in accordance with Riverside County Flood Control & Water Conservation District's conditions of approval regarding this

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60. PRIOR TO GRADING PRMT ISSUANCE

60.BS GRADE. 9

USE-G1.4 NPDES/SWPPP (cont.)

RECOMMND

with the N.P.D.E.S. (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of "ONE" acre or larger. The owner operator can comply by submitting a "Notice of Intent" (NOI), develop and implement a STORM WATER POLLUTION PREVENTION PLAN (SWPPP) and a monitoring program and reporting plan for the construction site. For additional information and to obtain a copy of the NPDES State Construction Permit contact the SWRCB at (916) 657-1146.

Additionally, at the time the county adopts, as part of any ordinance, regulations specific to the N.P.D.E.S., this project (or subdivision) shall comply with them.

60.BS GRADE. 10

USE IMPORT/EXPORT

RECOMMND

In instances where a grading plan involves import or export, prior to obtaining a grading permit, the applicant shall have obtained approval for the import/export location from the Building and Safety department. If an Environmental Assessment, prior to issuing a grading permit, did not previously approve either location, a Grading Environmental Assessment shall be submitted to the Planning Director and the Environmental Programs Director for review and comment and to the Building and Safety Department Director for approval. Additionally, if the movement of import/export occurs using county roads, review and approval of the haul routes by the Transportation Department will be required.

EPD DEPARTMENT

60.EPD. 1

- GRADING PLAN CHECK

RECOMMND

The area mapped as "Area 4" on Exhibit 7 of the report entitled "Determination of a Biologically Equivalent or Superior Preservation (DBESP) Alessandro Commerce Center (54.4 acres) APNs 297-080-007, -008, -009, and -010 County of Riverside, California" dated: February 6, 2008, will be clearly delineated on the Grading Plan to ensure that no disturbances are proposed within these areas. These areas shall be mapped and labeled "Delineated Constraint Area (MSHCP Avoidance)" on the Grading Plan to the satisfaction of the Environmental Programs Department.

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60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 2

- BIOLOGICAL MONITOR

RECOMMND

Prior to grading permit issuance a qualified biological monitor shall be contracted to provide biological monitoring of the grading and construction activities. A work plan shall be submitted to the EPD to review and approve, from the qualified biological monitor that may include but not be limited to Best Management Practices (BMPs), fencing of Open Space/Conserved Areas, and monitoring reports. The applicant must provide evidence that the qualified biologist had reviewed all construction activities to minimize impacts to any sensitive species and habitats. The EPD may require additional documentation in the form of biological reports and/or site visit(s) to confirm completion. Please contact EPD for further information.

60.EPD. 3

- FENCING

RECOMMND

The area mapped as "Area 4" on Exhibit 7 of the report entitled "Determination of a Biologically Equivalent or Superior Preservation (DBESP) Alessandro Commerce Center (54.4 acres) APNs 297-080-007, -008, -009, and -010 County of Riverside, California" dated: February 6, 2008, will be fenced to avoid impacts during grading and construction. Signs must clearly indicate that no impacts will occur within the fenced areas. A report will be submitted by a biologist documenting that the fencing has been completed and encompasses all Riparian/Riverine habitat as it is defined in section 6.1.2 of the MSHCP. The only Riparian/Riverine areas that will not be fenced are those for which impacts have been proposed and accounted for in the document entitled "Determination of a Biologically Equivalent or Superior Preservation (DBESP) Alessandro Commerce Center (54.4 acres) APNs 297-080-007, -008, -009, and -010 County of Riverside, California" dated: February 6, 2008. The document must be prepared by a biologist who has an MOU with the County of Riverside. In addition, the Environmental Programs Department may also inspect the site prior to grading permit issuance.

60.EPD. 4

- MITIGATION

RECOMMND

As indicated in the document entitled "Determination of a Biologically Equivalent or Superior Preservation (DBESP) Alessandro Commerce Center (54.4 acres) APNs 297-080-007, -008, -009, and -010 County of Riverside, California" dated: February 6, 2008, the applicant shall purchase the

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60. PRIOR TO GRADING PRMT ISSUANCE

60.EPD. 4 - MITIGATION (cont.)

RECOMMND

equivalent of 0.64 acres of mitigation credits from the Santa Ana Watershed Association (SAWA) or other entity approved by the Environmental Programs Department. These credits shall mitigate, at a 2:1 ratio, 0.32 acres of impacts to Riparian/Riverine habitat.

60.EPD. 5 EPD - 30 DAY BURROWING OWL SUR

RECOMMND

Pursuant to Objective 6 and Objective 7 of the Species Account for the Burrowing Owl included in the Western Riverside County Multiple Species Habitat Conservation Plan, within 30 days prior to the issuance of a grading permit, a pre-construction presence/absence survey for the burrowing owl shall be conducted by a qualified biologist and the results of this presence/absence survey shall be provided in writing to the Environmental Programs Department. If it is determined that the project site is occupied by the Burrowing Owl, take of "active" nests shall be avoided pursuant to the MSHCP and the Migratory Bird Treaty Act. However, when the Burrowing Owl is present, relocation outside of the nesting season (March 1 through August 31) by a qualified biologist shall be required. The County Biologist shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites. Occupation of this species on the project site may result in the need to revise grading plans so that take of "active" nests is avoided or alternatively, a grading permit may be issued once the species has been actively relocated.

If the grading permit is not obtained within 30 days of the survey a new survey shall be required.

FLOOD RI DEPARTMENT

60.FLOOD RI. 2 USE SUBMIT PLANS

RECOMMND

A copy of the improvement plans, grading plans, BMP improvement plans and any other necessary documentation along with supporting hydrologic and hydraulic calculations shall be submitted to the District for review. The plans must receive District approval prior to the issuance of grading permits. All submittals shall be date stamped by the engineer and include a completed Flood Control Deposit

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60. PRIOR TO GRADING PRMT ISSUANCE

60.FLOOD RI. 2 USE SUBMIT PLANS (cont.) RECOMMND

Based Fee Worksheet and the appropriate plan check fee deposit.

60.FLOOD RI. 3 USE EROS CNTRL AFTER RGH GRAD RECOMMND

Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris onto downstream properties or drainage facilities. Plans showing these measures shall be submitted to the District for review.

60.FLOOD RI. 4 USE OFFSITE EASE OR REDESIGN RECOMMND

Offsite drainage facilities shall be located within dedicated drainage easements obtained from the affected property owner(s). Document(s) shall be recorded and a copy submitted to the District prior to issuance of permits. If the developer cannot obtain such rights, the project shall be redesigned to eliminate the need for the easement.

60.FLOOD RI. 5 USE WRITTEN PERM FOR GRADING RECOMMND

Written permission shall be obtained from the affected property owner(s) allowing the proposed grading and/or facilities to be installed outside of the project boundaries. A copy of the written authorization shall be submitted to the District for review and approval.

60.FLOOD RI. 7 USE 3 ITEMS TO ACCEPT FACILITY RECOMMND

Inspection and maintenance of the flood control facility/ies to be constructed with this development must be performed by either the County Transportation Department or the Flood Control District. The engineer (owner) must request in writing that one of these agencies accept the proposed system. The request shall note the project number, location, briefly describe the system (sizes and lengths) and include an exhibit that shows the proposed alignment. The request to the District shall be addressed to the General Manager-Chief Engineer, Attn: Chief of the Planning Division.

f the District is willing to maintain the proposed facility three items must be accomplished prior to the issuance of a grading permit or starting construction of the drainage

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60.BS GRADE. 4 USE-G2.7DRNAGE DESIGN Q100 (cont.) RECOMMND

application. If not specifically addressed in their conditions, drainage shall be designed to accommodate 100 year storm flows.

Additionally, the Building and Safety Department's conditional approval of this application includes an expectation that the conceptual grading plan reviewed and approved for it complies or can comply with any WQMP (water Quality Management Plan) required by Riverside County Flood Control & Water Conservation District.

60.BS GRADE. 5 USE-G2.13FIRE D'S OK ON DR. RECOMMND

Driveways shall be designed in accordance with Riverside County Fire Department standards - or the governing Fire Department if not the County - and shall require their approval prior to issuance of the grading permit. Approval shall be in the form of a conditional approval letter addressed to the related case file or by written approval from the Fire Department.

60.BS GRADE. 6 USE-G2.14OFFSITE GDG ONUS RECOMMND

Prior to the issuance of a grading permit, it shall be the sole responsibility of the owner/applicant to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed.

60.BS GRADE. 7 USE-G2.15NOTRD OFFSITE LTR RECOMMND

A notarized letter of permission, from the affected property owners or easement holders, is required for any proposed off site grading.

60.BS GRADE. 8 USE-G2.16REC'D ESMT REQ'D RECOMMND

A recorded easement is required for off site drainage facilities.

60.BS GRADE. 9 USE-G1.4 NPDES/SWPPP RECOMMND

Prior to issuance of any grading or construction permits - whichever comes first - the applicant shall provide the Building and Safety Department evidence of compliance with the following: "Effective March 10, 2003 owner operators of grading or construction projects are required to comply

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10. GENERAL CONDITIONS

10.TRANS. 2

USE - STD INTRO 3(ORD 460/461) (cont.)

RECOMMND

unacceptability may require the exhibit to be resubmitted for further consideration. These Ordinances and all conditions of approval are essential parts and a requirement occurring in ONE is as binding as though occurring in all. All questions regarding the true meaning of the conditions shall be referred to the Transportation Department.

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 1

USE - EXPIRATION DATE-PP

RECOMMND

This approval shall be used within two (2) years of approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within a two (2) year period which is thereafter diligently pursued to completion or of the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of the two year period, the permittee may request a one (1) year extension of time request in which to use this plot plan. A maximum of three one-year extension of time requests shall be permitted. Should the time period established by any of the extension of time requests lapse, or should all three one-year extensions be obtained and no substantial construction or use of this plot plan be initiated within five (5) years of the effective date of the issuance of this plot plan, this plot plan shall become null and void.

20.PLANNING. 6

USE - MITIGATION MONITORING

RECOMMND

WITHIN TWO (2) YEARS OF THE DATE OF APPROVAL OF THIS PERMIT, the permittee shall prepare and submit a written report to the Riverside County Planning Director demonstrating compliance with all conditions of approval and mitigation measures of this permit and EIR No. 510.

20.PLANNING. 8

USE - UNDEVELOPED VOID DATE

RECOMMND

Notwithstanding any other condition of approval herein, this permit shall become null and void on July 1, 2014, as it applies to any undeveloped portion or any undeveloped phase(s) of this property; "undeveloped" shall mean where

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60. PRIOR TO GRADING PRMT ISSUANCE

60.FLOOD RI. 7 USE 3 ITEMS TO ACCEPT FACILITY (cont.) RECOMMND

facility: 1) the developer shall submit to the District the preliminary title reports, plats and legal descriptions for all right of way to be conveyed to the District and secure that right of way to the satisfaction of the District; 2) an agreement with the District and any maintenance partners must be executed which establishes the terms and conditions of inspection, operation and maintenance; and 3) plans for the facility must be signed by the District's General Manager-Chief Engineer. The plans cannot be signed prior to execution of the agreement. An application to draw up an agreement must be submitted to the attention of the District's Administrative Services Section. All right of way transfer issues must be coordinated with the District's Right of Way Section.

The engineer/developer will need to submit proof of flood control facility bonds and a certificate of insurance to the District's Inspection section before a pre-construction meeting can be scheduled.

60.FLOOD RI. 9 USE SUBMIT FINAL WQMP RECOMMND

A copy of the project specific WQMP shall be submitted to the District for review and approval.

PLANNING DEPARTMENT

60.PLANNING. 1 MAP- NATIVE AM. MONITORING RECOMMND

Tribal monitor(s) from the appropriate Native American Tribe(s) shall be required on-site during all ground disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor from the Morongo Band of Mission Indians and the Pechanga Band of Luiseno Indians under a cooperative arrangement with these tribes. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above mentioned Tribes and the land divider/permit holder for the monitoring of the project, and which addresses the treatment of cultural resources, to the Planning Department and to the Department of Building and Safety. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow recovery of cultural resources, in cooperation

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60. PRIOR TO GRADING PRMT ISSUANCE

60. PLANNING. 1 MAP- NATIVE AM. MONITORING (cont.) RECOMMND
with the Project Archaeologist.

60. PLANNING. 2 MAP - ARCHAEOLOGIST RETAINED RECOMMND

Prior to the issuance of rough grading permits, a qualified archaeologist (pursuant to the Secretary of the Interior's standards and guidelines) shall be retained by the land divider for archaeological monitoring services. A pre-grade meeting between the archaeologist, the Native American tribal representative(s), and the excavation and grading contractor shall take place to discuss appropriate grading and ground disturbing methods within and around those archaeologically and culturally sensitive areas within the project. During grading operations, when deemed necessary in the professional opinion of the retained archaeologist (and/or as determined by the Planning Director), the archaeologist, the archaeologist's on-site representative(s) and the Native American tribal representative(s) shall actively monitor all project related grading and shall have the authority to temporarily divert, redirect, or halt grading activity to allow recovery of archaeological and/or cultural resources. Prior to the issuance of grading permits, a copy of the fully executed agreement including the NAME, ADDRESS and TELEPHONE NUMBER of the retained archaeologist shall be submitted to the Planning Department and the B&S Grading Division. A report of the results of the monitoring activities shall be submitted to the County Archaeologist.

60. PLANNING. 3 MAP- CULTURAL RES. DISP. AG. RECOMMND

Prior to grading permit issuance, the applicant shall provide the Planning Director evidence of a fully executed agreement with the appropriate Native American Tribe that addresses the treatment and disposition of all cultural resources impacted as a result of the development. The Developer shall relinquish ownership of all cultural resources, including all archaeological artifacts that are of Native American origin, found in the project area to the Morongo Band of Mission Indians and the Pechanga Band of Luiseno Indians, through a cooperative agreement with these two tribes, for proper treatment and disposition upon completion of inventory and evaluation of the recovered artifacts by the project archaeologist.

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60. PRIOR TO GRADING PRMT ISSUANCE

60.FLOOD RI. 7 USE 3 ITEMS TO ACCEPT FACILITY (cont.)

RECOMMND

facility: 1) the developer shall submit to the District the preliminary title reports, plats and legal descriptions for all right of way to be conveyed to the District and secure that right of way to the satisfaction of the District; 2) an agreement with the District and any maintenance partners must be executed which establishes the terms and conditions of inspection, operation and maintenance; and 3) plans for the facility must be signed by the District's General Manager-Chief Engineer. The plans cannot be signed prior to execution of the agreement. An application to draw up an agreement must be submitted to the attention of the District's Administrative Services Section. All right of way transfer issues must be coordinated with the District's Right of Way Section.

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60.FLOOD RI. 9 USE SUBMIT FINAL WQMP

RECOMMND

A copy of the project specific WQMP shall be submitted to the District for review and approval.

PLANNING DEPARTMENT

60.PLANNING. 1 MAP- NATIVE AM. MONITORING

RECOMMND

Tribal monitor(s) from the appropriate Native American Tribe(s) shall be required on-site during all ground disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor from the Morongo Band of Mission Indians and the Pechanga Band of Luiseno Indians under a cooperative arrangement with these tribes.

Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above mentioned Tribes and the land divider/permit holder for the monitoring of the project, and which addresses the treatment of cultural resources, to the Planning Department and to the Department of Building and Safety. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow recovery of cultural resources, in cooperation

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 1 MAP- NATIVE AM. MONITORING (cont.)

RECOMMND

with the Project Archaeologist.

60.PLANNING. 2 MAP - ARCHAEOLOGIST RETAINED

RECOMMND

Prior to the issuance of rough grading permits, a qualified archaeologist (pursuant to the Secretary of the Interior's standards and guidelines) shall be retained by the land divider for archaeological monitoring services. A pre-grade meeting between the archaeologist, the Native American tribal representative(s), and the excavation and grading contractor shall take place to discuss appropriate grading and ground disturbing methods within and around those archaeologically and culturally sensitive areas within the project. During grading operations, when deemed necessary in the professional opinion of the retained archaeologist (and/or as determined by the Planning Director), the archaeologist, the archaeologist's on-site representative(s) and the Native American tribal representative(s) shall actively monitor all project related grading and shall have the authority to trarily divert, redirect, or halt grading activity to allow recovery of archaeological and/or cultural resources. Prior to the issuance of grading permits, a copy of the fully executed agreement including the NAME, ADDRESS and TELEPHONE NUMBER of the retained archaeologist shall be submitted to the Planning Department and the B&S Grading Division. A report of the results of the monitoring activities shall be submitted to teh County Archaeologist.

60.PLANNING. 3 MAP- CULTURAL RES. DISP. AG.

RECOMMND

Prior to grading permit issuance, the applicant shall provide the Planning Director evidence of a fully executed agreement with the appropriate Native American Tribe that addresses the treatment and disposition of all cultural resources impacted as a result of the development. The Developer shall relinquish ownership of all cultural resources, including all archaeological artifacts that are of Native American origin, found in the project area to the Morongo Band of Mission Indians and the Pechanga Band of Luiseno Indians, through a cooperative agreement with these two tribes, for proper treatment and disposition upon completion of inventory and evaluation of the recovered artifacts by the project archaeologist.

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60. PRIOR TO GRADING PRMT ISSUANCE

60. PLANNING. 4 USE - GRADING PLANS

RECOMMND

If grading is proposed, the project must comply with the following:

a. The developer shall submit one print of a comprehensive grading plan to the Department of Building and Safety which complies with the Uniform Building Code, Chapter 70, as amended by Ordinance No. 457 and as may be additionally provided for in these conditions.

b. A grading permit shall be obtained from the Department of Building and Safety prior to commencement of any grading outside of a County maintained road right-of-way.

c. Graded but undeveloped land shall be planted with interim landscaping or provided with other erosion control measures as approved by the Director of Building and Safety.

d. Graded areas shall be revegetated or landscaped with native species which are fire resistant, drought tolerant, low water using and erosion controlling.

60. PLANNING. 5 USE - NPDES COMPLIANCE (2)

RECOMMND

Since this project will disturb one (1) or more acres or is part of a larger project that will disturb five or more acres, it will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the State Water Resources Control Board. Clearance for grading shall not be given until

either the district or the Department of Building and Safety has determined that the project has complied with the current County requirements regarding the NPDES Construction General Permit.

60. PLANNING. 6 USE - PLNTLOGST RETAINED (1)

RECOMMND

Prior to issuance of grading permits, a qualified paleontologist shall be retained by the developer for consultation and comment on the proposed grading with respect to potential paleontological impacts. Should the paleontologist find the potential is high for impact to significant resources, a pre-grade meeting between the paleontologist and the excavation and grading contractor shall be arranged. When necessary, the paleontologist or

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 6 USE - PLNTLOGST RETAINED (1) (cont.)

RECOMMND

representative shall have the authority to temporarily divert, redirect, or halt grading activity to allow recovery of fossils. The developer shall submit the name, telephone number and address of the retained paleontologist to the Planning Department.

The paleontologist shall submit in writing to the Planning Department the results of the initial consultation and the details of the fossil recovery plan if recovery was deemed necessary. The written results shall be submitted prior to issuance of grading permit.

60.PLANNING. 10 USE - MITIGATION MONITORING

RECOMMND

The permittee shall prepare and submit a written report to the Riverside County Planning Director demonstrating compliance with those conditions of approval and mitigation measures of this permit and EIR No. 510 which must be satisfied prior to the issuance of a grading permit.

The Planning Director may require inspection or other monitoring to ensure such compliance.

60.PLANNING. 14 USE - SKR FEE CONDITION

RECOMMND

Prior to the issuance of a grading permit, the applicant shall comply with the provisions of Riverside County Ordinance No. 663, which generally requires the payment of the appropriate fee set forth in that ordinance. The amount of the fee required to be paid may vary depending upon a variety of factors, including the type of development application submitted and the applicability of any fee reduction or exemption provisions contained in Riverside County Ordinance No. 663. Said fee shall be calculated on the approved development project which is anticipated to be 54.4 acres (gross) in accordance with APPROVED EXHIBIT NO. A. If the development is subsequently revised, this acreage amount may be modified in order to reflect the revised development project acreage amount. In the event Riverside County Ordinance No. 663 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 663 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 19

USE - ARCHAEOLOGIST RETAINED

RECOMMND

Prior to the issuance of grading permits, a qualified archaeologist shall be retained by the land divider for consultation and comment on the proposed grading with respect to potential impacts to unique archaeological resources. Should the archaeologist, after consultation with the appropriate Native American tribe, find the potential is high for impact to unique archaeological resources (cultural resources and sacred sites), a pre-grading meeting between the archaeologist, a Native American observer, and the excavation and grading contractor shall take place. During grading operations, when deemed necessary in the professional opinion of the retained archaeologist (and/or as determined by the Planning Director), the archaeologist, the archaeologist's on-site representative(s) and the Native American Observer shall actively monitor all project-related grading and construction and shall have the authority to temporarily divert, redirect, or halt grading activity to allow recovery of unique archaeological resources. Prior to the issuance of grading permits, the NAME, ADDRESS and TELEPHONE NUMBER of the retained archaeologist shall be submitted to the Planning Department and the B&S Grading Division. If the retained archaeologist, after consultation with the appropriate Native American tribe, finds no potential for impacts to unique archaeological resources, a letter shall be submitted to the Planning Department certifying this finding by the retained qualified archaeologist.

60.PLANNING. 22

USE - CONST TRAFFIC CONTROL

RECOMMND

The applicant shall provide a traffic management plan to the Transportation Department that will require:

- 1) Construction parking to be configured such that traffic interference is minimized
- 2) Dedicated turn lanes for movement of construction trucks and equipment on and offsite
- 3) Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable
- 4) Reroute construction trucks away from congested streets or sensitive receptor areas, and

o Improve traffic flow by temporary signal synchronization if possible

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 23 USE - CARPOOL DOCUMENTATION

RECOMMND

Prior to the issuance of a grading permit, the developer will provide documentation to the County indicating that workers will carpool to the greatest extent practical. Workers will be informed in writing and a letter placed on file at the County documenting the extent of carpooling anticipated.

60.PLANNING. 24 USE - PHASE III RECOVERY

RECOMMND

Phase III data recovery must be completed for site CA-RIV-5457 prior to final issuance of a grading permit. The recovery fieldwork must be completed in its entirety before grading begins, and a Phase III excavation report must be finalized and approved before final inspection. The Phase III excavation must be designed and written to Archaeological Resource Management Reports (ARMR) standards and County of Riverside standards.

60.PLANNING. 25 USE - MM PLAN - ARCHEO

RECOMMND

The Project Archaeologist must create a mitigation-monitoring plan prior to earthmoving in the Project area, and a pre-grade meeting associated with the details of that plan must occur between the monitoring archaeologist(s) and the grading contractor before grading begins. The abatement plan document must contain a description of how and where artifacts will be curated if found during monitoring, and contingency plans associated with Native American tribal representation if the recovered artifacts are considered sacred items by one or more Native American tribes.

60.PLANNING. 26 USE - HAZARDOUS MAT REMOVAL

RECOMMND

Stained soils, as identified in Phase I Environmental Site Assessment (ESA), shall be removed prior to any ground disturbing activities. The removal process shall be in compliance with the County hazardous materials removal/handling regulatory guidelines and work will be performed to the satisfaction of the County Environmental Health staff.

60.PLANNING. 27 USE - NOISE MITIGATION PLAN

RECOMMND

Prior to grading permit issuance, the Project applicant shall submit a Construction Noise Mitigation Plan to the

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60. PRIOR TO GRADING PRMT ISSUANCE

60.PLANNING. 27 USE - NOISE MITIGATION PLAN (cont.)

RECOMMND

County for review and approval. The plan shall depict the location of construction equipment and describe how noise would be mitigated through methods such as, but not limited to, locating stationary noise-generating equipment (such as pumps and generators), as far as possible from nearby noise-sensitive receptors. Where practicable, noise-generating equipment will be shielded from nearby noise-sensitive receptors by noise-attenuating buffers such as structures or haul, trucks and trailers. Onsite noise sources located less than 200 feet from noise-sensitive receptors will be equipped with noise-reducing engine housings. Portable acoustic barriers able to attenuate at least 6 dB will be placed around noise-generating equipment located within 200 feet of residences. Water tanks and equipment storage, staging, and warm-up areas will be located as far from noise-sensitive receptors as reasonably possible. The noise attenuation measures identified in the plan shall be incorporated into the Proposed Project.

TRANS DEPARTMENT

60.TRANS. 1 USE - TRANSPORTATION CLEARANCE

RECOMMND

A clearance from the Transportation Department is required prior to the issuance of a grading permit.

70. PRIOR TO GRADING FINAL INSPECT

PLANNING DEPARTMENT

70.PLANNING. 1 USE - PLNTLGST CERTIFIED (2)

RECOMMND

A qualified paleontologist shall be retained by the developer for consultation and comment on the proposed grading with respect to potential paleontological impacts. Should the paleontologist find the potential is high for impacts to significant resources, a post-grade report by the paleontologist shall be submitted to the Planning Department. When necessary, in the professional opinion of the retained paleontologist (and/or as determined by the Planning Director), the paleontologist or representative shall have the authority to monitor actively all project related grading and construction and shall have the authority to temporarily divert, redirect, or halt grading activity to allow recovery of fossils. The developer shall submit the name, telephone number and address of the

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70. PRIOR TO GRADING FINAL INSPECT

70.PLANNING. 1 USE - PLNTLGST CERTIFIED (2) (cont.)

RECOMMND

retained paleontologist to the Planning Department and the Department of Building and Safety. The paleontologist shall submit in writing to the Planning Department the results of the initial consultation and the final results of the fossil recovery plan if recovery was deemed necessary. The written results shall be submitted prior to final inspection approval of the project grading.

80. PRIOR TO BLDG PRMT ISSUANCE

BS GRADE DEPARTMENT

80.BS GRADE. 1 USE* -G3.1NO B/PMT W/O G/PMT

RECOMMND

Prior to issuance of any building permit, the property owner shall obtain a grading permit and/or approval to construct from the Grading Division of the Building and Safety Department.

E HEALTH DEPARTMENT

80.E HEALTH. 1 USE - WATER/SEWER WILL SERVE

RECOMMND

A "will-serve" letter from the appropriate water and sewer company/district shall be required to Environmental Health along with the filing fee in effect at the time of submittal.

EPD DEPARTMENT

80.EPD. 1 MAP - FENCING PLAN

RECOMMND

Prior to the issuance of a building permit, the applicant shall submit a proposed fencing and signage plan for the protection of all biologically sensitive areas. The areas mapped as "Area 4" on Exhibit 7 of the report entitled "Determination of a Biologically Equivalent or Superior Preservation (DBESP) Alessandro Commerce Center (54.4 acres) APNs 297-080-007, -008, -009, and -010 County of Riverside, California" dated: February 6, 2008, shall be permanently fenced for protection as open space. The fencing plan will be approved by the Environmental Programs Department. The final product will be inspected by the Environmental Programs Department prior to final inspection.

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80. PRIOR TO BLDG PRMT ISSUANCE

80.EPD. 2

MAP - BIOLOGICAL MONITOR

RECOMMND

Prior to building permit issuance, a qualified biological monitor shall submit final monitoring report to the Environmental Programs Department (EPD) to review and approve. The applicant/qualified biologist must provide evidence they reviewed all construction activities to minimize impacts to any sensitive species and habitats. EPD may require additional documentation in the form of biological reports and/or site visit(s) to confirm completion. Please contact EPD for further information.

80.EPD. 3

MAP - UWIG PLAN CHECK

RECOMMND

Building Plan will be checked for compliance with section 6.1.4 of the MSHCP. Emphasis should be place on lighting and drainages.

* Drainage

Proposed Developments in proximity to the MSHCP Conservation Area shall incorporate measures, including measures required through the National Pollutant Discharge Elimination System (NPDES) requirements, to ensure that the quantity and quality of runoff discharged to the MSHCP Conservation Area is not altered in an adverse way when compared with existing conditions. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the MSHCP Conservation Area. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the MSHCP Conservation Area. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. Regular maintenance shall occur to ensure effective operations of runoff control systems.

* Toxics

Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife species, Habitat or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. Measures such as those employed to address drainage issues shall be implemented.

* Lighting

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80. PRIOR TO BLDG PRMT ISSUANCE

80.EPD. 3

MAP - UWIG PLAN CHECK (cont.)

RECOMMND

Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.

* Noise

Proposed noise generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards.

* Invasives

When approving landscape plans for Development that is proposed adjacent to the MSHCP Conservation Area, Permittees shall consider the invasive, non-native plant species listed in Table 6-2 and shall require revisions to landscape plans (subject to the limitations of their jurisdiction) to avoid the use of invasive species for the portions of Development that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography and other features.

FIRE DEPARTMENT

80.FIRE. 1

USE-#17A-BLDG PLAN CHECK \$

RECOMMND

Building Plan check deposit base fee of \$1,056.00, shall be paid in a check or money order to the Riverside County Fire Department after plans have been approved by our office.

80.FIRE. 2

USE-#4-WATER PLANS

RECOMMND

The applicant or developer shall separately submit two copies of the water system plans to the Fire Department for review and approval. Calculated velocities shall not exceed 10 feet per second. Plans shall conform to the fire hydrant

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80.FIRE. 2 USE-#4-WATER PLANS (cont.)

RECOMMND

types, location and spacing, and the system shall meet the fire flow requirements.

Plans shall be signed and approved by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."

FLOOD RI DEPARTMENT

80.FLOOD RI. 2 USE SUBMIT PLANS

RECOMMND

A copy of the improvement plans, grading plans, BMP improvement plans and any other necessary documentation along with supporting hydrologic and hydraulic calculations shall be submitted to the District for review. The plans must receive District approval prior to the issuance of building permits. All submittals shall be date stamped by the engineer and include a completed Flood Control Deposit Based Fee Worksheet and the appropriate plan check fee deposit.

80.FLOOD RI. 3 USE 3 ITEMS TO ACCEPT FACILITY

RECOMMND

Inspection and maintenance of the flood control facility/ies to be constructed with this development must be performed by either the County Transportation Department or the Flood Control District. The engineer (owner) must request in writing that one of these agencies accept the proposed system. The request shall note the project number, location, briefly describe the system (sizes and lengths) and include an exhibit that shows the proposed alignment. The request to the District shall be addressed to the General Manager-Chief Engineer, Attn: Chief of the Planning Division.

If the District is willing to maintain the proposed facility three items must be accomplished prior to the issuance of a building permit or starting construction of the drainage facility: 1) the developer shall submit to the District the preliminary title reports, plats and legal descriptions for all right of way to be conveyed to the District and secure that right of way to the satisfaction of the District; 2) an agreement with the District and any maintenance partners must be executed which establishes the terms and conditions of inspection, operation and maintenance; and 3) plans for

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80.FLOOD RI. 3 USE 3 ITEMS TO ACCEPT FACILITY (cont.) RECOMMND

the facility must be signed by the District's General Manager-Chief Engineer. The plans cannot be signed prior to execution of the agreement. An application to draw up an agreement must be submitted to the attention of the District's Administrative Services Section. All right of way transfer issues must be coordinated with the District's Right of Way Section.

The engineer/developer will need to submit proof of flood control facility bonds and a certificate of insurance to the District's Inspection section before a pre-construction meeting can be scheduled.

80.FLOOD RI. 5 USE SUBMIT FINAL WQMP RECOMMND

A copy of the project specific WQMP shall be submitted to the District for review and approval.

PLANNING DEPARTMENT

80.PLANNING. 2 USE - ALLOW UNDERGROUND UTIL. RECOMMND

The permit holder shall submit to the Department of Building and Safety and the Planning Department a written statement from the Southern California Edison Company confirming whether or not the overhead electrical lines within Alessandro Blvd. are capable of being installed underground and that all financial arrangements to do so have been completed, or the permittee shall submit a definitive statement to the above departments from the utility refusing to allow underground installation of the overhead electrical lines, in which case any requirement of these conditions to install electrical lines underground is null and void.

80.PLANNING. 5 USE - LIGHTING PLANS RECOMMND

All street lights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Riverside County Ordinance No. 655 and the Riverside County Comprehensive General Plan.

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80.PLANNING. 6 USE - CONFORM TO ELEVATIONS

RECOMMND

Elevations of all buildings and structures submitted for building plan check approval shall be in substantial conformance with the elevations shown on APPROVED EXHIBIT B.

80.PLANNING. 7 USE - CONFORM TO FLOOR PLANS

RECOMMND

Floor plans shall be in substantial conformance with that shown on APPROVED EXHIBIT C.

80.PLANNING. 8 USE - ROOF EQUIPMENT SHIELDING

RECOMMND

Roof mounted equipment shall be shielded from ground view. Screening material shall be subject to Planning Department approval.

80.PLANNING. 9 USE - BUS STOPS

RECOMMND

A bus stop shall be shown on the street improvement plans for Alessandro Blvd. The bus stop shall be coordinated with R.T.A. (Riverside Transit Agency) and shall be subject to Transportation Director and Planning Director approval.

80.PLANNING. 15 USE - FENCING PLAN REQUIRED

RECOMMND

A fencing plan shall be submitted showing all and fence locations and typical views of all types of fences or walls proposed. This plan shall require anti-graffiti coatings on fences and walls, where applicable.

80.PLANNING. 18 USE - MITIGATION MONITORING

RECOMMND

The environmental consultant of record [Michael Brandman Associates] shall prepare and submit a written report to the Riverside County Planning Director demonstrating compliance with those conditions of approval and mitigation measures of this permit and EIR No. 510 which must be satisfied prior to the issuance of a building permit.

The Planning Director may require inspection or other monitoring to ensure such compliance.

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80.PLANNING. 19 USE - PLANS SHOWING BIKE RACKS RECOMMND

Seventy one (71) bike rack spaces or bike lockers shall be shown on the project's parking and landscaping plan submitted to the Planning Department for approval.

80.PLANNING. 24 USE - COLOR/FINISH SAMPLES RECOMMND

The permittee shall submit three 4" x 4" color and finish samples of all buildings and materials for Planning Department approval. Coloration shall be compatible with the colors contained in Exhibit M.

80.PLANNING. 27 USE - WASTE MGMT. CLEARANCE RECOMMND

A clearance letter from Riverside County Waste Management District shall be provided to the Riverside County Planning Department verifying compliance with the conditions contained in their letter dated August 1, 2007, summarized as follows: The developer shall provide adequate areas for collecting and loading recyclable materials such as paper products, glass and green waste in commercial, industrial, public facilities and residential development projects.

80.PLANNING. 31 USE - SCHOOL MITIGATION RECOMMND

Impacts to the Riverside and Moreno Valley Unified School Districts shall be mitigated in accordance with California State law.

80.PLANNING. 39 USE - CC&R C/I MO COMMON LOT RECOMMND

The applicant shall notify the Planning Department that the following documents shall be submitted to the Office of the County Counsel and submit said documents to for review along with the current fee, which documents shall be subject County Counsel approval:

1. A cover letter identifying the project for which approval is sought;

2. A signed and notarized declaration of covenants, conditions and restrictions;

3. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions and restrictions is incorporated therein by reference; and,

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80.PLANNING. 39

USE - CC&R C/I MO COMMON LOT (cont.)

RECOMMND

4. A deposit equaling three (3) hours at the current hourly rate for the Review of Covenants, Conditions and Restrictions as established pursuant to Ordinance No. 671 at the time the above documents are submitted for review by County Counsel.

The declaration of covenants, conditions and restrictions submitted for review shall a) provide for a minimum term of 60 years, b) provide reciprocal easements for ingress, egress and parking, c) provide for the establishment of a maintenance operator, c) provide for the ownership of the common area by the owners of each individual parcel as tenants in common, and d) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

The Maintenance Operator established herein shall manage and continuously maintain the 'common area', more particularly described on Exhibit A, attached hereto, and shall not be sell or transfer the 'common area' or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest.

The Maintenance Operator shall have the right to assess the owners of each individual parcel for the reasonable cost of maintaining such 'common area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

This Declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the 'common area' or any reciprocal easement established pursuant to the Declaration."

Once approved by the Office of County Counsel, the

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80.PLANNING. 39 USE - CC&R C/I MO COMMON LOT (cont.) (cont.) RECOMMND

declaration of covenants, conditions and restrictions shall be recorded by the Planning Department with one copy retained for the case file, and one copy provided to the County Transportation Department - Survey Division.

80.PLANNING. 41 USE - CC&R C/I POA COMMON LOT RECOMMND

The applicant shall notify the Planning Department that the following documents shall be submitted to the Office of the County Counsel and submit said documents for review along with the current fee, which documents shall be subject to County Counsel approval:

1. A cover letter identifying the project for which approval is sought;
2. A signed and notarized declaration of covenants, conditions and restrictions;
3. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions and restrictions is incorporated therein by reference; and,
4. A deposit equaling three (3) hours at the current hourly rate for the Review of Covenants, Conditions and Restrictions as established pursuant to Ordinance No. 671 at the time the above documents are submitted for review by County Counsel.

The declaration of covenants, conditions and restrictions submitted for review shall a) provide for a minimum term of 60 years, b) provide reciprocal easements for ingress, egress and parking, c) provide for the establishment of a property owners' association comprised of the owners of each individual parcel, d) provide for the ownership of the common area by either the property owners' association or the owners of each individual parcel as tenants in common, and e) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

The property owners' association established herein shall manage and continuously maintain the 'common area',

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80.PLANNING. 41

USE - CC&R C/I POA COMMON LOT (cont.)

RECOMMND

more particularly described on Exhibit A, attached hereto, and shall not be sell or transfer the 'common area' or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest.

The property owners' association shall have the right to assess the owners of each individual parcel for the reasonable cost of maintaining such 'common area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

This Declaration shall not be terminated, 'substantially' amended, or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the 'common area' or any reciprocal easement established pursuant to the Declaration."

In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or property owners' association Rules and Regulations, if any, this Declaration shall control."

Once approved by the Office of County Counsel, the declaration of covenants, conditions and restrictions shall be recorded by the Planning Department with one copy retained for the case file, and one copy provided to the County Transportation Department - Survey Division.

80.PLANNING. 42

USE - FEE BALANCE

RECOMMND

Prior to issuance of building permits, the Planning Department shall determine if the deposit based fees for project are in a negative balance. If so, any outstanding fees shall be paid by the applicant/developer.

80.PLANNING. 45

USE - LC LNDSCP COMMN AREA MNT

RECOMMND

Prior to the issuance of a building permit, the developer/permit holder shall submit Covenants, Conditions,

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80.PLANNING. 45

USE - LC LANDSCP COMMN AREA MNT (cont.)

RECOMMND

and Restrictions (CC&R) to the Riverside County Counsel for review along with the required fees set forth by the Riverside County Fee Schedule.

For purposes of landscaping and maintenance, the following minimum elements shall be incorporated into the CC&R's:

1) Permanent public, quasi-public or private maintenance organization shall be established for proper management of the water efficient landscape and irrigation systems. Any agreements with the maintenance organization shall stipulate that maintenance of landscaped areas will occur in accordance with Ordinance No. 859 (as adopted and any amendments thereto) and the County of Riverside Guide to California Friendly Landscaping.

2) The CC&R's shall prohibit the use of water-intensive landscaping and require the use of low water use landscaping pursuant to the provisions of Ordinance No. 859 (as adopted and any amendments thereto).

3) The common maintenance areas shall include all those identified on the approved landscape maintenance exhibit.

The Planning Department shall clear this condition once a copy of the County Counsel approved CC&R's has been submitted to the Planning Department.

80.PLANNING. 46

USE - LC LANDSCAPE PLOT PLAN

RECOMMND

Prior to issuance of building permits, the developer/permit holder shall file a Landscaping Minor Plot Plan Application to the Riverside County Planning Department for review and approval along with the current fee. The landscaping plans shall be in conformance with the APPROVED EXHIBITS; in compliance with Ordinance No. 348, Section 18.12; Ordinance No. 859; and, be prepared consistent with the County of Riverside Guide to California Friendly Landscaping. At minimum, plans shall include the following components:

1) Landscape and irrigation working drawings "stamped" by a California certified landscape architect;

2) Weather based controllers and necessary components to eliminate water waste;

3) A copy of the "stamped" approved grading plans; and,

4) Emphasis on native and drought tolerant species.

When applicable, plans shall include the following components:

1) Identification of all common/open space areas;

2) Natural open space areas and those regulated/conserved by

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80.PLANNING. 46

USE - LC LANDSCAPE PLOT PLAN (cont.)

RECOMMND

the prevailing MSHCP;

3)Shading plans for projects that include parking lots/areas;

4)The use of canopy trees (24" box or greater) within the parking areas;

5)Landscaping plans for slopes exceeding 3 feet in height;

6)Landscaping and irrigation plans associated with entry monuments. All monument locations and dimensions shall be provided on the plan; and/or,

7)If this is a phased development, then a copy of the approved phasing plan shall be submitted for reference.

NOTE:

1)Landscaping plans for areas within the road right-of-way shall be submitted for review and approval by the Transportation Department only. The Planning Department shall not approve landscape plans within the Road Right-of-Way.

2)When the Landscaping Plot Plan is located within a special district such as Valley-Wide Recreation and Park District, Jurupa Community Services District, Coachella Valley Water District, a County Service Area (CSA) or other maintenance district, the developer/permit holder shall submit plans for review to the appropriate special district for simultaneous review. The permit holder shall show evidence to the Planning Department that the subject District has approved said plans.

As part of the plan check review process and request for condition clearance, the developer/permit holder shall show proof of the approved landscaping plot plan by providing the Plot Plan number. The planning department shall verify the landscape route is approved and the Plot Plan is in TENTAPPR status. Upon verification of compliance with this condition and the APPROVED EXHIBITS, the Planning Department shall clear this condition.

80.PLANNING. 47

USE - LC LANDSCAPE SECURITIES

RECOMMND

Prior to the issuance of building permits, the developer/permit holder shall submit an estimate to replace plantings, irrigation systems, ornamental landscape elements, walls and/or fences, in amounts to be approved by the Riverside County Planning Department, Landscape Division. Once the Planning Department has approved the estimate, the developer/permit holder shall submit the estimate to the Riverside County Department of Building and

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80.PLANNING. 47 USE - LC LANDSCAPE SECURITIES (cont.)

RECOMMND

Safety who will then provide the developer/permit holder with the requisite forms. The required forms shall be completed and submitted to Building and Safety for processing and review in conjunction with County Counsel. Upon determination of compliance, the Department of Building and Safety shall clear this condition.

NOTE:

A cash security shall be required when the estimated cost is \$2,500.00 or less. It is highly encouraged to allow adequate time to ensure that securities are in place. The performance security shall be released following a successful completion of the One Year Post-Establishment Inspection, and the inspection report confirms that the planting and irrigation components are thriving and in good working order consistent with the approved landscaping plans.

80.PLANNING. 48 USE - LEED MITIGATION

RECOMMND

As described in the LEED for New Construction, Version 2.2 Rating System, the Project shall comply with the following activities and as consistent with County requirements. Documentation of compliance with this measure shall be provided to the Riverside County Planning Department and Building Official for review and approval prior to issuance of building permit(s) and approval of features shall be confirmed by the County Building Official prior to certificate of occupancy.

- i) Sustainable Sites (SS) Credit 4.2 - Provide secure bicycle racks and/or storage for 5 percent or more of all office building employees.
- ii) SS Credit 7.1 - Place a minimum of 25 parking spaces under cover - Any roof used to shade or cover parking must have an SRI of at least 29.
- iii) SS Credit 7.2 - Use roofing materials having a SRI equal to or greater than 78 for a minimum of 75 percent of the roof surface.

TRANS DEPARTMENT

80.TRANS. 1 USE - TS/DESIGN

RECOMMND

The project proponent shall be responsible for the design of traffic signals at the intersections of:

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80.TRANS. 1 USE - TS/DESIGN (cont.)

RECOMMND

NONE

with fee credit eligibility

San Gorgonio Drive/Brown Street (NS) at Alessandro
Boulevard (EW) (Signal Modification)

with no credit given for Traffic Signal Mitigation Fees
or as approved by the Transportation Department

Installation of the signals shall be per 90.TRANS.1.

80.TRANS. 2 USE - TS/GEOMETRICS

RECOMMND

The intersection of San Gorgonio Drive/Brown Street and
Alessandro Boulevard shall provide the following
geometrics:

Northbound: One left turn lane, one through, one right-turn
lane with overlap

Southbound: One left turn lane, one shared through/right
turn lane

Eastbound: One left turn lane, two through lanes, one
shared through/right-turn lane

Westbound: One left turn lane, three through lanes, one
right turn lane

The intersection of I-215 Freeway Northbound Ramps and
Alessandro Boulevard shall provide the following
geometrics:

Northbound: Two left turn lanes, one right turn lane

Southbound: NA

Eastbound: One left turn lane, three through lanes

Westbound: Two through lanes, one shared through/right
turn lane

The intersection of the Project Access and Alessandro
Boulevard shall provide the following geometrics:

Northbound: One right turn lane - stop control

Southbound: NA

Eastbound: Two through lanes, one shared through/right
turn lane

Westbound: Three through lanes

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80.TRANS. 2 USE - TS/GEOMETRICS (cont.)

RECOMMND

(Note: Only right turns into and out of this driveway will be allowed.)

or as approved by the Transportation Department.

All improvements listed are requirements for interim conditions only. Full right-of-way and roadway half sections adjacent to the property for the ultimate roadway cross-section per the County's Road Improvement Standards and Specifications must be provided.

Any off-site widening required to provide these geometrics shall be the responsibility of the landowner/developer.

If any of the proposed improvements are found to be infeasible, the applicant will be required to provide alternative feasible improvements to achieve levels of service satisfactory to the County.

80.TRANS. 3 USE - R-O-W DEDICATION 1

RECOMMND

Sufficient public street right-of-way along Brown Street shall be conveyed for public use to provide for a 60' part-width to 100 foot full-width right-of-way as shown on PM35365 exhibit dated on 7/26/2007.

Sufficient public street right-of-way along Gem Lane shall be conveyed for public use to provide for a 30 foot half-width right-of-way.

Sufficient public street right-of-way along "A" Street shall be conveyed for public use to provide for a 78 foot full-width right-of-way.

80.TRANS. 4 USE - MAP CORNER CUT-BACK I

RECOMMND

All corner cutbacks shall be applied per Standard 805, Ordinance 461, except for corners at Entry streets intersecting with General Plan roads, they shall be applied per Exhibit ' C' of the Countywide Design Guidelines.

80.TRANS. 5 USE - ANNEX L&LMD/OTHER DIST

RECOMMND

Prior to the issuance of a building permit, the project proponent shall comply with County requirements within public road rights-of-way, in accordance with Ordinance

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80.TRANS. 5

USE - ANNEX L&LMD/OTHER DIST (cont.)

RECOMMND

461. Assurance of maintenance is required by filing an application for annexation to Landscaping and Lighting Maintenance District No. 89-1-Consolidated and/or any other maintenance district approved by the Transportation Department. Said annexation should include the following:

- (1) Landscaping.
- (2) Streetlights.
- (3) Traffic signals located per 90.TRANS.1 condition.
- (4) Street sweeping.

For street lighting, the project proponent shall contact the Transportation Department L&LMD 89-1-C Administrator and submit the following:

- (1) Completed Transportation Department application.
- (2) Appropriate fees for annexation.
- (3) (2) sets of street lighting plans approved by Transportation Department.
- (4) "Streetlight Authorization" form from SCE, IID or other electric provider.

80.TRANS. 6

USE - LIGHTING PLAN

RECOMMND

A separate street light plan is required for this project. Street (and/or bridge) lighting shall be designed in accordance with County Ordinance 460 and Streetlight Specification Chart found in Specification Section 22 of Ordinance 461. For projects within SCE boundaries use County of Riverside Ordinance 461, Standard No. 1000 or No. 1001. For projects within Imperial Irrigation District (IID) use IID's pole standard.

80.TRANS. 7

USE-LANDSCAPING/TRAIL COM/IND

RECOMMND

Landscaping within public road right-of-way shall comply with Transportation Department standards and Ordinance 461 and shall require approval by the Transportation Department.

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80.TRANS. 7

USE-LANDSCAPING/TRAIL COM/IND (cont.)

RECOMMND

Landscaping plans shall be designed within Alessandro Boulevard, Brown Street, and "A" Street and submitted to the Transportation Department. Landscaping plans shall be submitted on standard County plan sheet format (24" x 36"). Landscaping plans shall be submitted with the street improvement plans.

Assurance of continuous maintenance is required by processing and filing a 'Landscape Maintenance Agreement' through the Transportation Department Plan Check Division; or if desired the developer may file an application for annexation into Landscaping and Lighting Maintenance District No. 89-1-Consolidated by contacting Judy Watterlond, Transportation Department at (951) 955-6829.

90. PRIOR TO BLDG FINAL INSPECTION

BS GRADE DEPARTMENT

90.BS GRADE. 1

USE*G4.3PAVING INSPECTIONS

RECOMMND

The developer/applicant shall be responsible for obtaining the paving inspections required by Ordinance 457.

E HEALTH DEPARTMENT

90.E HEALTH. 1

USE - HAZMAT BUS PLAN

RECOMMND

The facility will require a business emergency plan for the storage of hazardous materials greater than 55 gallons, 200 cubic feet or 500 pounds, or any acutely hazardous materials or extremely hazardous substances.

90.E HEALTH. 2

USE - HAZMAT REVIEW

RECOMMND

If further review of the site indicates additional environmental health issues, the Hazardous Materials Management Division reserves the right to regulate the business in accordance with applicable County Ordinances.

90.E HEALTH. 3

USE - HAZMAT CONTACT

RECOMMND

Contact a Hazardous Materials Specialist, Hazardous Materials Management Division, at (951) 358-5055 for any additional requirements.

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90. PRIOR TO BLDG FINAL INSPECTION

90.E HEALTH. 4

USE - HAZMAT WASTE

RECOMMND

The facility requires a hazardous waste permit if a hazardous waste is generated as defined in Title 22 of the California Code of Regulations, Section 66260.10 and 66261.3. The report and fee is due.

EPD DEPARTMENT

90.EPD. 1

MAP - UWIG INSPECTION

RECOMMND

The project site will be inspected by the Environmental Programs Department to ensure compliance with Urban Wildland Interface Guidelines. The following elements must be inspected and approved however other issues may also be addressed.

* Drainage

Proposed Developments in proximity to the MSHCP Conservation Area shall incorporate measures, including measures required through the National Pollutant Discharge Elimination System (NPDES) requirements, to ensure that the quantity and quality of runoff discharged to the MSHCP Conservation Area is not altered in an adverse way when compared with existing conditions. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the MSHCP Conservation Area. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the MSHCP Conservation Area. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. Regular maintenance shall occur to ensure effective operations of runoff control systems.

* Toxics

Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife species, Habitat or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. Measures such as those employed to address drainage issues shall be implemented.

* Lighting

Night lighting shall be directed away from the MSHCP

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90. PRIOR TO BLDG FINAL INSPECTION

90.EPD. 1

MAP - UWIG INSPECTION (cont.)

RECOMMEND

Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.

* Noise

Proposed noise generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards.

* Invasives

When approving landscape plans for Development that is proposed adjacent to the MSHCP Conservation Area, Permittees shall consider the invasive, non-native plant species listed in Table 6-2 and shall require revisions to landscape plans (subject to the limitations of their jurisdiction) to avoid the use of invasive species for the portions of Development that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography and other features.

* Barriers

Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass or dumping in the MSHCP Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage and/or other appropriate mechanisms.

* Grading/Land Development

Manufactured slopes associated with proposed site development shall not extend into the MSHCP Conservation Area.

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90. PRIOR TO BLDG FINAL INSPECTION

FIRE DEPARTMENT

90.FIRE. 1 USE-#45-FIRE LANES

RECOMMND

The applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.

90.FIRE. 2 USE-#12A-SPRINKLER SYSTEM

RECOMMND

Install a complete fire sprinkler system per NFPA 13 2002 edition in all buildings requiring a fire flow of 1500 GPM or greater. Sprinkler system(s) with pipe sizes in excess of 4" in diameter will require the project structural engineer to certify (wet signature) the stability of the building system for seismic and gravity loads to support the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The post indicator valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and a minimum of 25 feet from the building(s). A statement that the building(s) will be automatically fire sprinkled must be included on the title page of the building plans.

Applicant or developer shall be responsible to install a U.L. Central Station Monitored Fire Alarm System. Monitoring system shall monitor the fire sprinkler system(s) water flow, P.I.V.'s and all control valves. Plans must be submitted to the Fire Department for approval prior to installation. Contact fire department for guideline handout

90.FIRE. 3 USE-#27-EXTINGUISHERS

RECOMMND

Install portable fire extinguishers with a minimum rating of 2A-10BC and signage. Fire Extinguishers located in public areas shall be in recessed cabinets mounted 48" (inches) to center above floor level with maximum 4" projection from the wall. Contact Fire Department for proper placement of equipment prior to installation.

FLOOD RI DEPARTMENT

90.FLOOD RI. 2 USE BMP - EDUCATION

RECOMMND

The developer shall distribute environmental awareness education materials on general good housekeeping practices

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90.FLOOD RI. 2 USE BMP - EDUCATION (cont.)

RECOMMND

that contribute to protection of stormwater quality to all initial users. The developer may obtain NPDES Public Educational Program materials from the District's NPDES Section by either the District's website www.floodcontrol.co.riverside.ca.us, e-mail fcnpdes@co.riverside.ca.us, or the toll free number 1-800-506-2555. Please provide Project number, number of units and location of development. Note that there is a five-day minimum processing period requested for all orders.

The developer must provide to the District's PLAN CHECK Department a notarized affidavit stating that the distribution of educational materials to the tenants is assured prior to the issuance of occupancy permits.

90.FLOOD RI. 3 USE IMPLEMENT WQMP

RECOMMND

All structural BMPs described in the project-specific WQMP shall be constructed and installed in conformance with approved plans and specifications. It shall be demonstrated that the applicant is prepared to implement all non-structural BMPs described in the approved project specific WQMP and that copies of the approved project-specific WQMP are available for the future owners/occupants. The District will not release occupancy permits for any portion of the project exceeding 80% of the project area prior to the completion of these tasks.

90.FLOOD RI. 4 USE FACILITY COMPLETION

RECOMMND

The District will not release occupancy permits for any commercial lot within the map prior to the District's acceptance of the drainage system for operation and maintenance.

90.FLOOD RI. 5 USE BMP MAINTENANCE & INSPECT

RECOMMND

The BMP maintenance plan shall contain provisions for all treatment controlled BMPs to be inspected, and if required, cleaned no later than October 15 each year. Required documentation shall identify the entity that will inspect and maintain all structural BMPs within the project boundaries. A copy of all necessary documentation shall be submitted to the District for review and approval prior to the issuance of occupancy permits.

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PLANNING DEPARTMENT

90.PLANNING. 2 USE - ARCHO MONITORING REPORT

RECOMMND

Prior to Final Inspection, the applicant shall submit to the County Archaeologist one certified paper copy and two (2) PDF formatted CD copies of the Phase IV Cultural Resources Monitoring Report. The report shall follow the posted report scope of work on the TLMA website and be certified by a County Registered Archaeologist.

90.PLANNING. 3 USE - MITIGATION MONITORING

RECOMMND

The environmental consultant [Michael Brandman Associates] shall prepare and submit a written report to the Riverside County Planning Department demonstrating compliance with all remaining conditions of approval and mitigation measures of this permit and EIR No. 510. The Planning Director may require inspection or other monitoring to ensure such compliance.

90.PLANNING. 6 USE - COLOR/FINISH COMPLIANCE

RECOMMND

The permittee shall properly install approved color and finish products in accordance with these conditions of approval and Approved Exhibit M.

90.PLANNING. 8 USE - PARKING PAVING MATERIAL

RECOMMND

A minimum of one thousand seven hundred seventy nine (1,779) parking spaces shall be provided as shown on the APPROVED EXHIBIT A, unless otherwise approved by the Planning Department. The parking area shall be surfaced with asphaltic concrete or concrete to current standards as approved by the Department of Building and Safety.

90.PLANNING. 9 USE - ACCESSIBLE PARKING

RECOMMND

A minimum of thirty eight (38) accessible parking space[s] for persons with disabilities shall be provided as shown on APPROVED EXHIBIT A. Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. The sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to

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90.PLANNING. 9 USE - ACCESSIBLE PARKING (cont.)

RECOMMND

the parking space finished grade, or centered at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 inches by 22 inches, clearly and conspicuously stating the following:

"Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense."

In addition to the above requirements, the surface of each parking space shall have a surface identification sign duplicating the symbol of accessibility in blue paint of at least 3 square feet in size.

90.PLANNING. 11 USE - LOADING SPACES

RECOMMND

A minimum of forty-three (43) loading space[s] shall be provided in accordance with Section 18.12.a.(2)f(3).b. of Ordinance 348, and as shown on APPROVED EXHIBIT A. The loading spaces shall be surfaced with six (6) inches of concrete over a suitable base and shall not be less than 10 feet wide by 35 feet long, with 14 feet vertical clearance.

90.PLANNING. 13 USE - LIGHTING PLAN COMPLY

RECOMMND

All street lights and other outdoor lighting shall be shown on electrical plans submitted to the Department of Building and Safety for plan check approval and shall comply with the requirements of Riverside County Ordinance No. 655 and the Riverside County Comprehensive General Plan.

90.PLANNING. 14 USE - ROOF EQUIPMENT SHIELDING

RECOMMND

Roof-mounted equipment shall be shielded from ground view. Screening material shall be subject to Planning Department approval.

90.PLANNING. 15 USE - NO ROOF EQUIPMENT

RECOMMND

Roof-mounted equipment for residential units shall not be permitted within the project site.

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90.PLANNING. 16 USE - INSTALL BIKE RACKS

RECOMMND

A bicycle rack with a minimum of sixty-three (63) spaces shall be provided in convenient locations to facilitate bicycle access to the project area as shown on APPROVED EXHIBIT A. The bicycle racks shall be shown on project landscaping and improvement plans submitted for Planning Department approval, and shall be installed in accordance with those plans.

90.PLANNING. 17 USE - UTILITIES UNDERGROUND

RECOMMND

All utilities, except electrical lines rated 33 kV or greater, shall be installed underground. If the permittee provides to the Department of Building and Safety and the Planning Department a definitive statement from the utility provider refusing to allow underground installation of the utilities they provide, this condition shall be null and void with respect to that utility.

90.PLANNING. 19 USE - CURBS ALONG PLANTERS

RECOMMND

A six inch high curb with a twelve (12) inch wide walkway shall be constructed along planters on end stalls adjacent to automobile parking areas. Public parking areas shall be designed with permanent curb, bumper, or wheel stop or similar device so that a parked vehicle does not overhang required sidewalks, planters, or landscaped areas.

90.PLANNING. 22 USE - TRASH ENCLOSURES

RECOMMND

Sixteen (16) trash enclosures which are adequate to enclose a minimum of two (2) bins shall be located as shown on the APPROVED EXHIBIT A, and shall be constructed prior to the issuance of occupancy permits. The enclosure(s) shall be a minimum of six (6) feet in height and shall be made with masonry block and a solid gate which screens the bins from external view. Additional enclosed area for collection of recyclable materials shall be located within, near or adjacent to each trash and rubbish disposal area. The recycling collection area shall be a minimum of fifty percent (50%) of the area provided for the trash/rubbish enclosure(s) or as approved by the Riverside County Waste Management Department. All recycling bins shall be labeled with the universal recycling symbol and with signage indicating to the users the type of material to be deposited in each bin.

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90.PLANNING. 27 USE - REMOVE OUTDOOR ADVERTISE RECOMMND

All existing outdoor advertising displays, signs or billboards shall be removed.

90.PLANNING. 28 USE - WALL & FENCE LOCATIONS RECOMMND

Wall and/or fence locations shall be in conformance with APPROVED EXHIBIT A.

90.PLANNING. 29 USE - PHASES MUST BE COMPLETE RECOMMND

If the project has been phased, all facilities meant to serve the current phase of development shall be installed in a usable condition. Project landscaping may not all be deferred until the final phase.

90.PLANNING. 30 USE - CONDITION COMPLIANCE RECOMMND

The Department of Building and Safety shall verify that the Development Standards of this approval and all other preceding conditions have been complied with prior to any use allowed by this permit.

90.PLANNING. 33 USE - AGENCY CLEARANCE RECOMMND

A clearance letter from Riverside County Waste Managment Division shall be provided to the Riverside County Planning Department verifying compliance with the conditions of their letter dated August 1, 2007, summarized as follows:
1) The applicant shall consturct the recyclables collection and loading area in compliance with the Recyclables Collction and loading area plot plan.
2) Evidence shall be provided that demonstrates that the project is in compliance with the approved WRP.

90.PLANNING. 34 USE - SKR FEE CONDITION RECOMMND

Prior to the issuance of a certificate of occupancy, or upon building permit final inspection, whichever comes first, the applicant shall comply with the provisions of Riverside County Ordinance No. 663, which generally requires the payment of the appropriate fee set forth in that ordinance.

The amount of the fee required to be paid may vary, depending upon a variety of factors, including the type of development application submitted and the applicability of

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90.PLANNING. 34 USE - SKR FEE CONDITION (cont.)

RECOMMND

any fee reduction or exemption provisions contained in Riverside County Ordinance No. 663. Said fee shall be calculated on the approved development project which is anticipated to be 54.4 acres (gross) in accordance with APPROVED EXHIBIT A. If the development is subsequently revised, this acreage amount may be modified in order to reflect the revised development project acreage amount. In the event Riverside County Ordinance No. 663 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 663 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

90.PLANNING. 35 USE - ORD 810 O S FEE (2)

RECOMMND

Prior to the issuance of a certificate of occupancy, or upon building permit final inspection prior to use or occupancy for cases without final inspection or certificate of occupancy, whichever comes first, the applicant shall comply with the provisions of Riverside County Ordinance No. 810, which requires the payment of the appropriate fee set forth in the Ordinance. The amount of the fee will be based on the "Project Area" as defined in the Ordinance and the aforementioned Condition of Approval. The Project Area for Plot Plan No. 22925 is calculated to be 54.4 acres. In the event Riverside County Ordinance No. 810 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 810 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

90.PLANNING. 36 USE - LC LANDSCP INSPECTN DEPOS

RECOMMND

Prior to building permit final inspection, the developer/permit holder shall file an Inspection Request Form and deposit sufficient funds to cover the costs of Installation, Six Month Establishment, and One Year Post-Establishment inspections. In the event that an open landscape case is not available, then the applicant shall open a FEE ONLY case to conduct inspections. The deposit required for landscape inspections shall be determined by the Riverside County Landscape Division. The Planning Department shall clear this condition upon determination of compliance.

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90.PLANNING. 37

USE - LC COMPLY W/LNDSCP/IRRIG

RECOMMND

The developer/permit holder shall coordinate with their designated landscape representative and the Riverside County Planning Department's landscape inspector to ensure all landscape planting and irrigation systems have been installed in accordance with APPROVED EXHIBITS, landscaping, irrigation, and shading plans. The Planning Department will ensure that all landscaping is healthy, free of weeds, disease and pests; and, irrigation systems are properly constructed and determined to be in good working order. The developer/permit holder's designated landscape representative and the Riverside County Planning Department's landscape inspector shall determine compliance with this condition and execute a Landscape Certificate of Completion. Upon determination of compliance, the Planning Department shall clear this condition.

TRANS DEPARTMENT

90.TRANS. 1

USE - TS/INSTALLATION

RECOMMND

The project proponent shall be responsible for the construction and installation of traffic signals at the following locations:

NONE

with fee credit eligibility

San Gorgonio Drive/Brown Street (NS) at Alessandro Boulevard (EW) (Signal Modification)

with no credit given for Traffic Signal Mitigation Fees

or as approved by the Transportation Department

90.TRANS. 2

USE - PROJECT'S SHARE

RECOMMND

"The applicant shall pay the County \$136,500 as the project's share of improvements along Alessandro Boulevard, including a CCTV camera at the intersection of Alessandro Boulevard/Brown Street/San Gorgonio Drive, the construction of an eastbound right-turn lane on Alessandro Boulevard between Sycamore Canyon Drive and the I-215 southbound ramp terminal, and the installation of fiberoptic cable between Barton Street and the I-215 southbound ramp terminal.

or as approved by the Transportation Department

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90.TRANS. 3 USE - IMP PLANS

RECOMMND

Improvement plans for the required improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the project boundaries at a grade and alignment as approved by the Riverside County Transportation Department. Completion of road improvements does not imply acceptance for maintenance by County.

90.TRANS. 4 USE - ST DESIGN/IMP CONCEPT

RECOMMND

The street design and improvement concept of this project shall be coordinated with PM35365.

90.TRANS. 5 USE - OFF-SITE INFO

RECOMMND

The off-site rights-of-way required for said access road shall be accepted to vest title in the name of the public if not already accepted.

90.TRANS. 6 USE - SIGNING & STRIPING

RECOMMND

A signing and striping plan is required for this project. The project proponent shall be responsible for any additional paving and/or striping removal caused by the striping plan. Traffic signing and striping shall be performed by County forces with all incurred costs borne by the applicant, unless otherwise approved by the County Traffic Engineer.

90.TRANS. 7 USE - WRCOG TUMF

RECOMMND

Prior to the issuance of an occupancy permit, the project proponent shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to Ordinance No. 824.

90.TRANS. 8 USE STREETLIGHT AUTHORIZATION

RECOMMND

Prior to OCCUPANCY, the project proponent shall submit to Transportation Department Permits the following:

1. "Streetlight Authorization" form approved by L&LMD No. 89-1-C Administrator.
2. Letter establishing interim energy account from SCE, IID or other electric provider.

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90.TRANS. 9

USE - STREET LIGHTS INSTALL

RECOMMND

Install streetlights along the streets associated with development in accordance with the approved street lighting plan and standards of County Ordinances 460 and 461. For projects within IID use IID's pole standard.

Street light annexation into L&LMD or similar mechanism as approved by the Transportation Department shall be completed.

It shall be the responsibility of the Developer to ensure that street lights are energized along the streets associated with this development where the developer is seeking Building Final Inspection (Occupancy).

90.TRANS. 10

USE - ANNEX L&LMD/OTHER DIST1

RECOMMND

Prior to issuance of an occupancy permit, the project proponent shall complete annexation to Landscaping and Lighting Maintenance District No. 89-1-Consolidated, and/or any other maintenance district approved by the Transportation Department for continuous maintenance within public road rights-of-way, in accordance with Ordinance 461. Said annexation should include the following:

- (1) Landscaping.
- (2) Streetlights.
- (3) Traffic signals located per 90.TRANS.1 condition.
- (4) Street sweeping.

90.TRANS. 11

USE - DEDICATION

RECOMMND

"A" Street is designated as an Industrial Collector and shall be improved with 56 foot full-width AC pavement and 6" concrete curb and gutter within the 78' full-width dedicated right-of-way in accordance with County Standard No. 111. (56'/78')

NOTE: A 6' sidewalk shall be constructed adjacent to curb line within the 11' parkway.

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90.TRANS. 12

USE - EXISTING MAINTAINED

RECOMMND

Alessandro Boulevard along project boundary is a paved County maintained road designated as an Urban Arterial and shall be improved with 8" concrete curb and gutter located 55' from centerline to curbed landscape median and match up asphalt concrete paving; reconstruction; or resurfacing of existing paving as determined by the Transportation Department within the 67 foot half-width dedicated right-of-way in accordance with County Standard No. 91. (55'/67') (Modified for parkway width from 21' to 12' and for sidewalk location against the curb.)

- NOTE: 1. A 6' sidewalk shall be constructed adjacent to curb line within the 12' parkway.
2. Provide an island to prevent trucks from making a right turn on the eastbound of Alessandro onto "A" Street. It shall be located 12' from curb return or as approved by the City and County of Riverside Fire departments.
 3. Provide an island to prevent trucks from making a right turn on the eastbound of Alessandro Boulevard onto Brown Street. It shall be located 14' from curb return or as approved by City and County of Riverside Fire departments.
 4. Provide an island to prevent trucks from making a right turn on the northbound of Brown Street onto Alessandro Boulevard. It shall be located 25' from curb return.

90.TRANS. 13

USE - PART-WIDTH

RECOMMND

Brown Street along project boundary is designated as an Industrial Collector and shall be improved with 46' part-width along project boundary (28' on project side and 18' on opposite side) to 76' full-width AC pavement at Alessandro Boulevard, 8" concrete curb and gutter and 6' sidewalk adjacent to the curb line in accordance with County Standard No. 111 and the typical section on Amended No. 1 exhibit.

Gem Lane along project boundary is a paved County maintained road designated as a Local street and shall be improved with 32' part-width AC pavement (20' on project side and 12' on opposite side), and 6" concrete curb and

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90.TRANS. 13 USE - PART-WIDTH (cont.)

RECOMMND

gutter in accordance with County Standard No. 105. No sidewalk is required.

90.TRANS. 14 USE - UTILITY PLAN

RECOMMND

Electrical power, telephone, communication, street lighting, and cable television lines shall be designed to be placed underground in accordance with Ordinance 460 and 461, or as approved by the Transportation Department. The applicant is responsible for coordinating the work with the serving utility company. This also applies to existing overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site. A disposition note describing the above shall be reflected on design improvement plans whenever those plans are required. A written proof for initiating the design and/or application of the relocation issued by the utility company shall be submitted to the Transportation Department for verification purposes.

90.TRANS. 15 USE - UTILITY INSTALL

RECOMMND

Electrical power, telephone, communication, street lighting, and cable television lines shall be placed underground in accordance with Ordinance 460 and 461, or as approved by the Transportation Department. This also applies to existing overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site.

A certificate should be obtained from the pertinent utility company and submitted to the Department of Transportation as proof of completion.

COMPREHENSIVE PROJECT REVIEW
INITIAL CASE TRANSMITTAL
RIVERSIDE COUNTY PLANNING DEPARTMENT - RIVERSIDE
P.O. Box 1409
Riverside, CA 92502-1409

DATE: July 25, 2007

TO:

Transportation Dept.
Environmental Health Dept.
Flood Control Dist.
Fire Department
Dept. of Bldg. & Safety (Grading)
Dept. of Bldg. & Safety (Pinchk)
Regional Parks & Open Space Dist.
Co. Geologist
Environmental Programs Dept.
P.D. Trails Coordinator-J. Jolliffe
Riv. Transit Agency
Riv. Sheriffs Dept.
Riv. Waste Management Dept.
Jurupa Area Recreation & Parks Dist.
CSA 152 c/o EDA
Riv. EDA-Fast Track
ALUC-John Guerin
City of Riv. Com. Dev. Dept. - Planning Division (9-12-07)

March Air Reserve Base
Supervisor Buster
Commissioner Roth
Moreno Valley Unified School Dist.
WMWD
SCE
Southern California Gas
Caltrans Dist. #8
Regional WQCB-Santa Ana
South Coast Air Quality Management Dist.
EIC "Attachment A"
U.S. Postal Service
Pechanga Tribe of Luiseno Indians
Center for Community Action & Env. Justice
Morongo Tribe
Archeology
Landscape

PLOT PLAN NO. 22925 AND TENTATIVE PARCEL MAP NO. 35365 – FAST TRACK 2007-06 – EA41468 –
Applicant: Hogle-Ireland – Engineer/Representative: Rick Engineering - First Supervisorial District – March Zoning District – Lake Mathews / Woodcrest Area Plan: Community Development: Light Industrial (CD:LI) (0.25-0.60 Floor Area Ratio) – Location: Northerly of March Joint Powers Authority, Southerly of Alessandro Boulevard, Easterly of Gem Lane, and Westerly of Brown Street – 54.39 Acres Gross - Zoning: Industrial Park (I-P) - **REQUEST:** Plot Plan is a proposal for a Business Park development comprised of 8 buildings; four office buildings totaling 258,102 square feet, two industrial warehouse/distribution buildings of 201,776 square feet and 207,536 square feet, one retail building with 10,000 square feet of retail space, and one light industrial/multi-tenant building totaling 42,222 square feet. Parcel Map is a proposal to subdivide 4 lots into 6 lots. – APN(s): 297-080-007_008_009_010 – Concurrent Cases: PM35365, PP22925, CFG04826

Please review the attached exhibit(s) for the above-described project. This case is scheduled for a **CPR Meeting on August 16, 2007**. All County Agencies and Departments, please have draft conditions in the Land Management System by the above date. If you cannot clear the exhibit, please have corrections in the system and DENY the routing. Once the route is complete, and the approval screen is approved with or without corrections, the case can be scheduled for a public hearing. All other agencies, please have your comments/conditions to the Planning Department as soon as possible. Your comments/recommendations/ conditions are requested so that they may be incorporated in the staff report for this particular case.

Should you have any questions regarding this item, please do not hesitate to contact **Christian Hinojosa**, Project Planner, at (951) 955-0972 or email at chinojos@RCTLMA.org / **MAILSTOP# 1070**.

COMMENTS:

DATE: _____ SIGNATURE: _____

PLEASE PRINT NAME AND TITLE: _____

TELEPHONE: _____

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



Riverside Transit Agency
1825 Third Street
P.O. Box 59968
Riverside, CA 92517-1968
Phone: (951) 565-5000
Fax: (951) 565-5001

December 21, 2007

Christian Hinojosa, Project Planner, Mailstop #1070
County of Riverside Planning Department
County Building (9th Floor)
P. O. Box 1409
Riverside CA 92502-1409

SUBJECT: Parcel Map 35365 and related: Riverside Transit Agency (RTA) Comments

Thank you, Mr Hinojosa for the opportunity to review this Fast Track Parcel Map and related planning cases for this proposed 720,000 sq ft multi-use development located in unincorporated county area between the City of Riverside and the March Joint Powers Authority area on property south of Alessandro Blvd and west of the extension of San Geronio Dr. RTA staff would like to comment on the proposal.

The developer's architects and engineers have already consulted in advance with RTA regarding transit facilities relative to this project. As you can see on the plans a standard bus turnout is indicated along eastbound Alessandro adjacent to a stormwater detention basin. The placement (location) and configuration of the bus turnout is satisfactory to RTA. Our Route 20 buses currently stop 20 times a day at a nearby substandard, in-the-dirt bus stop by Gem Ln. The new turnout will be a vast improvement.

We appreciate the developer's efforts to work with the transit agency in advance. Therefore, RTA is pleased to give its "OK" for this project regarding transit issues.

The only other possible suggestion from RTA is that it would be more convenient for transit users if there were some more direct pathways leading from the buildings out the bus stop. Some of the routes through the parking lots onto sidewalks leading onto Alessandro are rather circuitous.

If you need additional clarification or I can be of further assistance, please call me at (951) 565-5164 or contact me at mmccoy@riversidetransit.com.

Sincerely,

A handwritten signature in black ink that reads "Michael McCoy". The signature is written in a cursive, flowing style.

Michael McCoy
Planner



Riverside County
Waste Management Department

Hans W. Kernkamp, General Manager-Chief Engineer

August 1, 2007

Christian Hinojosa, Project Planner
Riverside County Planning Department
P. O. Box No. 1409
Riverside, CA 92502-1409

RE: Plot Plan No. 22925 Fast Track 2007-06

Proposal: The Plot Plan proposes to construct a business park comprised of eight (8) buildings

APN: 297-080-007;-008;-009;-010

Dear Mr. Hinojosa:

The Riverside County Waste Management Department (Department) has reviewed the proposed project located south of Alessandro Boulevard, east of Gem Lane, and west of Brown Street, in the Lake Matthews/Woodcrest Area Plan. In order to mitigate the project's potential solid waste impacts and to help the County's efforts to comply with State law in diverting solid waste from landfill disposal, the Department is recommending that the following conditions be made a part of any Conditions of Approval for the project:

1. **Prior to issuance of a building permit for EACH building**, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the Riverside County Waste Management Department for review and approval. The plot plan shall conform to ***Design Guidelines for Recyclables Collection and Loading Areas***, provided by the Waste Management Department, and shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/façade, construction materials and signage. The plot plan shall clearly indicate how the trash and recycling enclosures shall be accessed by the hauler.
2. **Prior to final building inspection for EACH building**, the applicant shall construct the recyclables collection and loading area in compliance with the Recyclables Collection and Loading Area plot plan, as approved and stamped by the Riverside County Waste Management Department and as verified by the Riverside County Building and Safety Department through site inspection.

3. a) **Prior to issuance of a building permit**, a *Waste Recycling Plan* (WRP) shall be submitted to the Waste Management Department for approval. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. Materials can be taken directly to recycling facilities (Riverside County Waste Management Department, Recycling Section, can be contacted directly at 951.486.3200 for a list of facilities), or arrangements can be made through the franchise hauler and/or a construction clean-up business.
- b) **Prior to issuance of an occupancy permit**, evidence (i.e., receipts or other type verification) to demonstrate project compliance with the approved WRP shall be presented by the project proponent to the Planning/Recycling Division of the Riverside County Waste Management Department in order to clear the project for occupancy permits.
4. Since hazardous materials are not accepted at Riverside County landfills, the project proponent shall take any hazardous wastes, including paint used during construction, to facilities that are permitted to receive them, in accordance with local, state, and federal regulations. For further information, please contact the Household Hazardous Waste Collection Program at 1-800-304-2226.
5. Use mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
6. Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

Thank you for the opportunity to review this proposal. If you have any questions, please call me at (951) 486-3351.

Sincerely,



Ryan Ross
Planner

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

A PUBLIC HEARING has been scheduled, pursuant to Riverside County Land Use and Subdivision Ordinance Nos. 348 460, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider the project shown below:

APPEAL OF PLOT PLAN NO. 22925 / TENTATIVE PARCEL MAP NO. 35365 / ENVIRONMENTAL IMPACT REPORT NO. 510 – Intent to Certify and Environmental Impact Report – Applicant: Hogle-Ireland – Engineer/Representative: Rick Engineering - First Supervisorial District – March Zoning District – Lake Mathews / Woodcrest Area Plan: Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) – Location: Southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street – 54.39 Gross Acres - Zoning: Industrial Park (I-P) - **REQUEST:** The Plot Plan proposes a commercial and industrial development comprised of eight (8) buildings consisting of: four (4) office buildings totaling 258,102 square feet, two (2) industrial warehouse/distribution buildings totaling 409,312 square feet, one (1) retail building with 10,000 square feet, one (1) light industrial/multi-tenant building with 42,222 square feet, 285,696 square feet of landscaping area, 1,779 parking spaces, and three (3) detention basins. The Parcel Map is a Schedule E subdivision of 54.39 gross acres into six (6) industrial and commercial parcels. The Environmental Impact Report has been prepared to inform decision makers and the public of the potential significant environmental effects associated with the development of the proposed plot plan per the California Environmental Quality Act (CEQA)– APN(s): 297-080-007, 008, 009, 010. (Quasi-Judicial)

TIME OF HEARING: 1:30 p.m. or as soon as possible thereafter.
DATE OF HEARING: September 30, 2009
PLACE OF HEARING: RIVERSIDE COUNTY ADMINISTRATIVE CENTER
BOARD CHAMBERS, 1ST FLOOR
4080 LEMON STREET
RIVERSIDE, CA 92501

For further information regarding this project, please contact Jeffery Childers, Urban Regional Planner at 951-955-3626 or e-mail jchilder@rctlma.org, or go to the County Planning Department's Planning Commission agenda web page at www.tlma.co.riverside.ca.us/planning/pc.html

The Riverside County Planning Department has determined that the above-described project has the potential to have a significant effect on the environment and has prepared an environmental impact report. Environmental Impact Report No. 00498, which identifies all significant environmental effects, has been prepared in conjunction with the above referenced applications that constitute the proposed project. The Planning Commission will consider the proposed project, and the final environmental impact report, at the public hearing.

The case file for the proposed project, and the final environmental impact report, may be viewed Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Planning Department office, located at 4080 Lemon St. 9th Floor, Riverside, CA 92501.

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

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

Please send all written correspondence to:

RIVERSIDE COUNTY PLANNING DEPARTMENT

Attn: Jeffery Childers

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

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

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

PLOT PLAN NO. 22925 / TENTATIVE PARCEL MAP NO. 35365, AMENDED NO. 2 / ENVIRONMENTAL IMPACT REPORT NO. 510 / (Fast Track 2007-06) – EA 41468 – Applicant: Hogle-Ireland – Engineer/Representative: Rick Engineering - First Supervisorial District – March Zoning District – Lake Mathews / Woodcrest Area Plan: Community Development: Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio) – Location: Southerly of Alessandro Boulevard, easterly of Gem Lane, and westerly of Brown Street – 54.39 Gross Acres - Zoning: Industrial Park (I-P) - REQUEST: The Plot Plan proposes a commercial and industrial development comprised of eight (8) buildings consisting of four (4) office buildings totaling 258,102 square feet, two (2) industrial warehouse/distribution buildings totaling 409,312 square feet, one (1) retail building with 10,000 square feet, one (1) light industrial/multi-tenant building with 42,222 square feet, 285,696 square feet of landscaping area, 1,779 parking spaces, and three (3) detention basins. The Parcel Map is a Schedule E subdivision of 54.39 gross acres into 6 industrial and commercial parcels. The Environmental Impact Report has been prepared to inform decision makers and the public of the potential significant environmental effects associated with the development of the proposed plot plan per the California Environmental Quality Act (CEQA) – APN(s): 297-080-007, 008, 009, 010. (Quasi-Judicial)

TIME OF HEARING:	1:30 p.m. or as soon as possible thereafter.
DATE OF HEARING:	July 13, 2009
PLACE OF HEARING:	RIVERSIDE COUNTY ADMINISTRATIVE CENTER 4080 LEMON STREET 12th FLOOR CONFERENCE ROOM 12A RIVERSIDE, CA 92501

For further information regarding this project, please contact Jeffery Childers, Project Planner at 951-955-3626 or e-mail jchilder@rcplma.org, or go to the County Planning Department's Planning Director's agenda web page at http://www.plma.co.riverside.ca.us/planning/content/hearings/dh/current_dh.html.

The Riverside County Planning Department has determined that the above-described project has the potential to have a significant effect on the environment and has prepared an environmental impact report. Environmental Impact Report No. 510, which identifies all significant environmental effects, has been prepared in conjunction with the above referenced applications that constitute the proposed project. The Planning Director will consider the proposed project, and the final environmental impact report, at the public hearing.

The case file for the proposed project, and the final environmental impact report, may be viewed Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Planning Department office, located at 4080 Lemon St. 9th Floor, Riverside, CA 92501.

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

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

Please send all written correspondence to:

RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Jeffery Childers
P.O. Box 1409, Riverside, CA 92502-1409

APN 297-080-007
BOS CAPEDUS

PROPERTY OWNERS CERTIFICATION FORM

Alessandro Commerce Centre

APN's 297-080-007 - 010

I, Mickey Zolezio, certify that on
(Print Name)

8/31/2009

the attached property owners list

(Date)

was prepared by County of Riverside / GIS

(Print Company or Individual's Name)

Distance Buffered : 800'

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

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

NAME: Mickey Zolezio

TITLE/REGISTRATION Senior GIS Analyst

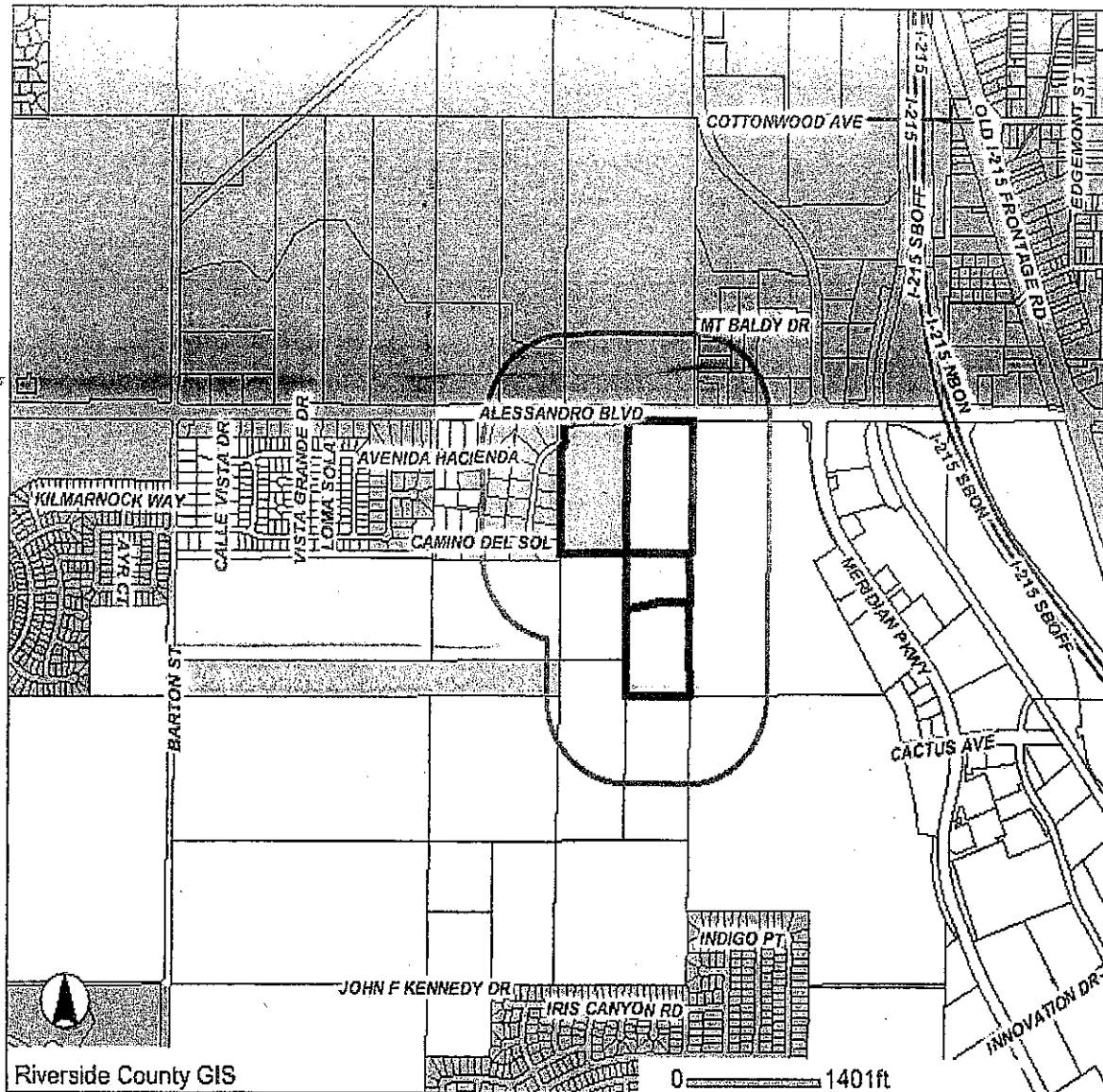
ADDRESS: 4080 Lemon St. 2nd Floor

Riverside, CA 92501

TELEPHONE (8 a.m. – 5 p.m.): (951) 955-4649

✓ 10/28/09
Expires: 2/31/10

Alessandro Commerce Centre



Selected parcel(s):

263-060-021	263-060-030	263-060-033	263-250-052	263-250-054	263-250-064	297-061-004
297-061-005	297-061-006	297-061-007	297-061-008	297-061-009	297-061-010	297-061-011
297-061-012	297-062-001	297-062-002	297-063-001	297-063-002	297-072-001	297-072-002
297-072-003	297-072-004	297-072-005	297-073-001	297-073-002	297-073-003	297-073-004
297-073-005	297-073-006	297-073-007	297-080-003	297-080-007		

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

MAP PRINTED ON...08/31/2009

APN: 263060021 ASMT: 263060021
CORAC ALESSANDRO
C/O GARY EDWARDS
500 NEWPORT CENTER DR 630
NEWPORT BEACH CA 92660

APN: 263060030 ASMT: 263060030
GIBSON RIVERSIDE PROP
2410 YATES AVE
COMMERCE CA 90040

APN: 263060033 ASMT: 263060033
STATE OF CALIF
1416 9TH ST
SACRAMENTO CA 95814

APN: 263250052 ASMT: 263250052
SATAHA
C/O FURNITURE SUPERSTORE
11382 TESOTA LOOP
CORONA CA 92883

APN: 263250054 ASMT: 263250054
22 SYCAMORE CANYON PARTNERSHIP
C/O JACK M LANGSTON
4100 NEWPORT PL NO. 750
NEWPORT BEACH CA 92660

APN: 263250064 ASMT: 263250064
CHRISTIAN E SINGLETARY
RU ANNA SINGLETARY
2023 CHICAGO AVE NO B8
RIVERSIDE CA 92507

APN: 297061004 ASMT: 297061004
WATSON BARBARA K ESTATE OF
20600 AVENIDA HACIENDA
RIVERSIDE CA. 92508

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

APN: 297061006 ASMT: 297061006
ROBERT J GONZALES
LUPE R GONZALES
14050 AVENIDA LUNA
RIVERSIDE CA. 92508

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

APN: 297061008 ASMT: 297061008
BARRY Z ZIEGENFUS
BEATRIZ ZIEGENFUS
14110 AVENIDA LUNA
RIVERSIDE CA. 92508

APN: 297061009 ASMT: 297061009
JUDY L TARRIS KRUEGER
14075 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297061010 ASMT: 297061010
ARLEN W IRVIN
14055 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297061011 ASMT: 297061011
MARK T KOWALLIS
DIANNA T KOWALLIS
14035 CAMINO DEL ORO
RIVERSIDE CA. 92508



APN: 297061012 ASMT: 297061012
RICARDO T ESPIRITU
14015 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297062001 ASMT: 297062001
RANDA EID
5168 WESTERN WAY
PERRIS CA 92571

APN: 297062002 ASMT: 297062002
ROSEMARY L CANTELLI
STEVEN W CANTELLI
14075 AVENIDA LUNA
RIVERSIDE CA. 92508

APN: 297063001 ASMT: 297063001
JORGE GONZALEZ
EMILIA SANCHEZ
14040 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297063002 ASMT: 297063002
NATHANIEL WILLIAM CAMPBELL
14080 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297072001 ASMT: 297072001
MICHAEL F VINSON
KAREN VINSON
P O BOX 51015
RIVERSIDE CA 92517

APN: 297072002 ASMT: 297072002
LOUIE M ALVARADO
OPHELIA ALVARADO
20630 CAMINO DEL SOL
RIVERSIDE CA. 92508

APN: 297072003 ASMT: 297072003
WAYNE D PAULSON
BECKY A PAULSON
14205 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297072004 ASMT: 297072004
KIM VANTRAN
KIM TRINH THI CHAU
14135 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297072005 ASMT: 297072005
NEIL H ODELL
CHRISTINE T ODELL
14105 CAMINO DEL ORO
RIVERSIDE CA. 92508

APN: 297073001 ASMT: 297073001
HERM A ESPIRITU
17318 S BARNHILL AVE
CERRITOS CA 90703

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

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

APN: 297073004 ASMT: 297073004
JAMES THOMSON
LORI J THOMSON
20735 CAMINO DEL SOL
RIVERSIDE CA. 92508



APN: 297073005 ASMT: 297073005
GLEN H MCMULIN
DOLORES V MCMULIN
20685 CAMINO DEL SOL
RIVERSIDE CA. 92508

APN: 297073006 ASMT: 297073006
HSBC BANK USA
C/O MIDLAND MORTGAGE CO
999 N W GRAND BLV STE 100
OKLAHOMA CITY OK 73118

APN: 297073007 ASMT: 297073007
JEFFREY C LLOYD
GRACE C LLOYD
20585 CAMINO DEL SOL
RIVERSIDE CA. 92508

APN: 297080003 ASMT: 297080003
MARCH JOINT POWERS AUTHORITY
C/O ELLEN STEPHENS FINANCE MANAGER
23555 MEYER DR
RIVERSIDE CA 92518

APN: 297080007 ASMT: 297080007
AMSTAR KALIBER
C/O REED PROP GROUP INC
305 N HARBOR BLV STE 215
FULLERTON CA 92832

Jonathan Evans c/o
Center for Biological Diversity
351 California ST, Suite 600
San Francisco, CA. 94104

George Hague
26711 Ironwood Ave.
Moreno Valley, CA. 92555

**Labels for
Owner/Applicant/Engineer**

Craig M. Reed
C/O REED PROP GROUP INC
305 N HARBOR BLV STE 215
FULLERTON CA. 92832

Kent Norton
Michael Brandman Associates
621 E. Carnegie Drive, Ste 100
San Bernardino, CA 92408

Craig M. Reed
Amstar/Kaliber, LLC
305 N. Harbor Blvd, Ste 325
Fullerton, CA 92832

Pam Steele
Hogle-Ireland, Inc.
1500 Iowa Street, Suite 110
Riverside, CA 92507

Gabe L. Finke
Amstar
1050 17th Street
Suite 1200
Denver, CO 80265

Rick Engineering Company
1223 University Ave, Suite 240
Riverside, CA. 92507

**Label for City with applicable
Sphere of Influence**

City of Moreno Valley
Planning Department
14177 Frederick St.
Moreno Valley, CA 92553

City of Riverside
Planning Department
3900 Main Street - 3rd Floor
Riverside, CA 92522



COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

* REPRINTED * R0711085

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: HOGLE IRELAND INC

\$64.00

paid by: VI 011622

paid towards: CFG04826

CALIF FISH & GAME: DOC FEE

CALIFORNIA FISH AND GAME FOR EA41468

at parcel #:

appl type: CFG3

By

MGARDNER

Jul 11, 2007 15:33

posting date Jul 11, 2007

Account Code
658353120100208100

Description
CF&G TRUST: RECORD FEES

Amount
\$64.00

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

Additional info at www.rctlma.org

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

O* REPRINTED * R0909929

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 694-5242

38686 El Cerrito Rd
Indio, CA 92211
(760) 863-8271

Received from: HOGLE IRELAND INC \$2,768.25
paid by: CK 22702
CALIFORNIA FISH AND GAME FOR EA41468
paid towards: CFG04826 CALIF FISH & GAME: DOC FEE
at parcel:
appl type: CFG3

By _____ Jul 13, 2009 10:16
SBROSTRO posting date Jul 13, 2009

Account Code	Description	Amount
658353120100208100	CF&G TRUST	\$2,768.25

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