

## Comment Letter 35 – Friends of Riverside Hills

35

3 Oct 2016

To: Patricia Brenes, Principal Planner, City of Riverside

From: Friends of Riverside's Hills

Re: DEIR for Sycamore Canyon Business Park Buildings 1 and 2

Thank you for the opportunity for Friends of Riverside's Hills to raise some of the important points of concern regarding this DEIR.

35-A

The project is located in an environmentally sensitive location next to Sycamore Canyon Park, a core area of the Western Riverside County MSHCP. Thus the conformance of the project with all aspects of the "Guidelines Pertaining to the Urban/Wildlands Interface" (sec 6.1.4 of the MSHCP document) must be evaluated. This goal is codified in City Policy OS-5.2: Continue to participate in the MSHCP Program and ensure all projects comply with applicable requirements. Project compliance is summarized in Table 5.4-B of the DEIR. Points of serious concern relate to drainage, lighting, and noise.

(i) Drainage: the project run-off will be discharged into an existing water quality basin; however, the ability of the existing water quality basin to handle the additional storm run-off was not examined. Thus in Table 1-B it is stated with no justification that the potential impact of exceeding the capacity of existing or planned stormwater drainage systems is less than significant. It is noted that excess run-off will drain into "the marsh" (Basin A; see p5.9-7 to 5.9-8 of the DEIR) without any evaluation of the capacity of the marsh to retain and purify the additional run-off before it flows into Sycamore Canyon Park (the park). The analysis presented (5.9-15 to 5.9-16) considers the flow as far as the offsite storm drain but no further. The only reference is that the facilities have been "deemed sufficient by the City" (p5.9-27) but no data supporting this statement are provided.

(ii) Lighting. The MSHCP requires that there is no increase in ambient lighting in the conservation area. In the DEIR (Table 5.4-B) it is stated that MM BIO7 will minimize impacts. However MM BIO7 only requires that "any night lighting shall be directed away from natural open space areas and directed downward and towards the center of the development. Energy efficient LPS or HPS lamps shall be used exclusively to dampen glare." This will certainly reduce the light spreading into the Conservation Area (Sycamore Canyon Park) relative to what it could have been, but it does not, in and of itself, ensure that there is no increase in ambient light. As noted in Table 5.4-B, the height of some of the light poles will be 32-34 feet and given the application of the City's lighting standards (designed for general urban use throughout the City, and not specifically for light-sensitive areas) light pollution appears inevitable. In this context, it needs to be noted that many of the species within our area, such as Stephens' kangaroo rat, a Federally endangered species conserved within the park, are nocturnal. Feeding behavior of these nocturnal rodents and the behavior of their owl predators is altered by increased ambient light.

35-B

(iii) Noise. It is stated in Table 5.4-B that the truck yards and loading/docking areas will be surrounded by walls; however, it is repeatedly stated in the DEIR that while there will be a block wall adjacent to the residential areas to the N and NW, there will be an opaque 8ft high

35-C

tubular steel fence adjacent to the park (e.g. p5.1-8). Such a fence is an ineffective sound barrier relative to a block wall, resulting in better sound reduction in the residential area than in the conservation area, contrary to MSHCP requirements.

↑ 35-C  
cont'd

The project also proposes building over a blue-line stream, necessitating mitigation for approximately 2 acres of jurisdictional riparian habitat. This is to be achieved with a 2.96 acre stream-like depression planted with riparian vegetation. However, there is no analysis of how much water this depression would receive and whether this amount of water would be adequate to support the riparian vegetation. In the absence of such an analysis, and if the water supply is inadequate (as seems likely), then no amount of management will result in a stable area of riparian habitat, and the mitigation will fail.

35-D

The project is located next to a residential neighborhood. It will produce various forms of pollution (including light, sound, particulates) . Thus the necessity of siting such a development in this location needs to be considered in the light of alternative land uses. But no economically realistic alternatives are considered in the DEIR. This is a prime site for a set of office/high tech building overlooking the park. Such a project would buffer the park and the residential area from the other warehouses in the area, and provide a pleasant working environment. It would also allow conformance with policies that the current project ignores: City Policy LU-8.2: Avoid density increases or intrusion of non-residential uses that are incompatible with existing neighborhoods.

35-E

City Policy N-1.8: Continue to consider noise concerns in evaluating all proposed development decisions and roadway projects.

City Policy A Q-1.3: Separate, buffer and protect sensitive receptors from significant sources of pollution to the greatest extent possible.

City Policy A Q-1.1: Ensure that all land use decisions, including enforcement actions, are made in an equitable fashion to protect residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status or geographic location, from the health effects of air pollution.

The project is designed with roofs that are "solar ready". This is a good feature, but why will it not be built with solar included? City Policy A Q-8.6 states that development should "Promote Riverside as a Solar City through the implementation of programs for residential and commercial customers that will increase solar generation in the City to 1 MW by 2015 (enough for 1,000 homes), and 3 MW by 2020". For no good reason, the current project fails to conform to this policy.

35-F

Thanks for your attention to these issues.

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35-G

## **Response to Comment Letter 35 – Friends of Riverside Hills**

### **Response to Comment 35-A:**

The City appreciates the Friends of Riverside's Hills review of the Draft Environmental Impact Report (DEIR).

Compliance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Section 6.1.4: The City adopted the MSHCP on September 23, 2003 (Riverside Municipal Code, Chapter 16.72) and the federal and state Wildlife Agencies approved permits required to implement the MSHCP on June 22, 2004. Implementation of the MSHCP will conserve approximately 500,000 acres of habitat into a reserve system, including land already in public or quasi-public ownership (PQP Lands) and approximately 153,000 acres of land in private ownership that will be purchased or conserved through other means such as land acquisition and conservation easements. The money for purchasing private land comes from development mitigation fees imposed on new development within the boundaries of the MSHCP, as well as state and federal funds.

As a signatory to the MSHCP, the City adopted Ordinance No. 6709 (which is codified as Chapter 16.72 of the Riverside Municipal Code) and established a Local Development Mitigation Fee (LDMF) to be used by the Western Riverside County Regional Conservation Authority (RCA) to implement the MSHCP. The Project will participate in the MSHCP through the payment of the LDMF at the time building permits are issued pursuant to the provisions of Ordinance No. 6709.

As stated in the DEIR, the Project site is located within the MSHCP Plan Area. The site is not located in a Criteria Cell. The Project site is flanked PQP Lands within the Sycamore Canyon Wilderness Park, which is located directly west of the site. In addition to paying the appropriate LDMF, the MSHCP requires projects comply with Sections 6.1.2 (Protection of Species within Riparian/Riverine Areas and Vernal Pools), 6.1.3 (Protection of Narrow Endemic Plant Species), 6.1.4 (Urban and Wildlands Interface), 6.3.2 (Additional Survey Needs and Procedures), Appendix C (Standard Best Management Practices), and Section 7.5.3 (Construction Guidelines). (DEIR, p. 5.4-23.)

The MSHCP Urban/Wildland Interface Guidelines are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area. The Project is adjacent to the Sycamore Canyon Wilderness Park, identified in the MSHCP as Existing Core D. To minimize Edge Effects MSHCP Section 6.1.4 identifies guidelines applicable to Projects adjacent to Conservation Areas. The City, as MSHCP Permittee, is to consider these guidelines in reviewing the Project. The MSHCP Urban/Wildland Interface Guidelines address: drainage, toxics, lighting, noise, invasives, barriers, and grading and are discussed in DEIR **Table 5.4-B – Project Compliance with MSHCP Urban/Wildlands Interface Guidelines**.

**DEIR Table 5.4-B – Project Compliance with MSHCP Urban/Wildlands Interface Guidelines** incorrectly indicates there will be a wall surrounding the truck yards and loading/docking areas and will be revised in the Final Environmental Impact Report as follows:<sup>1</sup>

MSHCP Guidelines	Project Features
<b>Noise</b>	
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.	As discussed in Section 5.13 – Noise, the Project will install a temporary construction noise barrier along its western boundary to minimize the effect of noise on the Sycamore Canyon Wilderness Park. <u>Once the Project is operational, noise at the boundary between the Park and the Project site will not exceed the City’s “Normally Acceptable” compatibility criteria for neighborhood parks land uses.</u> <del>Once completed, the Project will include walls surrounding the truck yards and loading/docking areas.</del> Therefore, the Project is consistent with the MSHCP Urban/Wildlands Interface Noise Guidelines.

The Project’s consistency with City Policy OS-5.2 (“Continue to participate in the MSHCP program”), is described in DEIR Appendix M. The Project has complied with the MSHCP by completing the requisite biological surveys and preparing a *Determination of Biologically Equivalent or Superior Preservation* (DBESP). As required by the MSHCP the DBESP was reviewed by the Wildlife Agencies was provided to the Wildlife Agencies for a 30-day review and response period from May 20, 2016 through June 20, 2016. CDFW had the following comments on the Project’s DBESP: (i) that the Project applicant provide all relevant burrowing owl survey information and reports to show compliance with Section 6.3.2 of the MSHCP, and (ii) that additional copies of the Habitat Mitigation Management Plan be submitted to the wildlife agencies, USFWS and CDFW, for their records. The burrowing owl survey (DEIR Appendix C.6) was reviewed by the CDFW and USFWS and the City received confirmation that agencies have not further questions or comments regarding the DBESP.

The Project will implement mitigation measures **MM BIO 6** through **MM BIO 8** to further ensure compliance with a variety of best management practices to reduce impacts to biological resources during construction and operation of the Project. (DEIR, p. 5.4-33.)

**MM BIO 6:** The Project shall be required to comply with the following standard best management practices (BMPs) outlined in Volume I, Appendix C of the MSHCP:

- A condition shall be placed on grading permits requiring a qualified biologist to conduct a training session for project personnel prior to grading. The training shall

<sup>1</sup> Deletions are shown with strikethrough text (~~example text~~) and additions are shown with double underline text (example text).

include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act (Act) and the MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be completed.

- Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian species identified in MSHCP Global Species Objective No. 7.
- The qualified project biologist shall monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.
- Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.
- The Permittee, City of Riverside, shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs. (DEIR, p. 5.4-30–5.4-31.)

**MM BIO 7:** The Project shall also comply with the following BMPs, not outlined in Volume I, Appendix C of the MSHCP:

- Any night lighting shall be directed away from natural open space areas and directed downward and towards the center of the development. Energy-efficient LPS or HPS lamps shall be used exclusively to dampen glare.
- During construction, equipment storage, fueling, and staging areas will be located on areas of the site with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas will be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions will be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials will be reported to appropriate entities including but not limited to applicable jurisdictional City, UFWs, and CDFW, RWQCB regulated areas and will be cleaned up immediately and contaminated soils removed to approved disposal areas.

- To avoid attracting predators of the species of concern during site grading and construction activities, the Project site will be kept clean of debris. All food related trash items will be enclosed in sealed containers and regularly removed from the site(s). This requirement will be addressed by the biologist conducting the training session prior to site grading. (DEIR, p. 5.4-31.)

**MM BIO 8:** To avoid impacts to the Sycamore Canyon Wilderness Park resulting from construction activity such as compaction and erosion. The Project developer shall provide a temporary barrier along the western portion of the Project site. Prior to issuance of a grading permit, the developer shall identify the type and location of this barrier to the City of Riverside Parks, Recreation, and Community Development Department for review and approval. (DEIR, p. 5.4-31.)

Responses to the commenter's concerns related to drainage is addressed below. Responses to comments regarding lighting, and noise are Response to Comments 35-B and 35-C.

Drainage: The proposed Project is located within the watershed tributary to the Storm Water Runoff Treatment Basin ("the marsh"). This marsh was constructed in accordance with the design document prepared by Pacific Southwest Biological Service, Inc. entitled "Storm Water Runoff Treatment Basins at the Sycamore Canyon Business Park and Sycamore Canyon Business and Wilderness Park, Riverside, California" dated May 19, 1992, as well as the "Hydrology & Hydraulic Study for the Storm Water Runoff Treatment Basin for CFD No. 92-1 Sycamore Canyon" dated October, 1993 prepared by Albert A. Webb Associates, Inc. (These studies can be made available upon request to the City of Riverside, Public Works Department.) This basin has the storage capacity to retain the 2-year rainfall event (treatment volume) of the Sycamore Canyon Business Park water shed tributary to this area as well as a spillway designed to handle the 100-year rainfall event for the same area. In addition to the marsh, the Project will be required to provide 10% of the developed area on-site for implementation of Low Impact Development principles.

A Preliminary Hydrology Calculations Report was prepared for the Project. (Thienes Engineering, Appendix H of DEIR) Information from the Preliminary Hydrology Calculations Report was summarized in Section 5.9, Hydrology and Water Quality, of the DEIR.

A large portion of the storm water drainage system for the Sycamore Canyon Business Park Specific Plan (SCBPSP), which includes the Project site, is designed to drain to the 120-inch diameter storm drain in Eastridge Avenue that outlets to the marsh (aka Basin A or Northern Basin). The "As-Built" plans in Appendix A of the Preliminary Hydrology Calculations report (Thienes Engineering, Appendix H.1 of DEIR) show a future 69-inch diameter storm drain connecting to the 120-inch diameter storm drain at Lance Drive and Eastridge Avenue (Sheet 3, Drawing D-615). This future 69-inch storm drain was sized to convey the estimated 500 cubic feet per second (cfs) of stormwater (100-year storm event) from the tributary area immediately surrounding and including the project (Sheet 3, Drawing D-615). However, in 2006, a 48-inch storm drain was constructed, as part of the Parcel Map 33246 development, not the 69-inch storm drain that was planned. The 48-inch storm drain that was installed, only has the

capacity of approximately 100 cfs from the tributary area immediately surrounding and including the project site, and cannot accommodate the projected stormwater volumes during a 100-year storm event. Therefore, the Project includes the construction of an additional new offsite 60-inch diameter storm drain in Lance Drive, which is sized to convey the 175 cfs (100-year storm event) from the tributary area immediately surrounding and including the project site.

As discussed in Section 5.9.4 (Project Design Features) of the DEIR, Building 2, its southerly truck yard and adjacent parking lots would drain to catch basins in the truck yard and parking lots (16.3 acres). Runoff would then be conveyed easterly, via the proposed onsite storm drain, then southerly via the proposed public storm drain in Lance Drive to the existing 120-inch offsite storm drain in Eastridge Avenue. The 100-year peak flow rate for the Building 2 area is estimated at 36.7 cfs. (DEIR, p. 5.9-15.)

Vehicle parking lots located north of Building 1 (3.65 acres) would drain to catch basins in the parking lots. Runoff would then be conveyed easterly via another proposed onsite storm drain to Lance Drive, then conveyed southerly via the same proposed public storm drain to the existing 120-inch offsite storm drain in Eastridge Avenue. The 100-year peak flow rate for Building 1 parking lots is estimated at 10.4 cfs. (DEIR, p. 5.9-15.)

A vehicle parking lot to the southeast corner of Building 1 would drain to a catch basin in the parking lot. This runoff would then be conveyed easterly via a private storm drain to the back of a proposed street catch basin, which accepts runoff from the west half of Lance Drive and adjacent onsite side slope. From the street catch basin, runoff would then be conveyed southerly via a lateral to the proposed public storm drain in Lance Drive, which drains to the existing 120-inch offsite storm drain in Eastridge Avenue. The 100-year peak flow rate for these areas is estimated at 9.4 cfs. (DEIR, p. 5.9-15.)

The existing residential development located northwest of the Project site and several small offsite dirt areas along the westerly property line would drain to a proposed onsite vegetated swale adjacent to the westerly property line, the Mitigation Area. Runoff would be conveyed southerly in the vegetated swale, then easterly landscaped area, as well as Building 1 and the small parking lot at the southeast corner of the proposed site. Runoff from these areas is conveyed easterly to the same proposed public storm drain in Lance Drive, then southerly to the existing 120-inch offsite storm drain in Eastridge Avenue. The 100-year peak flow rate for these onsite and offsite areas is estimated at 125.3 cfs. (DEIR, pp. 5.9-15, 5.9-16.)

The landscaped area east of Building 2 and adjacent to the easterly property line would surface drain to Dan Kipper Drive. Likewise, the southerly entry driveway to Building 1 and the adjacent landscape fronting Lance Drive would surface drain easterly to Lance Drive.

The proposed condition 100-year peak flow rate for the proposed Project to the existing 120-inch offsite storm drain in Eastridge Avenue is estimated at 175 cfs. This includes the Project site, the offsite residential area to the northwest and the dirt lots to the west that are tributary

to the Project site. (DEIR, p. 5.9-16; DEIR **Figure 5.9-4 – Proposed Condition Hydrology Map.**)

As mentioned above, based on the Preliminary Hydrology Calculations (DEIR Appendix H) and discussed in Section 5.9, Hydrology and Water Quality, of the DEIR, the existing public storm drain located in Lance Drive is not adequately sized to carry discharge from the Project site. Therefore, the Project proposes a 60-inch storm drain in Lance Drive that is sized to handle the estimated 175 cfs during a 100-year storm event, which will be adequate to capture Project runoff and the offsite residential area to the northwest. The proposed 60-inch storm drain would continue southerly past Sierra Ridge Drive and through the western parking lot of the warehouse located at 1680 Eastridge Avenue to connect to the existing 120-inch storm drain in Eastridge Avenue. This existing storm drain pipe drains to the west and outlets into the marsh, which captures the volume and slowly releases into Sycamore Canyon. (DEIR, p. 5.9-18; DEIR **Figure 5.9-5 – Proposed Offsite Storm Drain and Marsh.**)

Additionally, site design stormwater best management practices (BMPs) are included to protect downstream water quality by minimizing the amount of urban runoff, minimizing the impervious footprint of the Project, and minimizing directly-connected impervious areas. The Project will include 10.69 acres of “self-treating” areas (i.e., natural areas that do not drain to stormwater BMPs, but rather drain directly offsite or to the MS4 facility, rather than having the runoff comingle with runoff from the Project’s impervious surfaces) and 7.07 acres of ornamental landscaping. (DEIR, p. 5.9-20.)

Operational source BMPs for the Project will include on-site storm drain inlet maintenance and stormwater pollution prevention information to new occupants; annual inspections of interior floor drains and elevator shaft sump pumps; landscape maintenance with minimal pesticide use and providing Integrated Pest Management information to new occupants; daily maintenance or repair of waste receptacles; moving loaded and unloaded items indoors as soon as possible; monthly parking sweeping and inspection, and maintenance of the on-site drainage system. (DEIR, p. 5.9-21.)

The Project will include treatment control BMPs which are engineered systems designed and constructed to remove pollutants from urban runoff. The SCBPSP includes three “drainage-siltation basins” identified as Basin “A” (“the marsh”), “B”, and “C”. The marsh will receive runoff from the Project site. The marsh was designed as a stormwater runoff treatment basin per the design guidelines of the time, and constructed in the mid-1990s. The marsh is not considered a Low-Impact Development (LID) BMP; however, the City has accepted that the marsh will handle both the “Design Capture Volume (DCV)” from Project development, and mitigate the “Hydrologic Condition of Concern (HCOC).” The DCV is the volume of runoff generated by the area tributary to the marsh during a “design storm” event (i.e., the 85<sup>th</sup> percentile, 24-hour storm). A HCOC exists when a site’s hydrologic regime is altered and there are significant impacts on downstream channels and habitats, alone or in conjunction with impacts of other projects. This typically occurs when the post-construction runoff rates are greater than the pre-development runoff rates. The storm drain pipe feeding into the basin is



sized for a 100-year storm event. The marsh is one of three basins that have been designed to capture the volume of runoff from build-out of the Sycamore Canyon Business Park, including the Project site, in order to slow runoff velocities and treat for pollutants using a sand filter mechanism.

Thus, based on the above discussion, the proposed Project will comply with Section 6.1.4 of the MSHCP related to drainage features as Project design features incorporate several measures to reduce the release of toxins and mimicked existing drainage conditions onsite. (DEIR, p. 5.4-25.) This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 35-B:**

The MSHCP guidelines for lighting state: “Night lighting shall be directed away from the conservation area...” and “Shielding shall be incorporated to ensure ambient lighting in the conservation area is not increased.” The Project does not propose any direct lighting into the Sycamore Canyon Wilderness Park. All Project lighting will be directed away from the park and shall incorporate shielding as required by Chapter 19.556 of the City’s Municipal Code and the City’s standard lighting conditions.

To ensure that light spill will not take place, **MM AES 10** will be revised in the FEIR as follows:

**MM AES 10:** To ~~reduce-eliminate~~ light spill and glow into the residential backyards to the north, lighting mounted on the north wall of Building 2 shall be placed on this wall as low as feasible to provide the required security lighting.

With regard to lighting and the height of any light poles adjacent to the residences to the north, Staff recommended the following Condition of Approval, will be modified as follows in the FEIR:

An exterior lighting plan shall be submitted to Design Review staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The light sources shall be hooded and shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties, and public rights-of-ways. No light spill shall be permitted on the MSHCP Conservation Area (Sycamore Canyon Wilderness Park). If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed fourteen (14) feet in height ~~twenty feet (20)~~ in height, including the height of any concrete or other base material within the 100-foot setback between Building 2 and the residential properties adjacent to the north property line and shall not exceed 20

feet in height, including the height of any concrete or other base material,  
elsewhere on the property.

Implementation of mitigation measure **MM AES 10** as revised, **MM BIO 7** (listed above) in conjunction with the modified Condition of Approval will ensure that site lighting is designed to prevent impacts on the Sycamore Canyon Wilderness Park. Additionally, a photometric study with manufacturer's cut sheets of all exterior lighting on buildings, in landscaped areas, and in parking lots will be submitted to City staff for review and approval to ensure no light spillage onto adjacent properties, including the Sycamore Canyon Wilderness Park. Based on the above discussion, the Project is consistent with Section 6.1.4 of the MSHCP related to lighting. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 35-C:**

According to page 5.12-26 and as shown on **Figure 5.12-5 – Operational Noise Levels (Leq) No Mitigation** of the DEIR, the operational noise level at the property line between the Project site and the Sycamore Canyon Wilderness Park is 55 dBA  $L_{eq}$ , which is below the Municipal Code noise standard for public recreational facilities (65 dBA  $L_{eq}$ ). Consequently, as such, a wall (instead of a fence) is not necessary because this noise level is less than the City Municipal Code noise standard for public recreational facilities.

With regard to the use of a fence instead of a wall adjacent to the Sycamore Canyon Wilderness Park, the Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan (the SKR Management Plan) calls for installation of *either* a 7-foot high masonry wall or fence constructed per City of Riverside Parks, Recreation, and Community Services Department Standard Detail No. 5520 and specifications with a 100-foot wide stubble management zone, or firebreak, on the park side of the fence to be maintained by the City. (DEIR, p. 5.15-6.) The SKR Management Plan indicates that the masonry wall acts as a heat deflector from wildfires and eliminates any need for fuel management along the boundary of the Park. The wall also serves to screen the adjacent industrial/commercial service areas. The SKR Management Plan also allows for the possible substitution of the wall with a 6-foot high open iron fence. If the City permits an open iron fence, a 100-foot wide stubble management zone shall be maintained in between the industrial property and wilderness park. The City elected to condition the alternative iron fence for the following reasons: (i) the development includes a Mitigation Area in between the park and development which will provide an effective screen and buffer, (ii) the fence is not subject to constant graffiti, and (iii) as a whole the City's Parks, Recreation, and Community Services Department felt it would be more visually pleasing than the block wall. Also, the City already maintains a large stubble management area which would meet the 100-foot wide zone.

The revision to mitigation measure MM AES 10 the Condition of Approval does not constitute significant new information that would require recirculation of the DEIR. (CEQA Guidelines, § 15088.5.) This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 35-D:**

Prior to ground disturbance, a Habitat Mitigation Management Plan (HMMP) for the Mitigation Area will be prepared by the applicant which will be reviewed by the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. The HMMP will describe the habitat creation and establish long-term success criteria, including irrigation along the Mitigation Area. Maintenance of the Mitigation Area will be funded from a non-wasting endowment in perpetuity. (DEIR, p. 5.4-18.) Additionally, implementation of **MM BIO 4** will ensure that prior to issuance of any occupancy permit, the Project Applicant will provide evidence to the City Planning Division that the Mitigation Area has been placed under a conservation easement and dedicated to an approved mitigation entity to be managed in perpetuity. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**MM BIO 4:** Prior to the issuance of any occupancy permit, the Project proponent shall provide evidence to the City Planning Division that the Mitigation Area has been placed under a conservation easement and dedicated to an approved mitigation entity to be managed in perpetuity. (DEIR, pp. 5.4-30–5.4-31.)

### **Response to Comment 35-E:**

Light: All building and parking lot lighting is required to conform to the SCBPSP guidelines, the City Municipal Code, the standards and specifications of the City's Park, Recreation, and Community Service Department, and the Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan, and Updated Conceptual Development Plan. Project lighting will comply with the City's Zoning Code, Riverside County Airport Land Use Commission's conditions of approval and all other applicable lighting requirements and regulations applicable to the proposed Project. (DEIR, p. 5.1-10.) Since the northern wall of Building 2 will be the closest building wall to the residences north of the site, wall lights along this side will be lowered to a level to provide safety while not producing glow into the neighboring yards to the maximum extent feasible. Parking lot lighting adjacent to residential uses are limited to 14 feet in height which is six feet lower than the City's 20 foot height limit. The Project also proposes 64 feet of landscaping, a 30-foot wide drive aisle (vehicles only, no trucks) and an additional 6-foot wide landscape area for a total 100 foot setback between Building 2 and the northern property line of the Project site which will provide further minimize light and glare impacts onto residential properties. (DEIR, p. 3-35, **DEIR Figure 3-10 – Proposed Site Plan, DEIR Figure 3-11 – Conceptual Landscape Plan.**) A photometric study with manufacturer's cut sheets of all exterior lighting on buildings, in landscaped areas, and in parking lots will be submitted to City staff for review and approval to ensure no light spillage onto adjacent properties, including residential neighborhoods. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Noise: Construction noise of up to 80 dBA  $L_{eq}$  at the westerly property line will exceed the City's daytime exterior standard for residential property of 55 dBA  $L_{eq}$  and the standard for public recreational facilities of 65 dBA  $L_{eq}$ . (DEIR, p. 5.12-22.) These standards were in effect at the time of the Notice of Preparation for this DEIR. To reduce construction noise to the

extent feasible, the Project will implement mitigation measures **MM NOI 1** through **MM NOI 12**, below: (DEIR, pp. 5.12-45–5.12-46.) It should be noted that on August 18, 2016, the City of Riverside City Council adopted Ordinance 7341 amending the City’s Noise Code to exempt construction noise between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. of Saturdays from the standards of the Noise Code.

**MM NOI 1:** To reduce noise impacts to the surrounding residences and Sycamore Canyon Wilderness Park, prior to any Project-related construction or site preparation, a 12-foot tall temporary noise barrier shall be installed along the Project site’s northern and western property line. The barrier shall be continuous without openings, holes or cracks and shall reach the ground. The barrier may be constructed with 1-inch plywood and provide a transmission loss of at least 23 dBA to ensure construction noise levels do not exceed 75 dBA at single-family residential units located near the proposed project. Other materials providing the same transmission loss shall also be permitted with the approval of the City Planning Division.

**MM NOI 2:** To attenuate initial impact noise generated when an excavator drops rock and debris into a truck bed, heavy grade rubber mats/pads shall be placed within the bed of the trucks. These mats shall be maintained and/or replaced as necessary.

**MM NOI 3:** During all Project-related excavation and grading, construction contractors shall equip all construction equipment, fixed and mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.

**MM NOI 4:** All stationary construction equipment shall be located so that emitted noise is directed away from the residences to the north and west and from the Sycamore Canyon Wilderness Park to the west.

**MM NOI 5:** All construction equipment shall be shut off and not left to idle when not in use.

**MM NOI 6:** All equipment staging during all phases of construction shall be located in areas that will create the greatest distance between construction-related noise/vibration sources and the residences to the north and west and the Sycamore Canyon Wilderness Park to the west.

**MM NOI 7:** The use of amplified music or sound is prohibited on the Project site during construction.

**MM NOI 8:** Haul truck deliveries shall be limited to the same hours specified for construction equipment.

**MM NOI 9:** It is acknowledged that some soil compression may be necessary along the Project boundaries; however, the use of heavy equipment or vibratory rollers and soil compressors along the Project site's north and western boundaries shall be limited to the greatest degree feasible.

**MM NOI 10:** Jackhammers, pneumatic equipment, and all other portable stationary noise sources shall be shielded and noise shall be directed away from the residences to the north and west and Sycamore Canyon Wilderness Park to the west.

**MM NOI 11:** For the duration of construction activities, the construction manager shall serve as the contact person should noise levels become disruptive to local residents. A sign shall be posted at the Project site with the contact phone number.

**MM NOI 12:** No blasting shall take place on the Project site.

Even with implementation of feasible mitigation measures **MM NOI 1** through **MM NOI 12**, which will reduce construction noise by approximately 10 dBA, Project-related construction activities will result in temporary and periodic exposure of persons to and generation of noise levels in excess of standards established in the Riverside Municipal Code at the time of the Notice of Preparation, which is considered a significant and unavoidable impact. (DEIR, p. 5.12-34.)

Noise levels from Project operation will not exceed the City's daytime residential exterior noise standard of 55 dBA  $L_{eq}$  at any of the residences adjacent to the Project site. (DEIR, p. 5.12-26, DEIR **Figure 5.12-5 – Operational Noise Levels (Leq) No Mitigation.**) To reduce noise from nighttime operations, the Project will implement mitigation measures **MM NOI 13** through **MM NOI 15** and **MM AQ 14**, below: (DEIR, p. 5.12-46.)

**MM NOI 13:** To reduce noise associated with the use of back-up alarms, either ambient-sensitive self-adjusting backup alarms or manually adjustable alarms shall be used on all equipment in use on the Project site that requires a backup alarm. Ambient-sensitive self-adjusting backup alarms increase or decrease their volume based on background noise levels. The alarm self-adjusts to produce a tone that is readily noticeable over ambient noise levels (a minimum increment of 5 decibels is typically considered readily noticeable), but not so loud as to be a constant annoyance to neighbors. Close attention shall be given to the alarm's mounting location on the machine in order to minimize engine noise interference, which can be sensed by the alarm as the ambient noise level. These alarms shall be mounted as far to the rear of the machine as possible. An alarm mounted directly behind a machine radiator will sense the cooling fan's noise and adjust accordingly.

If manually-adjustable alarms are used, each alarm shall be set at the beginning of each day and night shift. The manual setting feature eliminates the machine mounting location problem of the ambient-sensitive self-adjustable backup alarms. Alternatively, back-up movements can be supervised with a guide and flagging system.

**MM NOI 14:** To reduce operational noise at the residences located west of the Project site, no trucks shall use the northern access road or regular sized vehicle sized parking areas at Building 2 for site access, parking, queuing, or idling.

**MM NOI 15:** A restriction of nighttime use between the hours of 10:00 PM to 7:00 AM shall be implemented for the portion of the loading area and trailer parking located just south of Building 2 and within 360 feet of the western property line as shown on **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation**.

**MM AQ 14:** Electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. Trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement. The City shall verify electrical hookups have been installed prior to occupancy and shall confirm lease agreement language.

With implementation of mitigation measures **MM NOI 13** through **MM NOI 15**, and **MM AQ 14**, noise from nighttime operations at the Project site will be reduced to acceptable levels for all receptors except two residences located northwest of the Project site. Because these two residences are at a higher elevation than the Project site, a noise barrier as described in **MM NOI 16**, below, is required to reduce nighttime noise to below the City's nighttime noise standard of 45 dBA  $L_{eq}$ . (DEIR, pp. 5.12-26–5.12-28, 5.12-47, DEIR **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation**.)

**MM NOI 16:** Prior to finalization of building permit, the temporary 12-foot noise barrier shall be removed and the Project applicant shall work with City Design Review staff and the property owners of receptor location 3 (6063 Bannock) and receptor location 4 (6066 Cannich) to determine the design and materials for a noise barrier that is mutually acceptable to the Project Applicant, City Design Review staff, and the property owners. The noise barrier shall be ten-foot high installed at the top of the slope of the residential properties west of the Project site. The designed noise screening will only be accomplished if the barrier's weight is at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-site openings between the shielded areas and the project site. Noise control barrier may be constructed using one, or any combination of the following materials: masonry block; stucco veneer over wood framing (or foam core), or 1-inch thick tongue and groove wood of sufficient weight per square

foot; glass (1/4 inch thick), or other transparent material with sufficient weight per square foot; or earthen berm.

Prior to the issuance of a Certificate of Occupancy for the Project, the Project applicant shall construct said noise barrier provided all of the property owners upon whose property the barrier is proposed to be constructed provide written authorization for such construction. The Project applicant shall provide written notice to the property owners of its intent to commence wall construction at least 90-days prior to the anticipated construction date. If all of the property owners do not authorize the construction of the wall in writing, including providing the applicant with all requisite legal access to the affected properties, within 60 days of applicant's written notice, the applicant shall instead pay to the property owners the equivalent cost to construct the wall, based on applicants good faith estimate.

With the installation of a ten-foot tall noise barrier at the two locations where the property owners will permit the noise barrier wall per mitigation measure **MM NOI 16**, operational noise will not exceed the City's nighttime noise standard of 45 dBA. However, because the noise barrier outlined in **MM NOI 16** would be on private property, the installation of this mitigation measure is dependent on the two-individual property owner authorizing the installation, not the Project Applicant. For this reason, impacts are significant and unavoidable with feasible mitigation and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.12-48.)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Air Quality: The South Coast Air Quality Management District (SCAQMD) is responsible for monitoring air quality, as well as planning, implementing, and enforcing programs designed to attain and maintain state and federal ambient air quality standards. Accordingly, SCAQMD has developed regional thresholds that can be used to determine if a project will have significant air quality impacts. The Air Quality Report (AQ Report, Appendix B to the DEIR) modeled Project-related emissions and compared estimated emissions to the SCAQMD thresholds.

The Project's short-term emissions are below regional and localized thresholds. However, the Project's long-term Oxides of Nitrogen (NO<sub>x</sub>) emissions of 339.39 lbs/day in the winter and 325.95 lbs/day in the summer will exceed the SCAQMD regional threshold of 55 lbs/day even after incorporation of Project design features and feasible mitigation measures **MM AQ 1** through **MM AQ 15**, **MM AQ 18**, and **MM AQ 19** as well as additional **MM AQ 22** through **MM AQ 25** (DEIR, p. 5.3-27). (DEIR, pp. 5.3-26, 5.3-30, 5.3-35–5.3-40.) Hence, regional air quality impacts from long-term operation are significant and unavoidable and the Project is considered to have a cumulatively considerable net increase on non-attainment pollutants in the region under applicable state and federal standards.

**MM AQ 1:** Solar or light-emitting diodes (LEDs) shall be installed for outdoor lighting. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 2:** Indoor and outdoor lighting shall incorporate motion sensors to turn off fixtures when not in use. The site and buildings shall be designed to take advantage of daylight, such that use of daylight is an integral part of the lighting systems. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 3:** Trees and landscaping shall be installed along the west and south exterior building walls to reduce energy use. Vegetative or man-made exterior wall shading devices or window treatments shall be provided for east, south, and west-facing walls with windows. Landscaping and/or building plans shall contain these features and are subject to City verification prior to building permit issuance.

**MM AQ 4:** Light colored “cool” roofs shall be installed over office area spaces and cool pavement shall be installed in parking areas. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 5:** Energy efficient heating and cooling systems, appliances and equipment, and control systems that are Energy Star rated shall be installed in future office improvement plans. Refrigerants and heating, ventilation, and air conditioning (HVAC) equipment shall also be selected to minimize or eliminate the emission of compounds that contribute to ozone depletion and global warming. The efficiency of the building envelope shall also be increased (i.e., the barrier between conditioned and unconditioned spaces). This includes installation of insulation to minimize heat transfer and thermal bridging and to limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption. The City shall verify tenant improvement plans include these features. The City shall verify these features are installed prior to issuance of occupancy permits.

**MM AQ 6:** Energy Star rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment shall be installed. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 7:** All buildings shall be designed with “solar ready” roofs that can structurally accommodate future installation of rooftop solar panels. Prior to building permit issuance, the City shall verify roofs are “solar ready.” If future building operators are providing rooftop solar panels, they shall submit plans for solar panels to the City prior to occupancy.

**MM AQ 8:** The Project’s landscaping plans shall incorporate water-efficient landscaping, with a preference for xeriscape landscape palette. Landscaping plans shall be approved by the City prior to building permit issuance.



**MM AQ 9:** All building owners shall provide education about water conservation and available programs and incentives to building operators to distribute to employees.

**MM AQ 10:** Interior and exterior waste storage areas shall be provided for recyclables and green waste. Prior to occupancy permits, the City shall verify interior and exterior storage areas are provided for recyclables and green waste. The property operator will also provide readily available information provided by the City for employee education about reducing waste and available recycling services.

**MM AQ 11:** Up to three electric vehicle charging stations shall be provided to encourage the use of low or zero-emission vehicles. Prior to building permit issuance, the City shall verify building plans contain electric vehicle charging stations.

**MM AQ 12:** Adequate bicycle parking near building entrances shall be provided at the site. Facilities that encourage bicycle commuting (e.g., locked bicycle storage or covered or indoor bicycle parking) shall be provided. Prior to building permit issuance, the City shall verify building plans contain adequate bicycle parking.

To reduce vehicle idling time to three minutes, mitigation measures **MM AQ 13** will be revised in the FEIR as shown below.<sup>2</sup>

**MM AQ 13:** All facilities shall post signs informing users of requirements limiting idling to ~~three~~five minutes or less in excess of pursuant to Title 13 of the California Code of Regulations, Section 2485. The City shall verify signage has been installed prior to occupancy.

**MM AQ 14:** Electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. Trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement. The City shall verify electrical hookups have been installed prior to occupancy and shall confirm lease agreement includes such language.

**MM AQ 15:** Service equipment (i.e., forklifts) used within the site shall be electric or compressed natural gas-powered.

**MM AQ 18:** Locally produced and/or manufactured building materials shall be used for at least 10% of the construction materials used for the Project. Verification shall be submitted to the City prior to issuance of a building permit.

**MM AQ 19:** “Green” building materials shall be used where feasible, such as those materials that are resource efficient and recycled and manufactured in an

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<sup>2</sup> . Deletions are shown with strikethrough text (~~example text~~) and additions are shown with double underline text (example text).

environmentally friendly way. Verification of the feasibility or infeasibility of securing these materials shall be submitted to the City prior to issuance of a building permit.

To reduce vehicle idling time to three minutes, mitigation measures **MM AQ 22** will be revised in the FEIR as shown below.

**MM AQ 22:** The Project shall implement the following measures to reduce emissions from on-site heavy duty trucks within six months after operations commence:

- a) Post signs informing truck drivers about the health effects of diesel particulates, the requirement that CARB diesel idling times cannot exceed three minutes regulations, and the importance of being a good neighbor by not parking in residential areas.
- b) Tenants shall maintain records on its fleet equipment and vehicle engine maintenance to ensure that equipment and vehicles serving the building are in good condition, and in proper tune pursuant to manufacturer's specifications. The records shall be maintained on site and be made available for inspection by the City.
- cb) The facility operator will ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at California Air Resources Board approved courses (such as the free, one-day Course #512).

**MM AQ 23:** In order to promote alternative fuels, and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants with information related to SCAQMD's Carl Moyer Program, or other such programs that promote truck retrofits or "clean" vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. If trucks older than 2007 model year will be used at a facility, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP, HVIP, and SOON funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants will be required to use those funds, if awarded.

**MM AQ 24:** Any yard trucks used on-site to move trailers in or around the loading areas shall be electric in place of traditional diesel powered yard trucks.

**MM AQ 25:** The building operator shall provide signage or flyers that advise truck drivers of the closest restaurants, fueling stations, truck repair facilities, lodging, and entertainment. (DEIR, pp. 5.3-35–5.3-39.)

Therefore, the impact is considered significant and unavoidable and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.3-40.)

SCAQMD has also developed localized significance thresholds (LSTs), which represent the maximum emissions from a project that would not cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standards. Based on the air quality analysis prepared for this Project, neither the short-term construction nor long-term operation of the Project will exceed SCAQMD LST at sensitive receptors, such as the residences, within the Project vicinity for any criteria pollutants. (DEIR, p. 5.3-29.) The amount of pollution that would be released from the outside of the walls would be negligible.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Alternatives: The City has determined the alternatives presented in the EIR are adequate and suitable. Proposing an office building as the commenter suggested would not meet the Project objectives. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Land Use: The City of Riverside General Plan 2025 (the GP 2025) designates the Project site as Business/Office Park (B/OP) and the site is zoned Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones (BMP-SP). (DEIR, **Figure 3-4 – Land Use Designation Map**, DEIR **Figure 3-5 – Zoning Map**.) Development of the Project site is also guided by the City's SCBPSP, which was adopted in 1984 by the City in order to encourage and provide incentives for economic development in the area. The site is designated as Industrial in the SCBPSP. (DEIR, p. 3-14.)

The distribution center Project currently proposed at the site is consistent with the planned use at the site in both the GP 2025 and SCBPSP and would not be in conflict with these plans. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Buffer: The western wall of Building 2 is located approximately 138 feet from the rear property line of the residences located northwest of the site. The Project proposes a 100-foot setback (64 feet of landscaping, a 30-foot wide drive aisle (vehicles only, no trucks) and an additional 6-foot wide landscape area) between Building 2 and the northern property line. (DEIR, p. 3-35, **DEIR Figure 3-10 – Proposed Site Plan**, **DEIR Figure 3-11 – Conceptual Landscape Plan**.) This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Consistency with City's GP 2025 Policies:

- *City Policy LU-8.2: Avoid density increases or intrusion of non-residential uses that are incompatible with existing neighborhoods.*

- The Project would be consistent with the land use designations in the GP 2025 and the SCBPSP, and would not increase planned densities that were not already considered in these plans. The convergence of a Wilderness Area, Industrial Specific Plan, and a Residential Specific Plan in the Project area is the result of thirty years of complex circumstances. Refer to response above regarding buffer from the Project to sensitive land uses. The compatibility of non-residential uses with residential neighborhoods can be achieved with correct design features, including the City's Good Neighbor Guidelines, of which the Project is consistent, as shown in Appendix M of the EIR. As such, the Project would be consistent with Policy LU-8.2.
- *City Policy N-1.8: Continue to consider noise concerns in evaluating all proposed development decisions and roadway projects.*
  - Refer to response above under noise. As such, the Project would be consistent with Policy N-1.8.
- *City Policy AQ-1.3: Separate, buffer, and protect sensitive receptors from significant sources of pollution to the greatest extent possible.*
  - Refer to response above under air quality. Additionally, since residences will be located within 1,000 feet from the proposed Project, a Health Risk Assessment (HRA) was prepared in June 2016 (included in Appendix B of the DEIR) and a refined HRA was prepared in November 2016 (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>) to evaluate cancer and non-cancer risks associated with the proposed Project. The November HRA was prepared in response to comments received from SCAQMD on the DEIR regarding the June HRA, and is consistent with the requested SCAQMD guidance and methodology. In both the June HRA and November HRA, none of the SCAQMD cancer or non-cancer thresholds are exceeded as a result of Project construction or operation for either workers or residents within the Project site and vicinity. (DEIR, p. 5.3-34.) As such, the Project would be consistent with Policy AQ-1.3.
- *City Policy AQ-1.1: Ensure that all land use decisions, including enforcement actions, are made in an equitable fashion to protect residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status or geographic location, from the health effects of air pollution.*
  - Refer to responses above regarding air quality and HRA. In accordance with State CEQA Guidelines Section 15093, if the agency determines that significant impacts cannot be reduced to less than significant, the lead agency must assess whether the benefits of the proposed Project outweigh unmitigated significant environmental effects, and the agency will be required to adopt a statement of overriding considerations stating the reasons supporting their action notwithstanding the proposed Project's significant environmental effects.

The public will have an opportunity to comment on the merits of the Project itself at a Planning Commission hearing and at a City Council hearing. Notice of the Planning Commission and City Council hearings on this Project will be published at least 10 days prior to the hearing date in accordance with relevant provisions of the Government Code. The agenda for Planning Commission and City Council hearings can be found at:

<http://riversideca.legistar.com/Calendar.aspx>. As such, the Project would be consistent with Policy AQ-1.1.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 35-F:**

A rooftop solar panel energy system would not be provided on each roof of the Project because it is not required. Since the Project is proposed as a “spec” building, the Project would provide “solar-ready” roofs that could accommodate installation of rooftop solar panels by future building tenants. Building operators providing rooftop solar panels will submit plans for solar panels prior to occupancy. (DEIR, p. 7-13.) This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 35-G:**

Your comments have been incorporated into the Final EIR. In addition, your contact information has been included in the distribution list for further information. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

## Comment Letter 36 – South Coast Air Quality Management District

36



South Coast  
Air Quality Management District  
21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:  
[pbrenes@riversideca.gov](mailto:pbrenes@riversideca.gov)

October 5, 2016

Ms. Patricia Brenes, Principal Planner  
City of Riverside – Planning Division  
3900 Main St., 3<sup>rd</sup> Floor  
Riverside, CA 92522

**Draft Environmental Impact Report (DEIR) for the Proposed  
Sycamore Canyon Business Park Buildings 1 and 2 Project**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

36-A

In the project description, the Lead Agency proposes the construction of two buildings for warehouse distribution and office space uses totaling approximately 1,433,599 square feet on an 80 acre site. Based on the Project's traffic study, the Project will result in 917 daily trucks operating at the site. In the Air Quality Section, the Lead Agency quantified the project's construction and operation air quality impacts and has compared those impacts with the SCAQMD's recommended regional and localized daily significance thresholds. Based on its analyses, the Lead Agency has determined that operational air quality impacts will exceed the recommended regional daily significance threshold for NOx.

On August 28, 2015, SCAQMD staff provided comments to the Lead Agency on the Notice of Preparation, which included guidance and recommendations on performing a Health Risk Assessment (HRA). However, in the DEIR, the HRA did not follow the SCAQMD's recommended methodology and SCAQMD staff has concerns that the HRA underestimated emissions and health risks to the surrounding residents. Additionally, since the proposed project will result in significant NOx impacts, all feasible mitigation measures should be included in the Final EIR to further reduce the significant impacts. Details are included in the attachment.

36-B

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. The SCAQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist CEQA Section, at (909) 396-3302, if you have any questions regarding the enclosed comments.

36-C

Sincerely,

*Jillian Wong*

Jillian Wong, Ph.D.  
Planning and Rules Manager  
Planning, Rule Development & Area Sources

Attachment  
JW:GM:JC  
RVC160811-02  
Control Number

Patricia Brenes

Page 2

October 5, 2016

**Attachment**

**Health Risk Assessment (HRA) and Localized Significance Threshold (LST) Analysis**

1. As indicated in our comment letter on the Notice of Preparation Initial Study dated August 28, 2015, SCAQMD recommends the Lead Agency revise the HRA by using the guidance provided in the *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*:  
<http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. 36-D
2. The Lead Agency used AERSCREEN (version 15181) to conduct a screening level health risk assessment and stated that the assessment is conservative. However, a screening level assessment is inappropriate here and likely not conservative due to the modeling complexity of the proposed project (idling at loading bays, on-site travel, and truck routes) and the location of sensitive receptors. AERSCREEN is intended for a single emission source and not for multiple emission sources. The proposed project has several non-uniform emissions throughout the site that should not be generalized as a single volume source. SCAQMD staff recommends using AERMOD to properly model individual emission sources, discrete receptor locations, wind data, and terrain data. 36-E
3. The Lead Agency used a single 8.92 acre volume source placed in the center of the site to represent all project emissions. However, truck idling, on-site travel, and truck route emissions should be modeled as separate emission sources with individual emission rates to accurately reflect the emission profile of the proposed project. The SCAQMD staff recommends using multiple line sources or smaller volume sources as well as specific emission rates to represent loading docks and travel routes. Receptors should also be placed along the fence line to estimate risks to the adjacent sensitive receptors. Due to the proximity of adjacent sensitive receptors, care should be taken to ensure that no receptors are placed within the volume source exclusion zone. 36-F
4. The Lead Agency used an average composite distance (450 meters) to determine emission concentrations at receptor locations. The average composite distance was derived by averaging the distances from the centroid of each volume source (eight zones) to the closest sensitive receptor of each zone. The composite distance is not conservative and underestimates impacts to receptors closest to the proposed project (residential receptors immediately adjacent to the north and west). The proposed site plan indicates that truck loading docks are located along the western edge of the project site and closer to receptors than the average composite distance. Furthermore, the average composite distance and methodology used is inconsistent with the *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* and does not accurately represent the proposed project. SCAQMD staff recommends that the Lead Agency revise the model and health risks using the recommended guidelines. 36-G
5. On-site Heavy Duty Truck emissions were based on CalEEMod's operational emission calculations. CalEEMod uses emissions data from aggregated vehicle speeds typically found on highway travel. The HRA does not account for vehicles idling or traveling at low speeds, which generate greater emissions and therefore underestimates health risks. SCAQMD staff recommends incorporating 15 minutes idling and on-site travel (low speed travel – 5-10 mph) emissions into the revised HRA and recalculate the health risks. 36-H
6. The Lead Agency failed to include emissions from truck routes along local roads in the HRA, which underestimates health risk impacts. Roadways used by project-generated trucks should be modeled from the project site to where the trucks enter the freeway. SCAQMD staff recommends revising the HRA to include roadways used for truck travel. 36-I

**Mobile Source Operational Mitigation Measures**

7. Because the Lead Agency has determined that operational emissions exceed the SCAQMD recommended level of significance for Oxides of Nitrogen (NOx), mainly from truck operations, SCAQMD staff recommends the following mitigation measures in addition to the measures included in the Draft EIR starting on page 5.3-35 in order to reduce these significant operational impacts:

36-J

**Recommended additions – Truck Activities**

- Trucks that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. Further, trucks that run at least partially on electricity are projected to become available during the life of the project as discussed in the 2012 and 2016 Regional Transportation Plan. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, the SCAQMD staff recommends the Lead Agency require the proposed warehouse and other plan areas that allow truck parking to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in.
- Consistent with the advisory recommendations from the California Air Resources Board's Land Use Handbook<sup>[1]</sup> provide minimum buffer zone of 1,000 feet between truck traffic and sensitive receptors if significant health risk impacts are determined by a project specific HRA.
- Limit the daily number of trucks allowed at each facility to levels analyzed in the Final SEIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the project through CEQA prior to allowing this higher activity level.
- Similar to the City of Los Angeles requirements for all new projects, the SCAQMD staff recommends that the Lead Agency require at least 5% of all vehicle parking spaces (including for trucks) include EV charging stations<sup>[2]</sup>.
- Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas or restricted routes.

36-K

<sup>[1]</sup> CARB Air Quality and Land Use Handbook, April 2005, Page 4. <http://www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf>

<sup>[2]</sup> [http://ladbs.org/LADBSWeb/LADBS\\_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf](http://ladbs.org/LADBSWeb/LADBS_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf).



## **Response to Comment Letter 36 – SCAQMD (Jillian Wong)**

### **Response to Comment 36-A:**

The City appreciates the South Coast Air Quality Management District's (SCAQMD's) review of the Draft Environmental Impact Report (DEIR). The comment offers introductory remarks and describes the Project. Comment noted. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 36-B:**

The comment expresses concern over the preparation of the Screening Health Risk Assessment (HRA) and suggests that since the HRA did not follow the SCAQMD's recommended methodology, SCAQMD staff has concerns that the HRA underestimated emissions and health risks to the surrounding residents. The comment also requests that all feasible mitigation measures should be included in the Final EIR to further reduce significant NO<sub>x</sub> impacts based on details included in the comment letter's attachment. Per SCAQMD's comments, a refined HRA to evaluate cancer and non-cancer risks associated with the proposed Project was prepared in November 2016 (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>) and submitted to SCAQMD on November 9, 2016 for review. The refined HRA is consistent with the requested SCAQMD guidance and methodology. In both the June HRA and November HRA, none of the SCAQMD cancer or non-cancer thresholds are exceeded as a result of Project operation for either workers or residents within the Project site and vicinity. (DEIR, p. 5.3-34.) The comments are noted, and comments on the HRA methodology and the recommended mitigation, representing all feasible mitigation measures, will be addressed in the response to the attachment's comments below.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 36-C:**

Comment noted. Pursuant to Section 21092.5 of the California Public Resources Code, the City will provide a written response to the SCAQMD at least 10 days prior to certifying the Final EIR.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 36-D:**

Pursuant to SCAQMD's comments, a refined HRA was prepared in November 2016 (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>) and is consistent with the requested SCAQMD guidance and methodology. This refined HRA was submitted to SCAQMD on November 9, 2016, for review. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 36-E:**

Pursuant to SCAQMD's comments, a refined HRA was prepared in November 2016 (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>) and is consistent with the requested SCAQMD guidance and methodology. This refined HRA was submitted to SCAQMD on November 9, 2016, for review. The refined HRA was prepared using AERMOD, as recommended by SCAQMD staff to properly model individual emission sources, discrete receptor locations, wind data, and terrain data. Vehicle diesel particulate matter (DPM) emissions were estimated using emission factors for PM-10 generated with the 2014 version of the Emission Factor model (EMFAC) developed by the Air Resources Board (Refined HRA, p. 12). The EMFAC model was run for speeds traveled near the Project, which represent conservative assumptions because lower speeds result in higher emission rates. Each roadway was modeled as a line source (made up of multiple adjacent volume sources) and the DPM emission rate for each volume source was calculated by multiplying the emission factor by the number of trips and the distance traveled along each roadway segment and dividing the result by the number of volume sources along that roadway. (Refined HRA, p. 14.)

This comment does not identify any significant new environmental issues or impacts that were not already discussed in the DEIR.

**Response to Comment 36-F:**

Pursuant to SCAQMD's comments, a refined HRA was prepared in November 2016 (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>) and is consistent with the requested SCAQMD guidance and methodology. This refined HRA was submitted to SCAQMD on November 9, 2016, for review.

**Response to Comment 36-G:**

Pursuant to SCAQMD's comments, a refined HRA was prepared in November 2016 (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>) and is consistent with the requested SCAQMD guidance and methodology. This refined HRA was submitted to SCAQMD on November 9, 2016, for review.

**Response to Comment 36-H:**

Pursuant to SCAQMD's comments, a refined HRA was prepared in November 2016 (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>) and is consistent with the requested SCAQMD guidance and methodology. This refined HRA was submitted to SCAQMD on November 9, 2016, for review.

**Response to Comment 36-I:**

Pursuant to SCAQMD's comments, a refined HRA was prepared in November 2016 (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>) and is consistent with the requested SCAQMD guidance and methodology. This refined HRA was submitted to SCAQMD on November 9, 2016, for review.

**Response to Comment 36-J:**

Comment noted. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 36-K:**

The comment recommends additional mitigation to reduce significant operational impacts. Each of the recommended mitigation is listed and discussed below:

**Recommended Mitigation No. 1.:** Trucks that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. Further, trucks that run at least partially on electricity are projected to become available during the life of the project as discussed in the 2012 and 2016 Regional Transportation Plan. It is important to make this electrical infrastructure available when the project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, the SCAQMD staff recommends the Lead Agency require the proposed warehouse and other plan areas that allow truck parking to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in.

This recommendation suggests allowing truck parking to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks that run at least partially on electricity to plug-in. Although the Project involves a spec building, there is a possibility that the future logistics center tenant will require refrigeration/freezing capability and storage use. If so, Project compliance with mitigation measure **MM AQ 14** will ensure that electrical infrastructure will be in place.

As outlined in Section 5.3 of the DEIR, per **MM AQ 14**, (listed below) electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. (DEIR, p. 5.3-37.) Therefore, electrical infrastructure will be in place at the loading docks.

**MM AQ 14:** Electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. Trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement. The City shall verify electrical hookups have been installed prior to occupancy and shall confirm lease agreement includes such language.

**Recommended Mitigation No. 2.:** Consistent with the advisory recommendations from the California Air Resources Board's Land Use Handbook<sup>[1]</sup> provide minimum buffer zone of 1,000 feet between truck traffic and sensitive receptors if significant health risk impacts are determined by a project specific HRA.

This recommendation suggests providing a minimum buffer zone of 1,000 feet between truck traffic and sensitive receptors if significant health risk impacts are determined by a project specific HRA. According to CARB's *Air Quality and Land Use Handbook*, CARB recommends to avoid the placement of new sensitive land uses within 1,000 feet of a distribution center (accommodating more than 100 trucks per day, 40 trucks with transport refrigeration units (TRUs), or where TRUs operate more than 300 hours a week) and to take into account the configuration of existing distribution centers and avoid locating residences and other sensitive land uses near entry and exit points. However, these are recommendations, not mandates, and land use decisions ultimately lie with the local agency which needs to balance other considerations. (DEIR, p. 5.3-18.) Since the Project involves the construction of a logistics center approximately 100 feet (30 meters) from the nearest sensitive receptor, a more detailed Screening HRA was prepared in 2016 for the Project (included in Appendix B of the DEIR) and a refined HRA was prepared in November 2016 to address the SCAQMD comments (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>). The refined HRA is consistent with the requested SCAQMD guidance and methodology. According to both the June HRA and refined November HRA, none of the cancer or non-cancer thresholds will be exceeded as a result of Project construction or operation for workers or residents within the proposed Project vicinity. Therefore, the Project will not result in the exposure of sensitive receptors to substantial pollutant concentrations during Project construction or operation. (DEIR, p. 5.3-34.)

CARB's guidance, on page 5 of the handbook, acknowledges that the recommendations are in fact advisory, and "to determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel PM will decrease over time as cleaner technology phases in." The handbook further goes on to state that "these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists." Therefore, the FEIR and underlying technical study is actually consistent with the CARB handbook. The FEIR includes a site-specific health risk assessment based on the geospatial location of the proposed development and existing sensitive land uses in the vicinity of the Project site and the truck travel routes that are expected to be utilized. As shown in the FEIR, the Project would not pose a significant health risk associated with diesel particulate matter (DPM) to sensitive receptors in the Project vicinity.

As stated previously, the CARB recommends, but does not mandate, that new sensitive land uses should not be placed within 1,000 feet of a distribution center. As discussed in Section 5.10 – Land Use and Planning of the DEIR, the Project is consistent with both the existing land use designation in the GP 2025 and SCBPSP. Furthermore, Appendix M of the DEIR identifies applicable City of Riverside General Plan 2025 objectives and policies and the Project's consistency level with those objectives and policies. The Project was found to be consistent with the General Plan Air Quality Element Objectives and Policies. (DEIR Appendix M, pp. M-58-65.)

**Recommended Mitigation No. 3:** Limit the daily number of trucks allowed at each facility to levels analyzed in the Final SEIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to reevaluating the project through CEQA prior to allowing this higher activity level.

This recommendation suggests limiting the daily number of trucks allowed at each facility to levels analyzed in the Final EIR. According to Section 5.16 of the DEIR, approximately 917 daily truck trips are anticipated. (DEIR, p. 5.16-28.) It is not feasible to limit the number of trucks allowed at each facility since the Project is a “spec” building and does not have any known tenants. Future tenants are unknown, as are the vendors of future tenants, and it is also unknown if these future tenants would have any control over the number of trucks servicing the businesses.

**Recommended Mitigation No. 4:** Similar to the City of Los Angeles requirements for all new projects, the SCAQMD staff recommends that the Lead Agency require at least 5% of all vehicle parking spaces (including for trucks) include EV charging stations.

This recommendation suggests the requirement of at least 5 percent of all vehicle parking spaces (including for trucks) to include EV charging stations, similar to the City of Los Angeles requirements for all new projects. Per **MM AQ 11** (listed below), up to three electric vehicle charging stations shall be provided to encourage the use of low or zero-emission vehicles. Additionally, per **MM AQ 14** (listed previously) electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. (DEIR, p. 5.3-37) Therefore, electrical infrastructure will be in place at the loading docks and in parking lots.

**MM AQ 11:** Up to three electric vehicle charging stations shall be provided to encourage the use of low or zero-emission vehicles. Prior to building permit issuance, the City shall verify building plans contain electric vehicle charging stations.

The City of Los Angeles and the City of Riverside have differing requirements for new projects based on their respective municipal codes and conditions within the cities. It is not reasonable to assume that the need and conditions requiring 5 percent of all vehicle parking spaces (including for trucks) to include EV charging stations in Los Angeles applies to the City of Riverside. The City of Los Angeles and City of Riverside differ greatly in their parking availability. Additionally, unlike the City of Riverside, the City of Los Angeles does not have the land availability to build a project of this size. Therefore, requiring 5 percent of all vehicle parking spaces (including for trucks) to include EV charging stations is not a feasible mitigation measure.

**Recommended Mitigation No. 5:** Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas or restricted routes.

This last recommendation suggests having truck routes clearly marked with trailblazer signs so trucks will not enter residential areas or restricted routes. The City does not have designated truck routes, and the Project Applicant is not responsible for establishing these routes. Nonetheless, Chapter 10.56 of the Riverside Municipal Code prohibits commercial vehicles over 10,000 pounds from traveling on Fair Isle Drive, Lochmoor Drive, and Sycamore Canyon Boulevard, between El Cerrito Drive and University Drive.

The Project has an established connection between the Project site and the freeways in that the Project site is accessed from Sycamore Canyon Boulevard, a 4-lane divided major arterial. Further, the “urban intersect” as described in the Sycamore Canyon Business Park Specific Plan at the Interstate 215 and Eastridge Avenue has since been constructed, allowing for a direct connection to Interstate 215. (DEIR Appendix M, p. M-70.)

Additionally, as discussed in Section 5.16.4 of the DEIR, the Project will limit passenger car and truck egress onto Dan Kipper Drive by posting signs at all Project driveways that state “right-turn only” onto Lance Drive. In addition to signage, traffic delineators (pork chops) will be placed at the all three driveways which will direct only right-turns onto Lance Drive. This will force both outbound (i.e. leaving the Project site) passenger cars and trucks to turn south onto Lance Drive to Sierra Ridge Drive and then east on Sierra Ridge Drive to Sycamore Canyon Boulevard. (DEIR, p. 5.16-26.)

The City has imposed all feasible mitigation measures that would substantially reduce the proposed Project’s potentially significant impacts. Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

## Response to Comment Letter 37 – Johnson & Sedlack

Note: The two exhibits attached to this letter follow the responses.

37

**Johnson & Sedlack**  
ATTORNEYS at LAW

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*VIA E-MAIL and U.S. MAIL*

October 7, 2016

City of Riverside  
Community & Economic Development Dept., Planning Division  
Attn: Patricia Brenes, Principal Planner  
3900 Main Street, 3<sup>rd</sup> Floor  
Riverside, CA 92522  
Email: pbrenes@riversideca.gov

To the City of Riverside:

On behalf of the Sycamore Highlands Community Action Group, a group of local residents, I submit these comments regarding the Draft Environmental Impact Report ("DEIR") for the Sycamore Canyon Business Park Buildings 1 and 2 Project ("the Project").

37-A

The Project proposes the construction of two industrial warehouse buildings within the Sycamore Canyon Business Park: Building 1 will be approximately 1,002,995 square feet in size; Building 2 will be approximately 362,174 square feet in size. Combined, the buildings propose up to 1,355,169 square feet of logistics space, approximately 20,000 square feet of office space, 589 parking stalls and 342 trailer stalls. The Project site is immediately adjacent to existing single-family homes in Riverside's established Sycamore Highlands community, and it is adjacent to the Sycamore Canyon Wilderness Park, which is also a habitat area under the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP"). In fact, the wall of Building 2 will be located 100 feet from the property line of residences to the north of the Project site. As a result of siting a large industrial-type building that will generate substantial truck traffic immediately adjacent to sensitive receptors, residents are deeply concerned that this Project will bring permanent air quality, noise, and other adverse impacts to their community, and that the Project will compound the adverse effects of existing warehouse projects in the immediate area.

Regarding the DEIR, for the reasons set forth below, additional analysis and further mitigation is required in accordance with the California Environmental Quality Act ("CEQA").

Page 2

### 1) Project Description

CEQA requires that an EIR contain a description of the proposed project, and that the description be accurate and complete. The DEIR fails to accurately and completely define the Project including with respect to Building 2. The Project Objectives state that Building 2 will be for the “operation of a use consistent with those uses permitted in the Business Manufacturing Park Zone.” The DEIR’s Project Description states that Building 2 will be built for “logistics/industrial” use. The lack of certainty as to the intended use or purpose of Building 2 prevents meaningful analysis and evaluation of Project impacts. 37-B

Also, the Project Description and Executive Summary state that 917 daily truck trips are anticipated (p. 3-43, p.1-7). The Project Description and Executive Summary should be revised to include that the *total* number of daily trips is anticipated to be 2,409 (2,686 pce) (DEIR, p. 5.16-27–29). 37-C

### 2) Aesthetic Impacts

The Project site is currently vacant and contains hilly land that is primarily undisturbed. A USGS blue line stream with dense riparian vegetation runs through the central areas of the site. The site is immediately adjacent to the Sycamore Canyon Wilderness Park to the west. The site photos indicate that current views across the Project site from adjacent residences are unobstructed. The Project proposes to cover the site with buildings, parking areas and infrastructure, while reserving a very narrow portion for a biological “Mitigation Area” and a separate area for a public trail/Fire Access area. Contrary to the DEIR’s conclusions, the radical and irreversible changes to the physical landscape due the Project represent significant aesthetic impacts. 37-D

More specifically, Building 1 will be located 256 feet from the Sycamore Canyon Wilderness Park. Despite on-site landscaping, Building 1 will be visible from users of the Wilderness Park (p. 3-35). The impact is also significant because the Wilderness Park is considered one of the City’s “notable scenic vistas.” In total, the Project replaces a vacant and natural area with two large industrial buildings, thus fundamentally altering the visual setting. The DEIR also indicates that Building 1 will be visible from westerly residences (“Building 1 is located downslope from and south of Building 2 and is not expected to be visible from the residential area *to the north*” p. 5.1-8 [emphasis added]). There is the claim that views of Building 1 from westerly residences will be “softened” by landscaping but this does not provide assurance that views of Building 1 will be lessened below significance thresholds (*id.*). 37-E

With respect to Building 2, the DEIR describes that the northern *wall* will be located just 100 feet south of the residential lots north of the Project site. The DEIR states there will 37-F



Page 3

be 64 feet of landscaping, a 30-foot wide drive aisle and an additional 6-foot wide landscape area between the drive aisle and the building. Nevertheless, the monolithic, 40-foot wall of Building 2 will be visible from northern residences, thus representing a significant adverse change to the existing visual environment. The rendering of the "North Elevation" (Figure 3-12b) evidences significant visual impacts insofar as the view from northern residences will be of a long, flat, high wall *where none presently exists*. The attached photos (Exhibit "A") show recently constructed warehouses located approximately 100 feet from existing homes. ↑ 37-F

With respect to westerly residences, the DEIR acknowledges that these homes have a "direct view of the Project site from backyards." (Figure 5.1-1) The DEIR speculates that "at maturity" landscaping will block views of Buildings 1 and 2 from westerly homes (pp. 3-35 – 36)<sup>1</sup>. However, given the size of Building 2, this cannot be accurate. At a minimum, impacts are significant in the *short-term* until such time that landscaping reaches maturity. 37-G

The DEIR's visual simulations confirm significant visual impacts. Figures 5.1-2a, - 2b, - 2c show that views of a rolling field are replaced with that of expansive, high wall(s). Also the visual simulations depict mature landscaping, meaning that visual impacts will be much greater unless and until the landscaping reaches maturity (approximately 15 years for many species). Also, while Table 5.1-A refers to a number of cross sections these do not appear in the DEIR (*i.e.*, E-E, F-F, H-H, J-J and K-K). Also, Figures 3-13a and 3-13b are difficult to read, and in fact, it appears the DEIR mistakenly references 3-14a and 3-14b at p. 3-35, when the document intends to refer to Figures 3-13a and 3-13b. 37-H

Furthermore, the extent of Project impacts is not even known at this time. The DEIR notes that landscape plans will have to be *redesigned* to address the fact that trees are proposed within the trail and the Fire Access/Parks Maintenance Road. The DEIR discloses that further changes to Project plans are necessary to address aesthetic impacts insofar as it states that the west elevation of Building 1 "will be readily visible from the residences to the northwest and as such warrants more articulation." (p. 5.1-9) Similarly with respect to Building 2, the EIR states "the north elevation is immediately adjacent to residences to the north needs to be articulated in the same manner as the front elevation." *Id.* All together, there is a need for further analysis and mitigation. 37-I

In fact, proposed mitigation is uncertain and ineffective. MM AES -1 does not mitigate impacts where, logically, an 8-foot tall wall along the Project's northern property line ↓ 37-J

<sup>1</sup> It is difficult from the DEIR to determine from which homes the "views" are supposed to be depicting; it is safe to assume that this was a best case scenario (from a westernmost home on Sutherland Drive) rather than depicting views from a home on the eastern side of Sutherland Drive, since Sutherland drops in elevation from west to east while the warehouse building would retain the same elevation.

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will not shield or even screen the view of Building 2's nearly 40-foot wall(s). MM AES-2 indicates that fencing of some sort may be constructed but this does nothing to minimize views of buildings and largely seems irrelevant. MM AES-3 relates to the developer's option to build a fence along the edge of the trail on the north side of the property, which does nothing to address impacts as to views from neighboring residences. MM AES 4, 5, 6 and 7 represent deferred mitigation and do not appear to be related to addressing the Project's visual impacts relative to adjacent residences. Also, MM AES-7 may affect whether Project landscaping can adequately screen Project buildings. MM AES 9 also represents uncertain and deferred mitigation. Thus, apart from the (ineffective) 8-foot wall, there are no measures designed to lessen impacts to views from northerly and westerly residences. The alleged fact that the wall will create a "better visual appearance" is not adequate mitigation for fundamental changes to the visual landscape.

37-J  
cont'd

Changes to the site's topography are proposed through the Project's grading plan. In westerly areas, the slopes on the Project site are quite steep yet substantial grading is proposed in this area (*see* Figure 3-9). Impacts due to landform alteration have not been evaluated.

37-K

Finally, lighting should be limited to 1-foot candle unless there is a specific need for more intense lighting, such as security lighting in specific areas. The DEIR states that lighting is limited to a "maximum of ten-foot candles." Also, light poles should be limited to 15 feet.

37-L

### 3) Air Quality Impacts

The Project sites industrial warehouse distribution facilities in close proximity to homes, and in particular Building 2 is within 100 feet of homes. There is no justification for locating a major source of pollution practically in the backyards of residences. It is widely accepted that exposure to significant concentrations of air pollution can cause a host of health problems including respiratory diseases and cancer, and that children are particularly susceptible to the harmful effects of air pollution. This is why the California Air Resources Board's "Air Quality and Land Use Handbook: A Community Health Perspective (2005)" recommends that distribution centers like the proposed Project should not be within 1000 feet of residences. How can this Project be reconciled with the recommendation from the State's authority on air quality? The DEIR lists that one "Project Objective" is to "enable trucks servicing the site to achieve a minimum of two roundtrips per day." Thus it is an actual *objective to maximize* truck trips. Unfortunately, because of the Project's *location*, the community will pay the price for the Project's alleged efficiency.

37-M

Page 5

According to the DEIR, the Project will exceed the threshold for NOx. Specifically, the Project will generate 338 lbs/per day of NOx which is roughly *six times* the SCAQMD threshold of 55 lbs/day. Astoundingly, the DEIR proposes virtually no mitigation aimed at reducing operational air quality impacts relating to diesel emissions, a significant source of NOx. The air quality study (DEIR, Appendix B) confirms that the Project's operational NOx emissions are unchanged between the mitigated and unmitigated scenario. However, since the exposure to diesel can increase the incidence of diseases and deteriorate the quality of life additional mitigation is warranted.

37-N

Additional mitigation would include a lease requirement *requiring* owners/tenants to mandate the use of cleaner trucks by operators. The City as the lead agency for CEQA compliance should investigate such a measure. As written, MM AQ 23 states that if trucks older than 2007 model year will be used that future tenants shall apply in good-faith for funding for diesel truck replacement/retrofit through grant programs. This measure falls well short of guaranteeing that cleaner trucks will be used. Moreover, because the Project will involve the operation of drayage trucks (*i.e.*, trucks transporting goods to or from the Ports of Los Angeles and Long Beach), MM AQ 23 may be largely irrelevant<sup>2</sup>. Feasible mitigation would include *requiring* that (a) all trucks accessing the Project must meet 2010 standards or better *at opening*; or (b) if the above mitigation is not fully feasible, the tenant(s) shall be required to phase-in trucks beginning with 30% 2010 standards or better at opening and continually improving, to introduce newer trucks *faster than regulatory standards*. 2010 truck models reduce NOx emissions to a greater extent than even the 2007 models.<sup>3</sup> Requiring the use of 2010 model engines is consistent with regulations aimed at drayage trucks and therefore should be a feasible mitigation measure.<sup>4</sup>

37-O

Other feasible mitigation includes revising MM AQ 7 to require the *use* of solar energy not merely providing "solar ready" roofs. MM AQ 14 should be revised to require that the electrical hookups shall be used - not merely that they be provided. Additional mitigation would also include establishing and enforcing a specified truck route as part of the CEQA mitigation program, in order to ensure that diesel trucks are not using residential streets. Traffic patterns modeled do not match the neighborhood's experience for truck travel. The DEIR claims that trucks will follow a truck route to the south of the facility to access the I-215 interchange, *to then travel north*. Common sense and the personal observation of residents is that trucks will actually bypass the interchange. ✓

37-P

<sup>2</sup> <https://www.arb.ca.gov/msprog/onroad/porttruck/regfactsheet.pdf> (This hyperlink and all hyperlinks in this letter are incorporated herein by reference.)

<sup>3</sup> Under the Environmental Protection Agency's 2007/2010 heavy-duty engine and highway diesel fuel sulfur control requirements, beginning with the 2007 model year, 100 percent of the new on-road diesel trucks were required to meet the near zero particulate emissions standards and 50 percent were required to meet the lower NOx exhaust standards. Beginning with the 2010 model year, 100 percent of the new on-road heavy-duty diesel engines were required to meet the NOx exhaust standards.

<sup>4</sup> <https://www.arb.ca.gov/msprog/onrdiesel/documents/multirule.pdf>

Page 6

taking the shortest route to I-215 by heading north instead of south out of the Project site. Residents already observe major truck traffic on streets to the north of the Project site, and they expect truck traffic to increase with the proposed Project.

↑ 37-P  
cont'd

The air quality analysis has flaws as well.

37-Q

First, air quality modeling assumes clean fleets coming to the warehouse over the next few years. A short-term analysis should be performed for *short-term* exposure (*i.e.*, high emitting trucks that are 10 years old prior to significant NOx controls). In other words, the analysis should assume that pre-2007 vehicles will access the facility; in fact, the mitigation program assumes this is the case.

Second, the analysis does not account for the “canyon” or hillside effect created by having emission sources immediately below the elevation of homes. This can have a major effect on the accurate estimation of emission impacts and health effects.

37-R

Third, the analysis must accurately account for all development within the Sycamore Canyon Business Park, the currently operating facilities and future anticipated facilities. The DEIR’s assumption is that the totality of development will cause significant impacts. The EIR must provide more concrete information as to cumulative air quality effects.

37-S

Fourth, the DEIR states that the grading plan has been “designed so that all earthwork will be balanced” on-site (p. 3-36). The air quality study (DEIR, Appendix B) assumes *zero* haul trips. Therefore, the Project must be conditioned to prohibit import or export of soils. Additionally, the air quality study (Appendix B) assumes that the warehouse uses will be non-refrigerated. As such the Project must be conditioned to restrict use to non-cold storage operations. The South Coast AQMD has found that the typical approach to calculating truck traffic at warehouse projects usually underestimates the actual amount of traffic generated, because the typical approach assumes that the warehouses will store non-refrigerated goods.

37-T

Fifth, the air quality study (Appendix B) is confusing to the reader, specifically regarding “trip type information.” For instance, Section 4.3 assumes 16.60 “miles” for “H-W” or “C-W” and states that the associated “trip %” is 61.93 for unrefrigerated uses. It is difficult to understand this information. Again for instance, the analysis indicates that 76.30 miles are assumed for the “H-O” and “C-NW” categories and that these comprise 38.07% of Project-related trips. Is this realistic or appropriate?<sup>5</sup> The DEIR’s air quality section states that, “CalEEMod truck trip length defaults were increased and it was conservatively assumed that all truck trips are traveling to and from the ports of Los Angeles and Long Beach” (p. 5.3-26). But there is no citation for this information. And, do the air quality study’s inputs reflect that truck trips to and from the Ports of Los

37-U  
↓

<sup>5</sup> See, <http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixa.pdf?sfvrsn=2>

Page 7

Angeles and Long Beach are the majority (or all) of the truck trips and that the miles traveled is roughly 70-80 miles to/from the Ports? In other words are the trip types and corresponding percentage of Project trips accurate or realistic in view of this Project as an industrial warehouse distribution center which will service the Ports? Without more information or certainty in this area, the DEIR does not serve its informational purpose.

37-U  
cont'd

Also, the conclusions regarding mobile emissions are based on the traffic study (Appendix J). This, too, is confusing to the reader. The DEIR, Table 5.26-F, breaks down the Project's trip generation rates and includes a certain "fleet mix", namely the analysis assumes a certain percentage of (a) passenger cars; (b) 2 axle trucks; (c) 3 axle trucks; and (d) 4 axle trucks. Is this fleet mix accurate in view of the Project's purpose as a logistics center where (heavy duty) trucks will primary travel to and from the Ports? Appendix J, Table 4-1 also breaks down the trip-generation rate by fleet mix. It notes that the "split" is from the 2003 City of Fontana *Truck Trip Generation Study*. This study has "limited applicability" according to the South Coast AQMD. (Exhibit "B" hereto.) The AQMD found that the "Fontana Study, by itself, is not characteristic of high cube warehouses." (*Id.*)

37-V

Finally, it does not appear that NO<sub>2</sub> exposures were evaluated for vehicles in close proximity to receptors. Exposure to NO<sub>2</sub> causes acute health impacts.

37-W

#### 4) Biological Impacts

The DEIR finds that biological impacts are potentially significant with respect to the fact that the Project will eliminate the existing blue line stream and associated 1.91-acre riparian area that traverses the Project site. The riparian area is not only habitat for several plant species but also the area provides drainage benefits for the adjacent Sycamore Canyon Wilderness Park, which is also a MSHCP Conservation Area. As mitigation, the Project proposes the establishment of a 2.96-acre Mitigation Area along the western edge of the Project site adjacent to the Sycamore Canyon Wilderness Park "to replace the existing blueline stream that runs diagonally across the property from northwest to southeast." The DEIR states that the Mitigation Area will be planted with native riparian and riparian scrub habitat and will meander like a naturally occurring drainage. The Mitigation Area will vary from 52 to 72 feet wide with a length of 2008 linear feet, totaling 2.96 acres. It will contain a 10-25 foot wide low-flow drainage feature.

37-X

First with respect to the Mitigation Area, the DEIR represents that the Mitigation Area has been determined to be superior to the existing riparian area as described in the applicant's Determination of Biologically Equivalent or Superior Preservation ("DBESP"). In support, the DEIR apparently relies on the response by the Wildlife Agencies/California Department of Fish & Wildlife to the DBESP. The Wildlife Agencies' letter response does not appear with the DEIR. To the extent that the DBESP

37-Y

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has not been “determined” by the resource agencies to be “superior,” biological impacts remain potentially significant.

↑ 37-Y  
cont'd

Second, the Project’s landscape area, which is meant to screen Buildings 1 and 2 from the Sycamore Canyon Park as well as westerly residences, “doubles” as the Mitigation Area. Is landscaping that is intended to minimize noise, lighting, and visual impacts consistent with the purposes and nature of the replacement riparian area? And, functionally, can the area be *both* a Mitigation Area and a landscape area? That is, are the species needed for biological mitigation consistent with those needed to address views? Also, as designed, the Project involves a wall of truck docks along the westerly side of Building 1 directly adjacent to the Mitigation Area. How does the Mitigation Area itself function when it is in close proximity to areas where substantial noise, nighttime lighting and human activity will be present 24 hours per day seven days a week? Can the Mitigation Area adequately function to provide habitat for plant and animal species as well as maintain its riparian drainage functions when it will be continually subjected to the lighting, noise and human activity of the Project? The present, on-site riparian area is physically separated from such intrusions. Moreover, due to the intervening proposed fence, the Mitigation Area is “cut-off” from the adjacent Sycamore Canyon Wilderness Park.

37-Z

Third, the “edge effects” associated with the Project have not been adequately considered or mitigated. There is only 50 feet between the truck yard and Sycamore Canyon Wilderness Park. The Park is also a Western Riverside County MSHCP conservation area. For instance, the noise study discloses that Project noise impacts to the Wilderness Park will be significant in that Project noise as to the Park will be increased by 10 dBA, which is considered a “substantial increase,” and, therefore, significant. (Table 5.12-J) And this noise exposure may compromise the Park’s integrity for species and users. The proposed “open” wall on the western side of the building adjacent to the Wilderness Park will likely not alleviate the significant noise impacts.

37-AA

Next, the Mitigation Area represents uncertain or deferred mitigation in the following respects:

37-BB

First, the DEIR asserts that a Habitat Management Plan (HMMP) “will be prepared by the applicant” to ensure the long-term success of the Mitigation Area, and that the HMMP will be submitted to the resource agencies for review prior to ground disturbance. This constitutes uncertain mitigation because there is no guarantee that the HMMP will be approved, despite the fact that certain criteria are set forth. Furthermore, why cannot the HHMP be prepared and circulated to the resource agencies concurrently with the preparation and circulation of the DEIR? This would enable the public to review and comment on it. Additionally, MM BIO 3 states that the Mitigation Area shall be monitored by a qualified biologist for a minimum of five (5) years and monitoring reports shall be provided to resource agencies and the City, but there is no *action* required on the basis of the reports. That is, if a report indicates that the Mitigation Area is not

Page 9

functioning as intended, there is no action-forcing mechanism to ensure that the issue is remedied.

↑ 37-BB

Second, the DEIR repeatedly asserts that the “Conservation Area will be managed in perpetuity by a non-wasting endowment and protected from future development by a conservation easement.” The DBESP (May 2016) repeats this statement (p. 5-7). But this is misleading where MM BIO 4 does not require or even propose any funding for the “approved mitigation entity” in order to manage or monitor the Mitigation Area.

↑ 37-CC

### 5) Land Use Impacts and Inconsistency

The Project requires a Minor Conditional Use Permit (“MCUP”) because it proposes industrial warehouse distribution buildings greater than 400,000 square feet. Thus, the Project is not an *outright* permitted use in the underlying zone. In order to approve a MCUP, the City must make certain findings.<sup>6</sup> These findings cannot be made, where, among other things, the Project is demonstrably not “compatible with other uses in the area,” to wit, the immediately adjacent residential properties.

↑ 37-DD

Additionally, the Project has significant CEQA land use impacts. First, the Project conflicts with a number of City of Riverside General Plan policies that are described in Appendix M, including but not limited to: LU-7.1, LU-7.1 and 7.2, LU-9.7, LU-79.2, LU-80.3, CCM-12.1, CCM-12.2, CCM 12.4, OS-5.4, OS-6.3, OS-6.4, N-1.2, N-1.3, AQ-1.3, AQ-3.7. Many of these conflicts could be avoided by the adoption of a Project alternative that moves development away from northerly and westerly residences. The fact that the applicants(s) desire a particular development(s) does not justify the significant impacts stemming from incompatible uses. For instance, Policy LU-80.3 states that the City shall “**minimize any adverse land use conflicts between industrial uses and the residential and open space properties that abut specific plan areas.**” Other specific policies are discussed below.

↑ 37-EE

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<sup>6</sup> City of Riverside, Municipal Code, Title 19, Section 19.730.040 “Required Findings” states, “The Development Review Committee may grant a minor conditional use permit, in whole or in part, and including appropriate conditions of approval if, from the facts available in the application and determined by investigation, all of the following written findings can be made: (1) The proposed use is **substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts.** (2) The proposed use will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area. (3) The proposed use will be consistent with the purposes of the Zoning Code. (4) The proposed use is in conformance with specific site location, development and operation standards as may be established in the Zoning Code for the particular use.” (emphasis added)

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- LU-7.1 and LU-7.2. Are noise levels (+10 db) in MSHCP areas acceptable and therefore “consistent” as stated in DEIR Appendix M? MSHCP section 6.1.4 states, “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.”

↑ 37-EE  
cont'd

- LU-9.7. “Protect residentially designated areas from encroachment of incompatible land-uses....” The DEIR claims this is consistent, yet building mega-warehouses within 100 feet of residential areas is clearly incompatible due to noise, traffic, air quality, and aesthetics. Riverside Good Neighbor Policies (City of Riverside, City of Riverside Good Neighbor Guidelines for Siting New and/or Modified Warehouse Distribution Facilities, October 14, 2008 <sup>7</sup> and the California Air Resource Board’s “Air Quality and Land Use Handbook: A Community Health Perspective,” April 2005 designate distribution centers of this size as incompatible with residential neighborhoods. The logic provided in DEIR is that mitigation is being used; however, MM-NOI 16 is not reasonable because it places the mitigation burden on homeowners, yet is required for the industrial project to be compatible in such close proximity to the residential neighborhood.

37-FF

- LU-30.3. “Ensure that the distinct character of each of Riverside’s neighborhoods is respected and reflected in all new development, especially infill development”. This is infill development and the presence of such large buildings in close proximity to residential neighborhoods destroys the aesthetics of the neighborhood as witnessed with the CP buildings directly to the east of the currently proposed project. Further, high sound walls at the property line will unduly enclose the residential neighborhood (the height of the wall exceeds that typically allowed in residential areas). Finally, the addition of noise to neighborhood, especially at nighttime, will destroy the livability of the area and its distinct character.

37-GG

- LU-79.2. Impacts of noise will be significant based on MSCHP section 6.1.4. Noise is already higher than residential nighttime standards and +10 db expected based on noise modeling.

37-HH

- LU-80.3. “Minimize any adverse land use conflicts between industrial uses and the residential and open space properties that abut specific plan areas.” The Project

37-II  
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<sup>7</sup> <https://www.riversideca.gov/planning/pdf/good-neighbor-guidelines.pdf>, accessed October 23, 2015



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is not consistent. The analysis only discusses abutment of northern residences and ignores residences to the west of the property, which are the ones most impacted by noise. Further, claims consistency with MSCHP section 6.1.4 are false.

37-II

- LU-80.6. "Promote the development of Sycamore Canyon to achieve economic success defined by a diverse and compatible industrial base that provides economic opportunities for all its citizens. The City preferred outcome is to promote light industrial/flex space to maximize employment opportunities and utilization of the limited land supply. To achieve this goal, the City must first overcome complex infrastructure issues that limit development in the area. *Large "big box" distribution or warehouse facilities will be necessary on a limited basis* to create the critical mass required to solve some of these infrastructure issues." There are numerous (nearly entirety of build-out), not limited, "Large "big box" distribution or warehouse facilities" already built in Sycamore Canyon Business Park. Addition of yet another such facility is not consistent with "limited basis".

37-JJ

- CCM-2.2-2.4. The DEIR states, "[t]he majority of passenger cars and truck traffic is expected to use Sierra Ridge Drive to Sycamore Canyon Drive to Eastridge Avenue which will provide on/off-ramp access to I-215." This is not consistent with expectations of residences based on observed behaviors. For access to I-215 North, travel on Sycamore Canyon Drive in the opposite direction to Fair Isle is expected as it is shorter, takes less time, and allows the cars and trucks to bypass congested interchange.

37-KK

- CCM-2.7-2.8. There is no mention or evaluation of the likely left turn onto Sycamore Canyon heading toward Fair Isle. Heavy truck traffic already impacts this roadway from build-out of warehouses further away.

37-LL

CCM-12.2. The neighborhood and public streets are already experiencing heavy parking on public streets. Therefore, simply stating that it is not permitted means very little. It is reasonable to expect trucks accessing this new facility will act like other trucks accessing the Sycamore Canyon Business Park – which to mean that they will park (and idle) on public streets.

37-MM

- CCM-12.4. It is unreasonable to expect that trucks leaving this facility will make right turns on Sycamore Canyon to enter I-215 at Eastridge, as left turns on Sycamore Canyon will take trucks to the Fair Isle onramp to enter I-215, allowing trucks to not backtrack and also bypass major congested intersection.

37-NN

- OS-6.4. "Continue with efforts to establish a wildlife movement corridor between Sycamore Canyon Wilderness Park and the Box Springs Mountain Regional Park as shown on the MSHCP. New developments in this area shall be

37-OO

Page 12

conditioned to provide for the corridor and Caltrans shall be encouraged to provide an underpass at the 60/215 Freeway.” This Project further impedes the establishment of a wildlife movement corridor between the Parks. 37-OO cont'd

- N-1.1 “Continue to enforce noise abatement and control measures particularly within residential neighborhoods.” However, this is only arguably possible with implementation of Mitigation Measure (MM) NOI-16, which is highly impracticable and unreasonable. *Without* MM NOI-16, significant noise impacts are expected (though they have not measured, as discussed further below). 37-PP

- N-1.2. “Require the inclusion of noise-reducing design features in development consistent with standards in Figure N-10 (Noise/Land Use Compatibility Criteria), Title 24 California Code of Regulations and Title 7 of the Municipal Code.” MM-AES-1 requires the building of a very high boundary wall (8 foot) typically not allowed in residential areas due to aesthetics. Noise/Land use compatibility criteria may not be met once CNEL estimates are provided without reference to MM NOI-16. 37-QQ

- N-1.3. “Enforce the City of Riverside Noise Control Code to ensure that stationary noise and noise emanating from construction activities, private developments/residences and special events are minimized.” For impacts to be “consistent”, MM NOI-16 is required, which does not appear to be reasonable given impacts to property. 37-RR

- N-1.4. “Incorporate noise considerations into the site plan review process, particularly with regard to parking and loading areas, ingress/egress points and refuse collection areas.” The residential neighborhood to the west is not properly considered unless unreasonable MM NOI-16 is implemented. 37-SS

- N-1.5. “Avoid locating noise sensitive land uses in existing and anticipated noise-impacted areas.” However, there are already sensitive land-uses (residential) areas adjacent to the Project and these areas are already noise-impacted. The addition of significant noise (unless unreasonable MM NOI-16 is employed) is projected. 37-TT

- N-1.8. “Continue to consider noise concerns in evaluating all proposed development decisions and roadway projects.” The DEIR states that MM NOI-16 will be implemented to achieve this, yet there is no guarantee that homeowners will allow for such intrusive measures to be placed on their private properties. Therefore, operational noises expected to be significant. 37-UU

Second, the DEIR does not demonstrate conformance with the City of Riverside’s “*Good Neighbor Guidelines for Siting New and/or Modified Warehouse Distribution Facilities.*” 37-VV

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The Good Neighbor Guidelines apply to any industrial-type building which is over 400,000 square feet. The Project does not conform to even Goal 1, which states, “*Minimize* exposure to diesel emissions to neighbors that are situated in close proximity to the warehouse/distribution center” (emphasis added). The Project will generate significant and unmitigated levels of NOx emissions. Where impacts are *significant*, and given the proximity of the Project site to existing homes, the Project is not in conformance with Goal 1. Other Goals are not met such as Goal 2a, which is to “require warehouse/distribution centers to establish a specific truck route between the warehouse/distribution center and the SR-60 and I-215 freeways.” The Project allegedly contains design controls to direct trucks to streets away from residences; but there is nothing prescribing or requiring the use of a particular truck route. And, as discussed below, residents believe it is likely that trucks will utilize residential streets for access to I-215 North. The DEIR’s discussion also ignores the proximity of the Sycamore Canyon Wilderness Park which is arguably covered by the guidelines as a “public place[] where residents are most likely to spend time.” Building 1 sites more than 70 loading docks within 250 feet of the Wilderness Park. The noise and light from the truck docks will impact the users of the Park.

37-VV

Third, the Project has significant land use impacts due to the Project’s proposed grading exceptions and variance. While the DEIR asserts that three grading exceptions “are needed to implement the Project’s proposed grading plan,” the Project deviates from the Hillside/Arroyo grading standards, which represents a conflict with an adopted land use plan – the City’s Municipal Code, Title 17. Likewise, the variance related to parking standards represents a conflict with an adopted land use plan, the City’s Zoning Code, Title 19. The variance will allow a substantial reduction in on-site parking, presumably because of the proposed use and building(s) size. The result of the variance from the Zoning Code is larger buildings with more truck loading docks, and accordingly greater CEQA impacts.

37-WW

Finally, the Project may conflict with MSHCP Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools) because it is not shown that the Mitigation Area is an adequate substitute for the existing riparian area.

37-XX

#### 6) Noise Impacts

The noise analysis is flawed and further analysis and mitigation is required for at least the following reasons.

37-YY

The noise measurement locations are not adequate to fully assess Project impacts (Figure 5.12-1). In fact, significant concerns arise about the location of the two sound measurement sites. The increase in noise (especially at nighttime) from the Sycamore Canyon Business Park can be best understood by walking down the northwestern/western property lines in a southerly direction. However, the sound receptors were placed in the

Page 14

most northerly location of the Project property. ST1 and ST2 are not near the site for the anticipated greatest impacts for noise and are therefore not representative of actual noise impacts. Indeed the greatest Project impacts are shown at westerly residences, but these sites were not modeled for existing noise levels. Further, sound impacts as modeled are expected to be largest at the northern locations (Bannoch and further North Cannich residences) yet these locations were not evaluated for impacts.

↑ 37-YY  
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The noise study must also be expanded. The DEIR states that short-term monitoring consisted of *three, 10-minute* ambient noise measurements while long-term monitoring consisted of *two, 24-hour* periods. Also, long-term monitoring was conducted on December 29 and 30, thus over winter holidays, which is not representative of actual noise conditions when surrounding industrial operations are at their peak. Two days in December cannot possibly account for typical measurements given variability in noise transmission. Why are the worst case scenarios not accounted for in this study as opposed to a single day (*i.e.*, longer term noise analysis is needed, especially at most relevant locations)?

37-ZZ

In order to fully disclose Project impacts, the noise analysis should be conducted without reference to MM AES-1—the eight-foot wall.

37-AAA

The analysis does not appear to account for the amphitheater effect that should be anticipated by building the proposed distribution center below the neighborhood. It is not reasonable to assume the *standard* 6 dbA decrease per doubling of distance for noise is realistic for this Project, when noise will emanate between two large concrete walls and subsequently travel up an amphitheater-like area. The DEIR needs to more robustly account for the acoustics of the actual geography of this area.

37-BBB

The DEIR states that impacts are significant at nighttime as to receptor Nos. 3 and 4 as shown on Figure 5.12-5. However, it appears that receptor 5 may also exceed the 45 dBA nighttime threshold. And at least two other receptors appear to be *at* the 45 dBA nighttime threshold based on Figure 5.12-5.

37-CCC

Figure 5.12-9 refers to “Leq” noise levels but p. 5.12-34 refers to measurement of “Lmax.” Are these the same noise standards? That is, Figure 5.12-5 states that it depicts “Operational Noise Levels [Leq] No Mitigation” and it contains certain noise conclusions; yet Figure 5.12-8 “Dock Areas Operational Noise Levels [Leq] With No Mitigation” also purports to depict Leq from operational activities. Can these figures be reconciled? Figure 5.12-8 shows much louder noise conditions with the Project. In this regard also, do the operational conditions which are reflected in Figure 5.12-5 reflect “dock activities”? Residents expect loading dock activities to be very loud and disruptive.

37-DDD

Shockingly, the DEIR proposes that individual homeowners mitigate the impacts of the Project by allowing the installation of a 10-foot wall *in their backyards*, thereby reducing

37-EEE  
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the size of and fundamentally altering their properties *in order to accommodate the Project*. (MM NOI 16) The Project's applicant— not individual homeowners – should be required to adopt all feasible mitigation *and evaluate alternatives* to the Project which lessen significant noise impacts below significance thresholds. Putting the burden on homeowners is completely unacceptable. Also, the construction of the block wall itself will create impacts that must be evaluated. The DEIR notes there are steep slopes along the northern boundary of the Project site, adjacent to the residential area. Placing a 10-foot wall at the top of the slope will obscure the views from homes of the Box Spring Mountains, Sycamore Canyon Wilderness Park, and Moreno Valley. The Riverside Municipal Code restricts boundary walls to six feet in residential areas. The 10-foot noise wall is not mentioned in the DEIR's aesthetics section yet it has the potential for significant aesthetic impacts due to view obstruction.

↑ 37-EEE

The need for accurate noise assessment is particularly alarming given the alleged 360-foot mitigation setback for use of loading docks between the hours of 11 pm and 7 am. The model must account for the real decrease of noise that will occur within the tunnel created by being between two very large building walls. Therefore, it would seem more reasonable to model the source as a line source, as the soundwave energy will only dissipate between the two large building walls, by assuming the noise will travel parallel to the walls directly toward the homes to the northwest/western property line, similar to the expected perpendicular propagation of energy from a line source. Given that the drop-off in noise is logarithmic as stated in the DEIR, and a line source has a 3 dBA versus 6 dBA decrease per doubling of distance, this appears to have a monumental impact of noise impacts at the residential property line and nearest residences. Therefore, the decrease modeled by the 360-foot mitigation far underestimates the real distance necessary to mitigate noise.

↑ 37-FFF

Noise modeling should also look at maximum noise expected from the proposed development. This is expected to be between the residences and their property line (on the line, the model shows benefit of wall, but what about a short distance from the wall above the height of the wall (remember, there is a slope in the yard). Impacts at the residential (property) line as city noise ordinances/violations are measured at the property line (Title 7 of Riverside Municipal Code). Using DEIR statements of 6 dBA decrease per doubling of distance, the residential property line should be at least 6 dBA higher. Noise model should include worst-case scenario of back-up beepers as vehicles from outside the facility will likely have no "noise mitigation" ambient sensors installed.

↑ 37-GGG

Following basic engineering scaling analysis provided in the DEIR of reductions of 6 dBA per doubling of distances, it seems reasonable to assume that a development that is 9 times closer than a project that had significant impacts on residences (the Big 5 distribution center) should have far greater impacts at the property lines and at the residences. Even taking an extremely conservative estimate of 5 times closer, the loudness of this proposed development should be 2<sup>5</sup> or at least 32 times louder. Or, using rough engineering estimates of 10 dB reduction of sound via the distribution sound wall,

↑ 37-HHH  
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the expected increase should be on the order of 5\*6dBA – 10 dBA, or approximately 20 dBA. For an area already above Riverside Municipal Code levels of 45 dBA nighttime noise, as measured in the likely quietest location of the neighborhood, this means that the impacts should be far greater than stated in the noise analysis.

37-HHH

The description of background does not fairly represent the short-term noises of even existing noises. These include the loud “beeping”, crashes and bangs associated with loading and unloading, hitching and unhitching, and short-term noises associated with the vehicles (e.g., horns). These are the loud, very brief sounds that are associated with sudden waking/sleep disturbance and prevention of sleep as opposed to the general, loud, white noise from other operations that is represented by “average” noise measurements. The statement that the noise associated with the operations of the proposed site will not interfere with sleep is fallacious when existing noise already interferes with sleep. The noise analysis appears to assume that single-event noise activities will exist in isolation and does not consider that, for instance, multiple back-up beepers will be used at the same time. At the least the disruption factor is very high when there are multiple trucks moving around the site at the same time and multiple loading and unloading activities occurring simultaneously. Also, what noise impacts do “cross docking” activities have relative to Building 1? Are these activities appropriately modeled?

37-III

With respect to Threshold C, the DEIR states the impact is considered significant if the noise increase is considered “substantial”, which is defined as “a clearly perceptible increase (+5 dB) in noise of exposure of sensitive receptors” (p. 5.12-38). First, impacts are significant as to the Sycamore Canyon Wilderness Park, where the Project results in a 10 dBA noise level increase (Table 5.12-J). Second, the Project skews the analysis and masks impacts by measuring Project noise levels on other receptors *with mitigation* (Table 5.12-J). Table 5.12-J must be revised to include noise levels without mitigation, particularly as “with mitigation” presumably refers to the construction of the 10-foot wall, which the DEIR acknowledges elsewhere is entirely dependent on whether homeowners would permit the construction of such a wall. When compared with *non-mitigated* Project impacts (which is a reasonable assumption), the “difference” in dBA between the Project and existing conditions may be a “substantial increase.” At the least, *both* unmitigated and non-mitigated conditions must be disclosed. Also, the existing CNEL of 60 CNEL dBA and 52 CNEL dBA (Table 5.12-J) are not adequately explained so it is difficult to assess the Project’s contribution to noise conditions. That is, Table 5.12-J refers in a footnote to Table 5.12-C, but Table 5.12-C and the supporting discussion do not explain how the 60 CNEL dBA and 52 CNEL dBA levels were determined.

37-JJJ

Impacts are also significant as to roadway noise as to Dan Kipper Drive west of Sycamore Canyon Boulevard. The DEIR states there will be an approximate 7.2 dBA increase in noise along this segment. The DEIR dismisses this impact because noise

37-KKK

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levels will not exceed the 70 dBA GP 2025 “Normally Acceptable” compatibility criteria for Industrial and Manufacturing land uses. However, impacts are significant per the adopted threshold of significance (Threshold C).

37-KKK  
cont

The noise impact of the proposed distribution center is performed piecemeal and does not take into account the total impacts of the developments within the Sycamore Canyon Business Park. A significant amount of development has occurred within the Sycamore Canyon Business Park, which should be expected to further increase noises within the residential zones. By looking at the Project in isolation with respect to noise the DEIR fails to acknowledge and properly account for additional cumulative noise impacts. Residents have noted significant and measurable impacts from the nearby Big 5 distribution center and the Krogers and Pepsi distribution centers. Residents have experienced substantial increases in noise levels (loading/unloading of trucks, truck noise, backup beeper noise) in the last couple of years, especially at night, as activities in area have increased. Further, the build-out and full operational capacity of Sycamore Canyon Business Park is not complete. Further noise impacts should be anticipated as the recent build-out comes to full operation conditions. Indeed where existing noise conditions exceed applicable thresholds (Table 5.12-C), the impact of the Project in combination with these cumulative projects/conditions must be deemed a *significant* cumulative impact.

37-LLL

In addition, noise mitigation is ineffective and impermissibly vague. MM NOI-1 is vague to the extent that the word “equipment” is not defined. Does “equipment” include the heavy duty trucks that visit the site? It must be assumed that only on-site equipment will be equipped with the particular sound-reducing measures. As to MM NOI-15, the DEIR does not contain evidence to show that the 360-foot separation is sufficient to reduce impacts to less-than-significant levels. Figure 5.12-8 indicates significant impacts without mitigation. MM NOI-15 also states that nighttime “use” shall be restricted between the hours of 10 p.m. to 7:00 a.m. “for the portion of the loading area and trailer parking located just south of Building 2 and within 360 feet of the western property line as shown on Figure 5.12-6.” Thus, NOI 15 refers the reader to Figure 5.12-6 of the DEIR, which is not included within the mitigation program. Figure 5.12-6 indicates a “restricted area” in red, and presumably this is the area to which NOI-15 refers. Even so, there is nothing in the mitigation program explaining the location of the “restricted area.” At the very least, further description of the restricted area within the mitigation program is required.

37-MMM

#### 7) Transportation Impacts

The DEIR does not accurately reflect truck travel already occurring in the area using Sycamore Canyon to Fair Aisle. The DEIR states that the design of the streets will have large trucks exiting at a light at Sierra Ridge; however, mitigation strategies do not really prevent left turns onto Sycamore Canyon with access at Fair Aisle. Trucks planning to

37-NNN

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go north cannot be reasonably anticipated to turn right on Sycamore Canyon to enter I-215 at Eastridge. The current analysis assumes only 5% of truck traffic will turn left onto Sycamore Canyon to enter the I-215 at Fair Isle. Why is this assumption made when it is a shorter distance to enter I-215 North/60 West from Fair Isle, which also lets trucks avoid the largely impacted interchange located between Eastridge and Fair Isle? It is the experience of the homeowners that vehicles originating from locations from Eastridge do enjoy the shortcut, impacting the Fair Isle intersection (and even the Central Intersection) with Sycamore Canyon Blvd. Without far greater mitigation, it is unreasonable to expect that drivers will take the long (distance and time) route to Eastridge and head through a freeway interchange rather than bypass the interchange and access at Fair Isle when heading north back toward the Los Angeles and Long Beach Port areas. More appropriately estimating the likely truck traffic will then show even greater impacts than stated and may further influence noise and air quality impacts.

37-NNN  
cont

#### 8) Project Alternatives

CEQA mandates that an EIR evaluate a reasonable range of alternatives to the proposed project that are designed to meet basic project objectives and lessen significant project impacts. (State CEQA Guidelines, § 15126.6.) The DEIR fails this mandate.

37-000

First, the "Project Objectives" are tailored in such a manner to prohibit the meaningful consideration of true alternatives to the proposed Project. Virtually all of the Project Objectives relate to the development of a "logistics center," meaning that no alternative to the proposed use would satisfy the Project Objectives. CEQA mandates an impartial review of Project alternatives, and the Project Objectives cannot be designed in such a way as to make the proposed Project the only viable option. In fact, there are a number of uses (smaller and less intense) which are consistent with underlying zoning and land use designations which should be evaluated as Project alternatives. For example, a business office use is an allowable use within the Sycamore Canyon Business Park Specific Plan. Besides reducing significant Project impacts, this type of development could provide more high quality jobs for the surrounding community and be more consistent with "smart growth" principles.

Also, CEQA dictates that alternatives must be evaluated which are designed to minimize the Project's environmental impacts, regardless of the desire of the applicant to develop its property to obtain a certain financial return. An alternative that eliminates or vastly reduces the size of Building 2 would eliminate many of the adverse effects of the proposed Project. This should be considered irrespective of the applicant's interests in a particular use for the site. Moreover, here, the alternatives analysis is complicated by the fact that the "Project site" is owned by two unrelated owners, meaning that *each* owner wants to maximize their respective property's value. This fact undermines the purpose of the alternatives analysis which to *meaningfully* explore options to the Project which reduce impacts. Also, as mentioned, the analysis of alternatives is based on the fact that

37-PPP



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the applicant(s) desire a “logistics center.” Yet currently the site consists of 17 existing parcels (the Project includes a request for a tentative parcel map to combine these parcels to two parcels and three lettered lots). Thus, the Project *could* be developed with other types of uses, consistent with applicable land use designations and zoning. In other words, the site need not necessarily be developed with two enormous industrial warehouse buildings on just two parcels. In fact, the need for this Project is questionable when over 20 million square feet of major distribution centers have been recently built in the nearby area. The DEIR notes that “there is a high availability of buildings in the 700,000 SF and 300,000 SF range” (p. 8-32). Thus there is no demonstrated need for the Project - particularly Building 2 which is in the 300,000-400,000 square foot range.

37-PPP  
cont

Alternative 2 - “the Specific Plan Build Alternative” - assumes a manufacturing use which is an allowable use under the Sycamore Canyon Business Park Specific Plan. While Alternative 2 represents a different use for the site, Alternative 2 would develop the site with 1.3 million square feet of manufacturing uses and cover the site much like the Project. There is no rendering of Alternative 2, or descriptive information as to how Alternative 2 would compare to the Project in terms of building site design, but the DEIR indicates that Alternative 2’s building footprint would be the same or similar to the Project, and it is noted that the Project site would be developed with two manufacturing buildings and supporting infrastructure. Thus, Alternative 2 would be similar to the Project in terms of site coverage and building footprint. Also, Alternative 2 would result in a more than *doubling* of the total vehicle trips per day including a massive increase in the number of trucks. Clearly this alternative is not designed to reduce or eliminate significant project impacts – namely NOx impacts. Moreover, the DEIR states that Alternative 2 would fail to meet Project Objectives, which are largely to develop a “logistics center,” thus meaning that Alternative 2 is not designed to meet even “basic” Project objectives as required by CEQA.

37-QQQ

Alternative 3 - “the Reduced Density Alternative” – also fails CEQA’s requirements for analysis of Project alternatives where it fails to meet basic Project objectives. The DEIR finds that Alternative 3 is not consistent with the majority of Project Objectives because the DEIR states that *any* logistics center must be greater than 1 million square feet to be marketable (p. 8-31 – 32). (This claim undercuts the viability of Building 2 as a separate “logistics center” when that building is far less than one million square feet.) Again, an alternative must be evaluated which eliminates or greatly reduces the size of Building 2. Such an alternative would presumably meet basic Project Objectives, which are to develop a logistics center. And again, alternatives should be evaluated which develop *less intensive* uses for the Project site, such as a business and professional office park.

37-RRR

Finally, the DEIR rejects Alternative 3 as “infeasible.” It is the job of the lead agency to independently review the EIR and to make conclusions as to the infeasibility of Project alternatives and mitigation measures. (State CEQA Guidelines, § 15091 (a)(3), (b).) It is

37-SSS

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not the role of the applicant (and/or its consultant) to declare that an alternative is infeasible within the meaning of CEQA.

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cont

### 9) Cumulative Impacts

The Project's cumulative impacts on sensitive receptors have not been reasonably estimated but rather the analysis takes a piecemeal approach (this single Project only raises impacts below threshold values, yet the entire baseline is already raised to unreasonable levels). First, only a small fraction of existing distribution centers/warehousing impacts are accounted for; rather, impacts of banks and donut shops further away appear to be the focus (Table 6-A). Noise from the CP facility (not operating yet) is not discussed or evaluated (number 10 on Figure 6-1) despite its close proximity. There has been over 20,000,000 feet of distribution centers/warehouse construction built into the Sycamore Canyon Business Park and their cumulative impacts on noise appear to be glossed over. A simple look at Figure 6-1 in the DEIR shows how few of the distribution centers and other operations were even considered for noise (including Big 5, Ralphps, and Pepsi) next to the sensitive receptors. Instead, the focus was on properties much further from the receptor sites. As noted in the DEIR, distance is important when assessing noise. The noise of the existing and projected projects must be fairly considered. Even existing measures of traffic and noise cannot adequately reflect their impact as many properties remain vacant or have not been brought up to full capacity. Cumulative impacts on noise and traffic of the Sycamore Canyon Business Park needs to be carefully and not anecdotally accounted for to accurately reflect impacts on sensitive neighboring properties. Cumulative impacts of both the adjacent Sycamore Canyon Business Park and the approved Moreno Valley logistics center must be accounted for with respect to cumulative air quality and traffic impacts.

37-TTT

The argument made in the DEIR demonstrates the lack of understanding of the general canyon effects by sampling stating the 0.5 mile is too far to have a cumulative impact on noise. Prior to build-out that has already occurred, significant noise, especially at nighttime was heard from the Kroger (1.0 miles to nearest residence) and Pepsi distribution centers (>1.0 miles). Noises, more noticeable at night, included horns in the middle of the night, bangs from loading and unloading, and incessant backup beeper noises. Therefore, all noise generating sources within a minimum of 1.0 miles should be considered in this analysis and not simply discounted including the Pepsi distribution center, the Kroger distribution center, the Big 5 distribution center complex, and other major properties between marker 5 and the residential neighborhoods. The DEIR needs to account for the largest warehouses already present or planned in the area. *As noted in discussion on noise, the noise abatement proposed on the private property is unreasonable and should be assumed to not occur.* Simple statements that single projects have minimal sound impacts are insufficient and misleading as the entirety of this build-out (cumulative effects) must be considered when evaluating the new project.

37-UUU

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In conclusion, the EIR must be revised, re-circulated, and additional mitigation proposed.  
Thank you for the consideration of these comments.

↑ 37-UUU  
cont

Sincerely,

*Abigail Smith*

Abigail Smith  
JOHNSON & SEDLACK

Enclosures

## Response to Comment Letter 37 – Johnson & Sedlack

### **Response to Comment 37-A:**

The comment incorrectly identifies the size of Building 1 as approximately 1,002,995 square feet. Building 1 is proposed to be approximately 1,012,995 square feet. (DEIR, pp. 1-6, 3-26, 5.16-1.) With regard to the commenter’s assertion that additional CEQA analysis and mitigation is required, the responses to the remainder of the comments in this letter establish that no further analysis or mitigation is warranted. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the Draft Environmental Impact Report (DEIR).

### **Response to Comment 37-B:**

The information required to be included in an EIR’s Project Description is set forth in Section 15124 of the State CEQA Guidelines. The following table presents the text of Section 15124 and where the information is contained within the DEIR.

State CEQA Guidelines Section 15124	Location in the DEIR
<p><i>The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.</i></p> <p><i>(a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.</i></p>	<p>The precise location and boundaries of the proposed Project are described in Section 3 – Project Description, specifically subsection 3.1.1. DEIR Section 3 also includes the following figures that show the location of the proposed Project: <b>Figures 3-1 – Vicinity Map, 3-2 – Location Map, 3-8 – Tentative Parcel Map, and 3-10 – Proposed Site Plan.</b>)</p>
<p><i>(b) A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.</i></p>	<p>The Project’s objectives are set forth in DEIR Section 3.2.6 and clearly indicate the underlying purpose of the Project is to create two parcels of land with a building on each parcel for the construction and operation of a logistics center in one building and construction and operation of a second building consistent with uses permitted in the Business and Manufacturing Park Zone.</p>
<p><i>(c) A general description of the project’s technical, economic, and environmental characteristics, considering the principal</i></p>	<p>The proposed Project’s characteristics are described in detail in Section 3.2. Each of the entitlements sought are described in detail</p>

State CEQA Guidelines Section 15124	Location in the DEIR
<p><i>engineering proposals if any and supporting public service facilities.</i></p>	<p>with accompanying figures to facilitate the readers' understanding of the Project.</p>
<p>(d) <i>A statement briefly describing the intended uses of the EIR.</i></p> <p>(1) <i>This statement shall include, to the extent that the information is known to the Lead Agency,</i></p> <p>(A) <i>A list of the agencies that are expected to use the EIR in their decision making, and</i></p> <p>(B) <i>A list of permits and other approvals required to implement the project.</i></p> <p>(C) <i>A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.</i></p> <p>(2) <i>If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur. On request, the Office of Planning and Research will provide assistance in identifying state permits for a project</i></p>	<p>DEIR Section 3.2.7 identifies how the DEIR will be used and identifies the discretionary actions and approvals to be carried out by the City and identifies the permits required from the California Department of Fish and Wildlife, State Water Resources Control Board, Santa Ana Regional Water Quality Control Board, and U.A. Army Corps of Engineers.</p>

With regard to the use of Building 2, the Project Objectives state: "...One of the buildings will be for the operation of a logistics center and the other building will be for the operation of a use consistent with those uses permitted in the Business Manufacturing Park Zone." (DEIR, p. 3-44.) As explained in Section 3.1.4 of the DEIR, per the City's Zoning Map, the Project site is zoned BMP-SP (Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones). The BMP zone is one of four industrial zones within the City. (DEIR, p. 3-14.) According to Section 19.130.010 of the Riverside Municipal Code, typical uses in the BMP Zone include: research and development facilities and laboratories; administrative, executive

and professional offices; small-scale warehouses; light manufacturing; and support commercial. The *Sycamore Canyon Business Park Specific Plan (SCBPSP)* designates the land use for the Project site as Industrial. According to Section 2.1 of the *SCBPSP* the Industrial land use category is generally described as: "...Appropriate land uses include light industrial, distribution and warehousing, and product assembly..." These uses are consistent with the description of Building 2 provided in the third paragraph on page 3-26 of the DEIR which states that Building 2 will be approximately 362,174 square feet in size and consist of up to approximately 10,000 square feet of office space and approximately 352,174 square feet of logistics/industrial use. Although the specific tenant and precise use of Building 2 is unknown at this time, the conceptual site plan and identification of allowable uses in the City's zoning code and the *SCBPSP* provide sufficient information for the DEIR to thoroughly evaluate potential impacts.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-C:**

The comment notes that the Project Description and Executive Summary state that 917 daily truck trips are anticipated and that these sections should be revised to include the total number of daily trips anticipated by the Project. The total number of Project-generated trips in both vehicular count and passenger car equivalent (PCE) is disclosed in **Table 5.16-F – Project Trip Generation Rates** and **Table 5.16-G – Project Trip Generation in PCE** on pages 5.16-28–5.16-29 of the DEIR. The total number of trips per day by vehicle type is also disclosed in **Table 8-B – Comparison of Alternative 2 (No Project/Reduced Density Alternative) to the Proposed Project** and **Table 8-D – Comparison of Alternative 3 (Reduced Density Alternative)**, (DEIR, pp. 8-17, 8-25.) Nonetheless, to amplify the discussion regarding Project-generated trips, the last paragraph on DEIR page 1-7 will be revised in the Final Environmental Impact Report (FEIR) as follows:<sup>1</sup>

Construction is anticipated to begin in the first quarter of 2017 and take approximately 12 months. Therefore, the Project is anticipated to open in the first quarter of 2018. The Project proposes to operate 24 hours a day, 7 days a week. Approximately 917 daily truck trips and 1,497 daily passenger car trips for a total of 2,409 trips are anticipated. In terms of passenger car equivalency (PCE) this results in 3,801 PCE.

To amplify the discussion regarding Project-generated trips the last paragraph on DEIR page 3-43 will be revised in the FEIR as follows

Construction is anticipated to begin in the first quarter of 2017 and take approximately 12 months. Therefore, the Project is anticipated to open in the first quarter of 2018. The Project proposes to operate 24 hours a day, 7 days a week. Approximately 917 daily truck trips and 1,497 daily passenger car trips for

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<sup>1</sup> The new text is shown as double underlined.

a total of 2,409 trips are anticipated. In terms of passenger car equivalency (PCE) this results in 3,801 PCE.

These revisions to the DEIR do not change the significance conclusions of the DEIR or result in the need for additional mitigation. Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-D:**

With regard to the existing condition of the Project site, Section 3.1.3 of the DEIR states (emphasis added):

The Project site currently consists of vacant and hilly land that is primarily undisturbed with the exception of:

1. a USGS blue line stream with dense riparian vegetation that begins in the northwest runs through the central area of the site then traverses the property in a southeasterly direction across the site. It is fed by a culvert that collects stormwater flows from the homes in the Sycamore Highlands Specific Plan area at the northwest corner of the property and then collects water that sheet flows across the existing property;
2. a man-made earthen trail across the middle of the subject site in an east to west direction that leads into the adjacent Sycamore Canyon Wilderness Park to the west of the Project site;
3. the lower southeastern area of the site, which consists of disturbed land that was utilized for rock crushing, sand stockpiling, and construction equipment storage. As part of the on-site rock crushing operation, there is a stockpiled cluster of rocks in the southern area of the site that appears to have been intended for crushing. It is anticipated that these rocks will be crushed during Project construction and used on site;
4. a concrete V-ditch that commences approximately 235 feet south of the northeast corner of the Project site and curves to the west in an approximately semicircular shape that returns to the Project's eastern boundary at a point approximately 488 feet south of the northeast corner. The V-ditch then continues south approximately 405 feet to an outlet structure that connects to a V-ditch located on western side of the Ralph's Distribution Center;
5. a small earthen check dam starting about 100-feet above the termination point of the existing Lance Drive that curves to the west in an approximately semicircular shape and returns to the Project's eastern boundary at the knuckle of Lance Drive and Sierra Ridge Drive. Adjacent to the earthen dam and V ditch is a dirt road beginning at Dan Kipper Drive and following the earthen dam, breaking off into another dirt road, both circling back to Sierra Ridge Drive;

6. except for the riparian habitat and disturbed southeastern area, the Project site consists of non-native grasslands with evidence of recent discing in areas along the perimeter and bicycle and off-road motorized vehicular use in several places throughout the Project site;
7. there is also an isolated man-made depression in the southern area of the Project site which is a remnant from prior uses; (DEIR, pp. 3-8–3-9.)

Thus, although much of the Project site may be undisturbed, it is not in a pristine condition. It is also important to note that the Project site is not designated as open space, although it is adjacent to the Sycamore Canyon Wilderness Park.

The commenter's assertion that proposed Project represents a significant aesthetic impact because buildings would cover the Project site is a distorted interpretation of what constitutes an aesthetic impact. Following this logic, any building constructed on any vacant land would constitute a significant impact for which an EIR and statement of overriding considerations would be required.

Aesthetic effects relate to obstruction of scenic vistas or views, creation of a negative aesthetic effect, and creation of light or glare. Important criterion for visual impacts is visual consistency. Project design should be consistent with natural surroundings and adjacent land uses. (DEIR, p. 5.1-1.)

The only natural surroundings adjacent to the Project site is the Sycamore Canyon Wilderness Park. The Project proposes a 2.96-acre Mitigation Area along the western side of the Project site in proximity to the Sycamore Canyon Wilderness Park (see DEIR **Figure 3-11 – Conceptual Landscape Plan**). The Mitigation Area will be planted with native riparian and riparian scrub habitat and meander like a naturally occurring drainage. (DEIR, p. 3-29.) In addition to the Mitigation Area on the western side of the Project site, the Project proposes landscaping on all sides, including a 64-foot wide landscape area along the northern boundary of the Project site to provide separation from the residential area to the north.

The Project's proposed structures consist of designs that are architecturally consistent with modern light industrial logistics centers and other structures within the *SCBPSP*. The proposed buildings will consist of concrete tilt-up paneling with a color palette largely consisting of grays as well as accented use of white, brown, and blues. Window treatments will include the use of spandrel glass, tempered vision glass, and vision glass and with blue reflective glazing. The building and screen wall elevations will be required to include articulation and design that is intended to decrease the feeling and appearance of massing or bulkiness. All roof-mounted equipment will be screened from view as required by Riverside Municipal Code Section 19.555. (DEIR, p. 3-29.) Furthermore, to make sure that all roof-mounted equipment is adequately screened and people viewing the proposed Project are not exposed to views of long expanses of wall surface, the Project will implement mitigation measures **MM AES 8** and **MM AES 9**, below: (DEIR, p. 5.1-35.)



**MM AES 8:** To ensure that all roof-mounted equipment shall be adequately screened, prior to the issuance of a grading permit as part of the Design Review process, the proposed screening shall be reviewed and approved by Design Review staff.

**MM AES 9:** To offset the long expanses of wall surfaces on Building 1 and Building 2, prior to the issuance of a grading permit as part of the Design Review process, revised architectural plans and elevations shall be submitted for review and approval by the City of Riverside Design Review staff.

- a. The revised architectural plans and building elevation for the west elevation of Building 1 shall include some of the same elements used on the front elevation to offset the long (1,394 feet) expanse of wall surface, including providing design techniques like those at the office areas on every corner of Building 1. The new design shall implement articulation to create pockets of light and shadow.
- b. The revised architectural plans and building elevation for the north elevation of Building 2 shall be articulated in the same manner as the front elevation and shall include the same elements used on the east elevation to offset the long (978 feet) expanse of wall surface. The exterior features provided at the office areas shall be provided on every corner of Building 2. The new design shall implement articulation to create pockets of light and shadow.

The buildings proposed at the Project site are consistent with the existing industrial uses to the south and east. Additionally, existing views from the residences and businesses in the Project area already include views of industrial buildings. The views of the Project's parking lots and truck yards will be screened from adjacent areas by walls, fencing, and landscaping. Several design features are also included as mitigation, to ensure that the aesthetic character of the Project site is considered. Thus, although the Project's buildings will be visible, the introduction of additional industrial buildings into an existing industrial area does not constitute a substantial change in the viewshed. For these reasons the DEIR appropriately concluded that all potential Project-related impacts to aesthetics will be reduced to less than significant with mitigation. (DEIR, p. 5.1-36.)

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-E:**

Sycamore Canyon Wilderness Park is considered a scenic vista because at approximately 1,420 acres in size with over 3 miles of biking and hiking trails<sup>2</sup> it provides long distance view of

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<sup>2</sup> City of Riverside, *General Plan 2025 Parks and Recreation Element*, November 2012. (Available at [http://www.riversideca.gov/planning/gp2025program/GP/15\\_Park\\_and\\_Recreation\\_Element.pdf](http://www.riversideca.gov/planning/gp2025program/GP/15_Park_and_Recreation_Element.pdf), accessed October 27, 2016.)

natural terrain. The Proposed Project site is adjacent to the Sycamore Canyon Wilderness Park is not a scenic vista but is zoned for industrial development (See Response to Comment 37B for discussion on zoning). The views from the eastern and southern edges of the park already contains views of the existing warehouses and distribution centers within the Sycamore Canyon Business Park and of the residences adjacent to the Park along other edges. Thus, although Building 1 will be visible from users of the Sycamore Canyon Wilderness Park, this does not constitute a significant impact to this scenic vista because the Project does not constitute a new type of view from the Wilderness Park or propose any development within the Wilderness Park. (DEIR, pp. 5.1-10–5.1-11.) For these reasons, the DEIR appropriately concluded that, construction and operation of the Project does not represent a significant change in the viewshed from what currently exists in the area. (DEIR, p. 5.1-12.)

The proposed Project is not introducing a new type of structure into the viewshed. The proposed tilt-up construction is consistent with the existing industrial buildings within the Project area that are currently visible from the homes located northwest of Building 1. The proposed site landscaping complies with the City's Water Efficient Landscaping and Irrigation Ordinance. In addition, the Mitigation Area located along the western boundary of the Project site will be planted with native riparian and riparian scrub habitat. The landscaped area, combination of the mitigation area and landscape area, ranges from 100 feet with to the north to approximately 67 feet wide at the south (see DEIR **Figure 3-10 – Proposed Site Plan**) which provides the softening effect referenced by the commenter. Finally, as discussed in Response to Comment 37-D, the Project will implement mitigation measure **MM AES 9** (See Response to Comment 37-D for copy of **MM AES 9**), which requires the west elevation of Building 1 (the side facing the residences) to include some of the same elements used on the front elevation to offset the long (1,394-foot) expanse of wall surface. (DEIR, pp. 5.1-13, 5.1-28.) For these reasons, the DEIR appropriately concluded that the views of Building 1 will be reduced to less than significant. Thus, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 37-F:**

See Response to Comment 37-D. The commenter's opinion regarding the CT Sycamore Center Project is noted. The CT Sycamore Center Project on Dan Kipper Drive, was constructed with a fifty-foot setback from the northerly property lines, adjacent to the residential properties and the buildings range from 37-feet to 41-feet in height. The CT Sycamore Center Project warehouses referenced in this comment are separate and independent from the proposed Project and were approved by the City after undergoing their own environmental review and public hearing process, including analysis of impacts related to aesthetics and building heights. The existence of these warehouses is addressed in the proposed Project's environmental analysis, specifically, in the aesthetics, air quality, greenhouse gas emissions, noise, traffic and cumulative impacts sections of the DEIR. It should be noted that the proposed Project will be setback 100 feet from the residential property line, twice the distance than the CT Sycamore Center Project.

The DEIR includes line-of-sight and photo simulations of the existing and future views from some of the residences. As shown on DEIR **Figure 3-13a – Line of Sight Exhibit** and **Figures 5.1-2b and 5.1-2c – Photo Simulations**, the top of Building 2 will be visible from the residences to the north of the Project site, even once landscaping is mature. The building walls shown in these figures is flat and does not include any design techniques or architectural elements as required by mitigation measure **MM AES 9** (listed in Response to Comment 37-D), which requires the west elevation of Building 1 and the north elevation of Building 2 to be articulated to create pockets of light and shadow which will break up the long expanse of the walls visible by the residences to the north and west of the Project site. (DEIR, pp. 5.1-28-5.1-29.)

The City of Riverside General Plan 2025 (the GP 2025) designates the Project site as Business/Office Park (B/OP) and the site is zoned Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones (BMP-SP). (DEIR, **Figure 3-4 – Land Use Designation Map**, DEIR **Figure 3-5 – Zoning Map**.) The City of Riverside Municipal Code Chapter 19.130, established development standards for the BMP-SP and limits building heights to a maximum of 45 feet in height. (DEIR, p. 5.1-11.) The proposed Project complies with the height restriction of the BMP-SP. Building 1 is proposed to be approximately 41 feet in height and Building 2 will be approximately 37 feet in height. Further, the elevation and building height differences between Building 1 and Building 2 will minimize the view of these buildings from the adjacent neighborhood as shown in the above referenced photo simulations. Note that Building 1 is located downslope from and south of Building 2 and is not expected to be visible from the residences north of the Project site. Additionally, Building 1 is setback approximately 256 feet from the Sycamore Canyon Wilderness Park and views of this building from the park will be softened by on-site landscaping and the Mitigation Area.

Lastly, as discussed above, the proposed Project has increased the building setback for Building 2. Building 2 is setback 100 feet from the property line abutting the residential lots north of the Project site. Within this 100-foot setback, the Project proposes 64 feet of landscaping, a 30-foot wide drive aisle (vehicles only, no trucks) and a 6-foot wide landscape planter adjacent to Building 2. This enlarged setback and enhanced landscaping will provide screening between Building 2 and the residences to the north. (DEIR, p. 3-35, **DEIR Figure 3-10 – Proposed Site Plan**, **DEIR Figure 3-11 – Conceptual Landscape Plan**.) Thus, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 37-G:**

See Response to Comment 37-D. At maturity, the landscaping will greatly limit direct views of the buildings, although the tops of each building will still be visible from these residences even after the landscaping is mature. As discussed in Response to Comment 37-F the proposed project has a minimum of a 100-foot setback from the residents to the north and west and within each of these setback areas there will be extensive landscaping. The amount of screening will increase as the landscaping matures. The installation of the 8-foot wall required by Mitigation Measure MM AES 1 goes towards reducing the visual impacts during the short-

term period. In addition, the Project will implement mitigation measure **MM AES 8** and **MM AES 9** (See Response to Comment 37-D for **MM AES 8** and **MM AES 9**), through which the aesthetic impacts will be reduced to less than significant. Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-H:**

See Response to Comments 37-D, 37-F and 37-G.

The commenter correctly points out that two figures were incorrectly labeled. To address the incorrect labeling, the last full paragraph that commences on DEIR page 3-35 and concludes on page 3-36 will be revised in the FEIR to clarify the figure numbers and that landscaping will screen the views of Buildings 1 and 2 as follows:

**Figures 3-1413a and 3.1413b – Line of Sight Exhibit** illustrates how the proposed landscaping and siting of the buildings will minimize views of Buildings 1 and 2 from areas adjacent to the Project site. Additionally, as shown on **Figure 3-11 – Conceptual Landscape Plan**, the topography surrounding the Project site also serves to minimize direct views of Buildings 1 and 2. Steep slopes along the northern boundary of the Project site, adjacent to the residential area, greatly limit views of the logistics center. In other areas, landscaping is strategically placed so that at maturity it will ~~block views~~ screen the appearance of the Buildings 1 and 2. Nevertheless, views of Buildings 1 and 2 are reduced in these locations by landscaping.

This clarification does not change the significance conclusions of the DEIR or result in the need for additional mitigation.

The construction of the proposed Project on vacant property zoned for the proposed used in and of itself does not constitute a significant visual impact (refer to Response to Comment 37-E). The homeowners in the Project vicinity already have views of warehouse and distribution center buildings so the Project is not introducing a new type of building into the viewshed. Although the proposed buildings will be closer to the residences, this does not represent a significant change to the overall visual character of the area. The Project has been designed to minimize the visibility of the buildings to the greatest extent feasible given the topography of the Project site and existing streets that will serve the Project.<sup>3</sup> In addition, the Project will be required to implement mitigation measure **MM AES 9** (listed in Response to Comment 37-D), which requires the elevations of the buildings adjacent to the residences to include articulation and some of the same elements used on the office portions of the buildings to offset the long expanses of wall surface. Thus, when combined with the proposed landscaping,

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<sup>3</sup> See Response to Comment 7-B for a discussion regarding the topography of the Project site in relation to lowering the elevation of Buildings 1 and 2.

the Mitigation Area, and design of the site grading plan the impacts are reduced to less than significant.

The location of the cross sections in DEIR **Table 5.1-A – Line of Site Analysis** is shown on DEIR **Figure 3-10 – Proposed Site Plan**, (DEIR, p. 5.1-13.) and described in DEIR **Table 5.1-A** in the column named “Cross Section Description.” (DEIR, pp. 5.1-14–5.1-23.) All of the cross sections identified in Table 5.1-A are shown on either DEIR **Figure 3-13a or 3-13b – Line of Sight Exhibit**. Cross Sections E-E, F-F, H-H, J-J, and K-K are shown on DEIR **Figure 3-13b**. Visual simulations were only prepared for those residential locations that are located at an equal elevation or higher elevation than the proposed project.

The comment with regard to the commenter’s difficulty in reading **Figures 3-13a and 3-13b** is noted. The comment regarding the DEIR’s reference to Figures 3-14a and 3-14b instead of Figures 3-13a and 3-13b is correct and, as discussed above will be clarified in the FEIR.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

#### **Response to Comment 37-I:**

CEQA Guidelines Section 15151 provides that an 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 the environmental consequences. The analysis in the DEIR is based on the Project’s Conceptual Landscape Plan, which is included as DEIR Figure **3-11**. The conceptual landscape plan provides sufficient information with regard to the number, size, and species of landscaping proposed for the Project. In the Landscape plans included in DEIR **Figure 3-11 – Conceptual Landscape Plan** it appears that certain trees may encroach on the Fire Access/Parks Maintenance Road. Part of the typical entitlement and project approval process with the City requires the preparation and approval of detailed landscape plans showing the location of each plant in relation to the Project’s built components (i.e. trails, buildings, parking lots, etc.) at the time the building construction plans are prepared. As part of the final Design Review process, detailed landscaping and irrigation plans shall be submitted to Planning staff for review and approval. The City reviews the plot plans, building elevations, grading, etc. plans as part of the Plan Check process prior to Building Permit issuance. The review ensures that the plans are in substantial conformance with those reviewed under the EIR and that all conditions and Mitigation Measures have been complied with as necessary. Since the conceptual landscape plan approval is part of the City’s typical Design Review process and this EIR, the City included mitigation measure **MM AES 7** to disclose to the public that landscaping along the Fire Access/Parks Maintenance Road will be installed and maintained in such a manner as to provide adequate clearance for the fire vehicles. (DEIR, p. 5.1-34.)

**MM AES 7:** To ensure there is adequate clearance for the fire vehicles, prior to building permit issuance the landscape plans shall be revised to relocate the trees shown on the trail and the Fire Access/Parks Maintenance Road such that all trees shall be setback

from the trail and Fire Access/Parks Maintenance Road easements a minimum of 5 feet. Once planted, the developer shall maintain all trees such that a minimum 13.5-foot vertical clearance over the Fire Access/Parks Maintenance Road and a minimum 8.5-foot vertical clearance over the trail is provided and maintained. The revised landscape plans shall be designed per the City's Water Efficient Landscape and Irrigation Ordinance adopted on December 1, 2015 (<http://aquarius.riversideca.gov/clerkdb/0/doc/215696/Page1.aspx>). The revised landscape plans shall be reviewed and approved by City Design Review staff and Western Municipal Water District as part of Design Review prior to the issuance of a grading permit.

Mitigation measure **MM AES 7** requires the landscape plans to be revised to relocate the trees shown in proximity to the trail and Fire Access/Parks Maintenance Road to provide the City-required setback from the edge of the trail and Fire Access/Parks Maintenance Road. These updated plans, and all design related plans are subject to the approval of the City Design Review staff and Western Municipal Water District, which will ensure that changes are made appropriately. (DEIR, pp. 5.1-28, 5.1-34, 5.1-36–5.1-37.)

CEQA does not require a Project to have the final architectural plans designed for a building in order to prepare an EIR. During the preparation of the DEIR, the City determined that additional design features on the west elevation of Building 1 and the north elevation of Building 2 were needed to reduce aesthetic impacts to less than significant; thus, the Project is required to implement **MM AES 9** (listed in Response to Comment 37-D). (DEIR, pp. 5.1-28, 5.1-35–5.1-37.)

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

#### **Response to Comment 37-J:**

See Response to Comment 37-D. The mitigation measures included in DEIR Section 5.1 – Aesthetics are not uncertain or ineffective but will ensure the project does not result in a significant aesthetic impact. Instead of conditioning the Project to install an 8-foot tall wall, the City elected to include this requirement as mitigation measure **MM AES 1** for disclosure purposes. The 8-foot wall required by mitigation measure **MM AES 1** is not intended to screen views of the top of Building 2; rather, it provides a more permanent physical separation between the Project site and adjacent residential uses. (DEIR, p. 5.1-27, 5.1-31–5.1-32.) Likewise, the fencing adjacent to the Sycamore Canyon Wilderness Park described in mitigation measure **MM AES 2** and the fencing along the onsite trail described in mitigation measure **MM AES 3** are not intended to screen views of the buildings from neighboring residences, but rather to manage access to the park area and to provide another line of sight into the park for safety reasons. These mitigation measures are included in the Aesthetics section of the DEIR, because the appearance of these fences and design consistency with City standards are important. (DEIR, p. 5.1-27, 5.1-32, 5.1-36–5.1-37.)

**MM AES 1:** To provide separation between the Project site and the adjacent residential uses and to be consistent with the wall constructed on the project located east of the Project site and north of Dan Kipper Drive, the developer shall install an 8-foot tall wall constructed of two-sided decorative masonry material along the Project site's northern property line and that portion of the Project's westerly property line adjacent to existing residential uses. As part of the Design Review process and prior to the issuance of a grading permit, the Project developer shall submit a revised site plan showing the 8-foot tall wall and the proposed materials and decorative treatment for such wall to the City of Riverside Community and Economic Development Department, Planning Division and the Parks, Recreation, and Community Services Department for review and approval.

**MM AES 2:** For consistency with the Sycamore Canyon Wilderness Park Management Plan, the Project developer shall install fencing along the western boundary of the Project site. The fence and gate shall be constructed per the specifications of the City of Riverside Parks, Recreation, and Community Services Department Standard Detail No. 5520 and specifications. If the developer chooses to install a taller fence, a maximum 8-foot high fence is permitted. Note that increased fence height may require increased post, footing and rail sizes, which shall be engineered and stamped approved by a structural engineer. As part of Design Review and prior to the issuance of a grading permit, the developer shall submit a revised site plan showing this fence, the modified standard detail (if a fence taller than 8 feet is proposed), and specifications to the City of Riverside Community and Economic Development Department, Planning Division and the Parks, Recreation, and Community Services Department for review and approval.

**MM AES 3:** If the Project developer wants to construct a private 8-foot tall tubular steel fence along the northern boundary of the trail, such fence shall be installed a minimum of three-feet from the edge of the trail and clear of the Fire Access/Parks Maintenance Road easement. If the Project developer chooses to construct said private fence, as part of Design Review and prior to the issuance of a grading permit the developer shall submit a revised site plan showing this fence as a separate graphic fence line and a materials board showing the proposed design and materials to the Community and Economic Development Department, Planning Division and the Parks, Recreation, and Community Services Department for review and approval. If the Project developer chooses not to construct this private fence, this mitigation measure does not apply.

Mitigation measures **MM AES 4** through **MM AES 7** do not relate to addressing the Project's visual impacts relative to adjacent residences; however, they do minimize the Project's visual impacts to the overall Project vicinity. In particular, mitigation measure **MM AES 4** relates to views of the parking lot, loading docks, and trailer parking areas from the public right-of-way, mitigation measure **MM AES 5** relates to design of the trail, and **MM AES 6** and **MM AES 7** relate to design of the Fire Access/Parks Maintenance Road. **MM AES 7** requires revision to the landscape plan to relocate the trees currently shown in the Fire Access/Parks Maintenance

Road to ensure compliance with City standards, regardless, the total number of trees within this area will not change. (5.1-28, 5.1-32–5.1-34, 5.1-36–5.1-37.)

**MM AES 4:** In order to screen views of the parking lot, loading docks, and trailer parking areas from the public right-of-way, the on-site fencing securing the trailer parking areas and the metal, manual operated gates that permit access to these areas shall incorporate an opaque layer (i.e. mesh or screening) that will withstand wind loads of 85 miles per hour. As part of Design Review and prior to the issuance of a grading permit, a revised site plan and materials board showing the proposed screening shall be submitted to the Community and Economic Development Department, Planning Division for review and approval.

**MM AES 5:** To provide safe and controlled pedestrian and bicycle access to the Sycamore Canyon Wilderness Park in a manner consistent with the design and materials of the fence in mitigation measure MM AES 2, the Project developer shall:

- a. Construct the proposed trail and access gates consistent with the City of Riverside Parks, Recreation, and Community Services Department trail and gates details and specifications and subject to the review and approval by the City of Riverside Parks, Recreation, and Community Services Department, As part of Design Review and prior to the issuance of a grading permit, a revised site plan that identifies this standard and shows the Parks, Recreation, and Community Services Department Standard Trail Construction detail shall be submitted to the Parks, Recreation, and Community Services Department for review and approval.
- b. Install a galvanized steel swing arm gate access gate that locks in the open and closed positions at the trail and parking lot driveway entry. As part of Design Review and prior to the issuance of a grading permit, a revised site plan that shows the detail for this gate and Standard Detail No. 5110 shall be submitted to the City of Riverside Community and Economic Development Department, Planning Division and the Parks, Recreation, and Community Services Department for review and approval.
- c. Install pedestrian/bicycle gates between the trail and parking lot and the beginning of the trail and between the western terminus of the trail and the Sycamore Canyon Wilderness Park per the City's standard pedestrian/bicycle gate. These gates shall be minimum 4-foot wide and constructed of material to match Standard Detail No. 5520 identified in mitigation measure MM AES 2. The pedestrian/bicycle gates shall be lockable in the open and closed position. As part of Design Review and prior to the issuance of a grading permit, a revised site plan that shows



the detail for these gates shall be submitted to the City of Riverside Community and Economic Development Department, Planning Division and the Parks, Recreation, and Community Services Department for review and approval.

- d. Install Parks, Recreation, and Community Services Department Standard PVC trail fence along the northern side of the trail in-between the Fire Access/Parks Maintenance Road and along those portions of the southern side of the trail where the grade drops 3 feet or more. As part of Design Review and prior to the issuance of a grading permit, a revised site plan that references the Standard 3-rail PVC fence detail only and includes Parks, Recreation, and Community Services Department Standard PVC trail fence shall be submitted to the Parks, Recreation, and Community Services Department for review and approval.
- e. Install Parks, Recreation, and Community Services Department standard trail sign at the Project's western property line and at the proposed parking lot on Lot B of Tentative Parcel Map 36879. As part of Design Review and prior to the issuance of a grading permit, a revised site plan that includes a note that states "PRCSD standard trail sign" and Parks, Recreation, and Community Services Department standard trail sign detail 12 shall be submitted to the Parks, Recreation, and Community Services Department for review and approval.

**MM AES 6:** To provide access for fire and parks maintenance vehicles consistent with the intent of the Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan, the Project developer shall:

- a. Design and construct the Fire Access/Parks Maintenance Road per the City of Riverside Fire Department requirements, including but not limited to, providing a 36,000 pound wheel load. As part of Design Review and prior to the issuance of a grading permit, the Fire Access/Parks Maintenance Road detail shall be submitted to the Community and Economic Development Department, Planning Division, the Parks, Recreation, and Community Services Department, and the City Fire Department for review and approval.
- b. Install vehicular gates between the vehicular access road on the south end of the Project site and the eastern terminus of the Fire Access/Parks Maintenance Road and between the western terminus of the Fire Access/Parks Maintenance Road and the Sycamore Canyon Wilderness Park. The vehicular gates shall be double galvanized steel swing arm gates a minimum of 12-feet in width and provided with a Knox padlock.

The gates shall lock in the open and closed positions per Park Standard Detail No. 5110. The gate at the western property line shall be constructed to match Standard Detail No. 5520. As part of Design Review and prior to the issuance of a grading permit, a revised site plan that shows the details of these gates and Park Standard Detail No. 5110 shall be submitted to the Community and Economic Development Department, Planning Division and the Parks, Recreation, and Community Services Department for review and approval.

See Response to Comment 37-I for **MM AES 7**.

Mitigation measure **MM AES 9** requires the west elevation of Building 1 and the north elevation of Building 2 to implement articulation to create pockets of light and shadow to break up the long expanses of wall surface. Although the exact specifications are not listed, the new designs are subject to the City's Design Review process and will be reviewed by Design Review staff prior to Grading Permit issuance to ensure that the intent of this mitigation measure is fulfilled. This mitigation measure (See Response to Comment 37-D for **MM AES 9**), the 8-foot wall required in mitigation measure **MM AES 1**, the 100-foot setback of Building 2 and extensive landscaping along the north and west property boundaries work together to lessen impacts to views of Buildings 1 and 2 from the northerly and westerly residences to below a level of significance.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-K:**

Comment noted, the DEIR Section 5.1 – Aesthetics, discusses topographic changes proposed as a result of the preliminary Grading Plan and grading exceptions shown in DEIR **Figure 3-9 – Grading Exception**. The DEIR line of sight exhibits (Figures 3-13a and 3-13b) show the changes in elevation due to the site grading and are discussed and described in DEIR **Table 5.1-A – Line of Sight Analysis** in the Aesthetics section. (DEIR, pp. 5.1-14–5.1-23.) This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-L:**

Comment noted, this comment represents an opinion, but does not provide any explanation, information, specific examples, or other support for the comment. A comment which draws a conclusion without elaborating on the reasoning behind, or the factual support for, those conclusions does not require a response. Under CEQA, the lead agency is obligated to respond to timely comments with “good faith, reasoned analysis.” (CEQA Guidelines, § 15088(c).) These responses “shall describe the disposition of the significant environmental issues raised . . . [and] giv[e] reasons why specific comments and suggestions were not accepted. (CEQA Guidelines, § 15088(c).) To the extent that specific comments and suggestions are not made, specific responses cannot be provided and, indeed, are not

required. (*Browning-Ferris Industries of California, Inc. v. City Council of the City of San Jose* (1986) 181 Cal.App.3d 852 [where a general comment is made, a general response is sufficient].) Nonetheless, the City's Economic & Development Department's Staff Recommended Condition of Approval Condition 20 that requires:

An exterior lighting plan shall be submitted to Design Review staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lots shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The light sources shall be hooded and shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways. No light spill shall be permitted on the MSHCP Conservation Area (Sycamore Canyon Wilderness Park). If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed 14 feet in height, including the height of any concrete or other base material, within the 100-foot setback between Building 2 and the residential property lines to north property line and shall not exceed 20 feet in height, including the height of any concrete or other base material, elsewhere on the property.

As indicated in the above Recommended Condition of Approval, light poles adjacent to the north property line shall not exceed 14 feet in height. In addition, **MM AES 10** requires the building mounted lighting on the north elevation of Building 2 to be mounted as low as possible, while still providing the needed security lighting.

**MM AES 10:** To eliminate ~~reduce~~ light spill and glow into the residential backyards to the north, lighting mounted on the north wall of Building 2 shall be placed on this wall as low as feasible to provide the required security lighting.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 37-M:**

According to the CARB's *Air Quality and Land Use Handbook*, CARB recommends to avoid the placement of new sensitive land uses within 1,000 feet of a distribution center (accommodating more than 100 trucks per day, 40 trucks with transport refrigeration units (TRUs), or where TRUs operate more than 300 hours a week) and to take into account the configuration of existing distribution centers and avoid locating residences and other sensitive land uses near entry and exit points. However, these are recommendations, not mandates, and land use decisions ultimately lie with the local agency which needs to balance other considerations. (DEIR, p. 5.3-18.)

Since the Project involves the construction of a logistics center approximately 30 meters from the nearest sensitive receptor, a more detailed Screening Health Risk Assessment (HRA) was

prepared for the Project (Appendix B of the DEIR). A Refined HRA was prepared in November 2016 to address comments from SCAQMD and it can be found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>. According to the both the HRA's, none of the cancer or non-cancer thresholds will be exceeded as a result of Project operation for workers or residents within the proposed Project vicinity. Therefore, the Project will not result in the exposure of sensitive receptors to substantial pollutant concentrations during Project operation. (DEIR, p. 5.3-34.)

As stated previously, CARB recommends, but does not mandate that new sensitive land uses not be placed within 1,000 feet of a distribution center. As discussed in DEIR Section 5.10 – Land Use and Planning, the Project is consistent with both the land use designation in the GP 2025 and SCBPSP. Furthermore, Appendix M of the DEIR identifies applicable GP 2025 objectives and policies and the Project's consistency level with those objectives and policies. The Project was found to be consistent with the General Plan Air Quality Element Objectives and Policies. (DEIR Appendix M, pp. M-58-65.)

CARB's guidance, on page 5 of the handbook, acknowledges that the recommendations are in fact advisory, and "to determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel PM will decrease over time as cleaner technology phases in." The handbook further goes on to state that "these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists." Therefore, the DEIR and underlying technical study is actually consistent with the CARB handbook. The DEIR includes a site-specific health risk assessment based on the geospatial location of the proposed development and existing sensitive land uses in the vicinity of the Project site and the truck travel routes that are expected to be utilized. As shown in the DEIR, the Project would not pose a significant health risk associated with diesel particulate matter (DPM) to sensitive receptors in the Project vicinity.

The City adopted *Good Neighbor Guidelines Siting New and/or Modified Warehouse/Distribution Facilities* to provide the City and developers with a variety of strategies that can be used to reduce diesel emissions from heavy-duty trucks that deliver goods to and from warehouse and distribution centers, such as the proposed Project. (DEIR, p. 5.3-16.) As discussed in DEIR Appendix M, the proposed Project is consistent with all of the goals and strategies outlined in the City's *Good Neighbor Guidelines*. (DEIR Appendix M, pp. M-66–M-72.) Because each Project and property have different characteristics and circumstances, the City's *Good Neighbor Guidelines* do not include recommendations regarding setbacks between distribution center buildings and adjacent residential uses. Rather, it recommends that a Health Risk Assessment (HRA) be prepared for any warehouse project within 1,000-feet of residential properties. The site has been designed in order to minimize impacts on the adjacent residential area including placement of driveways and onsite parking areas away from the adjacent residential areas, consistent with the policies contained in the City's *Good Neighbor Guidelines*. Consistent with the *Guidelines*, two HRAs were prepared for the Project

and as discussed, both conclude that the Project will not result in a significant impact to either the residents or workers.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-N:**

Comment noted, DEIR Section 5.3.12 properly discloses under Threshold B, that long-term Project operational emissions will exceed the threshold for NO<sub>x</sub>, even with the incorporation of proposed mitigation measures **MM AQ 1** through **MM AQ 15**, **MM AQ 18**, and **MM AQ 19**, as well as **MM AQ 22** through **MM AQ 25** and Project design features. Because long-term operation of the proposed Project will exceed the SCAQMD threshold for NO<sub>x</sub>, impacts are considered to be significant and unavoidable after implementation of mitigation, and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p.5.3-30.)

**MM AQ 1:** Solar or light-emitting diodes (LEDs) shall be installed for outdoor lighting. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 2:** Indoor and outdoor lighting shall incorporate motion sensors to turn off fixtures when not in use. The site and buildings shall be designed to take advantage of daylight, such that use of daylight is an integral part of the lighting systems. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 3:** Trees and landscaping shall be installed along the west and south exterior building walls to reduce energy use. Vegetative or man-made exterior wall shading devices or window treatments shall be provided for east, south, and west-facing walls with windows. Landscaping and/or building plans shall contain these features and are subject to City verification prior to building permit issuance.

**MM AQ 4:** Light colored “cool” roofs shall be installed over office area spaces and cool pavement shall be installed in parking areas. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 5:** Energy efficient heating and cooling systems, appliances and equipment, and control systems that are Energy Star rated shall be installed in future office improvement plans. Refrigerants and heating, ventilation, and air conditioning (HVAC) equipment shall also be selected to minimize or eliminate the emission of compounds that contribute to ozone depletion and global warming. The efficiency of the building envelope shall also be increased (i.e., the barrier between conditioned and unconditioned spaces). This includes installation of insulation to minimize heat transfer and thermal bridging and to limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption. The City shall verify

tenant improvement plans include these features. The City shall verify these features are installed prior to issuance of occupancy permits.

**MM AQ 6:** Energy Star rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment shall be installed. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 7:** All buildings shall be designed with “solar ready” roofs that can structurally accommodate future installation of rooftop solar panels. Prior to building permit issuance, the City shall verify roofs are “solar ready.” If future building operators are providing rooftop solar panels, they shall submit plans for solar panels to the City prior to occupancy.

**MM AQ 8:** The Project’s landscaping plans shall incorporate water-efficient landscaping, with a preference for xeriscape landscape palette. Landscaping plans shall be approved by the City prior to building permit issuance.

**MM AQ 9:** All building owners shall provide education about water conservation and available programs and incentives to building operators to distribute to employees.

**MM AQ 10:** Interior and exterior waste storage areas shall be provided for recyclables and green waste. Prior to occupancy permits, the City shall verify interior and exterior storage areas are provided for recyclables and green waste. The property operator will also provide readily available information provided by the City for employee education about reducing waste and available recycling services.

**MM AQ 11:** Up to three electric vehicle charging stations shall be provided to encourage the use of low or zero-emission vehicles. Prior to building permit issuance, the City shall verify building plans contain electric vehicle charging stations.

**MM AQ 12:** Adequate bicycle parking near building entrances shall be provided at the site. Facilities that encourage bicycle commuting (e.g., locked bicycle storage or covered or indoor bicycle parking) shall be provided. Prior to building permit issuance, the City shall verify building plans contain adequate bicycle parking.

The City and Applicant have agreed to reduce vehicle idling time to three minutes, as such mitigation measures **MM AQ 13** and **MM AQ 22** will be revised in the FEIR as shown below.<sup>4</sup>

**MM AQ 13:** All facilities shall post signs informing users of requirements limiting idling to ~~three~~ five minutes or less which is shorter than required under ~~pursuant to~~ Title 13 of the California Code of Regulations, Section 2485. The City shall verify signage has been installed prior to occupancy.

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<sup>4</sup> . Deletions are shown with strikethrough text (~~example text~~) and additions are shown with double underline text (example text).

**MM AQ 14:** Electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. Trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement. The City shall verify electrical hookups have been installed prior to occupancy and shall confirm lease agreement includes such language.

**MM AQ 15:** Service equipment (i.e., forklifts) used within the site shall be electric or compressed natural gas-powered.

**MM AQ 18:** Locally produced and/or manufactured building materials shall be used for at least 10% of the construction materials used for the Project. Verification shall be submitted to the City prior to issuance of a building permit.

**MM AQ 19:** “Green” building materials shall be used where feasible, such as those materials that are resource efficient and recycled and manufactured in an environmentally friendly way. Verification of the feasibility or infeasibility of securing these materials shall be submitted to the City prior to issuance of a building permit.

The City and Applicant have agreed to reduce vehicle idling time to three minutes, as such mitigation measure **MM AQ 22** will be revised in the FEIR as shown below

**MM AQ 22:** The Project shall implement the following measures to reduce emissions from on-site heavy duty trucks within six months after operations commence:

- a) Post signs informing truck drivers about the health effects of diesel particulates, the requirement that CARB diesel idling times cannot exceed three minutes regulations, and the importance of being a good neighbor by not parking in residential areas.
- b) Tenants shall maintain records on its fleet equipment and vehicle engine maintenance to ensure that equipment and vehicles serving the building are in good condition, and in proper tune pursuant to manufacturer’s specifications. The records shall be maintained on site and be made available for inspection by the City.
- cb) The facility operator will ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at California Air Resources Board approved courses (such as the free, one-day Course #512).

**MM AQ 23:** In order to promote alternative fuels, and help support “clean” truck fleets, the developer/successor-in-interest shall provide building occupants with information related to SCAQMD’s Carl Moyer Program, or other such programs that promote truck retrofits or “clean” vehicles and information including, but not limited to, the health

effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. If trucks older than 2007 model year will be used at a facility, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP, HVIP, and SOON funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants will be required to use those funds, if awarded.

**MM AQ 24:** Any yard trucks used on-site to move trailers in or around the loading areas shall be electric in place of traditional diesel powered yard trucks.

**MM AQ 25:** The building operator shall provide signage or flyers that advise truck drivers of the closest restaurants, fueling stations, truck repair facilities, lodging, and entertainment.

The DEIR requires the Project implement **MM AQ 22** through **MM AQ 24** to aid in the reduction of NO<sub>x</sub> emissions during Project operations. **MM AQ 22** will reduce emissions from on-site heavy duty trucks by: posting signs informing truck drivers about a) the health effects of diesel particulates b) the CARB diesel idling regulations, and c) the importance of being a good neighbor by not parking in residential areas; and by requiring future tenants to maintain records on its fleet equipment and vehicle engine maintenance to ensure that equipment and vehicles serving the building are in good condition, and in proper tune pursuant to manufacturer's specifications; and ensuring that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies. **MM AQ 23** supports "clean" truck fleets, by providing the future building occupants with information related to SCAQMD's Carl Moyer Program, or other such programs that promote truck retrofits or "clean" vehicles and requires future tenants that use trucks older than 2007 model year apply in good faith for funds to upgrade/retrofit their fleet. In addition, Mitigation Measure **MM AQ 24** requires all yard trucks used on-site to move trailers in or around the loading areas shall be electric in place of traditional diesel powered yard trucks. Lastly, Mitigation Measure **MM AQ 25** will also make certain that signage or flyers advising truck drivers of the closest restaurants, fueling stations, truck repair facilities, loading, and entertainment are provided. (DEIR, p. 503-39.)

In addition to the specific mitigation measures designed to reduce the impacts of operational NO<sub>x</sub> emissions, the Project is subject to state and federal regulations and programs that would reduce Project-related NO<sub>x</sub> emissions over time. (DEIR, pp. 5.3-11-19.)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 37-O:**

The Commenter's recommended Mitigation Measure to require future owners/tenants mandate require use of cleaner trucks by operators is infeasible for the reasons below. The proposed Project is being constructed as a "spec" building, that is, there is not a specific tenant and the



specific use is not yet known. However, mitigation measure **MM AQ 23** (listed in Response to Comment 37-N) requires that all tenants apply for funding to retrofit their trucks if their trucks are older than 2007 and tenants will be required to use those funds, if awarded.

The Commenter's proposed mitigation is infeasible because, existing regulations require the phase-in of 2010-compliant trucks that began in 2015 and will continue through 2023 depending on the age of the engine under the CARB Truck and Bus Regulation. By 2023, CARB estimates the amended Truck and Bus Regulation will reduce particulate matter (PM) emissions 50% from baseline PM emissions in 2014 and ensure that practically all trucks operating in California are equipped with a diesel PM filter. Additionally, as of January 1, 2014, all drayage trucks<sup>5</sup> that ultimately come from or go to the ports are required to operate with a 1994 or newer model year engine that meets or exceeds 2007 model year California or federal emission standards. Truck engine model years 2007 through 2009 will be compliant through 2022, after which all drayage trucks will be 2010-compliant. Requiring the Project to phase in 2010-compliant trucks faster than regulatory standards would not cause a substantial decrease in NO<sub>x</sub> due to the expected background phase-in rate.

Furthermore, the NO<sub>x</sub> emission analysis is conservative in that it assumes all trips would be coming to and from the Ports. In reality, trucks that will serve the Project may have a portion of trips that originate from the Ports, but will also be served by surrounding distribution centers, airports, and rail transfer stations, which may be closer (i.e. shorter trip lengths) than what was evaluated in the *Sycamore Canyon Business Park Warehouse CalEEMod Emissions Estimates, LST Analysis, and Screening HRA* (the AQ Report) and DEIR.

According to Public Resources Code (PRC) Section 21002, "public agencies should not approve projects as proposed if there are feasible alternatives or mitigation measures available, which would substantially lessen the significant environmental effect of such projects." That is, the City, as lead agency could approve a project without requiring all feasible mitigation measures be adopted. The comment fails to recognize that PRC Section 21002 allows for approval of projects involving significant environmental impacts provided that "specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures." The DEIR includes a thorough, complete, and careful analysis of all potentially significant impacts resulting from the Project. The City has imposed all feasible mitigation measures that would substantially reduce the proposed Project's potentially significant impacts. The Mitigation Monitoring and Reporting Program (MMRP) presently includes mitigation measures, each of which is fully enforceable as required by CEQA (FEIR Section 3.0, MMRP).

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

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<sup>5</sup> Trucks with gross vehicles weight rating over 26,000 pounds.

**Response to Comment 37-P:**

The comment proposes a revision to **MM AQ 7** (See Response to Comment 37-N for **MM AQ 7**) to require the use of solar energy instead of only providing solar ready roofs but provides no justification or reasoning for this change. The DEIR includes mitigation measures to reduce NOx emissions from the operation of the proposed Project. The Project will implement **MM AQ 23** through **MM AQ 25** (See Response to Comment 37-N for **MM AQ 23-25**) that would substantially reduce significant impacts to air quality, as described in Response to Comment 37-N. Additionally, greenhouse gas (GHG) emissions from energy consumption were small (11%) and impacts related to GHG emissions were determined to be less than significant with the implementation of Project design features listed as **MM AQ 1** through **MM AQ 16**, **MM AQ 18**, **MM AQ 19**, and additional mitigation measures **MM AQ 22** through **MM AQ 24** (See Response to Comment 37-N for **MM AQ 1** through **MM AQ 15**, **MM AQ 18**, **MM AQ 19**, and **MM AQ 22 through MM AQ 24**) listed in Section 5.3.15 of the DEIR. (DEIR, p. 5.7-50 and 5.7-55) Therefore, requiring the use of rooftop solar is not warranted.

**MM AQ 16:** The Building Operator shall support and encourage ridesharing and transit for the construction crew and regular employees by providing information on ridesharing and transit opportunities.

The comment also proposes a revision to **MM AQ 14** (See Response to Comment 37-N for **MM AQ 14**) to require that electrical hookups at the loading dock doors be used instead of only being provided. The commenter misinterprets the mitigation measure, as **MM AQ 14** states that when TRUs are in use, trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement.

The comment also suggests additional mitigation to enforce a specified truck route to ensure that diesel trucks are not using residential streets. The City does not have designated truck routes, and the Project proponent is not responsible for establishing these routes. Nonetheless, pursuant to Chapter 10.56 of the City's Municipal Code commercial vehicles (trucks) over 10,000 pounds are prohibited from using Lochmoor Drive, Fair Isle Drive and Sycamore Canyon Boulevard, between El Cerrito Drive and University Drive. People observing commercial vehicles exceeding ten thousand pounds (5 tons) gross weight in locations where these restrictions are in place may call 311 to report the incident. The 311 call will be routed to the Traffic Department and Police Department so that the appropriate response can be coordinated.

The proposed Project has an established connection between the Project site and the freeways in that the Project site is accessed from Sycamore Canyon Boulevard, a 4-lane divided major arterial. Further, the "urban intersect" as described in the *SCBPS* at the Interstate 215 and Eastridge Avenue has since been constructed, allowing for a direct connection to Interstate 215. (DEIR Appendix M, p. M-70.) With regard to the trip distribution (i.e. the trip directional orientation of Project-generated traffic), the *Revised Traffic Impact Analysis, Sycamore Canyon Industrial Buildings 1&2* (TIA, Appendix J) was prepared by a registered professional traffic engineer with local experience and expertise in traffic modeling.

The trip distribution used in the TIA is based on professional engineering standards and was approved by the City as part of the TIA scoping agreement. (See Appendix A of the TIA.) Factors taken into consideration in developing the trip distribution model include: the existing roadway system, existing traffic patterns, and existing and future land uses.

Additionally, as discussed in DEIR Section 5.16.4, the Project will prevent passenger car and truck egress onto Dan Kipper Drive by 1) posting signs at all Project driveways that indicate only right turns onto Lance Drive are permitted and 2) installation of traffic delineators (“Pork chops”) at the all three exit that prevent left-out turns onto Lance Drive. This will force both outbound (i.e. leaving the Project site) passenger cars and trucks to turn south onto Lance Drive to Sierra Ridge Drive and then east on Sierra Ridge Drive to Sycamore Canyon Boulevard. (DEIR, p. 5.16-26.)

The City has imposed all feasible mitigation measures that would reduce the proposed Project’s potentially significant impacts to less than significant. Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-Q:**

The comment alleges that the air quality monitoring assumed clean fleets coming to the Project over the next few years. Consistent with standards for preparing Air Quality Impact Analysis, CalEEMod defaults were used in determining the emissions factors for proposed Projects vehicles. According to Appendix A of the CalEEMod User’s Guide, CalEEMod calculates the emissions from mobile sources with the trip rates, trip lengths, and emissions factors for running from EMFAC2011. EMFAC 2011 incorporates emissions from a range of vehicle model years based on an average age distribution of vehicles to account for turnover in the statewide fleet as older vehicles are replaced by newer ones. Therefore, the AQ Report and corresponding DEIR analysis did not assume only post-2007 clean fleets would be coming to the Project site, but a mix of vehicle ages consistent with the modeling protocols.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-R:**

The modeling assumed a ground-level volume source in flat terrain with no vertical velocity or buoyancy component (i.e., not a hot point source such as a vertical engine exhaust pipe). In effect, the volume source modeling dispersed “cold” pollutants horizontally directly into receptors, which represents a conservative impact assessment.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-S:**

The comment expresses concern over the cumulative air quality effects due to the Project. As discussed in Section 5.3 of the DEIR, SCAQMD considers the thresholds for project-specific

impacts and cumulative impacts to be the same. Therefore, projects that exceed project-specific significance thresholds are considered by SCAQMD to be cumulatively considerable. Based on SCAQMD's regulatory jurisdiction over regional air quality, it is reasonable to rely on the SCAQMD thresholds to determine whether there is a cumulative air quality impact. (DEIR, p. 5.3-31.)

Additionally, cumulative impacts were analyzed in Section 6.1.5 of the DEIR (Cumulative Impacts – Air Quality). In terms of localized air quality impacts, construction of the Project would not have a cumulatively considerable impact due to criteria pollutant emissions. However, because the Project's emissions exceed SCAQMD thresholds during operation due to Project-related to NOx, the Project will result in significant and unavoidable cumulative impacts to air quality. (DEIR, p. 6-9-10.) Therefore, the DEIR properly analyzed the proposed Project cumulative impacts on air quality and consistent with SCAQMD thresholds, determined the cumulative impacts to Air Quality to be significant and unavoidable.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-T:**

Comment noted. The Project Developer will be required to submit construction plans, including grading plans, to the City of Riverside to review and approval with both applicable City codes, conditions of approval and DEIR mitigation measures as verified through the Mitigation Monitoring and Reporting Program to be included in the Final EIR. Any deviations from the Project as analyzed in the DEIR will require the Developer to seek an amendment to the plans and any additional environmental review will have to be included as part of the review of that alteration.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-U:**

Comment noted, according to Appendix A of the CalEEMod User's Guide, two sets of trip type breakdown are used in CalEEMod, depending on the type of project being evaluated—residential breakdown and commercial breakdown.

Commercial trip types include commercial-customer (C-C), commercial-work (C-W) and commercial-nonwork (C-NW). A commercial-customer trip represents a trip made by someone who is visiting the commercial land use to partake in the services offered by the site. The commercial-work trip represents a trip made by someone who is employed by the commercial land use sector. The commercial-nonwork trip represents a trip associated with the commercial land use other than by customers or workers. An example of C-NW trips includes trips made by delivery vehicles of goods associated with the land use<sup>6</sup>.

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<sup>6</sup> <http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixa.pdf?sfvrsn=2>

As shown in the CalEEMod modeling files included as Appendix A of the AQ Report included as Appendix B of the DEIR, a 61.93 non-residential C-W trip percentage was used to account for the distribution of passenger car related traffic (61.93%) estimated in the TIA<sup>7</sup>. A 38.07 non-residential C-NW trip percentage was used to account for the distribution of truck related traffic (38.07%), also estimated in the TIA. The non-residential C-NW trip length was adjusted to 76.3 miles to account for the distance from the Ports of Los Angeles and Long Beach to the Project site, where 100 percent of the trips made by Project operations were conservatively assumed to originate. This is a one-way trip length, and therefore it is assumed that all truck traffic would be coming to and from the Ports. In reality, trucks that will serve the proposed Project may have a portion of trips that originate from the Ports, but will also be served by surrounding distribution centers, airports, and rail transfer stations, all which may be closer (i.e. shorter trip lengths) than what was evaluated in the AQ Report and DEIR.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-V:**

Comment noted, CalEEMod estimates the emissions from Project-related vehicle usage based on trip generation data contained in defaults or in project-specific traffic analyses. The trip generation rate and fleet mix were adjusted based on the rates and ratios found in the Project-specific Traffic Study.

According to the CalEEMod User's Guide Appendix E, the fleet mix used in the URBEMIS model used in CalEEMod is derived from the regional average distribution of trips obtained from the EMFAC model. While this fleet mix may be appropriate for the majority of land uses, it may not be appropriate for specialized uses such as warehouses. As such, the City agreed that the use of the Fontana study was appropriate to capture and study the types of trucks that use these types of uses. The Fontana study found that trucks make up approximately 20% of total trips for the four warehouses evaluated. This study also broke down the trip distribution among 2, 3, and 4+ axle trucks (3.46%, 4.64%, 12.33%, respectively)<sup>8</sup>.

Based on DEIR **Table 5.16-F – Project Trip Generation Rates** (and Table 4-2 – Project Trip Generation in Appendix J of the DEIR), passenger cars represent 61.93% of Project-related traffic and trucks (2, 3, and 4+ axle) represent 38.07% of Project-related traffic which is much more conservative than the trip distribution in the Fontana study, and consistent with SCAQMD recommendations cited in the comment. Two axle trucks represent 6.48%, three axle trucks represent 8.63%, and four plus axle trucks represent 22.96% of Project traffic.

According to Appendix E of the CalEEMod User's Guide, the fleet mix from the Fontana study as quoted above may be used to determine the distribution of truck type. This truck fleet mix is based upon the Fontana Study because ITE's trip generation manual does not include a

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<sup>7</sup> The TIA is included as Appendix J of the DEIR. Refer to DEIR Section 5.10 for methodology on assumptions in the TIA for trucks and trip generation.

<sup>8</sup> <http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixe.pdf?sfvrsn=2>

breakdown of truck type. Each truck type was modeled as a heavy-duty diesel truck consistent with this guidance. Therefore, the fleet mix is an accurate representation of Project-related passenger car and truck traffic.

Additionally, trip length data was based on CalEEMod defaults and the distance from the Ports of Los Angeles and Long Beach to the Project site. This was a conservative assumption in that it assumed all truck traffic would be coming to and from the Ports. In reality, trucks that will serve the Project may have a portion of trips that originate from the Ports, but will also be served by surrounding distribution centers, airports, and rail transfer stations, all which may be closer (i.e. shorter trip lengths) than what was evaluated in the AQ Report and DEIR.

Appendix J – Traffic/Transportation of the DEIR states that the trip generation rates for high-cube warehousing are based on the weighted average trip generation rates provided in the *Trip Generation Manual (9th Edition)* by the Institute of Transportation Engineers (ITE), 2012. The Fontana study was used to determine the split of 2, 3, and 4+ axle trucks. The comment notes that the AQMD found that the “Fontana Study, by itself, is not characteristic of high cube warehouses.” The TIA is consistent with this statement in that the 9<sup>th</sup> Edition ITE rates were used to determine trip generation. The split of truck types was the only parameter used from the Fontana study and the split was applied to the generation rates from the ITE and therefore, the TIA does not solely rely on the Fontana study.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 37-W:**

The comment identifies concern over potential Project-related NO<sub>2</sub> exposure to sensitive receptors and related health effects. As identified in Section 5.3 of the DEIR, oxides of nitrogen (NO<sub>x</sub>) contribute to air pollution include nitric oxide (NO) and nitrogen dioxide (NO<sub>2</sub>). NO<sub>2</sub> at atmospheric concentrations is a potential irritant and can cause coughing in healthy people, can alter respiratory responsiveness and pulmonary functions in people with preexisting respiratory illness, and potentially lead to increased levels of respiratory illness in children. The Federal Clean Air Act of 1970 established the National Ambient Air Quality Standards (NAAQS) for six criteria pollutants including NO<sub>x</sub> in order to regulate air quality and protect public health. The State of California has adopted the same six chemicals as criteria pollutants, but has established different allowable levels. (DEIR, p. 5.3-4.)

The DEIR evaluated NO<sub>x</sub> emissions on both a regional level and a localized level to determine impacts to sensitive receptors. Localized significance thresholds represent the maximum emissions from a project that would not cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standards. Localized significance thresholds were developed in recognition of the fact that criteria pollutants such as NO<sub>x</sub> can have local impacts at nearby sensitive receptors as well as regional impacts. Based on the LST analysis, neither the short-term construction nor long-term operation of the Project will exceed

SCAQMD LST at sensitive receptors within the Project vicinity for any criteria pollutants, including NO<sub>x</sub>. (DEIR, p.5.3-27-29.)

The Air Quality Study and DEIR analyzed and concluded the Project does not exceed any SCAQMD LST for NO<sub>x</sub> during construction or operation of the Project including NO<sub>2</sub> exposure. Additionally, the DEIR includes Mitigation Measure **MM AQ 17** that requires the Project to provide Tier 3 grading equipment will be used during Project grading to reduce NO<sub>x</sub> and diesel particulate matter (DPM) impacts to nearby receptors.

**MM AQ 17:** During grading, all off-road diesel-powered construction equipment greater than 50 horsepower shall meet or exceed United States Environmental Protection Agency (EPA) Tier 3 off-road emissions standards. Proof of compliance shall be reviewed by the City prior to issuance of a grading permit.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-X:**

The comment accurately reflects the information provided in the DEIR. Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-Y:**

The comment notes that the California Department of Fish and Wildlife (CDFW) response letter to the Project's DBESP should be included in the DEIR to support the finding that the Mitigation Area will be biologically superior to the existing drainage areas. Prior to development of the DBESP document, the City met with the Regional Conservation Authority (RCA), the agency responsible for determining MSHCP compliance, the California Department of Fish and Wildlife (CDFW) and the US Fish and Wildlife Service (USFWS) on December 9, 2015, and February 10, 2016. (DEIR, Appendix C.4, p. 5-7.) The purpose of these meetings was to discuss the location and the characteristics of the drainage and proposed Mitigation Area that would fulfill the requirements of Section 6.1.2 of the MSHCP. The CDFW and USFWS were given an opportunity to review and comment on the DBESP from May 20, 2016 through June 20, 2016. On June 6, 2016 Kimberly Freeburn Marquez of CDFW on behalf of CDFW and USFWS informed sent email to Patricia Brenes (City of Riverside Principal Planner) indicating (i) that a burrowing owl survey report is needed (included in the DEIR as Appendix C.6) and (ii) a Habitat Mitigation Management Plan (HMMP) and subsequent annual monitoring reports are to be submitted to the Regional Conservation Agency (RCA) for review with copies mailed to the Wildlife Agencies. On November 22, 2016, Ms. Freeburn sent email confirmation to Ms. Brenes that the CDFW and USFWS reviewed the focused burrowing owl survey and have no further questions or comments regarding the DBESP. That is, none of the agencies requested changes to the text of the DBESP, and the DBESP determined that the habitat that will be created in the Mitigation Area is considered biologically superior in comparison to the existing drainage. (DEIR, p. 5.4-21.)

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-Z:**

Section 3 – Project Description of the DEIR describes the landscaping and on-site Mitigation Area. The location and size of the Mitigation Area was recommended by the RCA, CDFW and USFWS at the December 9, 2015 meeting discussed in Response to Comment 37-Y. The Project site will be landscaped with drought-tolerant and climate appropriate trees, shrubs and ground cover that will meet or exceed the City’s requirements. The landscape plan is designed to provide visual appeal and screen the views of Buildings 1 and 2 from the adjacent residential areas and the Sycamore Canyon Wilderness Park. (DEIR, p. 3-29.)

The Mitigation Area will include a low-flow channel designed to meander; thus, creating a natural sinuosity to mimic a naturally occurring drainage. Vegetation within the Mitigation Area will be dominated by willow riparian scrub habitat with upland scrub and oaks along the upper banks. (DEIR, p. 5.4-18.) As shown in Appendix D of the DBESP (Appendix C.4 of the DEIR), the Mitigation Area will include trees and shrubs to replace lost riparian habitat. Trees include coast live oak, toyon, California sycamore, arroyo willow, and Mexican elderberry. These trees will serve the purpose of the landscape plan and will aid in providing visual appeal and screening views.

Additionally, the comment notes that the Mitigation Area is “cut-off” from the Sycamore Canyon Wilderness Park. Much of the area immediately surrounding the Project site is already developed; the site does not currently provide a link between the Sycamore Canyon Wilderness Park and the Box Springs Mountain. (DEIR, p. 5.4-22.)

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-AA:**

The comment identifies concern over edge effects between the proposed Project to the Sycamore Canyon Wilderness Park including noise impacts. The only receptor location that will experience a CNEL increase of 5 dBA or greater is located approximately 10 feet east of the westerly Property line in the Sycamore Canyon Wilderness Park. Because the change in noise levels resulting from Project operations will be perceptible (i.e. 5 dBA or greater at certain receptors), this is considered a substantial increase. However, this increase is not a significant impact, because there are no sensitive receptors at receptor location 34, the Sycamore Canyon Wilderness Park and the Project’s mitigated noise levels are within the General Plan 2025 “Normally Acceptable” compatibility criteria (55-70 dBA) for neighborhood park land uses. (DEIR, p. 5.12-40.)

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.



**Response to Comment 37-BB:**

Comment noted, the Mitigation Area is not deferred mitigation but a specific area with specific criteria and location for the relocation of the blue line stream that includes specific measurements to confirm the health and wellbeing of the area to be created.

**MM BIO 3** reads as follows:

**MM BIO 3:** As required by the Project's DBESP, prior to issuance of grading permits the Project proponent shall provide evidence to the City Planning Division that a Habitat Mitigation and Monitoring Plan (HMMP) has been approved by the USFWS and CDFW for the Mitigation Area. Success criteria for the HMMP will include: 85% percent coverage of the existing riparian habitat, no more than 10% cover of non-native species, and reduction of supplemental watering during the last two years of monitoring. The Mitigation Area shall be monitored by a qualified biologist retained by the Project proponent for a minimum of five (5) years and monitoring reports shall be provided to the City, RCA, USFWS, and CDFW. (DEIR, p. 5.4-30.)

**MM BIO 3** outlines specific implementation of the requirements of the DBESP and is not uncertain. Additionally, the HMMP must be approved by the United States Fish and Wildlife Service (USFWS) and CDFW before grading permits can be issued by the City for the Project, thereby not deferring mitigation. If the HMMP is not approved the Project cannot move forward. City and agency review of monitoring report will ensure that the HMMP and Mitigation Area are functioning according to design.

Therefore, with implementation of mitigation measure **MM BIO 3**, which requires a Habitat Mitigation Management Plan (HMMP) be prepared describing the habitat creation and establishment of success criteria, there will be no net loss of riparian/riverine habitat as a result of the proposed Project. (DEIR, p. 5.4-21.)

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-CC:**

The conservation easement including management and monitoring of the Mitigation Area is clearly defined and guaranteed with mitigation measure **MM Bio 4**.

**MM BIO 4:** Prior to the issuance of any occupancy permit, the Project proponent shall provide evidence to the City Planning Division that the Mitigation Area has been placed under a conservation easement and dedicated to an approved mitigation entity to be managed in perpetuity. (DEIR, p. 5.4-31.)

**MM BIO 4** ensures that the Mitigation Area will be placed under a conservation easement and will be managed in perpetuity. Conservation easements are accepted with proper funding and management plans through an agreement on behalf of the applicant and the mitigation entity.

Since an easement must be secured prior to the issuance of occupancy permits for the Project, the Mitigation Area will be adequately protected in perpetuity.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-DD:**

As discussed in Section 3 – Project Description and 5.10 – Land Use Planning of the DEIR, a Minor Conditional Use Permit (MCUP) is required to allow for warehouses greater than 400,000 square feet pursuant to City of Riverside Municipal Code, Title 19, Zoning Code, Chapter 19.150, Base Zones Permitted Land Uses. This requirement is to provide for a discretionary review that looks at both the City of Riverside Good Neighbor Guidelines in terms of the proposed use’s compatibility and whether the proposed use can provide significant jobs to warrant the number of truck trips a building of such a size will generate. (DEIR, pp. 3-22, 5.10-5.) According to Appendix M of the DEIR, the Project is consistent with the City’s Good Neighbor Guidelines. The Findings required for the MCUP will be presented to the Planning Commission and City Council under separate cover.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-EE:**

Although Project-related construction activities will result in temporary and periodic exposure of the Sycamore Canyon Wilderness Park to noise levels in excess of standards established in the Riverside Municipal Code, these impacts are short-term in nature and will not result in long-term impacts to the Sycamore Canyon Wilderness Park. According to DEIR page 5.12-26 and as shown on **Figure 5.12-5 – Operational Noise Levels (Leq) No Mitigation** of the DEIR, the operational noise level at the property line between the Project site and the Sycamore Canyon Wilderness Park is 55 dBA  $L_{eq}$ , which is below the Municipal Code noise standard for public recreational facilities (65 dBA  $L_{eq}$ ). Consequently, the proposed setback and fencing between the Project buildings and the Sycamore Canyon Wilderness Park is sufficient because the noise level is below the City Municipal Code noise standard for public recreational facilities. Thus, the Project is consistent with GP 2025 Policies LU-7.1 and LU 7.2.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-FF:**

Land Use: The City of Riverside General Plan 2025 (the GP 2025) designates the Project site as Business/Office Park (B/OP) and the site is zoned Business and Manufacturing Park under the Sycamore Canyon Business Park Specific Plan Zoning (BMP-SP). (DEIR, **Figure 3-4 – Land Use Designation Map**, DEIR **Figure 3-5 – Zoning Map**.) Development of the Project site is also guided by the City’s *Sycamore Canyon Business Park Specific Plan (SCBPSP)*, which was adopted in 1984 by the City in order to encourage and provide incentives for economic development in the area. The site is designated as Industrial in the SCBPSP. (DEIR, p. 3-14.)

The proposed Project is consistent with the planned land use for the site in both the GP 2025 and SCBPSP. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

With respect to the Good Neighbor Guidelines, the City adopted *Good Neighbor Guidelines Siting New and/or Modified Warehouse/Distribution Facilities* to provide the City and developers with a variety of strategies that can be used to reduce diesel emissions from heavy-duty trucks that deliver goods to and from warehouse and distribution centers, such as the proposed Project. (DEIR, p. 5.3-16.) As discussed in DEIR Appendix M, the proposed Project is consistent with all the goals and strategies outlined in the City's *Good Neighbor Guidelines*. (DEIR Appendix M, pp. M-66–M-72.) Because each Project and property have different characteristics and circumstances, the City's *Good Neighbor Guidelines* do not include recommendations regarding setbacks between distribution center buildings and adjacent residential uses. Rather, it recommends that a Health Risk Assessment (HRA) be prepared for any warehouse project within 1,000-feet of residential properties. The HRA should indicate how the project can be designed to limit health risks. The site has been designed in order to minimize impacts on the adjacent residential area including placement of driveways and onsite parking areas away from the adjacent residential areas, consistent with the policies contained in the City's *Good Neighbor Guidelines*.

Consistent with the *Good Neighbor Guidelines*, because there are residences located within 1,000 feet from the proposed Project, a Screening HRA was prepared in June 2016 (included in Appendix B of the DEIR) and a refined HRA was prepared in November 2016 (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>) to evaluate cancer and non-cancer risks associated with the proposed Project. The November HRA was prepared in response to comments received from the SCAQMD. In both the June HRA and the November HRA, none of the South Coast Air Quality Management District (SCAQMD) cancer or non-cancer thresholds are exceeded as a result of Project operation for both workers and residents within the Project site vicinity. (DEIR, p. 5.3-34.)

With regard to air quality: The (SCAQMD) is responsible for monitoring air quality, as well as planning, implementing, and enforcing programs designed to attain and maintain state and federal ambient air quality standards. Accordingly, SCAQMD has developed regional thresholds that can be used to determine if a project will have significant air quality impacts. The Air Quality Report (AQ Report, Appendix B to the DEIR) modeled Project-related emissions and compared estimated emissions to the SCAQMD thresholds.

The Project's short-term emissions are below regional and localized thresholds. However, the Project's long-term Oxides of Nitrogen (NO<sub>x</sub>) emissions of 339.39 lbs/day in the winter and 325.95 lbs/day in the summer will exceed the SCAQMD regional threshold of 55 lbs/day even after incorporation of Project design features and feasible mitigation measures **MM AQ 1** through **MM AQ 15**, **MM AQ 18**, and **MM AQ 19** as well as additional **MM AQ 22** through **MM**

**AQ 25** (listed in Response to Comment 37-N). (DEIR, pp. 5.3-26, 5.3-27, 5.3-30, 5.3-35–5.3-40.)

Based on the above and as concluded in the DEIR Section 5.3 and DEIR Section 6.1.5, regional air quality impacts from long-term operation are significant and unavoidable and the Project is considered to have a cumulatively considerable net increase on non-attainment pollutants in the region under applicable state and federal standards. Therefore, the impact is considered significant and unavoidable and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.3-40.)

SCAQMD has also developed localized significance thresholds (LSTs), which represent the maximum emissions from a project that would not cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standards. Based on the air quality analysis prepared for this Project, neither the short-term construction nor long-term operation of the Project will exceed SCAQMD LST at sensitive receptors, such as the residences, within the Project vicinity for any criteria pollutants. (DEIR, p. 5.3-29.) This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

With regard to aesthetics, although a 1,000-foot buffer has not been included in the Project, certain features of the site design and location do minimize aesthetic impacts. The site has been designed to incorporate a 100-foot buffer, including 64 feet of landscaping, between the northern wall of Building 2 and the north property line adjacent the residences. This increased buffer zone, enhanced landscaping and that Building 2 was designed with no loading docks or parking located on its north side (between Building 2 and the residences to the north), all work to minimize impacts to these residents.

The proposed Project, as originally submitted and presented at the August 26, 2015 scoping meeting for the DEIR, proposed two buildings totaling 1.43 million square feet (SF) with the northern building (Building 2) setback 60 feet from the northerly property line. (DEIR, **Figure 8-1 – Original Project**.) As discussed on page 8-3 of the DEIR, during preparation of the DEIR, the Project applicant received feedback from the City, encouraging additional setback and landscaping along the northern portion of the Project site and a reduction in the size of the Building 2. As a result, the proposed Project was revised by the Project applicant so that the northern wall of Building 2 is located 100 feet south of the residential lots north of the Project site.

As discussed above, the 100-foot setback between Building 2 and the northern property line will encompass 64 feet of landscaping, a 30-foot wide drive aisle (vehicles only, no trucks) and a 6-foot wide landscape planter adjacent to Building 2. (DEIR, p. 3-35, **DEIR Figure 3-10 – Proposed Site Plan, DEIR Figure 3-11 – Conceptual Landscape Plan**.) Additionally, there are no dock doors or parking on the northern side of Building 2, closest to the residences to the north.

The western wall of Building 2 is located approximately 138 feet from the rear property line of the residences located northwest of the site. There is an approximately 101-foot wide Mitigation Area, consisting of native landscaping materials, that provides additional screening and buffer from the residences to the northwest (DEIR, **Figure 3-10 – Proposed Site Plan** and **Figure 3-11 – Conceptual Landscape Plan**).

Building 1 is located downslope from and south of Building 2 and is not expected to be visible from the residential neighborhood to the north. (DEIR, p. 5.1-8.) The Project will also, implement mitigation measures **MM AES 1** (See Response to Comment 37-J for **MM AES 1**). (DEIR, pp. 5.12-19, 5.12-31–5.12-33.)

Furthermore, as discussed in Response to Comment 37-N, mitigation measures **MM AQ 13** and **MM AQ 22** will be revised in the FEIR to limit truck idling at the Project site to three minutes or less, which exceeds the requirements of the California Air Resources Board (CARB).

The Project includes additional City Design Review and will implement mitigation measure **MM AES 9** (See Response to Comment 37-D for **MM AES 9**.) to ensure that the buildings are designed in accordance with this measure. (DEIR, p. 5.1-35.)

Aesthetic impacts of the Project were found to be less than significant in the DEIR through the incorporation of Project design features and mitigation measures. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

With regard to noise, with implementation of mitigation measure **MM NOI 15** (listed below), which is within the control of the City and the Project Applicant, noise from Project operations would only exceed the City's nighttime noise standard at only two receptors (nos. 3 and 4), which would not result in the Project being inconsistent with GP 2025 Policy LU-9.7.

**MM NOI 15:** A restriction of nighttime use between the hours of 10:00 PM to 7:00 AM shall be implemented for the portion of the loading area and trailer parking located just south of Building 2 and within 360 feet of the western property line as shown on **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation**. (DEIR, p. 5.12-46.)

With regard to traffic: A Traffic Impact Analysis (TIA) was prepared for the Project to analyze Project-related impacts to roadway and freeway segments in the Project vicinity. Implementation of the Project will introduce additional traffic to the study area. All study area intersections and freeway segments will continue to operate at an acceptable level of service (LOS) when Project-related traffic is added to the existing traffic, traffic from ambient growth, and traffic from cumulative development projects except for the Eastridge-Eucalyptus I-215 Northbound off-ramp, the intersection of Sycamore Canyon Boulevard/Dan Kipper Drive, and the Fair Isle/Box Springs I-215 northbound ramp. In order for the freeway segments to operate at an acceptable LOS, improvements to the freeway would be required. However, freeway facilities are under

the jurisdiction of Caltrans and there is no mechanism for the City or Project proponent to contribute fair share fees or implement improvements to change the LOS from unsatisfactory to satisfactory. For these reasons, Project impacts are considered significant and unavoidable until improvements are funded or constructed by Caltrans. (DEIR, p. 5.16-52.) Although this impact is significant and unavoidable, the City has the discretion to adopt a Statement of Overriding Considerations and move forward with the Project if there is evidence to support such action. Based on the above discussion from the DEIR, the Project will be consistent with the City's GP 2025 Policy LU-9.7.

The revision to mitigation measures **MM AQ 13** and **AQ 22** to change the idling time from five minutes to three minutes does not constitute significant new information that would require recirculation of the DEIR. Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-GG:**

The comment specifically calls out Policy LU-30.3. With regard to aesthetics, the Project includes additional City Design Review and will implement mitigation measure **MM AES 9** (listed in Response to Comment 37-D) to ensure that the buildings are designed in accordance with this measure. (DEIR, p. 5.1-35.)

Aesthetic impacts of the Project were found to be less than significant in the DEIR through the incorporation of Project design features and mitigation measures. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Traffic: A Traffic Impact Analysis (TIA) was prepared for the Project to quantify Project-related impacts to roadway and freeway segments in the Project vicinity. Implementation of the Project will introduce additional traffic to the study area. All study area intersections and freeway segments will continue to operate at an acceptable level of service (LOS) when Project-related traffic is added to the existing traffic, traffic from ambient growth, and traffic from cumulative development projects except for the Eastridge-Eucalyptus I-215 Northbound off-ramp, the intersection of Sycamore Canyon Boulevard/Dan Kipper Drive, and the Fair Isle/Box Springs I-215 northbound ramp. In order for the freeway segments to operate at an acceptable LOS, improvements to the freeway would be required. However, freeway facilities are under the jurisdiction of Caltrans and there is no mechanism for the City or Project proponent to contribute fair share fees or implement improvements to change the LOS from unsatisfactory to satisfactory. For these reasons, Project impacts are considered significant and unavoidable until improvements are funded or constructed by Caltrans. (DEIR, p. 5.16-52.) Although this impact is significant and unavoidable, the City has the discretion to adopt a Statement of Overriding Considerations and move forward with the Project if there is evidence to support such action.

Additionally, the Project approval process involves an additional City Design Review component to ensure that new building designs, wall designs, site design, landscaping and irrigation plans, lighting plans, parking plans, open space areas, and pedestrian areas are reviewed to confirm compliance with the DEIR and City codes and to avoid monotonous repetition, but allowing, when feasible, for originality of design. (DEIR, p. 3-26.)

With regard to Project-generated nighttime noise, implementation of mitigation measures **MM NOI 13** (listed below) through **MM NOI 15** (See Response to Comment 37-FF for **MM NOI 15**), and **MM AQ 14** (See Response to Comment 37-N for **MM AQ 14**), noise from nighttime operations at the Project site will be reduced to acceptable levels for all receptors except two residences located northwest of the Project site. Because these two residences are at a higher elevation than the Project site, a noise barrier as described in **MM NOI 16**, below, is required to reduce nighttime noise to below the City's nighttime noise standard of 45 dBA  $L_{eq}$ . (DEIR, pp. 5.12-26–5.12-28, 5.12-47, DEIR **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation.**)

**MM NOI 13:** To reduce noise associated with the use of back-up alarms, either ambient-sensitive self-adjusting backup alarms or manually adjustable alarms shall be used on all equipment in use on the Project site that requires a backup alarm. Ambient sensitive self-adjusting backup alarms increase or decrease their volume based on background noise levels. The alarm self-adjusts to produce a tone that is readily noticeable over ambient noise levels (a minimum increment of 5 decibels is typically considered readily noticeable), but not so loud as to be a constant annoyance to neighbors. Close attention shall be given to the alarm's mounting location on the machine in order to minimize engine noise interference, which can be sensed by the alarm as the ambient noise level. These alarms shall be mounted as far to the rear of the machine as possible. An alarm mounted directly behind a machine radiator will sense the cooling fan's noise and adjust accordingly.

If manually-adjustable alarms are used, each alarm shall be set at the beginning of each day and night shift. The manual setting feature eliminates the machine mounting location problem of the ambient-sensitive self-adjustable backup alarms. Alternatively, back-up movements can be supervised with a guide and flagging system.

**MM NOI 16:** Prior to finalization of building permit, the temporary 12-foot noise barrier shall be removed and the Project applicant shall work with City Design Review staff and the property owners of receptor location 3 (6063 Bannock) and receptor location 4 (6066 Cannich) to determine the design and materials for a noise barrier that is mutually acceptable to the Project Applicant, City Design Review staff, and the property owners. The noise barrier shall be ten-foot high installed at the top of the slope of the residential properties west of the Project site. The designed noise screening will only be accomplished if the barrier's

weight is at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-site openings between the shielded areas and the project site. Noise control barrier may be constructed using one, or any combination of the following materials: masonry block; stucco veneer over wood framing (or foam core), or 1-inch thick tongue and groove wood of sufficient weight per square foot; glass (1/4 inch thick), or other transparent material with sufficient weight per square foot; or earthen berm.

Prior to the issuance of a Certificate of Occupancy for the Project, the Project applicant shall construct said noise barrier provided all of the property owners upon whose property the barrier is proposed to be constructed provide written authorization for such construction. The Project applicant shall provide written notice to the property owners of its intent to commence wall construction at least 90-days prior to the anticipated construction date. If all of the property owners do not authorize the construction of the wall in writing, including providing the applicant with all requisite legal access to the affected properties, within 60 days of applicant's written notice, the applicant shall instead pay to the property owners the equivalent cost to construct the wall, based on applicant's good faith estimate.

With the installation of a ten-foot tall noise barrier at the locations where the property owners will permit per mitigation measure **MM NOI 16**, operational noise will not exceed the City's nighttime noise standard of 45 dBA. However, because the noise barrier outlined in **MM NOI 16** would be on private property, the installation of this mitigation measure is dependent on the individual property owner to authorize, not the Project Applicant. For this reason, impacts are significant and unavoidable with feasible mitigation, and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.12-48.)

Based on the above discussion and as analyzed in the DEIR, the Project will be consistent with the City's GP 2025 Policy LU-30.3.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-HH:**

The comment specifically calls out Policy LU-79.2. The Commenter incorrectly references the residential noise standard for the Sycamore Canyon Wilderness Park. Although Project-generated noise impacts during construction will be significant to the Sycamore Canyon Wilderness Park, the Project has been designed to be screened from and not disrupt the Sycamore Canyon Wilderness Park in accordance with GP 2025 Policy LU-79.2. This includes installation of a temporary noise barrier during Project construction as well as fencing and landscaping to create a buffer between the Project site and adjacent Park area.



**MM NOI 1:** To reduce noise impacts to the surrounding residences and Sycamore Canyon Wilderness Park, prior to any Project-related construction or site preparation, a 12-foot tall temporary noise barrier shall be installed along the Project site's northern and western property line. The barrier shall be continuous without openings, holes or cracks and shall reach the ground. The barrier may be constructed with 1-inch plywood and provide a transmission loss of at least 23 dBA to ensure construction noise levels do not exceed 75 dBA at single-family residential units located near the proposed project. Other materials providing the same transmission loss shall also be permitted with the approval of the City Planning Division. (DEIR, p. 5.12-45.)

The DEIR analyzed and concluded operational noise impacts to the Sycamore Canyon Wilderness Park are less than significant because Project-generated noise will be below the City's noise standard for regional parks. The Urban/Wildlife Interface Guidelines set forth in MSCHP Section 6.1.4 state MSCHP Conservation Areas *should* (emphasis added) not be subject to noise that would exceed residential noise standards. That is a guideline, not a requirement. As shown on DEIR Figure 5.12-6 – Operational Noise Levels (Leq) with Mitigation, noise at the property line between the Project site and the Sycamore Canyon Wilderness Park (receptor no. 34) will be 55 dBA, which is below the Municipal Code noise standard for public recreational facilities (65 dBA  $L_{eq}$ ). Consequently, the proposed setback and fencing between the Project buildings and the Sycamore Canyon Wilderness Park is sufficient because the noise level is below the City Municipal Code noise standard for public recreational facilities. Based on the above discussion and analysis in the DEIR, the Project will be consistent with the City's GP 2025

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 37-II:**

The comment specifically calls out Policy LU-80.3. The Project's proposed walls, fencing and landscaping will minimize aesthetic and noise impacts to the adjacent residences and the Sycamore Canyon Wilderness Park. The Project has been designed to incorporate several design features and the mitigation measures intended to minimize adverse land use conflicts between industrial uses and the residential and open space properties that abut the specific plan area, are consistent with General Plan 2025 Policy LU-80.3. The following design features are discussed on DEIR page 5.10-9:

Design features refer to ways in which the proposed Project will avoid or minimize potential impacts through the design of the Project. The proposed Project has been designed with sensitivity to the adjacent land uses, particularly Sycamore Canyon Wilderness Park to the west, and the existing residential neighborhoods to the north and northwest.

With regard to the Sycamore Canyon Wilderness Park, the Project includes a Mitigation Area and landscaping along its westerly boundary (**Figure 3-11 – Conceptual Landscape Plan**) to transition from the docks and trailer parking

area to the Wilderness Park. The Project also includes a trail to provide controlled access for pedestrians and bicyclists to the park and a Fire Access/Parks Maintenance Road so emergency and maintenance vehicles can access the park when needed.

With regard to the adjacent residential neighborhood, the Project proposes a 64-foot wide landscaped buffer between Building 2 and the residences to the north and a minimum of 100-feet of landscaping along the western boundary adjacent to the residences (**Figure 3-11 and Figure 3-10 – Proposed Site Plan**). Additionally Building 2 does not propose any dock doors or parking on the north side of the building, so as to locate those activities away from the Sycamore Highlands residential neighborhood. As shown on Figure 3-10 all of Building 2’s docks and trailer parking are south of the building. Vehicular parking is located on the east and south of Building 2.

The discussion under Policy GP LU 80.3 on DEIR page M-16 and M-17 will be amplified in the FEIR as shown below.

<p>Policy LU-80.3</p>	<p>Minimize any adverse land use conflicts between industrial uses and the residential and open space properties that abut specific plan areas.</p>	<p>The proposed Project is located within the Sycamore Canyon Business Park Specific Plan and abuts residential land uses to the north <u>and northwest</u> and the Sycamore Canyon Wilderness Park to the west. Project design will ensure that the residential neighborhood located to the north <u>and northwest</u> will be protected from development of the proposed Project. As a result, the Project Proponent did not propose parking along the northern side of Building 2, has designed Building 2 with no cross dock facilities, and has set the building back 100-feet from the nearest residential property line. Additionally, the Project proposes an on-site trail easement which will provide connectivity for recreational users of the Sycamore Canyon Wilderness Park and a parking lot for the users to safely park and access the trail. Fencing, <u>the Mitigation Area</u>, and on-site landscaping will provide visual appeal, functionality, and will act as a buffer which will shield the Project site from the surrounding land uses. Finally, the Project is required to comply with MSHCP Section 6.1.4 (Urban/Wildlands Interface) which will reduce land use conflicts between the</p>
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		proposed Project operations and the park.
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The amplification of the discussion in Appendix M does not constitute significant new information that would require recirculation of the DEIR. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-JJ:**

Comment noted, this comment represents an opinion, but does not provide any explanation, information, specific examples, or other support for the comment. A comment which draws a conclusion without elaborating on the reasoning behind, or the factual support for, those conclusions does not require a response. Under CEQA, the lead agency is obligated to respond to timely comments with “good faith, reasoned analysis.” (CEQA Guidelines, § 15088(c).) These responses “shall describe the disposition of the significant environmental issues raised . . . [and] giv[e] reasons why specific comments and suggestions were not accepted. (CEQA Guidelines, § 15088(c).) To the extent that specific comments and suggestions are not made, specific responses cannot be provided and, indeed, are not required. (*Browning-Ferris Industries of California, Inc. v. City Council of the City of San Jose* (1986) 181 Cal.App.3d 852 [where a general comment is made, a general response is sufficient].) Nonetheless, the proposed logistics center at the Project site will contribute to the economic success of the Sycamore Canyon Business Park by constructing a project that is allowed by the zoning and turning a vacant site into a Project that will create jobs for residents of the City. The Project site is currently served by water, sewer, regional stormwater, telephone lines, cable lines, and natural gas service. The construction of the proposed Project completed the City’s development plan of the SCBPSP in this portion of the Plan Area. (DEIR, p. 3-40.)

The Project is consistent with the GP 2025 Policy LU-80.6 and this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-KK:**

Comment noted, the DEIR analyzed and concluded that Project-generated traffic will not have a significant impact on local roadways (DEIR, pp. 5.16-56 – 5.16-57.)

With regard to the trip distribution (i.e. the trip directional orientation of Project-generated traffic) used in the TIA, the TIA was prepared by a registered professional traffic engineer with local experience and expertise in traffic modeling. The trip distribution used in the TIA is based on professional engineering judgement and was approved by the City as part of the scoping agreement. (See Appendix A of the TIA.) Factors taken into consideration in developing the trip distribution model include: the existing roadway system, existing traffic patterns, and existing and future land uses. The Project will prevent passenger car and truck egress onto Dan Kipper Drive by installing small barriers (referred to as “pork chops”) at all three Project driveways that will limit left-out turns onto Lance Drive. (DEIR pp. 5.16-26.) This will force both outbound (i.e. leaving the Project site) passenger cars and trucks to turn south onto Lance Drive to Sierra

Ridge Drive and then east on Sierra Ridge Drive to Sycamore Canyon Boulevard (see **DEIR Figure 5.16-3 – Project Trip Distribution (Passenger Cars – Outbound)**, and **DEIR Figure 5.16-5 Project Trip Distribution (Trucks – Outbound)**). From the intersection of Sierra Ridge Drive and Sycamore Canyon Boulevard, outbound vehicles will either turn north or south to travel to I-215 or other surrounding roadways. (DEIR, pp. 5.16-26.) From the intersection of Sierra Ridge Drive/Sycamore Canyon Road, it is approximately 0.7 miles to the Eastridge-Eucalyptus interchange and approximately 0.9 miles to the Fair-Isle Drive/Box Springs Road interchange. Thus, it is reasonable to expect that outbound cars and trucks will use the Eastridge Avenue-Eucalyptus Avenue interchange

These trip distribution assumptions are supported by the traffic counts taken for the TIA, which indicate 5% of the vehicles using the Fair Isle Drive-Box Springs Road/I-215 interchange are trucks and that 9% of the vehicles using the Eucalyptus Avenue-Eastridge Avenue/I-215 interchange are trucks. That is, nearly twice the number of trucks using the Eucalyptus Avenue-Eastridge Avenue/I-215 interchange as the Fair Isle Drive-Box Springs Road/Interchange. (Detailed AM and PM classification intersection counts taken for the TIA can be found in the Appendix C of the TIA, which is part of DEIR Appendix J.)

Although southbound cars and trucks will reach the Fair Isle Drive-Box Springs Road interchange from southbound Interstate 215 (I-215) first, the Eastridge Avenue-Eucalyptus Avenue interchange is closer to the Project site and would involve less driving on surface streets.

Therefore, the Project is consistent with the GP 2025 Policies CCM 2.2, CCM 2.3, and CCM 2.4 and this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-LL:**

Comment noted, as discussed in Appendix M of the DEIR, the Project is consistent with Policies CCM-2.7 and CCM-2.8 as summarized below.

The intersection of Sycamore Canyon Boulevard and Sierra Ridge Drive was included as one of the study intersections in the TIA prepared to analyze Project-related impacts to roadways in the Project vicinity (Study Intersection No 6 (DEIR **Figure 5.16-1** and DEIR page 5.16-4). This intersection will operate at acceptable level of service with the existing plus ambient growth plus Project plus cumulative conditions without any improvements to the intersection. (DEIR, p. 5.16-57.) The Project does not propose any driveway or local road access to Sycamore Canyon Boulevard. Further, as the main north-south roadway through the SCBPSP, Sycamore Canyon Boulevard was designed as a 4-lane north/south divided roadway in the Project area between Fair Isle Drive and Eucalyptus Avenue. Sycamore Canyon Boulevard is designated as an Arterial Street (4-lanes divided, 110-foot right-of-way) in the GP 2025 Circulation and Community Mobility Element. (DEIR, p. 5.16-3.) Thus, it was intended to be used by trucks servicing the warehouses within the SCBPSP. Also, refer to Response to Comment 37-KK above.

Therefore, the Project is consistent with the GP 2025 Policies CCM-2.7 and CCM-2.8. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-MM:**

Comment noted, as discussed in Appendix M of the DEIR, the Project is consistent with ensuring that new development projects provide adequate truck loading and unloading facilities in accordance with Policy CCM-12.2 as summarized below.

It is anticipated that the site will operate 24/7 in which case queuing would not be an issue. However due to issues with other projects within the City, a queuing analysis was performed in the event the Project is not a 24/7 operation. If the Project does not operate as proposed, the potential for queuing would be greatest during the morning, before the site gates open. The queuing capacity for Building 1 is approximately 32 to 35 semi-truck with trailers, which is greater than the anticipated number of trucks expected to arrive during the AM peak hour. The Building 2 queuing capacity is approximately 5 to 6 semi-trucks with trailers, which is slightly less than the 9 trailer trucks anticipated to arrive during AM peak hours. (DEIR Appendix M, p. M-23.)

It is unlawful to park commercial trailers or semi-trailers on any public street, highway, road, or alley within the City except at specific designated locations, such as the designated commercial vehicle parking located on Box Springs Boulevard near the Project site. (DEIR, p. 5.16-49.) It can be reasonably assumed that trucks visiting the Project site would follow these regulations and not park on neighborhood streets. However, in the trucks are observed parking illegally, residents may call 311 and will be routed to the Traffic Department and Police Department so that the appropriate response can be coordinated.

Therefore, the Project is consistent with the GP 2025 Policy CCM-12.2. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-NN:**

Comment noted, this comment represents an opinion, but does not provide any explanation, information, specific examples, or other support for the comment. A comment which draws a conclusion without elaborating on the reasoning behind, or the factual support for, those conclusions does not require a response. Under CEQA, the lead agency is obligated to respond to timely comments with “good faith, reasoned analysis.” (CEQA Guidelines, § 15088(c).) These responses “shall describe the disposition of the significant environmental issues raised . . . [and] giv[e] reasons why specific comments and suggestions were not accepted. (CEQA Guidelines, § 15088(c).) To the extent that specific comments and suggestions are not made, specific responses cannot be provided and, indeed, are not required. (*Browning-Ferris Industries of California, Inc. v. City Council of the City of San Jose* (1986) 181 Cal.App.3d 852 [where a general comment is made, a general response is sufficient].) Nonetheless as discussed in Appendix M of the DEIR and DEIR Section 5.15-7, the

Project is consistent with striving to minimize through truck traffic in residential areas, and enforce City codes that restrict trucks on certain streets consistent with Policy CCM-12.4.

Refer to Responses to Comments 37-KK and 37-LL. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-OO:**

Comment noted, as discussed in Appendix M of the DEIR and Section 5.4, the Project is consistent with continuing efforts to establish a wildlife movement corridor between Sycamore Canyon Wilderness Park and the Box Springs Mountain Regional Park as shown on the MSHCP.

The Multiple Species Habitat Conservation Plan (MSHCP) identifies Criteria Cell areas to be set aside for conservation, including providing linkages between habitat areas. Because the Project site is not within an identified MSHCP Criteria Cell, it is not intended to be a part of the habitat linkage between the Sycamore Canyon Wilderness Park and the Box Springs Mountain. (DEIR, p. 5.4-22.) Therefore, development of the Project site will not conflict with efforts to establish a wildlife movement corridor between Sycamore Canyon Wilderness Park and the Box Springs Mountain Regional Park as shown on the MSHCP and as a result of this the Project is consistent with the GP 2025 Policy OS-6.4. Thus, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-PP:**

Comment noted, as discussed in Section 5.12 and Appendix M of the DEIR, the Project is consistent with continuing to enforce noise abatement and control measures particularly within residential neighborhoods within Policy N-1.1.

Ambient noise monitoring locations that would be quieter were intentionally selected to avoid the perception that ambient noise was measured at the noisiest spots in order to understate the Project's impacts with regard to operational noise. The purpose of the ambient noise measurements is to provide a basis for the comparison of noise impacts with and without the Project. **DEIR Table 5.12-J – Pre- and Post-Project Noise Levels (in CNEL)** compares the Community Noise Equivalent Level (CNEL) of the monitored ambient noise calculated from the 24-hour noise measurements set forth in **DEIR Table 5.12-C – Existing 24-Hour Noise Levels in Project Vicinity** with the mitigated operational noise levels in CNEL assuming a uniform  $L_{eq}$  for a 24-hour operation,

The CNEL is a 24-hour weighted average measure of community noise. To account for increased human sensitivity at night, the CNEL scale includes a 5-dB weighting penalty on noise occurring during the 7:00 p.m. to 10:00 p.m. time period, and a 10-dB weighting penalty on noise occurring during the 10:00 p.m. to 7:00 a.m. time period. (DEIR, p. 5.12-3.) The CNEL

values reported in DEIR **Table 5.12-J**, were calculated using the Ldn, Lden, CNEL Community Noise Calculators, available at <https://www.noisemeters.com/apps/ldn-calculator.asp>.

If, as the comment states, the 24-hour ambient noise measurements taken at Monitoring Locations ST1 and ST2 (as shown on DEIR **Figure 5.12-1 – Noise Measurement Locations**) are lower than the existing ambient noise as asserted by the commenter, the calculated CNEL would be higher than what is reported in DEIR **Table 5.12-J**. Consequently, this would mean that the difference between the Project’s operational noise CNEL and the ambient noise levels, shown in the column entitled “Difference in dBA”, would be less than what is reported in DEIR **Table 5.12-J**. To the extent that the difference reported in DEIR **Table 5.12-J** is greater than what the commenter asserts, the DEIR constitutes a conservative analysis.

With regard to the comparing the pre- and post-Project CNEL without implementation of mitigation measure **MM NOI 16**, this would only change the results for receptor nos. 3 and 4 as shown in the table below because implementation of mitigation measure **MM NOI 15** is within the control of the City and the Project Applicant. The mitigated operational noise levels for receptor nos. 3 and 4 with mitigation measure **MM NOI 15** only (i.e., no noise barrier as required by **MM NOI 16**) is shown below.

Monitored Location <sup>a</sup>	Measured Noise Level (CNEL <sup>b</sup> ) In dBA	Receptor No. <sup>c</sup>	Mitigated Operational Noise Level (with MM NOI 15 only) (CNEL) In dBA	Difference In dBA	Substantial Increase?	Mitigated Operational Noise Level (includes MM NOI 15 and MM NOI 16) (CNEL) In dBA	Difference In dBA	Substantial Increase?
ST2/LT2	52	4 (1 <sup>st</sup> floor)	52	0	No	46	-6	No
		4 (2 <sup>nd</sup> floor)	54	2	No	51	-1	No
		3 (1 <sup>st</sup> floor)	51	-1	No	46	-6	No
		3 (2 <sup>nd</sup> floor)	54	2	No	50	-2	No

Thus, as shown in the above table, even if the noise barrier identified in mitigation measure **MM NOI 16** is not constructed, with implementation of mitigation measure **MM NOI 15**, there will be a less than substantial increase (i.e., less than 5 dBA) from the Project’s operational noise on receptor nos. 3 and 4.

This clarification of the noise analysis to show how the removal of mitigation measure **MM NOI 16** changes the resulting noise levels on the two receptors on whose property the noise wall would be constructed, does not constitute significant new information that would require recirculation of the DEIR. (CEQA Guidelines, § 15088.5.) Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-QQ:**

Comment noted, the Project is consistent with General Plan Policy N-1.2 because it has been designed to include noise-reducing design features, to the extent feasible, consistent with Figure N-10 of Title 24 of the California Code of Regulations to reduce noise impacts including barriers, and site design to locate noise-generating activities at the Project site away from the residences.

The noise barrier described in mitigation measure **MM NOI 16** (See Response to Comment 37-GG for **MM NOI 16**) would only be installed at two residences (6063 Bannock Drive and 6066 Cannich Road) to reduce nighttime noise impacts to those residences. Installation of this noise barrier (wall) is under the discretion of the two property owners, and the property owners will have the opportunity to work with the Project Applicant and City Planning staff to determine the design and materials of this proposed wall. **MM NOI 16** includes specific design specifications the wall must meet to attenuate noise from the proposed Project including a list of possible materials, including glass or other transparent materials. (DEIR, p. 5.12-47.) Therefore, the specific design of this wall has not yet been determined at this time, but the wall could include transparent materials so long as they meet the noise reductions requirement from the mitigation measure.

Because installation of this barrier would have to be agreed upon between the property owners and Project Applicant, the conclusion contained in the DEIR assumes that this wall is not in place. For this reason, noise impacts associated with the Project are significant and unavoidable. However, with implementation of mitigation measures **MM NOI 1** through **MM NOI 16** as well as **MM AQ 14** (See Response to Comment 37-N for **MM AQ 14**) and **MM HAZ 3**, Project-related noise would be reduced to an acceptable level.

**MM NOI 1:** To reduce noise impacts to the surrounding residences and Sycamore Canyon Wilderness Park, prior to any Project-related construction or site preparation, a 12-foot tall temporary noise barrier shall be installed along the Project site's northern and western property line. The barrier shall be continuous without openings, holes or cracks and shall reach the ground. The barrier may be constructed with 1-inch plywood and provide a transmission loss of at least 23 dBA to ensure construction noise levels do not exceed 75 dBA at single-family residential units located near the proposed project. Other materials providing the same transmission loss shall also be permitted with the approval of the City Planning Division. (DEIR, p. 5.12-45.)

**MM NOI 2:** To attenuate initial impact noise generated when an excavator drops rock and debris into a truck bed, heavy grade rubber mats/pads shall be placed within the bed of the trucks. These mats shall be maintained and/or replaced as necessary. (DEIR, p. 5.12-45.)



**MM NOI 3:** During all Project-related excavation and grading, construction contractors shall equip all construction equipment, fixed and mobile, with properly operating and maintained mufflers, consistent with manufacturer standards. (DEIR, p. 5.12-45.)

**MM NOI 4:** All stationary construction equipment shall be located so that emitted noise is directed away from the residences to the north and west and from the Sycamore Canyon Wilderness Park to the west. (DEIR, p. 5.12-45.)

**MM NOI 5:** All construction equipment shall be shut off and not left to idle when not in use. (DEIR, p. 5.12-45.)

**MM NOI 6:** All equipment staging during all phases of construction shall be located in areas that will create the greatest distance between construction-related noise/vibration sources and the residences to the north and west and the Sycamore Canyon Wilderness Park to the west. (DEIR, p. 5.12-45.)

**MM NOI 7:** The use of amplified music or sound is prohibited on the Project site during construction. (DEIR, p. 5.12-45.)

**MM NOI 8:** Haul truck deliveries shall be limited to the same hours specified for construction equipment. (DEIR, p. 5.12-45.)

**MM NOI 9:** It is acknowledged that some soil compression may be necessary along the Project boundaries; however, the use of heavy equipment or vibratory rollers and soil compressors along the Project site's north and western boundaries shall be limited to the greatest degree feasible. (DEIR, p. 5.12-46.)

**MM NOI 10:** Jackhammers, pneumatic equipment, and all other portable stationary noise sources shall be shielded and noise shall be directed away from the residences to the north and west and Sycamore Canyon Wilderness Park to the west. (DEIR, p. 5.12-46.)

**MM NOI 11:** For the duration of construction activities, the construction manager shall serve as the contact person should noise levels become disruptive to local residents. A sign shall be posted at the Project site with the contact phone number. (DEIR, p. 5.12-46.)

**MM NOI 12:** No blasting shall take place on the Project site. (DEIR, p. 5.12-46.)

See Response to Comment 37-GG for **MM NOI 13**

**MM NOI 14:** To reduce operational noise at the residences located west of the Project site, no trucks shall use the northern access road or regular sized vehicle sized parking areas at Building 2 for site access, parking, queuing, or idling. (DEIR, p. 5.12-45.)

See Response to Comment 37-FF for **MM NOI 15**

See Response to Comment 37-GG for **MM NOI 16** See Response to Comment 37-N for **MM AQ 14**

**MM HAZ 3:** The following deed notice and disclosure text shall be provided to all potential purchasers of the Project site property and tenants of the buildings:

NOTICE OF AIRPORT IN VICINITY. This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A). (DEIR, pp. 5.12-47–5.12-48.)

Regarding the comment that the "...study should emphasize noise impacts assuming the barrier is not in place" both the NIA and DEIR disclose construction and operational noise levels without mitigation. As stated in the DEIR:

Because of the topographical differences between the Project site and the location of sensitive receptors, the SoundPLAN Noise Model<sup>9</sup> was used to calculate a worst-case construction noise scenario. The scenario modeled assumes the use of a grader, a rubber tired dozer, a D10 dozer, two water trucks (modeled as dump trucks), two loaders, and 10 scrapers all operating between 40 and 444 feet from the nearest sensitive receptors. Because the Project site contains large rocks, an active rock crusher was also modeled in the southeastern corner of the Project site. (KA, <sup>10</sup> p. 18) As shown on **Figure 5.12-3 – Worst Case Construction Noise Scenario ( $L_{eq}$ ) with No Temporary Barrier**, unmitigated noise levels may reach up to 80 dBA  $L_{eq}$  at the nearest single-family detached residential dwelling units north of the Project site. According to Table 7.25.010A (**Table 5.12-E – Riverside Municipal Code Exterior Nuisance Sound Level Limits**), the daytime exterior noise standard for residential property is 55 dBA. Because construction noise will exceed 55 dBA at the property lines of the residential units adjacent to the Project site, this impact is considered **significant** and feasible mitigation is required. (DEIR, p. 5.12-22.)

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<sup>9</sup>The SoundPLAN Noise Model was used for this analysis as this model can consider differences in topography between a noise source and a receptor.

<sup>10</sup> KA refers to the *Noise Impact Analysis for the Sycamore Canyon Business Park Warehouse*, August 1, 2016. Prepared by Kunzman Associates, Inc. and included as Appendix I to the DEIR.

The Sycamore Canyon Wilderness Park is located west of the Project site and as such will be exposed to construction noise. According to Riverside Municipal Code Table 7.25.010A (**Table 5.12-E**), the exterior noise standard for public recreation facilities is 65 dBA. Since the construction equipment will be in use throughout the entire Project site, unmitigated construction noise levels at the property line between the Park and the Project site may also reach up to 80 dBA  $L_{eq}$ . This impact is considered significant and feasible mitigation is required. (DEIR p., 5.12-22.)

As further discussed in the DEIR:

Mitigation measure **MM NOI 1** requires the installation of a 12-foot high temporary noise barrier at the Project site's northern and western boundaries. As shown on **Figure 5.12-4 – Worst Case Construction Noise Scenario ( $L_{eq}$ ) with 12-Foot High Temporary Barrier**, construction noise levels at the residential property lines at the northern and western boundaries of the Project site are not expected to exceed 70 dBA. (KA, pp. 18, 29 (Figure 5), 30 (Figure 6)) Because some of these noise levels exceed 55 dBA, additional mitigation is required to further reduce construction noise. Thus, the Project will implement mitigation measures **MM NOI 2** through **MM NOI 12**. These measures require: the use of heavy grade rubber mats within the bed of trucks; properly operating mufflers on all construction equipment; placement of stationary construction equipment away from the residential uses; no idling of equipment when not in use; staging of equipment at the greatest distance feasible from the sensitive receptors; prohibition of music or amplified sound on the Project site during construction; limiting haul truck deliveries to the same hours for construction equipment; limiting the use of heavy equipment, vibratory roller, and soil compressors to the greatest degree possible, shielding of jackhammers, pneumatic equipment, and all other portable stationary noise sources to direct noise away from sensitive receptors. Signage will also be placed on the project site with a contact phone number for complaints. Implementation of **MM NOI 1** through **MM NOI 12** is expected to yield up to an additional 10 dBA in noise reduction to minimize maximum noise events (KA, p. 18). Even with implementation of feasible mitigation measures, temporary impacts from construction noise on the adjacent residences and Sycamore Canyon Wilderness Park will be significant and unavoidable. (DEIR, p. 5.12-24.)

Regarding the noise resulting from Project operations, the DEIR contains a thorough analysis of the noise resulting from the following operational sources: semi-trucks (tractor-trailers) entering and exiting the Project site and accessing dock areas, removal and hook-up of trailers, idling trucks, loading and unloading activities, occasional truck air brakes, vehicle movements within the proposed parking areas, trash compactors, and rooftop HVAC systems. (DEIR, p. 5-12-26.) The DEIR concluded that, although unmitigated operational noise will not exceed the City's daytime noise standard of 55 dBA  $L_{eq}$ , it will exceed the nighttime noise standard of 45

dBA  $L_{eq}$  along the western project boundary and at certain residences adjacent to the northwest corner of the Project site. Thus, the Project is required to implement mitigation measures **MM NOI 13** through **MM NOI 16** (see Response to Comments 37-GG, 37-QQ, 37-FF) to reduce operational noise impacts. However, as discussed in Response to Comment 37-GG, because the noise barrier outlined in **MM NOI 16** would be on private properties and neither the City nor Project Applicant has control over construction of the noise barrier, the DEIR concluded operational noise impacts are significant even with incorporation of feasible mitigation. (DEIR, pp. 5.12-24–5.12-34.)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 37-RR:**

The comment specifically calls out Policy N-1.3. As discussed in Appendix M of the DEIR, the Project is consistent with enforcing the City of Riverside Noise Control Code to ensure that stationary noise and noise emanating from construction activities, private developments/residences and special events are minimized.

Enforcement of the noise control code is a municipal responsibility. However, even with implementation of feasible mitigation measures **MM NOI 1** through **MM NOI 12** (See Response to Comments 37-QQ), which will reduce construction noise by approximately 10 dBA, Project-related construction activities will result in temporary and periodic exposure of persons to and generation of noise levels in excess of standards established in the Riverside Municipal Code. The DEIR analyzed construction per the Noise Code standards that were in effect at the time of the Notice of Preparation for DEIR.

On August 18, 2016 (taking effect 30-days later) the City of Riverside City Council adopted Ordinance 7341, amending the Noise Code to exempt construction noise between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. of Saturdays from the standards of the Noise Code. Under these new provisions construction noise would be less than significant.

Unmitigated operational noise will not exceed the daytime noise standard of 55 dBA  $L_{eq}$ . However, it will exceed the nighttime noise standard of 45 dBA  $L_{eq}$  along the western project boundary and at certain residential units adjacent to the northwest corner of the Project site. Implementation of **MM NOI 13** through **MM NOI 16** will reduce operational noise impacts; however, because the noise barrier outlined in **MM NOI 16** would be on private properties, the Project proponent does not have control over construction of the noise barrier. For this reason, impacts are significant even with incorporation of feasible mitigation. (DEIR Appendix M, p. M-53.)

It should be emphasized that the noise barrier described in mitigation measure **MM NOI 16** would only be installed at two residences (6063 Bannock and 6066 Cannich) to reduce the nighttime noise impacts to those residences. Installation of the noise barrier is subject to permission of the property owners and so these property owners will have the choice to either

install the barrier, or accept with elevated noise levels due to operation at the Project site. The nighttime noise levels from the proposed Project meet the City's nighttime standard at all other residences evaluated in the Noise Impact Study and DEIR with implementation of mitigation measure **MM NOI 15** (See Response to Comment 37-FF).

Because installation of this barrier is not under the jurisdiction of the City or the Project proponent, analysis contained in the Draft Environmental Impact Report assumes that this noise barrier is not in place. For this reason, noise impacts associated with the Project are significant and unavoidable. However, with implementation of mitigation measures **MM NOI 1** through **MM NOI 16** as well as **MM AQ 14** and **MM HAZ 3**, Project-related noise would be reduced to an acceptable level.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-SS:**

Comment noted, the Project site will not have any parking and there will be no dock doors on the northern edge of Building 2, the side of the building closest to the residences. Additionally, Building 2 will be setback 100-feet from the residential property line. This 100-foot setback will include 64-feet of landscaping to further reduce noise impacts. Likewise, refuse collection areas are not located near the northern or northwestern edges of the Project site and have been placed in locations further from the residences.

As discussed in Response to Comment 37- KK Egress from the Project site will be limited to right-turns only from all of the Project driveways in order to direct truck and passenger vehicle traffic away from the residences.

Although noise impacts will remain significant and unavoidable, the Project is consistent with General Plan Policy N-1.4 because the Project been designed to include noise-reducing design features, to the extent feasible, consistent with Figure N-10 of Title 24 of the California Code of Regulations to reduce noise impacts including barriers, and site design to locate noise-generating activities at the Project site away from the residences including the DEIR mitigation measures **MM NOI 1** through **MM NOI 16**.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-TT:**

Comment noted, General Plan Policy N-1.5 requires consideration when siting *noise sensitive land uses* to ensure that they are not placed in existing noise-impacted areas. However, the Project itself involves construction and operation of a logistics center

which is not a noise sensitive land use. Therefore, the Project is consistent with Policy N-1.5. Refer to Response to Comments 37-GG and 37-QQ regarding noise attenuation and Project siting away from sensitive land uses to the extent feasible. Thus, the Project is consistent with the GP 2025 Policy N-1.5 and this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-UU:**

Comment noted, as discussed in Section 5.12 and Appendix M of the DEIR, the Project is consistent with the City's efforts to consider noise concerns in evaluating all proposed development decisions and roadway projects; thus, the Project is consistent with Policy N-1.8.

The Project includes various noise-reducing design features to minimize noise impacts, to the extent feasible, from construction, operation, and Project-related traffic and concludes that the nighttime operational noise will exceed the City's nighttime noise standard at two residents in Mitigation Measure MM NOI 16 is not constructed. Refer to Response to Comments 37-GG and 37-QQ regarding noise impacts and specifically the discussion on MM NOI 16. Pursuant to *State CEQA Guidelines* Section 15093, the City can adopt a Statement of Overriding Considerations if findings can be made that the benefits of the Project outweigh the unavoidable adverse environmental impacts. Thus, based on the analysis and discussion in the DEIR, the Project is consistent with the GP 2025 Policy N-1.8. Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-VV:**

Comment noted. The City adopted *Good Neighbor Guidelines Siting New and/or Modified Warehouse/ Distribution Facilities* to provide the City and developers with a variety of strategies that can be used to reduce diesel emissions from heavy-duty trucks that deliver goods to and from warehouse and distribution centers, such as the proposed Project. (DEIR, p. 5.3-16.) As discussed in DEIR Appendix M, the proposed Project is consistent with all of the goals and strategies outlined in the City's *Good Neighbor Guidelines*. (DEIR Appendix M, pp. M-66-M-72.) Because each Project and property have different characteristics and circumstances, the City's *Good Neighbor Guidelines* do not include recommendations regarding setbacks between distribution center buildings and adjacent residential uses. Rather, it recommends that a Health Risk Assessment (HRA) be prepared for any warehouse project within 1,000-feet of residential properties. The HRA should indicate how the project can be designed to limit health risks. The site has been designed in order to minimize impacts on the adjacent residential area including placement of driveways and onsite parking areas away from the adjacent residential areas, consistent with the policies contained in the City's *Good Neighbor Guidelines*.

Consistent with the *Good Neighbor Guidelines*, because there are residences located within 1,000 feet from the proposed Project, a HRA was prepared in June 2016 (included in Appendix

B of the DEIR) and a refined HRA was prepared in November 2016 (included in the Final EIR) to evaluate cancer and non-cancer risks associated with the proposed Project. The November HRA was prepared in response to comments received from the SCAQMD. In both the June HRA and the November HRA, none of the SCAQMD cancer or non-cancer thresholds are exceeded as a result of either Project construction or Project operation for both workers and residents within the Project site vicinity. (DEIR, p. 5.3-34.)

The SCAQMD Governing Board adopted a methodology for calculating localized air quality impacts through localized significance thresholds (also referred to as a LST analysis). Localized significance thresholds represent the maximum emissions from a project that would not cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standards. Localized significance thresholds were developed in recognition of the fact that criteria pollutants such as NO<sub>x</sub> can have local impacts at nearby sensitive receptors as well as regional impacts. Based on the LST analysis, neither the short-term construction nor long-term operation of the Project will exceed SCAQMD LST at sensitive receptors within the Project vicinity for any criteria pollutants. (DEIR, p.5.3-27-29.)

Since the Project does not exceed any SCAQMD LST for NO<sub>x</sub> during construction or operation of the Project, potential Project-related NO<sub>x</sub> and thereby NO<sub>2</sub> exposure was adequately analyzed in the DEIR. Additionally, **MM AQ 17** (See Response to Comment 37-W for **MM AQ 17**) was included that requires the Project to provide Tier 3 grading equipment will be used during Project grading to reduce NO<sub>x</sub> and diesel particulate matter (DPM) impacts to nearby receptors.

In terms of Good Neighbor Guideline Strategy 2a, the Project has a direct route between the Project site and the freeways in that the Project site is accessed from Sycamore Canyon Boulevard, a 4-lane divided major arterial. Further, the “urban intersect” as described in the Sycamore Canyon Business Park Specific Plan at the Interstate 215 and Eastridge Avenue has since been constructed, allowing for a direct connection to Interstate 215. Therefore, the Project is consistent with this Strategy. (DEIR Appendix M, p. M-70.) In the City of Riverside, trucks are generally not restricted to specific roadways; however, the majority of trucks will use the I-215 Ramps at Eastridge Ave-Eucalyptus Ave since it utilizes the “urban intersect”. Nonetheless, pursuant to Chapter 10.56 of the City’s Municipal Code commercial vehicles (trucks) over 10,000 pounds are prohibited from using Lochmoor Drive, Fair Isle Drive and Sycamore Canyon Boulevard, between El Cerrito Drive and University Drive. Based on the average daily trip calculations from the traffic study, truck traffic would only account for approximately 5 percent of total trips on Fair Isle Drive from Sycamore Canyon Boulevard to the I-215 Northbound Ramps for existing plus Project conditions.

Light and noise impacts to Sycamore Canyon Wilderness Park were analyzed in Appendix M of the DEIR under Policy LU-79.2 and Section 5.1 Aesthetics in the DEIR. The Project does not propose any direct lighting into the Sycamore Canyon Wilderness Park. All Project lighting will be directed away from the Park and shall incorporate shielding as required by the Chapter 19.556 of the City’s Municipal Code. As discussed in Section 5.12 – Noise, the Project will install a temporary construction noise barrier along its western boundary to minimize the effect

of noise on the Sycamore Canyon Wilderness Park. Once completed, the Project will include fencing and landscaping surrounding the trailer parking and docking area. (DEIR Appendix M, pp. M-14-15.)

The proposed Project is consistent with the City's *Good Neighbor Guidelines*. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-WW:**

Comment noted. With respect to the grading exceptions, the grading of the Project site is regulated by Title 17 of the City of Riverside Municipal Code (RMC) (Grading Code), which sets forth rules and regulations placed on grading to control erosion, grading, and earthwork construction, including fills and embankments. One of the purposes of the Grading Code is to regulate grading in a manner that minimizes the adverse effects of grading on natural landforms, soil erosion, dust control, water runoff, and construction equipment emissions. (DEIR, p. 5.10-7.)

Section 17.28.020 of the Grading Code applies to any parcel having an average natural slope of 10 percent or greater, or that is located within or adjacent to a delineated arroyo or a blue-line stream identified on USGS map. Although the Project site does not contain any designated arroyos and its average natural slope is less than 10 percent, it is subject to Section 17.28.020 because the site contains a blue-line stream. Therefore, grading must be confined to the minimum amount necessary and the ungraded terrain must be left in its natural form on the remainder of the site. This section also requires the use of contour grading such as rounded and blended slopes; grading that fits into the natural terrain; structures designed to fit with the contours of the hillside; pad size limitations; and grading in blue-line streams limited to the minimum necessary for access or drainage. (RMC) To accommodate the proposed grading plan, exceptions to RMC Section 17.28.020 are proposed. (DEIR, p. 5.6-10.) The grading exceptions make the Project consistent with Title 17.

With respect to the parking variance, development of the Project site is regulated by the City of Riverside, Zoning Code, Title 19, a key tool to implement the policies of the General Plan 2025. Many of the goals, policies, and actions of the General Plan 2025 are achieved through zoning, which regulates public and private development. The Zoning Code contains the regulatory framework that specifies allowable uses for property and development intensities; the technical standards such as site layout, building setbacks, heights, lot coverage, parking, etc.; and the aesthetic impacts related to physical appearance, landscaping, lighting; site design, building design are aspects of the Zoning Code. The Project as proposed complies with the Zoning Code. (DEIR, p. 5.10-5.)

Because the City's Municipal Code does not have a parking standard specific to logistics centers, a variance is needed to permit Parcel 1/Building 1 to provide 446 parking stalls where 1,043 stalls are required and to permit Parcel 2/Building 2 to provide 143 parking stalls where 393 stalls are required. (DEIR, p. 3-23.) The City must make findings prior to the approval of the Variance, the findings are not a part of the DEIR, but are related to the zoning. The facts



and conclusions of the DEIR may be used by the City in their evaluation of the Variance. Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-XX:**

Comment noted, the Project is consistent with MSHCP Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools). The Project site was found to have suitable habitat for wildlife species that commonly occur in riparian/riverine habitats associated with Section 6.1.2 of the MSHCP. Because the requisite focused surveys were completed for the Project site, and only common fairy shrimp were observed, the Project proposes an on-site Mitigation Area to replace lost riparian habitat and as such the Project will be compliant with Section 6.1.2 of the MSHCP. (DEIR, p. 5.4-24.)

The DBESP determined that the habitat that will be created in the Project's Mitigation Area is considered biologically superior in comparison to the existing drainage. Therefore, with implementation of mitigation measure **MM BIO 3** (See Response to Comment 37-BB for MM BIO 3), which requires a Habitat Mitigation Management Plan (HMMP) be prepared describing the habitat creation and establishment of success criteria and **MM BIO 4** (See Response to Comment 37-BB for MM BIO 4), which requires recordation of a conservation easement, there will be no net loss of riparian/riverine habitat. (DEIR, p. 5.4-21.)

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-YY:**

Comment noted. As described in Appendix I of the DEIR, noise measurements were taken near existing noise sensitive areas surrounding the project site. (DEIR Appendix I, p. 9.) Ambient noise measurements were taken to determine the existing noise setting for purposes of comparing Project-generated noise to quantify the extent, if any, that construction and operation of the proposed Project would result in a noise increase. If, as asserted by the commenter, the ambient noise levels reported in the NIA and DEIR are too low, the result would be that change in the noise levels resulting from Project implementation would be overstated. Noise impacts due to Project operation are anticipated to be the greatest for two residences located at 6063 Bannock and 6066 Cannich. Although noise measurements were not taken specifically at these residences to quantify existing ambient noise, the NIA modeled 30 receptors to thoroughly evaluate the proposed Project's operational noise impacts on the surrounding residences. Of the 30 receptors modeled only two residences will be impacted by Project-generated noise during Project operation. (DEIR, Figure 5.12-5.) The NIA and DEIR included noise mitigation to reduce noise impacts. As previously discussed in Responses to Comments 37-GG and 37 QQ, if all of the noise mitigation measures are implemented, the noise impacts would be less than significant; however, because installation of the 10-foot noise barrier mitigation under **MM NOI 16** is subject to the approval of the two property owners on whose land the proposed barrier will be installed, and such approval may or may not be

provided, the noise impact is considered significant and unavoidable. (DEIR, pp. 5.12-34, 5.12-48.)

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-ZZ:**

CEQA Guidelines Section 15151 provides that an 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 the environmental consequences.

Ambient noise measurements were taken to determine the existing noise setting for purposes of comparing Project-generated noise to quantify the extent, if any, that construction and operation of the proposed Project would result in a noise increase. If, as asserted by the commenter, the ambient noise levels reported in the NIA and DEIR are too low, the result would be that change in the noise levels resulting from Project implementation would be overstated. Existing noise levels in the Project vicinity were measured on five separate days in December 2015. (DEIR, Table 5.12-B.) These measurements consist of three 10-minute, short-term, noise measurements and two 24-hour, long-term, noise measurements. Noise measurement locations were chosen to reflect different existing noise environments from the residents to the northwest of the Project site as well as residents to the north of the Project site. It is important to note, that in selecting the locations for ambient monitoring, locations that would be quieter were intentionally selected to avoid the perception that ambient noise was measured at the noisiest spots in order to understate the Project's impacts with regard to an increase in noise associated with the Project. Again, the purpose of the ambient noise measurements is to provide a basis for the comparison of noise with and without the Project; thus, longer term measurements are not necessary. Ambient noise measurements were not taken for purposes of determining whether existing operations in the Project area are in violation of the City's Noise Ordinance or applicable standards.

With regard to meteorological conditions, precipitation, rain, snow, or fog, has an insignificant effect on sound levels although the presence of precipitation will affect humidity and may also affect wind and temperature gradients. (Sound Propagation.<sup>11</sup>) As sound travels through the atmosphere, it is affected by temperature, humidity, and wind currents, which can change the speed and direction of sound. Just as light bends when traveling through a prism, sound bends as a result of the varying atmospheric properties. Sound waves tend to bend toward cooler temperatures and away from warmer temperatures. For example, on a typical summer afternoon, because air temperatures generally decrease with altitude, sound generated at ground level would bend upward towards the cooler air. For a person at the same level as the sound, the sound waves are bending up and over the person listening, creating what is known as a shadow zone. When this occurs, a noise source may be visible at a distance but be perceived as quieter than expected. When the air temperature is cooler close to the ground

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<sup>11</sup> Sound Propagation website. (Available at [https://www.sfu.ca/sonic-studio/handbook/Sound\\_Propagation.html](https://www.sfu.ca/sonic-studio/handbook/Sound_Propagation.html), accessed November 27, 2016.)

than it is at higher altitudes, such as late at night or over calm lakes or icy surfaces, the sound waves bend closer to the ground and if the ground is reflective, the sound bounces off the ground and may propagate (travel) further than expected. (Cowan,<sup>12</sup> pp. 11, 19-21.) Because the effects of temperature gradients are more important over long distances (Caltrans TeNS<sup>13</sup>), these gradients would not substantially change the results of the NIA.

Generally speaking, wind currents allow sound to travel further than expected when the sound is being emitted in the same direction as the wind (downwind) and sound will travel a shorter distance than expected when the sound is being emitted in the direction against the wind (upwind). (Cowan, p. 21.) Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-AAA:**

Comment noted, **MM AES 1** (See Response to Comment 37-J for MM AES 1) requires an eight-foot tall wall constructed of two-sided decorative masonry material along the Project's northern property line and that portion of the Project's westerly property line adjacent to existing residential uses to provide separation between the Project site and the adjacent residential uses. (DEIR, p. 5.1-31-32.) Construction of this wall will be required of the Project; therefore, including the wall in the noise impact analysis was justified to model appropriate Project conditions.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-BBB:**

Comment noted, as stated on page DEIR, 5.12-22, because of the topographical differences between the Project site and the location of sensitive receptors (i.e., adjacent residences), the SoundPLAN Noise Model was used to model construction and operational noise generated on the Project site. The modeling included existing and proposed elevation lines and points within the Project site and adjacent residential uses to account for the effects of topography on noise levels as a result of the proposed Project. (DEIR, p. 5.12-24.) The noise modeling and anticipated noise impacts reflect the acoustics and geography of the area.

The hour with the highest on site Project operational noise was also modeled utilizing the SoundPLAN model. Existing and proposed elevation lines and points on the Project site and adjacent residential uses were uploaded into the model in order to take into account the effects of topography. (DEIR, p. 5.12-24.)

In addition, the ambient noise measurements were taken near sensitive receptors adjacent to the project site as these are the most likely to be affected by project noise. The noise model, SoundPLAN, is a three-dimensional noise model that takes into consideration the acoustic

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<sup>12</sup> Cowan refers to the *Handbook of Environmental Acoustics*, published by John Wiley & Sons, Inc., 1994.

<sup>13</sup> Caltrans TeNS refers to the Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013. (Available at [http://www.dot.ca.gov/hq/env/noise/pub/TeNS\\_Sept\\_2013B.pdf](http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013B.pdf), accessed November 27, 2016.)

effects of existing and proposed topography as well as existing and proposed buildings. So, any sound reflection associated with the topography and the proposed buildings was taken into consideration with the noise modeling. It is also important to understand that existing ambient noise levels were taken to document existing ambient noise levels and were not taken as representative noise measurements to be utilized in the noise model. The SoundPLAN noise model has an expansive library with a variety of construction, industrial and recreational noise reference levels. Appropriate assumptions were entered for project operations, including back-up beeper noise, trailer drop noise, HVAC noise etc.

Meteorological effects were taken into account in the noise model. SoundPLAN allows the user to input temperature, humidity and air pressure. The following meteorological parameters were entered: humidity 49%, average annual temperature 66F, air pressure 985 mbar. In response to comments raised regarding the noise impacts during other time of the year, additional model runs were made to account for different meteorological conditions. According to Weather Underground, the average temperature for the City of Riverside is 69° F and average humidity is 49.7 percent. Between November 2015 and November 2016, the highest temperature in Riverside was 114° F and the lowest temperature was 33° F. To evaluate the effects of changes in temperature and humidity referenced in the commenter’s comment, four new modeling runs were prepared, in response to comments received, assuming: (i) temperature at 33° F and 0% humidity, (ii) temperature at 33° F and 100% humidity, (iii) temperature at 114° F and 0% humidity, and (iv) temperature at 114° F and 100% humidity. The results of this analysis, which does not change or materially impact the conclusions set forth in the NIA and DEIR, is summarized in the table below.

Receptor No. per DEIR Figure 5.12-5	Noise Level per DEIR Figure 5.12-5	Noise Level at 33° F and 0% humidity	Noise Level at 33° F and 100% humidity	Noise Level at 114° F and 0% humidity	Noise Level at 114° F and 100% humidity
1 first floor	43	42	43	41	41
1 second floor	45	44	45	43	44
2 first floor	30	30	30	30	30
2 second floor	32	32	32	32	32
3 first floor	45	45	45	44	44
3 second floor	49	48	49	48	48
4 first floor	48	47	48	47	47
4 second floor	52	51	52	51	51
5 first floor	49	49	49	49	49
5 second floor	50	49	50	49	49
6 first floor	43	43	43	43	43
6 second floor	44	43	44	43	43
7 first floor	38	38	38	38	38
7 second floor	39	39	39	39	39
8 first floor	33	33	33	33	33
8 second floor	35	35	35	35	35
9 first floor	35	35	35	34	35
9 second floor	37	37	37	36	36
10 first floor	39	38	39	37	38
10 second floor	41	40	41	39	40

Receptor No. per DEIR Figure 5.12-5	Noise Level per DEIR Figure 5.12-5	Noise Level at 33° F and 0% humidity	Noise Level at 33° F and 100% humidity	Noise Level at 114° F and 0% humidity	Noise Level at 114° F and 100% humidity
11 first floor	33	33	33	33	33
11 second floor	35	35	35	35	35
12 first floor	31	31	32	31	32
12 second floor	34	34	34	34	34
13 first floor	30	30	30	30	30
13 second floor	32	32	32	32	32
14 first floor	31	31	31	31	31
14 second floor	33	33	33	33	33
15 first floor	32	31	32	32	32
15 second floor	34	34	34	34	34
16 first floor	31	31	31	31	31
16 second floor	34	33	34	34	34
17	30	30	30	30	30
18 first floor	44	43	44	43	43
18 second floor	45	44	45	44	44
19 first floor	43	43	43	42	42
19 second floor	43	43	43	43	43
20 first floor	31	31	31	31	31
20 second floor	37	37	37	37	37
21 first floor	34	34	34	34	34
21 second floor	39	39	39	38	38
22	36	36	36	36	36
23 first floor	36	36	36	35	36
23 second floor	37	37	38	37	37
24 first floor	33	32	33	32	32
24 second floor	35	34	35	34	34
25 first floor	31	30	31	30	31
25 second floor	34	34	34	34	34
26 first floor	29	29	29	29	29
26 second floor	32	32	32	32	32
27 first floor	32	32	32	32	32
27 second floor	34	33	33	33	33
28 first floor	31	31	31	31	31
28 second floor	34	34	34	34	34
29 first floor	30	30	30	30	30
29 second floor	33	33	33	33	33
30 first floor	31	31	31	31	32
30 second floor	35	35	35	34	35
31	48	48	48	48	48
32	47	47	47	47	47
33	38	38	38	37	37
34	55	54	54	54	54

The amplification of the effects of meteorological conditions on sound does not constitute significant new information that would require recirculation of the DEIR. Therefore, this

comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Noise events that occur within the line of sight of the homes on the ridge west of the project site are expected to be more audible than those events that may be closer in distance but not within a direct line of sight which is why there were noise modeling done for both the first and second story of each of the sensitive receptors. The NIA and DEIR evaluated the elevational differences. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-CCC:**

According to **Figure 5.12-5 – Operational Noise Levels (Leq) No Mitigation**, receptors 3, 4, and 5 exceed the nighttime exterior noise standard of 45 dBA Leq. Section 5.12 of the DEIR states that unmitigated operational noise will not exceed the daytime noise standards of 55 dBA Leq. However, they will exceed the nighttime 45 dBA Leq along the western project boundary and at the single-family detached residential dwelling units adjacent to the northwest corner of the site. (DEIR, p. 5.12-26.) The omission of receptor 5 in the DEIR text was a typographical error and does not change the results of the analysis or the placement of the noise wall required by **MM NOI 16**. As noted in the comment two other receptors (i.e. 1 and 18) are at 45 dBA Leq, but do not exceed this standard.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-DDD:**

The comment requests clarification of the Leq and Lmax noise terminology used. Leq refers to the equivalent noise level. Lmax refers to the maximum level of noise. (DEIR Appendix I, Appendix A) **Figures 5.12-5 – Operational Noise Levels (Leq) No Mitigation** and **5.12-6 – Operational Noise Levels (Leq) with Mitigation** are represented in Leq to capture the operational noise or the equivalent noise level. These figures encompass all operational noise including dock activities averaged over a one-hour period. **Figures 5.12-7 – Back Up Beeper Operational Noise Levels (Lmax) with No Mitigation** and **5.12-8 – Dock Areas Operational Noise Levels (Lmax) with No Mitigation** refer to maximum noise events associated with back up beepers and dock area activities representing more isolated noise events. Therefore, Lmax was used to capture these noise events. **Figure 5.12-8** is titled as Leq; however, this is a typographical error that will be revised in the Final EIR and does not have an impact on the results of the analysis.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-EEE:**

The noise barrier described in mitigation measure **MM NOI 16** (See Response to Comment 37-GG for **MM NOI 16**) would only be installed at two residences (6063 Bannock Drive and 6066 Cannich Road) to reduce nighttime noise impacts to those residences. Installation of this noise

barrier (wall) is under the discretion of the two property owners, and the property owners will have the opportunity to work with the Project Applicant and City Planning staff to determine the design and materials of this proposed wall. **MM NOI 16** includes specific design specifications the wall must meet to attenuate noise from the proposed Project including a list of possible materials, including glass or other transparent materials. (DEIR, p. 5.12-47.) Therefore, the specific design of this wall has not yet been determined at this time, but the wall could include transparent materials so long as they meet the noise reductions requirement from the mitigation measure.

Because installation of this barrier is not under the jurisdiction of the City or the Project proponent, analysis contained in the Draft Environmental Impact Report assumes that this noise barrier is not in place. For this reason, noise impacts associated with the Project are significant and unavoidable. Implementation of mitigation measure **MM NOI 16** as well as implementation of mitigation measures **MM NOI 13** through **MM NOI 16** and **MM AQ 14** (See Responses to Comments 37-GG, 37-QQ, 37-N), will reduce the noise impacts from operation of the Project to below the City's nighttime noise standards; however, because implementation of **MM NOI 16** is dependent on the consent of private property owners, this mitigation measure is considered not feasible and operational noise impacts must remain significant and unavoidable. (DEIR, pp. 5.12-28, 5.12-34, 5.12-48.) Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Views of Box Springs Mountains, Sycamore Canyon Wilderness Park, and Moreno Valley are partially obscured from existing walls at the rear property line and accessory structures of the private residences. If the 10-foot wall is placed at the top edge of the rear yard of the two residences mentioned above, which are at an approximately 1,650-foot elevation, partial views of the Box Springs Mountains would remain visible from both the first-story and second-story homes given the approximate 3,100 feet elevation of the Box Springs Mountains (Google Earth 2016). In addition, **MM NOI 16** does allow for the noise barrier to be constructed from transparent materials so long as they meet the design requirement of the mitigation measure. Since Sycamore Canyon Wilderness Park is situated at a lower elevation and some parts of Moreno Valley are situated at a lower elevation and in the distant viewscape, the views from the first floor may already be obscured. The aesthetic impacts of the Project were properly addressed in the DEIR and the design flexibility of the noise barrier required in **MM NOI 16** will prevent the wall from creating significant obstructions as claimed by the commenter.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 37-FFF:**

See Response to Comment 37-BBB for information on how the noise model works. According to the United States Department of Transportation, a line source consists of "multiple point sources moving in one direction radiating sound cylindrically."<sup>14</sup> Therefore, although the space

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<sup>14</sup> U.S. DOT, *Terminology*, <http://www.fhwa.dot.gov/environment/noise/measurement/mhrn02.cfm>, accessed October 13, 2016.

between the buildings will create a “line,” analysis of noise generated between these two buildings as a “line source” would not be appropriate. The noise modeling prepared to analyze noise impacts due to operation of the Project did take into account the topography of the site and its vicinity and existing and proposed structures; therefore, the recommendations included in mitigation measure **MM NOI 15** (See Response to Comment 37-FF for **MM NOI 15**) referenced in this comment would contribute to a reduction in the noise impacts on the adjacent residences.

Nevertheless, because the noise barrier in mitigation measure **MM NOI 16** requires permission from private property owners for installation, noise impacts from Project operation remain significant and unavoidable. (DEIR, p. 5.12-48.)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-GGG:**

The noisiest hour on-site Project operational noise was modeled using the SoundPLAN model. To evaluate the proposed Project’s operational noise impacts on the surrounding residences, a total of 30 receptors were modeled and anticipated noise levels on the first and second floors of each receptor were quantified. (DEIR, p. 5.12-26.) Therefore, the noise modeling was sure to quantify maximum expected noise from the proposed development both above and below the proposed 8-foot wall between the Project site and residences to the north as well as above and below the 10-foot noise barrier proposed at two residences to the northwest of the Project site as part of mitigation measure **MM NOI 16** (See Response to Comments 37-GG for **MM NOI 16**).

Assuming noisiest conditions, noise levels at the first floor and second floor of all of the receptors to the north and northwest of the Project site will not exceed the City’s daytime noise standard of 55 dBA Leq. The City’s nighttime noise standard will only be exceeded from the second floor of two residences to the northwest of the Project site; however, implementation of mitigation measure **MM NOI 16**, with permission from the property owners, would reduce operational noise levels to below the City’s standard. However, because neither the City nor the Project proponent has the authority to implement this mitigation measure, impacts will remain significant and unavoidable. (DEIR, pp. 5.12-26 – 5.12-28.)

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-HHH:**

Operational noise impacts from the Project site will be significant and unavoidable because the City’s nighttime noise standard will be exceeded for two residences to the northwest of the Project site. The installation of a noise wall as required by mitigation measure **MM NOI 16** will reduce the noise levels to below a level of significance; however, because neither the City nor the Project applicant has the authority to require installation of a 10-foot tall noise barrier at these properties the noise impact must be left significant and unavoidable.



As previously discussed, background noise readings were taken at two locations to represent a conservative estimate of the existing ambient noise environment at the Project site. If these noise measurements are too low, as alleged in this comment, this would over-emphasize the impact of Project-related noise to the surrounding sensitive receptors. As well, the construction of the proposed Project will block some of the sound from the Big 5 distribution center referenced by the Commenter.

It is also important to note that the existing warehouses referenced in the comment are separate and independent from the proposed Project and were approved by the City after undergoing their own environmental review and public hearing processes, including analysis of impacts related to noise. The existence of these warehouses is addressed in the proposed Project's environmental analysis, specifically, in the aesthetics, air quality, health risk assessment, greenhouse gas emissions, noise, traffic, and cumulative impacts sections of the DEIR.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-III:**

Comment noted, the 24-hour noise measurements take into account the existing noise environment in the Project vicinity, including any beeping, crashes, and bangs associated with operations at nearby warehouses or distribution centers that may have occurred during the measurement period as well as noises from the adjacent residences like barking dogs, street and traffic noise and sirens. The existing noises near the project site were captured during this 24-hour noise measurement period.

Project operations will generate noise from vehicle movements within the proposed parking areas, idling trucks, loading and unloading activities, trash compactors and rooftop HVAC systems. The dominant operational noise will generally include noise associated with semi-trucks (tractor-trailers) entering and exiting the Project site and accessing dock areas, removal and hook-up of trailers, occasional truck air brakes, and vehicles associated with employees. (DEIR, p. 5.12-24.) These factors were taken into account in the noise modeling completed as part of the Noise Impact Analysis. Chapter 5.12 and Appendix I of the DEIR reports that operational on-site noise is not expected to result in sleep disruption. (DEIR Appendix I, p. 20-21.)

Please refer to Response to Comment 37-BBB for a detailed discussion about ambient noise and the effect that meteorology has on noise.

The Project site has been arranged so that there are no dock doors on the north side of Building 2. In addition, no truck traffic is allowed to use the drive-aisle along the north side of Building 2 (**MM NOI 14**) therefore, homes located north of the Project site will not be affected by noise associated with truck trailers.

Noise associated with tractor trailers including attaching and dropping trailers was included in the modeling assumptions for the peak hour analysis. A mitigation measure restricting access to the loading area and trailer parking located just south of Building 2 between the hours of 10:00 PM to 7:00 AM has been included in the technical noise study and the EIR (**MM NOI-15**) This mitigation measure will reduce the nighttime noise impacts to less than significant to all but two of the residences. Refer to discussion on these two residences and mitigation measure **MM NOI 16** in Response to Comments 37-GG, 37-PP and 37-QQ.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-JJJ:**

There is only one receptor location that will experience a CNEL increase of 5 dBA or greater. The receptor is located approximately 10 feet west of the westerly Property line in the Sycamore Canyon Wilderness Park, this receptor is the park, no homes will see this level of increase because the change in noise levels resulting from Project operations will be perceptible at this location (i.e. 5 dBA or greater at certain receptors), this is considered a substantial increase. However, this increase is not a significant impact, because there are no sensitive receptors (i.e. residents) at receptor location 34, it is the Sycamore Canyon Wilderness Park and the Project's mitigated noise levels are within the GP 2025 "Normally Acceptable" compatibility criteria (55-70 dBA) for neighborhood park land uses. (DEIR, p. 5.12-40.)

With respect to the Noise analysis please refer to Response to Comments 37-GG, 37-PP and 37-QQ. This comment does not identify any significant new environmental issues or impacts that were not already discussed in the DEIR.

**Response to Comment 37-KKK:**

Comment noted, Project-generated traffic is projected to result in an approximate 7.2 dBA increase along Dan Kipper Drive west of Sycamore Canyon Boulevard. Although this increase is greater than 5 dBA and, as such, substantial, this impact is less than significant because the noise levels, even after this increase, will only be 47.2 CNEL (DEIR Table 5.12K) and will not exceed the 70 dBA General Plan 2025 "Normally Acceptable" compatibility criteria for Industrial and Manufacturing land uses (**Figure 5.12-2 – Noise/Land Use Compatibility Criteria**). In addition, the General Plan 2025 FEIR states that "a clearly perceptible increase (+5 dB) in noise exposure of sensitive receptors could be considered significant". Again, while this increase is greater than 5 dBA, there are no sensitive receptors adjacent to this road segment, therefore the increase would not be considered significant. (DEIR, p. 5.12-41.)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-LLL:**

Comment noted. See Response to Comment 37-BBB for information on how the noise model works. A discussion of cumulative noise impacts is included in Section 6.1.14 of the DEIR. Because the Project's construction noise impacts are significant even with incorporation of feasible mitigation measures, the Project's contribution to short-term noise is considerable and cumulative impacts from construction noise are considered significant and unavoidable. The DEIR analyzed construction per the Noise Code standards that were in effect at the time of the Notice of Preparation for DEIR. On August 18, 2016 (taking effect 30-days later), Ordinance 7341 was adopted by the City of Riverside City Council amending the City's Noise Code to exempt construction noise between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. of Saturdays from the standards of the Noise Code. Under these new provisions construction noise impacts would be less than significant.

Of the 15 cumulative development projects within the City identified in DEIR Table 6-A (see Response to Comment 37-KKK), the following five projects are within the SCBPSP: No. 5 – Health and Fitness Center, No. 8 – Alessandro Business Center, No. 10 – CT Sycamore Center, No. 12 – Mt. Baldy Drive/San Gorgonio Drive Industrial Project, and No. 14 – Sycamore Canyon Industrial Warehouse Development. With regard to including buildout of the entire SCBP in the cumulative noise analysis, DEIR Figure 8-4 – Alternative Location 3 identifies the location of all vacant property within the SCBPSP area. Because the City does not have any pending entitlement applications and is not currently processing any plans for these properties it would be speculative to assume what the future uses would be and the types of noise produced by such uses. For this reason, the DEIR does not consider the anticipated noise impacts associated with the future build-out of the SCBP in the DEIR. At the time development on these vacant parcels, the City and applicant(s) for these projects will be required to comply with CEQA and evaluate the environmental impacts associated with their respective proposed projects, including noise and cumulative impacts.

The DEIR utilized the “list method” approach in the cumulative analysis and focuses on whether the impacts of the proposed Project are cumulatively considerable within the context of combined impacts caused by other past, present, or future projects. The cumulative impact scenario considers other projects proposed within the Project area that have the potential to contribute to cumulatively considerable impacts. Based on discussions with City staff, a list of projects that may have the potential to contribute to cumulative effects was identified and included in DEIR **Table 6-A – Cumulative Development Projects** shown below. (DEIR, p. 6-2.)

**Table 6-A – Cumulative Development Projects**

No. on Figure 6-1	Project (Case Number) Project Location	Land Use	Project Size	Status
<b>Projects within the City of Riverside</b>				
1	Auto Parts Store in Mission Plaza P07-1181/P07-0593 381 Alessandro Blvd	Auto parts store	1,500 SF	Approved (5/6/2008) Not constructed
2	Proposed bank in Canyon Crossings Shopping Center P08-274/P08-0275 2570 Canyon Springs Pkwy	Commercial bank with drive-thru lane	2,746 SF	Approved (9/9/08) Not constructed
3	ARCO and <i>ampm</i> Market P10-0090/P10-0091 6287 Day Street	Gasoline station with convenience market	2,700 SF	Approved (6/8/2010) Open
4	Chase Bank (P12-0419/P12-0557/ P12-0558/P12-0559) 360 Alessandro Boulevard	Bank with two-lane drive-thru	3,100 SF	Approved (5/7/2013) Not constructed
5	Health and Fitness Center (P14-0457) 6465 Sycamore Canyon Boulevard	Interior remodel for a health and fitness center within existing 92,410 SF two-story office building	4,000 SF	Approved (6/30/2014) Constructed
6	Steak and Shake (P14-0536/P14-0537) Northwesterly corner of Valley Springs Parkway and Corporate Center Drive	Fast food restaurant with drive-thru restaurant	3,750 SF	Application submitted
7	Tract Map 32180 (P07-1073) North of the intersection of Moss Road and Pear Street	Nine lot subdivision for single family residences	9 DU	Approved (6/5/2008) Construction has not started
8	Alessandro Business Center (P07-1028/P06-0416/ P06-0418/P06-0419/ P06-0421/P07-0102) Northwest corner of Alessandro Boulevard and San Gorgonio Drive	Four industrial/manufacturing buildings.	662,018 SF	Approved (3/9/2010) Construction complete
9	Tract Map 36641 (P13-0665) Southwest corner of Wood Road and Moss Street	Eight lot subdivision for single family residences	8 DU	Approved (4/17/2014) Construction has not started

No. on Figure 6-1	Project (Case Number) Project Location	Land Use	Project Size	Status
10	CT Sycamore Center (P14-1053/P14-1054) Northwest corner of Dan Kipper Drive and Sycamore Canyon Boulevard	Five buildings with warehouse and office space in each building.	230,420 SF total (205,4720 SF warehouse and 25,000 SF office)	Approved (4/30/2015) Construction complete
11	Sycamore Canyon Apartments (P13-0553/P13-0554/P13-0583/P14-0065) 5940 – 5980 Sycamore Canyon Boulevard (Between Raceway Ford and Raceway Nissan)	Multi-family residential	275 DU	Approved (10/9/2014) Construction has not started
12	Mt. Baldy Drive/San Gorgonio Drive Industrial Project (P14-0600/P14-0601/P14-0602/P15-0044) Southeast corner of Mt. Baldy Drive and San Gorgonio Drive	Multiple-tenant industrial building	121,390 SF	Approved (6/9/2015) Under construction
13	Street Vacation for an Apartment Project (P12-0309) Monte Vista Drive and Pollard Street	Apartment building	88 DU	Construction of apartment project has not started
14	Sycamore Canyon Industrial Warehouse Development (P13-0607/P13-0608/P13-0609/P13-0854) 6150 Sycamore Canyon Boulevard	Industrial building	171,616 SF	Approved (5/13/2014) Construction complete
15	Annexation 118 (P14-0246/P14-1059/P14-0901) Northwest corner of Sycamore Canyon Boulevard and Central Ave.	Annexation, GPA, and Pre-Zoning for a retail commercial shopping center	102,000 SF	Approved (7/28/2015) Construction has not started
16	Quail Run Apartments (P14-0683/P14-0684/P14-0685/P15-1080/P15-1081/P15-1082) Northwest corner of Quail Run Road and Central Avenue)	Multi-family residential	216 DU	Approved (07/26/16)

No. on Figure 6-1	Project (Case Number) Project Location	Land Use	Project Size	Status
<b>Projects within the City of Moreno Valley</b>				
17	Status Nightclub and Lounge Canyon Springs Plaza	Nightclub	11,000 SF	Open for business
18	O'Reilly Automotive 23334 Sunnymead Boulevard	Auto parts store	7,500 SF	Open for business
19	Available Restaurant Space Plaza Del Sol Shopping Center 23060 Alessandro Boulevard	Restaurant	9,000 SF	Available
20	Rivals Sports Bar & Grill TownGate Promenade	Sports bar & grill	6,452 SF	In plan check
21	Aldi Market 12630 Day Street (TownGate Promenade)	Grocery market	20,300 SF	Open for business
22	Yum Yum Donut Shop Northwest corner of Day Street and Alessandro Boulevard	Donut shop and convenience store	4,351 SF	In planning
23	Hawthorn Inn & Suites Cactus Commerce Center Cactus Avenue	Four-story Hotel	79 guest rooms	Approved Not constructed
24	Sleep Inn Suites Olivewood Plaza Sunnymead Boulevard	Three-story Hotel	66 guest rooms	Approved Not constructed
25	Moreno Valley Professional Center Alessandro Boulevard east of Ellsworth Street	Four Office buildings	84,000 SF	Approved
26	Gateway Business Park South of Alessandro Boulevard west of Day Street	34 Industrial condominiums between 5,000 and 10,000 SF	184,000 SF	Approved
27	Veterans Way Logistics Center	Distribution facility	366,698 SF	Under construction
28	World Logistics Center	Corporate park specific plan	41 million SF total	Approved (8/26/2015) Construction has not started

The location of the cumulative development projects in relation to the Project site is shown on DEIR **Figure 6-1 – Cumulative Development Location Map**. The cumulative development projects located nearest the proposed Project site are No. 5 – Health and Fitness Center, No. 10 – CT Sycamore Center, No. 11 – Sycamore Canyon Apartments, and No. 14 – the Sycamore Canyon Industrial Warehouse Development. (DEIR, pp. 6-2–6-5.)

In evaluating cumulative impacts, the geographic scope (or cumulative impact area) used for each environmental issue (i.e., air quality, biological resources, cultural resources, noise, etc.) is different depending upon the potential area of effect. For example, the geographic scope for air quality would be the South Coast Air Basin (Basin), while the geographic scope for cumulative aesthetics impacts would be the viewshed, and the geographic scope for traffic/circulation would be the intersections in the Project vicinity that could be affected by the cumulative projects. (DEIR, p. 6-5.)

The DEIR Section 6.1.14 discusses cumulative noise impacts from: (i) construction of the proposed Project plus applicable cumulative development projects, (ii) operation of the proposed Project plus applicable cumulative development projects, and (iii) traffic from the cumulative development projects. Each of these will be discussed below.

#### Construction Noise

Potential impacts from Project-related construction will be significant, even with implementation of feasible mitigation measures. Additional potential cumulative impacts from construction noise could result if construction of the proposed Project and one or more of the three cumulative development projects within 0.5 miles of the Project site occurred simultaneously. Because project Nos. 10 and 14 have already been constructed (**Table 6-A – Cumulative Development Projects**), project No. 11 – Sycamore Canyon Apartments is the only project with the potential to be constructed at the same time as the proposed Project. As shown on DEIR **Figure 6-1**, project No. 11 is located east of Sycamore Canyon Boulevard and there are intervening structures between this site and the Project site, which would block some of the noise from this site. Further, the Draft Mitigated Negative Declaration for the Sycamore Canyon Apartments Project concluded that construction noise impacts from this project would be less than significant with regard to direct, indirect and cumulative impacts (SCA Draft MND, pp. 32, 40–41.) Nonetheless, because the Project’s construction noise impacts are significant even with incorporation of feasible mitigation measures, the Project’s contribution to short-term noise is considerable and cumulative impacts from construction noise are considered significant and unavoidable. (DEIR, p. 6-19.)

#### Operational Noise

Because noise is a localized phenomenon and drastically reduces in magnitude as the distance from the noise sources increases, the geographic scope for noise impacts associated with Project operations are the sensitive receptors adjacent to the Project site. For this reason, only cumulative development projects within the immediate vicinity of the Project site are likely to contribute to cumulative operational noise impacts. There are only three cumulative development Projects within one-half mile of the Project site: CT Realty Sycamore Center (No.

10 as shown on **DEIR Figure 6-1**), Sycamore Canyon Apartments (No. 11 as shown on **DEIR Figure 6-1**), and Sycamore Canyon Industrial Warehouse Development (No. 14 as shown on **DEIR Figure 6-1**). (DEIR, p. 6-18.) Because of the intervening structures between the Sycamore Canyon Apartments and the Sycamore Canyon Industrial Warehouse Development, only the CT Realty Sycamore Center would be anticipated to contribute to cumulative noise impacts at certain sensitive receptors.

With regard to noise from existing development within the Sycamore Canyon Business Park (SCBP), noise sourced from existing operations, including the Big 5 Distribution Center, Ralph's Distribution Center, and the Pepsi Bottling Group facility would be reflected in the ambient noise measurements taken in December 2015. Since in the current condition there are no intervening structures between the Big 5 and Ralph's facilities and the residences adjacent to the Project site, it is not unexpected that residents hear noise from these operations. It is important to note that CEQA does not require a Project to mitigate for pre-existing impacts and conditions. That is, the proposed Project need not account for and/or mitigate non-Project related noise that may exceed current standards.

As discussed in the DEIR, unmitigated operational noise will not exceed the daytime noise standards of 55 dBA  $L_{eq}$ . However, the exterior nighttime standard of 45 dBA  $L_{eq}$  will be exceeded at two single-family detached residential dwelling units adjacent to the northwest corner of the site. In order to mitigate nighttime Project operational noise levels to the nighttime standard of 45 dBA  $L_{eq}$  at affected sensitive receptors (i.e., receptor nos. 3 and 4 as shown on **DEIR Figure 5.12-6 – Operational Noise Levels (Leq) with Mitigation**) a ten-foot noise barrier is required along the perimeter of the outdoor use areas per mitigation measure **MM NOI 16**. In addition to the noise barrier wall, the use of the western portion of the dock doors and trailer parking area for Building 2 as shown on **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation** will be limited as indicated in mitigation measure **MM NOI 14**. The ten-foot tall noise barriers are required at the eastern edge of the residential lots (i.e., private property) and not at the property line at the bottom of the slope (i.e. the Project site). The noise barrier required under **MM NOI 16** would be installed on private property and is therefore dependent on the individual property owners authorizing the installation of the barrier wall. As such, neither the City nor the Project Applicant has control over the barrier wall will ultimately be constructed and **MM NOI 16** is considered infeasible. Because mitigation measure **MM NOI 16** is considered infeasible, Project-specific impacts are significant. However, because noise is such a localized phenomenon, the Project's operational noise contribution to cumulative noise impacts is not considerable; therefore, cumulative impacts with regard to operational noise are not significant. (DEIR, p. 6-20.)

The geographic scope for noise impacts associated with Project-generated vehicular noise is the roadways that will be used by Project-generated traffic in combination with traffic from the cumulative development projects. As shown in **DEIR Table 5.12-M – Change in Future Noise Levels at 50 Feet from Centerline (Existing Plus Ambient Plus Project Condition)**, the Project's contribution to future (cumulative) noise levels on area roadways is less than 1 dBA for all roadway segments except for Sierra Ridge Drive west of Sycamore Canyon Road, where



Project-related noise is expected to result in a 2.6 dBA increase. Because the City considers a 5 dBA increase to be substantial this is not considered a substantial increase and the Project's contribution to cumulative traffic noise is not considerable. Thus, cumulative impacts with regard to traffic noise are not significant. (DEIR, pp. 5.12-40–5.12-44, 6-19.)

**Response to Comment 37-MMM:**

Comment noted. **MM NOI 1** does not refer to equipment as the comment suggests. **MM NOI 1** involves the construction of a 12-foot tall temporary noise barrier for use during construction.

**MM NOI 15** would prohibit the use of the loading and trailer parking area that is on the south side of Building 2 and within 360 feet of the western property line between the nighttime hours of 10:00 PM and 7:00 AM.

**MM NOI 15:** A restriction of nighttime use between the hours of 10:00 PM to 7:00 AM shall be implemented for the portion of the loading area and trailer parking located just south of Building 2 and within 360 feet of the western property line as shown on **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation**. (DEIR, p. 5.12-46.)

The distance identified in mitigation measure **MM NOI 15** was determined by the SoundPlan model to be sufficient to reduce nighttime Project operational noise levels to all residences adjacent to the Project site, except for two, to less than the City's maximum interior noise standard of 35 dBA  $L_{eq}$ . (DEIR, p. 5.12-34.) Additionally, as discussed in Response to Comments 37-GG, 37-PP, 37-QQ and 37-DDD above, **Figure 5.12-6** is represented in  $L_{eq}$  to capture the operational noise or the equivalent noise level. These figures encompass all operational noise including dock activities. **Figure 5.12-8** refers to maximum noise events associated with back up beepers and dock area activities representing more isolated noise events. Therefore,  $L_{max}$  was used to capture these noise events.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-NNN:**

Comment noted, a comment which draws a conclusion without elaborating on the reasoning behind, or the factual support for, those conclusions does not require a response. Under CEQA, the lead agency is obligated to respond to timely comments with "good faith, reasoned analysis." (CEQA Guidelines, §15088(c).) These responses "shall describe the disposition of the significant environmental issues raised . . . [and] giv[e] reasons why specific comments and suggestions were not accepted. (CEQA Guidelines, §15088(c).) To the extent that specific comments and suggestions are not made, specific responses cannot be provided and, indeed, are not required. (*Browning-Ferris Industries of California, Inc. v. City Council of the City of San Jose* (1986) 181 Cal.App.3d 852 [where a general comment is made, a general response is sufficient].)

Nonetheless, the *Revised Traffic Impact Analysis for the Sycamore Canyon Industrial Buildings 1 & 2* (the TIA), which is, DEIR Appendix J, included traffic counts by vehicle type (i.e., passenger car, 2 axle truck, 3 axle truck, and 4+ axle trucks) that were conducted for a number of intersections including Fair Isle Drive-Box Springs Road from Sycamore Canyon Boulevard to the I-215 Northbound Ramps, Sycamore Canyon Boulevard, from Fair Isle Drive to Eastridge Avenue, and Eastridge Avenue from Sycamore Canyon Boulevard to Box Springs Boulevard. **(DEIR Figure 5.16-1 – Study Area.)** The results of these counts are included in Appendix C of the TIA. The table below presents the existing condition for the portion of Sycamore Canyon Boulevard within the study area of the TIA and the trips generated by the proposed Project.

Segment of Sycamore Canyon Boulevard		Existing Condition (ADTs) by Vehicle Type					Project Trips Only (ADTs) by Vehicle Type				
From	To	Passenger Cars	2 Axle Trucks	3 Axle Trucks	4 Axle Trucks	Total All Trucks	Passenger Cars	2 Axle Trucks	3 Axle Trucks	4 Axle Trucks	Total All Trucks
Fair Isle Drive	I-215 Southbound Ramps	14530	400	25	200	<b>625</b>	335	4	5	14	<b>23</b>
I-215 Southbound Ramps	Dan Kipper Drive	12785	200	100	305	<b>605</b>	372	8	10	28	<b>46</b>
Dan Kipper Drive	Box Springs Boulevard	12340	200	90	295	<b>585</b>	223	4	5	14	<b>23</b>
Box Springs Boulevard	Sierra Ridge Drive	9425	150	35	330	<b>515</b>	223	4	5	14	<b>23</b>
Sierra Ridge Drive	Eastridge Avenue	10715	140	60	305	<b>505</b>	1120	148	198	526	<b>872</b>

Source: Roadway Segment Average Daily Traffic (not PCE) from Appendix C of the TIA.

The Project Design Features are discussed in DEIR Section 5.16.4, which states:

The proposed Project has been designed to facilitate traffic in an efficient manner using the existing roadway network. The majority of passenger cars and truck traffic is expected to use Sierra Ridge Drive to Sycamore Canyon Drive to Eastridge Avenue which will provide on-/off-ramp access to I-215. (DEIR, p. 5.16-26.)

Building 1 will have two driveways along Lance Drive and Building 2 will have one driveway along Lance Drive. Building 1 and Building 2 will have full ingress and partial right-out only egress at each of their individual project driveways. (DEIR, p. 5.16-26.)

The Project will limit passenger car and truck egress onto Dan Kipper Drive by posting signs at all Project driveways that indicate only right turns onto Lance

Drive are permitted. In addition to signage, small barriers will be placed at the all three driveways which will aid in limiting left-out turns onto Lance Drive. This will force both outbound (i.e. leaving the Project site) passenger cars and trucks to turn south onto Lance Drive to Sierra Ridge Drive and then east on Sierra Ridge Drive to Sycamore Canyon Boulevard (see **Figure 5.16-3 – Project Trip Distribution (Passenger Cars – Outbound)**, and **Figure 5.16-5 Project Trip Distribution (Trucks – Outbound)**). From the intersection of Sierra Ridge Drive and Sycamore Canyon Boulevard, outbound vehicles will either turn north or south to travel to I-215 or other surrounding roadways. Partial width improvement on the westerly side of that portion of Lance Drive that is currently in place will be constructed by the Project at its ultimate cross-section. The Project will construct the full-width improvements to the remaining portion of Lance Drive to Dan Kipper Road. The Project proposes a slight realignment to that portion of Lance Drive shown as Lot A on TPM 36879. (**Figure 3-8 – Tentative Parcel Map.**) Per the *Sycamore Business Park Specific Plan*, existing Lance Drive is designated as a 2-lane 74-foot Collector Street. (DEIR, p. 5.16-26.)

As part of the TIA scoping process, a preliminary analysis was done in regard to the proposed Project using Dan Kipper Drive as a point of egress for passenger cars and/or trucks. Based on future development in the area, the existing and the geometry of the intersection of Dan Kipper and Sycamore Canyon, the City determined that traffic leaving the Project site would have a right-out-only egress onto Lance Drive. (DEIR, pp. 5.16-10, 5-16-26.)

With regard to the trip distribution (i.e. the trip directional orientation of Project-generated traffic) used in the TIA, the TIA was prepared by a registered professional traffic engineer with local experience and expertise in traffic modeling. The trip distribution used in the TIA is based on professional engineering judgement and was approved by the City as part of the TIA scoping agreement. (See Appendix A of the TIA.) Factors taken into consideration in developing the trip distribution model include: the existing roadway system, existing traffic patterns, and existing and future land uses. The Project will prevent passenger car and truck egress onto Dan Kipper Drive by installing small barriers (referred to as “pork chops”) at all three Project driveways that will limit left-out turns onto Lance Drive. (DEIR pp. 5.16-26.) This will force both outbound (i.e. leaving the Project site) passenger cars and trucks to turn south onto Lance Drive to Sierra Ridge Drive and then east on Sierra Ridge Drive to Sycamore Canyon Boulevard (see **DEIR Figure 5.16-3 – Project Trip Distribution (Passenger Cars – Outbound)**, and **DEIR Figure 5.16-5 Project Trip Distribution (Trucks – Outbound)**). From the intersection of Sierra Ridge Drive and Sycamore Canyon Boulevard, outbound vehicles will either turn north or south to travel to I-215 or other surrounding roadways. (DEIR, pp. 5.16-26.) From the intersection of Sierra Ridge Drive/Sycamore Canyon Road, it is approximately 0.7 miles to the Eastridge-Eucalyptus interchange and approximately 0.9 miles to the Fair-Isle/Box Springs interchange. Thus, it is reasonable to expect that outbound cars and trucks will use the Eastridge-Eucalyptus interchange.

With regard to the existing condition of trucks using Fair Isle Drive for any reason other than to turn onto Sycamore Canyon Road, Chapter 10.56 of the Riverside Municipal Code prohibits the use of Fair Isle Drive, Lochmoor Drive, and Sycamore Canyon Boulevard between El Cerrito Drive and University Drive, by commercial vehicles exceeding ten thousand pounds (5 tons) gross weight. Residents observing commercial vehicles exceeding ten thousand pounds (5 tons) gross weight in these restricted locations may call 311 and will be routed to the Traffic Department and Police Department so that the appropriate response can be coordinated. To inform drivers that commercial vehicles exceeding ten thousand pounds (5 tons) gross weight are prohibited from using these streets, the Project will be conditioned to:

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-000:**

*CEQA Guidelines* Section 15124(b) states, “A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.” The Project Objectives listed in Section 3.2.7 of the DEIR and were developed by City staff comply with the *CEQA Guidelines*.

As explained in Section 8.3 of the DEIR, the City as lead agency, is responsible for selecting a range of Project alternatives for examination, and there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the “rule of reason” (*CEQA Guidelines* Section 15126.6(a)). The “no project” alternative could take two forms: 1) no change from the existing uses (vacant land); or 2) development per the approved *Sycamore Canyon Business Park Specific Plan* (no Specific Plan amendment, no General Plan amendment, and no parcel map). Because both “no project” alternatives are significantly different, both are evaluated. Pursuant to State *CEQA Guidelines* Section 15126.6(e)(3)(C), the impacts of the No Project Alternative should be evaluated by projecting what would reasonably be expected to occur in the foreseeable future if the proposed Project were not approved. The other alternatives evaluated in the EIR were selected based on their ability to reduce or avoid air quality, noise (construction and operations), and traffic (freeway segment) impacts.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-PPP:**

*CEQA Guidelines* states: “The EIR need examine in detail only the alternatives that the lead agency determines could feasibly attain most of the basic objectives of the project” (*CEQA Guidelines* Section 15126.6(f)). Evaluating an alternative that essentially cuts out one of the property owners and does not meet one of the primary objectives of the project would be not be consistent with *CEQA Guidelines* to evaluate project alternatives and beyond the “rule of reason.”

It is true that the property could be developed with other types of uses that are consistent with the land use designations and zoning, which could be said of any development proposal on any site. However, the City, as lead agency, desires to maintain consistency with the intentions of the Sycamore Canyon Business Park Specific Plan to focus similar industrial land uses (warehousing and logistics centers in this case) in this locale and take advantage of existing infrastructure and other surrounding similar uses.

The purpose of an EIR is to identify the significant environmental effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (*CEQA Statute* Section 21002.1). This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-QQQ:**

The Project site is zoned Business and Manufacturing Park (BMP) on the City's Zoning Map, consistent with the SCBPSP, which is only one of four industrial zones within the City. Manufacturing was evaluated in the DEIR as Alternative 2. Alternative 2 would result in twice as many trips as the proposed Project and none of the environmental impacts would be decreased in comparison to the proposed Project. Impacts would remain significant and unavoidable in relation to air quality, noise, and transportation/traffic. Further, impacts related to air quality, greenhouse gas emissions, noise and transportation/traffic would be greater under this alternative in comparison to the proposed Project due to the increased vehicle traffic associated with Alternative 2. (DEIR, pp. 8-17-8-22.)

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-RRR:**

Alternative 3 – Reduced Density would reduce development by 30 percent in comparison to the proposed Project; however, it would meet the Project objectives to a lesser degree and due to the scarcity of sites of this size, the attendant land costs of sites of this size, and the low Inland Empire market lease rates for products of this type, the rate of return from the lease would be too low to justify the cost and risk of investment under the reduced density alternative. Further, this alternative would also result in significant and unavoidable impacts to air quality, noise, and transportation/traffic (DEIR, p. 8-26 – 8-30.)

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-SSS:**

CEQA *Guidelines* Section 15126.6 does not prohibit discussion of infeasibility by the lead agency. The alternatives were developed, independently reviewed, and determined infeasible by the lead agency during the EIR process. As stated on the cover page of the EIR: "This DEIR has been prepared in compliance with the California Environmental Quality Act and City of Riverside CEQA Resolution No. 21106, and reflects the independent judgment of the City of

Riverside.” This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-TTT:**

Comment addresses cumulative noise impacts. First, all surrounding land uses that were currently operating at the time the noise measurements were taken (December 15, 18, 28, and 29, 2015) were included in the measurement of “ambient” noise. The CT Facility (No. 10 on Fig. 6-1) was finishing construction when the ambient noise measurements were taken. Construction noise levels are greater than operating noise levels. The cumulative impacts of the existing surrounding distribution centers/warehouses are considered in the ambient noise level measurements, which were taken while nearby construction was active, inactive and for two 24-hour periods. (Appendix I – Noise Impact Analysis, page 9.) The warehouses closely surrounding the Project are not identified in Figure 6-1 because they are not under construction, nor proposed for future construction. Their contribution to cumulative noise is included in the ambient noise measurements. If ambient noise levels were underestimated in this analysis, the Project’s construction and (nighttime) operational noise levels are nonetheless estimated to result in significant impacts (Section 5.12 – Noise). Please refer to Response to Comments 37-DDD, 37-QQ, 37-PP and 37-GG for detailed discussion on noise.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 37-UUU:**

Surrounding sources of noise generators that are currently operational or under construction were measured and captured as part of the ambient noise measurements taken for the Noise Impact Analysis. It is not the purpose of this DEIR to discuss the operational noise levels of other properties. Probable future developments on vacant or redevelopment properties in the surrounding area were considered as part of the Cumulative Impact Analysis in Section 6.1. In addition, DEIR **Table 6-A** and **Figure 6-1** are future developments in the area and are based on input from the City of Riverside and City of Moreno Valley. The geographic scope for noise impacts is the immediate vicinity of the Project site because noise by definition is a localized phenomenon, and drastically reduces in magnitude as the distance from the noise sources increases. Consequently, only those cumulative development projects within the immediate vicinity of the proposed Project will be likely to contribute to cumulative noise impacts resulting from Project construction or operation. (EIR page 6-18.)

Please refer to Response to Comments 37-GG, 37-PP and 37-QQ for a detailed discussion on Noise and the noise analysis prepared for the DEIR.

The comment incorrectly states the distance between the Kroger (assumed to be the Ralph’s Distribution Center located south of the Project site) and Pepsi (assumed to be the Pepsi Bottling Group located at the southeast corner of Eastridge Avenue/Sycamore Canyon Road) facilities and the residences. As measured from Google Earth, the northern boundary of the Big 5 Sporting Goods Distribution Center is less than 0.10 miles south of the residences to the north and approximately 0.3 miles east of the residences to the west. As measured from

Google Earth, the northern boundary of the Ralphs Distribution Facility is approximately 0.3 miles from the rear lot line of nearest residential property on Bannock Drive and less than one-half mile from the residences to the north, not 1 mile as asserted in this comment. As measured from Google Earth, the northern boundary of the Pepsi Bottling Group is approximately 0.8 miles south of the nearest residences (the Sycamore Canyon Apartments) and the same distance from the northwest corner of the Pepsi facility to the nearest residential property on Bannock Drive. The noise measurements taken and used in the noise modeling account for these existing warehouse uses and are based on accurate measurements as discussed in the Response to Comments referenced above.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

# **EXHIBIT A**

ATTACHMENT 3







# **EXHIBIT B**

ATTACHMENT 3

# Warehouse Truck Trip Study Data Results and Usage

Mobile Source Committee  
July 25, 2014



*Cleaning the Air That We Breathe...*

# Background

- Purpose: To provide guidance on how to quantify warehouse truck emissions for CEQA air quality analyses
  - Technical guidance
  - Establish “substantial evidence” for assumptions
  - Consistency for SCAQMD staff comments
- Truck emissions >90% of air impact
- Tenant often unknown when CEQA document certified

# Existing Trip Rates

Grouping	Overall Rate (trips/tsf)		Truck Rate (trips/tsf)	
	Average Rate	Rate with Peaking Factor*	Average Rate	Rate with Peaking Factor*
<i>Current ITE</i>	1.68		0.64	
<i>Majority of CEQA docs*</i>	1.68		0.34	
<i>CalEEMod Guidance</i>		2.59		1.04

Calculated truck trip rate based on Fontana Truck Trip Study (4 warehouses)

\* 11 out of 18 CEQA docs in past year use 0.34 truck rate

# Truck Trip Study Process Overview

- Study began in January 2012
- 12 Stakeholder Working Group meetings
- 2 Technical Working Group meetings
- 34 responses to Business Survey\*
- Video truck counts using traffic engineer at 33 warehouses\*\*
- UCR traffic engineer and statistician analyzed results

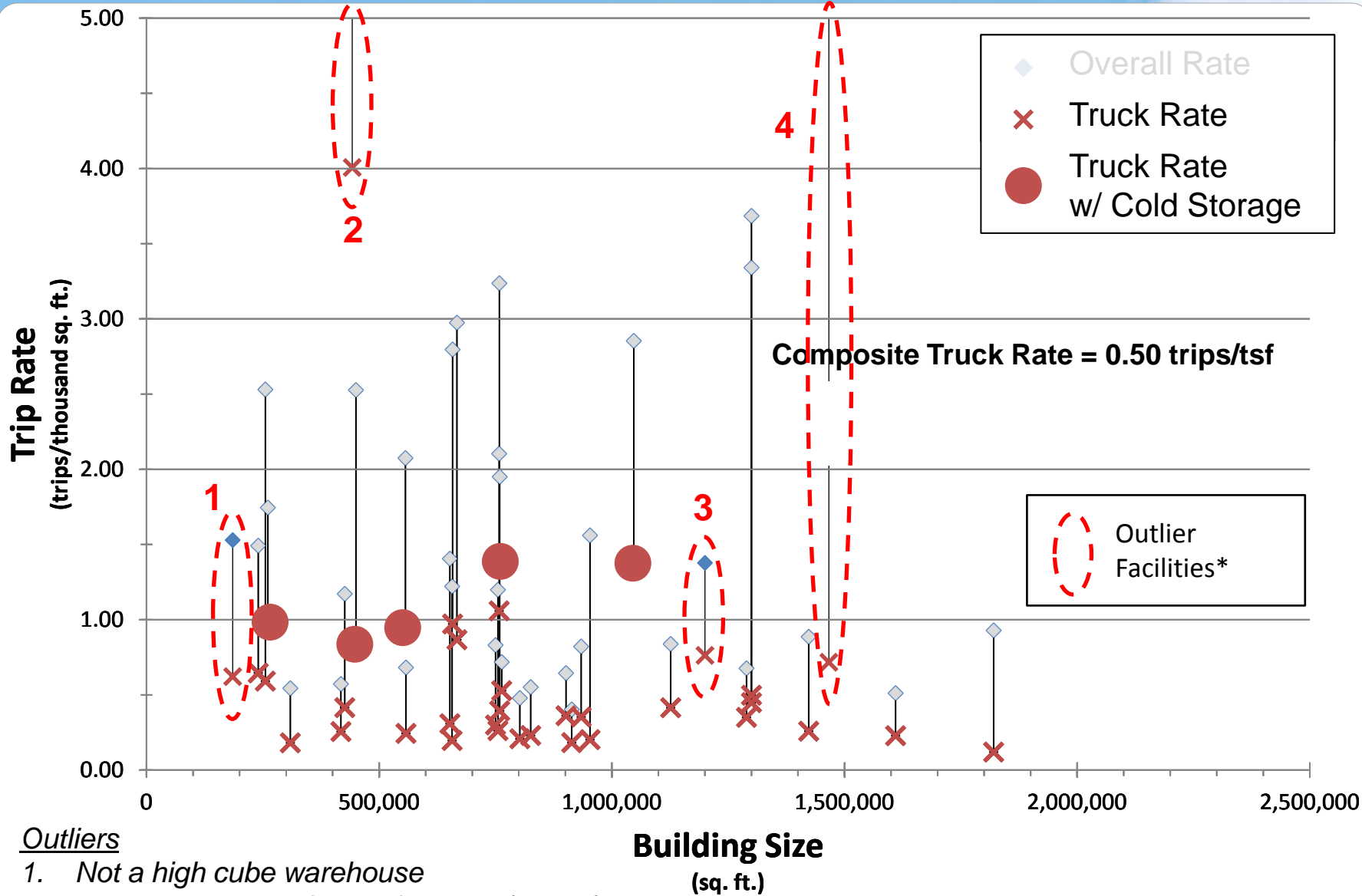
\* 400 Business Surveys sent out. 63 warehouses responded. 34 of the 63 warehouses met definition of “high cube warehouse”

\*\* 37 total video counts. 4 excluded because either an outlier or did not meet definition of “high cube warehouse”

# Analysis of Data

- Removed outlier data
  - E-commerce and parcel warehouses substantially higher overall trip rate
- Verified only “high cube warehouses” > 200,000 square feet
- Averaged data
  - Overall trip rate per 1,000 sq feet
  - Truck trip rate per 1,000 sq feet
- Three categories:
  - Non-cold storage warehouses
  - Cold storage warehouses
  - Composite for warehouses





# SCAQMD Warehouse Truck Trip Study Findings<sup>1,2</sup>

Grouping	Overall Rate (trips/tsf)		Truck Rate (trips/tsf)	
	Average Rate	Rate with Peaking Factor <sup>3</sup>	Average Rate	Rate with Peaking Factor <sup>3</sup>
<i>With Cold Storage</i>	2.49	2.99	1.10	1.32
<i>Non-Cold Storage</i>	1.34	1.78	0.40	0.53
<i>Composite</i>	1.51	1.98	0.50	0.66

<sup>1</sup> Peaking Factor applied only to averaging periods  $\leq$  one day

<sup>2</sup> Outlier data removed

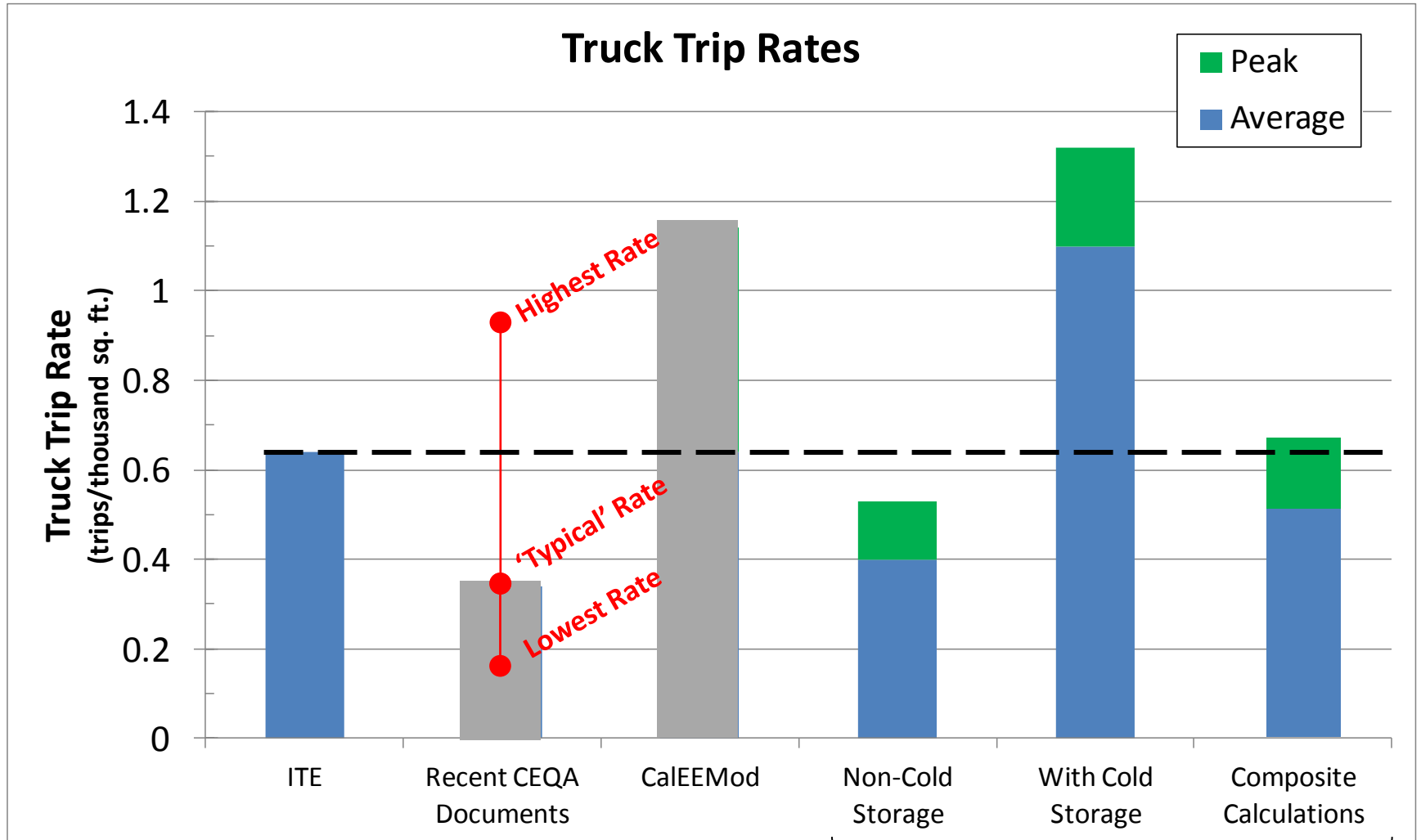
<sup>3</sup> Peaking Factor from Business Survey

Cold Storage (14)	Non-Cold Storage (16)
20%	33%

# Business Position/ Recommendation

- Use current edition ITE truck trip rate as default
  - ITE higher than SCAQMD non-cold storage truck rate w/peak: 0.64 vs 0.53 trips/tsf
  - ITE similar to SCAQMD composite truck rate w/peak: 0.64 vs 0.66 trips/tsf
  - ITE captures “peak” daily
  - ITE has established procedures to update trip rates
  - Lead agencies can use site specific data

# Truck Trip Rate Comparison



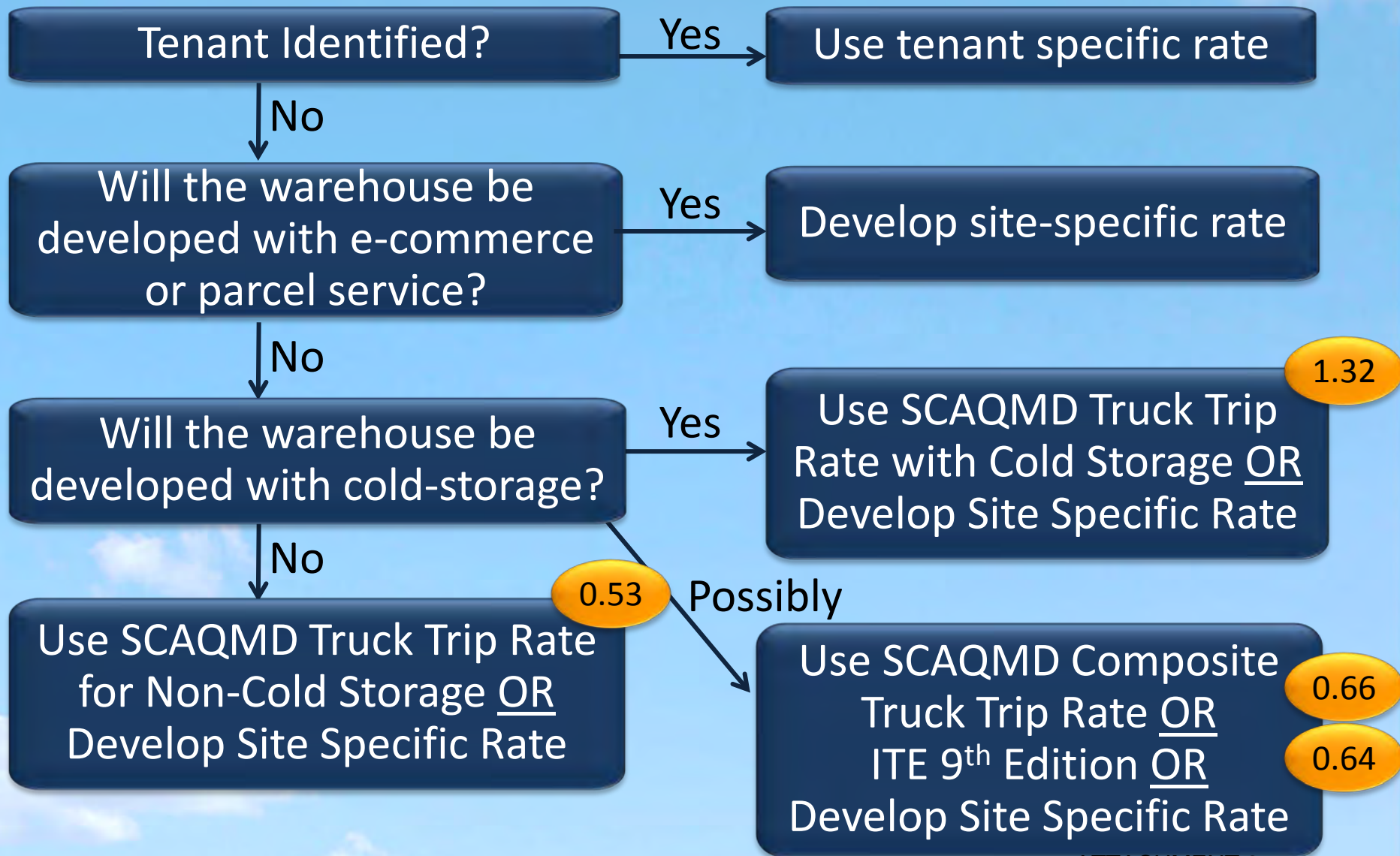
# Staff Response

- Can support use of ITE truck trip rate as current default
- SCAQMD Study results with peaking factor are not inconsistent with ITE
- Fontana Truck Trip Study limited applicability
  - Overall trip rate based on 4 warehouses – includes 2 warehouses with zeros
  - No 24-hour truck trip rates reported
  - Truck trip rates using Fontana study are calculated based on 20% truck fleet mix
  - Fontana Study, by itself, is not characteristic of high cube warehouses

# Staff Recommendations

- Implement staff interim recommendation
  - Use ITE default values until Governing Board action
  - Reflected in monthly IGR Board letter, NOP comment letter, and CalEEMod users noticed
- Option 1:
  - Continue staff interim recommendation
  - Supplement study by collecting more information on cold storage and peaking rates
- Option 2: See flow chart

# Staff Recommendation - Option 2





# Staff Recommendations (Continued)

- Submit SCAQMD Truck Trip Study results to ITE
- Recommend ITE separate “Cold Storage High Cube Warehouse”
- Recommend ITE evaluate e-commerce type warehouses
- Biannually collect additional trip count data from warehouses
- Develop updated emission mitigation menu e.g., WRCOG “Good Neighbor” Guidelines



### Comment Letter 38 – Gabrielle Watson



## Response to Public Notice

Any information submitted on this form is public record and can be viewed by any member of the public upon request.

Please note that public comment for this project closes at the Public Meeting on Error! Reference source not found.

Please enter any comments you may have about this proposal below. (Please print or type all information):

COMMENTS: *Having received the "notice of public hearing" I wish to make comments re: Sycamore Canyon Business Park. We live on the street (Cannich) behind where this warehouse project is to be located. We have been here 16 yrs. We already hear "beep-beep" noises from Big 5 warehouse and other slamming noises etc. a little further away. (on Sycamore Canyon Blvd.) We are consistently experiencing heavy "big rig" traffic etc. The fact that your Dept (Planning) states "all significant effects of this project have been reduced to less than significant EXCEPT with the exception of air quality and noise" appears to me extremely short sighted. MORE noise and air pollution in our neighborhood is a huge issue. As an example - on Danklipper Dr. (warehouse add) there is already a warehouse (new) immediately behind 4 story homes on Starkdale. When these homeowners look out their small backyards and their 2nd story they stare at a huge grey wall! 12 homeowners on Satherland will have same view!*

Contact Phone Number (Optional): *(951) 784 3095*

Contact Email (Optional): *jwatusa@yahoo.com*

38-A  
38-B  
38-C  
38-D

FOLD THIS SIDE FIRST FOLD THIS SIDE FIRST FOLD THIS SIDE FIRST

## Response to Comment Letter 38 – Gabrielle Watson

This comment letter was received outside the comment period for the public review of the Draft Environmental Impact Report (DEIR). Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states, “the lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” (Originally the comment period was from August 10, 2016, to September 23, 2016; however, it was then extended to October 7, 2016, pursuant to the public’s request.) Accordingly, nothing in CEQA “requires the lead agency to respond to comments not received within the comment periods” (Pub. Res. Code, § 21092.5(c); see also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1111). Comments received by the City outside the comment period have been included within this Final EIR. Although not required by CEQA, the City has included this letter and reviewed the letter to verify that it does not raise new environmental issues related to the DEIR.

### **Response to Comment 38-A:**

The comment regarding existing noise from the warehouses are noted. The existing warehouses referenced in the comment are separate and independent from the proposed Project and were approved by the City after undergoing their own environmental review and public hearing processes that included analysis of potential noise impacts. The existence of these warehouses is addressed in the proposed Project’s environmental analysis, specifically, in the aesthetics, air quality, greenhouse gas emissions, noise, traffic, and cumulative impacts sections.

As part of the *Sycamore Canyon Business Park Warehouse Noise Impact Analysis* (hereinafter the NIA), ambient noise at two locations on the Project site was monitored for a period of 24 hours. The results of this monitoring is reported in DEIR **Table 5.12-C – Existing 24-Hour Noise Levels in Project Vicinity**. As stated in the DEIR, these ambient noise measurements included noise from existing adjacent industrial uses, residential noise, dogs barking, traffic, aircraft noise, and bird song. (DEIR, p. 5.12-9.) The results of this monitoring is reported in Draft Environmental Impact Report (DEIR) **Table 5.12-C – Existing 24-Hour Noise Levels in Project Vicinity**. As stated in the DEIR, noise sources included noise from adjacent industrial uses, residential noise, dogs barking, traffic, aircraft noise, and bird song. (DEIR, p. 5.12-9.) Ambient noise measurements were taken to determine the existing noise setting for purposes of comparing Project-generated noise to quantify the extent, if any, that construction and operation of the proposed Project would result in a noise increase. Ambient noise measurements were not taken for purposes of determining whether existing operations in the Project area are in violation of the City’s Noise Ordinance or applicable standards.

The NIA also quantified potential noise impacts associated with construction and operation of the proposed Buildings 1 and 2. (DEIR Appendix I)

Construction noise of up to 80 dBA  $L_{eq}$  at the westerly property line will exceed the City’s daytime exterior standard for residential property of 55 dBA  $L_{eq}$  and the standard for public

recreational facilities of 65 dBA  $L_{eq}$ . (DEIR, p. 5.12-22.) These standards were in effect at the time of the Notice of Preparation for this DEIR. To reduce construction noise to the extent feasible, the Project will implement mitigation measures **MM NOI 1** through **MM NOI 12**, below: (DEIR, pp. 5.12-45–5.12-46.) It should be noted that on August 18, 2016, the City of Riverside City Council adopted Ordinance 7341 amending the City’s Noise Code to exempt construction noise between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. of Saturdays from the standards of the Noise Code.

**MM NOI 1:** To reduce noise impacts to the surrounding residences and Sycamore Canyon Wilderness Park, prior to any Project-related construction or site preparation, a 12-foot tall temporary noise barrier shall be installed along the Project site’s northern and western property line. The barrier shall be continuous without openings, holes or cracks and shall reach the ground. The barrier may be constructed with 1-inch plywood and provide a transmission loss of at least 23 dBA to ensure construction noise levels do not exceed 75 dBA at single-family residential units located near the proposed project. Other materials providing the same transmission loss shall also be permitted with the approval of the City Planning Division.

**MM NOI 2:** To attenuate initial impact noise generated when an excavator drops rock and debris into a truck bed, heavy grade rubber mats/pads shall be placed within the bed of the trucks. These mats shall be maintained and/or replaced as necessary.

**MM NOI 3:** During all Project-related excavation and grading, construction contractors shall equip all construction equipment, fixed and mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.

**MM NOI 4:** All stationary construction equipment shall be located so that emitted noise is directed away from the residences to the north and west and from the Sycamore Canyon Wilderness Park to the west.

**MM NOI 5:** All construction equipment shall be shut off and not left to idle when not in use.

**MM NOI 6:** All equipment staging during all phases of construction shall be located in areas that will create the greatest distance between construction-related noise/vibration sources and the residences to the north and west and the Sycamore Canyon Wilderness Park to the west.

**MM NOI 7:** The use of amplified music or sound is prohibited on the Project site during construction.

**MM NOI 8:** Haul truck deliveries shall be limited to the same hours specified for construction equipment.

**MM NOI 9:** It is acknowledged that some soil compression may be necessary along the Project boundaries; however, the use of heavy equipment or vibratory rollers and soil compressors along the Project site's north and western boundaries shall be limited to the greatest degree feasible.

**MM NOI 10:** Jackhammers, pneumatic equipment, and all other portable stationary noise sources shall be shielded and noise shall be directed away from the residences to the north and west and Sycamore Canyon Wilderness Park to the west.

**MM NOI 11:** For the duration of construction activities, the construction manager shall serve as the contact person should noise levels become disruptive to local residents. A sign shall be posted at the Project site with the contact phone number.

**MM NOI 12:** No blasting shall take place on the Project site.

Even with implementation of feasible mitigation measures **MM NOI 1** through **MM NOI 12**, which will reduce construction noise by approximately 10 dBA, Project-related construction activities will result in temporary and periodic exposure of persons to and generation of noise levels in excess of standards established in the Riverside Municipal Code at the time of the Notice of Preparation, which is considered a significant and unavoidable impact. (DEIR, p. 5.12-34.)

Noise levels from Project operation will not exceed the City's daytime residential exterior noise standard of 55 dBA  $L_{eq}$  at any of the residences adjacent to the Project site. (DEIR, p. 5.12-26, DEIR **Figure 5.12-5 – Operational Noise Levels (Leq) No Mitigation.**) To reduce noise from nighttime operations, the Project will implement mitigation measures **MM NOI 13** through **MM NOI 15** and **MM AQ 14**, below: (DEIR, p. 5.12-46.)

**MM NOI 13:** To reduce noise associated with the use of back-up alarms, either ambient-sensitive self-adjusting backup alarms or manually adjustable alarms shall be used on all equipment in use on the Project site that requires a backup alarm. Ambient-sensitive self-adjusting backup alarms increase or decrease their volume based on background noise levels. The alarm self-adjusts to produce a tone that is readily noticeable over ambient noise levels (a minimum increment of 5 decibels is typically considered readily noticeable), but not so loud as to be a constant annoyance to neighbors. Close attention shall be given to the alarm's mounting location on the machine in order to minimize engine noise interference, which can be sensed by the alarm as the ambient noise level. These alarms shall be mounted as far to the rear of the machine as possible. An

alarm mounted directly behind a machine radiator will sense the cooling fan's noise and adjust accordingly.

If manually-adjustable alarms are used, each alarm shall be set at the beginning of each day and night shift. The manual setting feature eliminates the machine mounting location problem of the ambient-sensitive self-adjustable backup alarms. Alternatively, back-up movements can be supervised with a guide and flagging system.

**MM NOI 14:** To reduce operational noise at the residences located west of the Project site, no trucks shall use the northern access road or regular sized vehicle sized parking areas at Building 2 for site access, parking, queuing, or idling.

**MM NOI 15:** A restriction of nighttime use between the hours of 10:00 PM to 7:00 AM shall be implemented for the portion of the loading area and trailer parking located just south of Building 2 and within 360 feet of the western property line as shown on **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation**.

**MM AQ 14:** Electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. Trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement. The City shall verify electrical hookups have been installed prior to occupancy and shall confirm lease agreement language.

With implementation of mitigation measures **MM NOI 13** through **MM NOI 15**, and **MM AQ 14**, noise from nighttime operations at the Project site will be reduced to acceptable levels for all receptors except two residences located northwest of the Project site. Because these two residences are at a higher elevation than the Project site, a noise barrier as described in **MM NOI 16**, below, is required to reduce nighttime noise to below the City's nighttime noise standard of 45 dBA  $L_{eq}$ . (DEIR, pp. 5.12-26–5.12-28, 5.12-47, DEIR **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation**.)

**MM NOI 16:** Prior to finalization of building permit, the temporary 12-foot noise barrier shall be removed and the Project applicant shall work with City Design Review staff and the property owners of receptor location 3 (6063 Bannock) and receptor location 4 (6066 Cannich) to determine the design and materials for a noise barrier that is mutually acceptable to the Project Applicant, City Design Review staff, and the property owners. The noise barrier shall be ten-foot high installed at the top of the slope of the residential properties west of the Project site. The designed noise screening will only be accomplished if the barrier's weight is at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-site openings between the shielded areas and the project site. Noise control barrier may be constructed using one, or any combination of the

following materials: masonry block; stucco veneer over wood framing (or foam core), or 1-inch thick tongue and groove wood of sufficient weight per square foot; glass (1/4 inch thick), or other transparent material with sufficient weight per square foot; or earthen berm.

Prior to the issuance of a Certificate of Occupancy for the Project, the Project applicant shall construct said noise barrier provided all of the property owners upon whose property the barrier is proposed to be constructed provide written authorization for such construction. The Project applicant shall provide written notice to the property owners of its intent to commence wall construction at least 90-days prior to the anticipated construction date. If all of the property owners do not authorize the construction of the wall in writing, including providing the applicant with all requisite legal access to the affected properties, within 60 days of applicant's written notice, the applicant shall instead pay to the property owners the equivalent cost to construct the wall, based on applicants good faith estimate.

With the installation of a ten-foot tall noise barrier at the locations where the property owners will permit the noise barrier wall per mitigation measure **MM NOI 16**, operational noise will not exceed the City's nighttime noise standard of 45 dBA. However, because the noise barrier outlined in **MM NOI 16** would be on private property, the installation of this mitigation measure is dependent on the individual property owner, not the Project Applicant. For this reason, impacts are significant and unavoidable with feasible mitigation and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.12-48.)

Thus, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 38-B:**

The commenter's observation regarding truck traffic is noted; however, these existing trucks are not related to the proposed Project.

The *Revised Traffic Impact Analysis for the Sycamore Canyon Industrial Buildings 1 and 2* (the TIA) indicates that approximately 95 percent of the trucks traveling to and from the Project site are anticipated to utilize the Eucalyptus Avenue exit from Interstate 215 (I-215), without travelling on Lochmoor Drive. (See DEIR **Figures 5.16-5 – Project Trip Distribution (Trucks – Outbound)**, and **5.16-6 – Project Trip Distribution (Trucks – Inbound)**). It should be noted that Municipal Code Chapter 10.56 restricts truck over 10,000 pounds from using Lochmoor Drive.

The correspondence regarding the freeway segments to be studied is found on pages 13 and 14 of Appendix A of the TIA (which is Appendix J of the DEIR). The correspondence consists of e-mails between Caltrans (Mark Roberts) and the TIA preparer, Albert A. Webb Associates

(Grace Cheng). A copy of this correspondence is included as Attachment 38.1 on the pages following these responses to comments.

With regard to the I-215 SB Eastridge-Eucalyptus Avenue Off-Ramp, due to the nature of the geometry, the off-ramp is considered as a weaving segment<sup>1</sup> with the existing truck ramp at the State Route (SR) 60/I-215 Interchange. The weaving segment is created when the southbound truck bypass lane at the SR 60/I-215 Interchange joins the four lane SB I-215 mainline resulting in the addition of a fifth lane (4 lanes mainline plus 1 lane bypass). The I-215 SB Eastridge-Eucalyptus Avenue Off-Ramp is a two lane off-ramp and a four lane mainline continuing south as shown below.



With regard to the I-215 Northbound Fair Isle Drive-Box Spring Road Off-Ramp, the ramp is not included in the TIA because the City and the TIA preparer determined no inbound or outbound Project traffic would use this off-ramp based on the geographical location of the site, the type of land uses in the study area, access and proximity to the regional freeway system, existing roadway system, existing traffic patterns, and existing and future land uses. Given the proximity of Sycamore Canyon Boulevard and Sierra Ridge Drive to the Eastridge-Eucalyptus Avenue/I-215 Interchange, it is a reasonable assumption that vehicles, trucks in particular, would utilize this freeway ramp rather than the Fair Isle Drive-Box Springs Road/I-215 interchange. (See **DEIR Figure 5.16-4 – Project Trip Distribution (Passenger Cars - Inbound)** and **DEIR Figure 5.16-6 – Project Trip Distribution (Trucks - Inbound)**.)

<sup>1</sup> A weaving segment is a merge segment (on-ramp) that is closely followed by a diverge segment (off-ramp) and the two are connected by a continuous auxiliary lane. (DEIR, p. 5.16-6.)

With regard to the trip distribution (i.e. the trip directional orientation of Project-generated traffic) used in the *Revised Traffic Impact Analysis for the Sycamore Canyon Industrial Buildings 1 & 2* (the TIA) and the DEIR, the TIA was prepared by a registered professional traffic engineer with local experience and expertise in traffic modeling. The trip distribution used in the TIA is based on professional engineering judgement and was approved by the City as part of the scoping agreement. (See Appendix A of the TIA.) Factors taken into consideration in developing the trip distribution model include: the existing roadway system, existing traffic patterns, and existing and future land uses. The Project will prevent passenger car and truck egress onto Dan Kipper Drive by installing small barriers (referred to as “pork chops”) at all three Project driveways that will limit left-out turns onto Lance Drive. (DEIR pp. 5.16-26.) This will force both outbound (i.e. leaving the Project site) passenger cars and trucks to turn south onto Lance Drive to Sierra Ridge Drive and then east on Sierra Ridge Drive to Sycamore Canyon Boulevard (see **DEIR Figure 5.16-3 – Project Trip Distribution (Passenger Cars – Outbound)**, and **DEIR Figure 5.16-5 Project Trip Distribution (Trucks – Outbound)**). From the intersection of Sierra Ridge Drive and Sycamore Canyon Boulevard, outbound vehicles will either turn north or south to travel to I-215 or other surrounding roadways. (DEIR, pp. 5.16-26.) From the intersection of Sierra Ridge Drive/Sycamore Canyon Road, it is approximately 0.7 miles to the Eastridge-Eucalyptus interchange and approximately 0.9 miles to the Fair-Isle/Box Springs interchange. Additionally, the Eastridge-Eucalyptus interchange is geometrically easier for trucks to turn at than the Fair Isle-Box Springs interchange. The Eastridge-Eucalyptus interchange is a single point interchange (SPI) which has large sweeping radii for all turning movements. The Fair Isle-Box Springs interchange is a partial diamond/partial hook ramp design with relatively small radii for many turning movements. For these reasons, it is reasonable to expect that more trucks will use the Eastridge-Eucalyptus interchange.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 38-C:**

Implementation of the proposed Project would have significant and unavoidable impacts related to air pollution, noise, and transportation-traffic (DEIR, p. 8-2).

As discussed in detail throughout Section 5.0 – Environmental Impact Analysis of the DEIR, the proposed Project will result in Project-specific or cumulatively significant unavoidable impacts to air quality (operations), noise (construction and operation), as well as transportation and traffic. (DEIR, pp. 1-21–1-28, 1-44–1-49, 1-51, 1-56–1-57, 5.3-30-5.3-31, 5.3-35, 5.3-40, 5.12-24, 5.12-28, 5.12-34, 5.12-44, 5.12-48, 5.16-35, 5.16-48, 5.16-52, 5.16-53, 5.16-57, 6-10, 6-19.) Thus, a Statement of Overriding Considerations, as allowed by State CEQA Guidelines Section 15093, will be required should the City choose to approve the Project. (DEIR, pp. 1-21–1-28, 1-44–1-49, 5.3-30–5.3-31, 5.3-40)

Specifically, the DEIR discloses that the Project will have significant unavoidable impacts with regards to:



Air Quality: NO<sub>x</sub> (oxides of nitrogen) emissions of 325.95 lbs/day (summer) and 339.39 lbs/day (winter) during Project operation will exceed the South Coast Air Quality Management District (SCAQMD) threshold of 55 lbs/day. (DEIR, p. 5.3-26.)

Noise: Construction noise of up to 80 dBA L<sub>eq</sub> at the westerly property line will exceed the City's daytime exterior standard for residential property of 55 dBA L<sub>eq</sub> and the standard for public recreational facilities of 65 dBA L<sub>eq</sub>. (DEIR, p. 5.12-22.) These standards were in effect at the time of the Notice of Preparation for this DEIR. It should be noted that on August 18, 2016, the City of Riverside City Council adopted Ordinance 7341 amending the City's Noise Code to exempt construction noise between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. of Saturdays from the standards of the Noise Code.

Operational noise levels of up 52 dBA L<sub>eq</sub> (without mitigation) will exceed the City's nighttime exterior standard for residential property of 45 dBA L<sub>eq</sub> for two sensitive receptors located west of the Project site. (DEIR, pp. 5.12-28, 5.12-34.) See [Response to Comment 38-A](#) for a discussion regarding noise impacts

Transportation/Traffic: Project traffic will contribute to an exceedance of level of service (LOS) at the following intersections:

- I-215 Northbound off-ramp at Eastridge Avenue-Eucalyptus Avenue during the PM peak hour for the Existing plus Ambient Growth plus Project condition. (DEIR, pp. 5.16-45– 5.16-47.)
- I-215 Northbound on-ramp at Fair Isle Drive-Box Springs Road during the AM and PM Peak hours for the Existing plus Ambient Growth plus Cumulative Development plus Project condition (Cumulative).

It is worth noting that the LOS will be exceeded at these ramps as a result of ambient growth and cumulative development, i.e., without the Project. (DEIR, pp. 5.16-45– 5.16-47.)

Since the DEIR discloses the Project's significant and unavoidable impacts and a Statement of Overriding Considerations will be required should the City choose to approve the Project, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 38-D:**

The commenter's opinion regarding the CT Sycamore Center Project is noted. However, the approval of that project is not the subject of the DEIR. The proposed Project has been revised, in part due to the CT Sycamore Center Project (which is setback 50 feet with a landscape buffer totaling 24 feet from the northern property line), to provide a 100-foot building setback from the adjacent residences to the north which that is twice the setback distance from the CT Project.

The proposed Project has been revised by the Project applicant so that the northern wall of Building 2 is located 100 feet south of the residential lots north

of the Project site. This 100-foot setback is comprised of 64 feet of landscaping between the northern property line of Parcel 2 and a 30-foot wide drive isle north of Building 2, and an additional 6-foot wide landscape area between the drive aisle and the building. (DEIR, p. 3-35)

With regard to the aesthetic impacts of the Project, building walls that face the residences will be articulated with pockets of light and shadow to break up the long expanse of wall as required by mitigation measure **MM AES 9** (as proposed to be revised in the DEIR as shown below) and the Project's landscape plan has been designed to provide visual appeal, functionality, and a buffer around the Project site as well as between the proposed buildings. (DEIR, pp. 5.1-7 – 5.1-9.)

**MM AES 9:** To offset the long expanses of wall surfaces on Building 1 and Building 2, prior to the issuance of a grading permit as part of the Design Review process, revised architectural plans and elevations shall be submitted for review and approval by the City of Riverside Design Review staff.

- a. The revised architectural plans and building elevation for the west elevation of Building 1 shall include some of the same elements used on the front elevation to offset the long (1,394 feet) expanse of wall surface, including providing design techniques like those at the office areas on every corner of Building 1 (excluding windows). The new design shall implement articulation to create pockets of light and shadow.
- b. The revised architectural plans and building elevation for the north elevation of Building 2 shall be articulated in the same manner as the front elevation and shall include the same elements used on the east elevation to offset the long (978 feet) expanse of wall surface. The exterior features provided at the office areas shall be provided on every corner of Building 2. The new design shall implement articulation to create pockets of light and shadow.

Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Attachment 38.1: Email correspondence between WEBB Associates and Caltrans**

**From:** Grace Cheng  
**Sent:** Friday, July 10, 2015 11:25 AM  
**To:** 'Roberts, Mark B@DOT'  
**Subject:** RE: Acceptable Levels of Service at I-215 Freeway Ramps - City of Riverside

Hi Mark,

Thanks for the quick reply. We will include the merge/diverge analysis for Box Springs & Eucalyptus. The project won't be sending any trips to Alessandro so that ramp wouldn't need to be included in the analysis. For the ambient growth rate, we'll take a look at the RivTAM model which is based on the SCAG model, since that is what the Riverside County uses for their modelling. I'll get back to you on what that turns out to be. Thanks.



**Grace Lin Cheng, MS | MCP | PE** - Associate Engineer  
Albert A. Webb Associates  
3788 McCray Street, Riverside, CA 92506  
t: 951.320.6038  
e: [grace.cheng@webbassociates.com](mailto:grace.cheng@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)  
[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [YouTube](#)

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**From:** Roberts, Mark B@DOT [<mailto:mark.roberts@dot.ca.gov>]  
**Sent:** Thursday, July 09, 2015 9:28 AM  
**To:** Grace Cheng  
**Subject:** RE: Acceptable Levels of Service at I-215 Freeway Ramps - City of Riverside

Hello

I concur with the intersections to be studied.

Our Traffic Operations Division will also likely ask for a merge/diverge analysis for the affected Freeway ramps (Box Springs, Eucalyptus and Allesandro).

Related to the use of 2% growth rate assumption I'd prefer you use the 2012 SCAG RTP Model or other model based on the SCAG Model (if 2% is what you derive from the SCAG Model) then I concur as well.

\*\*\*\*\*

Caltrans  
District 8 (San Bernardino and Riverside Counties)  
Mark Roberts  
Office of Intergovernmental Review, Community and Regional Planning  
Senior Transportation Planner, AICP  
464 West 4th Street, 6th Floor, MS 725  
San Bernardino, CA 92401-1400

(909) 383-4557

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**From:** Grace Cheng [<mailto:grace.cheng@webbassociates.com>]  
**Sent:** Wednesday, July 08, 2015 11:54 AM  
**To:** Roberts, Mark B@DOT  
**Subject:** Acceptable Levels of Service at I-215 Freeway Ramps - City of Riverside

Hi Mark,

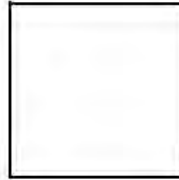
Attached is a preliminary scoping agreement for a proposed project in the City of Riverside, located in the Sycamore Canyon Business Park area. As a part of the traffic study, we will be studying the I-215 freeway ramps at Fair Isle/Box Springs and Eucalyptus. Please review the scoping agreement and provide any comments you may have. Would these intersections be evaluated under a required level of service of D?  
Thanks.



**Grace Lin Cheng, MS | MCP | PE** - Associate Engineer  
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# Comment Letter 39 – Mark Newhall

39

Date: 10-25-16

Item No.: 3

**From:** Mark Newhall (<mailto:mnewhall30@charter.net>)  
**Sent:** Monday, October 24, 2016 10:01 PM  
**To:** Morton, Sherry <[SMorton@riversideca.gov](mailto:SMorton@riversideca.gov)>  
**Cc:** [sycamorehighlands@yahoo.com](mailto:sycamorehighlands@yahoo.com)  
**Subject:** [External] Comment for City Council Meeting on October 25

Comment for City Council Meeting on October 25

Agenda Item: Good Neighbor Guidelines – Warehouse Development

*Please provide include my comments below to each City Council member, to the Mayor, to the City Manager, to the Planning Department, and to the Planning Commission.*

39-A

When I moved back to Riverside as an adult in 2001, there was a Good Neighbor policy in place. That was something we felt good about, knowing that there was an empty field in our back yard. Light Industrial (who knew about mega warehouses back then?!) could mean offices and small buildings below us on 17 small parcels of land, a minimum of 1000 feet away from us. That was doable.

39-B

Since then, the Good Neighbor policy was eliminated (2006), Big 5 moved in (2008), and CT Realty snuck in an abomination of a warehouse(2016)!

The noise generated from the now existing warehouses, which are more than 1000 feet from us, is an incredible nuisance. The constant beeping of back up warnings on trucks, the honking of horns to wake up those watching or not watching the gates in the middle of the night, and the reverberating thud of materials being dropped, all 24 hours a day/seven days a week, is unbearable. No longer can we keep the windows open at night if we want to sleep. Even with the double paned windows, the noise can still be heard.

39-C

We recently received the Notice of Public Hearing below that states "All significant affects of the proposed project have been reduced to less than significant with implementation of the mitigation with the exception of impacts to air quality, noise, and traffic.

39-D

**ENVIRONMENTAL DETERMINATION**

The City of Riverside has received a Draft Environmental Impact Report for the proposed Warehouse Project. All significant effects of the proposed project have been reduced to less than significant with implementation of mitigation with the exception of impacts to air quality, noise, and traffic.



**CITY PLANNING COMMISSION**, At-Large Council Chamber  
Four City Hall, 3900 Main Street, Riverside, CA 92523  
**MEETING DATE:** November 3, 2016

**RAWNH COMMENTS:**  
Interested parties may contact the Contact Number between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The Draft EIR and EIR are available for inspection at the Planning Division of the

Now there is a proposal on the board for an additional set of warehouses to be built by Magnon Company. If those go through, I can't begin to imagine the noise as those buildings will be a mere 30 to 100 feet from my back yard. With the amphitheater affect, since they will be right below our home, all of that noise will only be intensified.

Really!!? Those are the most impactful problems to the nearby residents in Sycamore Highlands. We do not want the pollution, noise, or traffic.

How is Riverside being a "Good Neighbor" by letting this happen? Have you seen what CT Realty did to our neighbors on Southerland Dr.? Who would want this atrocity 30 feet from their back yard?

39-E



Help us understand how this is right. The State Air Control Board recommends a 1000 foot buffer between commercial and residential properties, to lessen the affect of noise and pollution. The complete lack of disregard from the city with their watered down or totally disregarded Good Neighbor policy makes me sad. Riverside claims to have a Smart Growth plan in place, but how does development such as this "maintain and enhance the value of existing neighborhoods"? (from US EPA Smart Growth Network link from Riverside Planning Dept. webpage: <https://www.riversideca.gov/planning/cityplans.asp> )

39-F

We ask that you consider protecting our neighborhoods that are already developed. Mandate and bring back the reasonable buffer of 1000 feet between residential and warehouse developments. Put in place height restrictions matching the residential requirements for buildings within 100 feet of residential property lines.

39-G

Step up and be the "Good Neighbor" that Riverside claims to be.

Lisa, Mark, Jacqueline, and Rachael Newhall  
6040 Cannich Road

cc: Mayor  
City Council  
City Manager  
City Attorney  
ACMs  
C&ED Director

## **Response to Comment Letter 39 – Mark Newhall**

This comment letter was received outside the comment period for the public review of the Draft Environmental Impact Report (DEIR). Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states, “the lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” The original comment period of July 21, 2016, to September 25, 2016, was extended to October 7, 2016, in response to requests by members of the public to provide additional time for review of the DEIR. Accordingly, nothing in CEQA “requires the lead agency to respond to comments not received within the comment periods” (Pub. Res. Code, § 21092.5(c); see also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1111). Comments received by the City outside the comment period have been included within this Final EIR. Although not required by CEQA, the City has included this letter and reviewed the letter to verify that it does not raise new environmental issues related to the DEIR.

### **Response to Comment 39-A:**

This comment will be added to the official record of the Project, which will be provided to each City Council member, to the Mayor, to the City Manager, to the Planning Department, and to the Planning Commission. The public will have an opportunity to comment on the merits of the Project itself at a Planning Commission hearing and at a City Council hearing. Notice of the Planning Commission and City Council hearings on this Project will be published at least 10 days prior to the hearing date in accordance with relevant provisions of the Government Code. The agenda for Planning Commission and City Council hearings can be found at: <http://riversideca.legistar.com/Calendar.aspx>. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 39-B:**

The comments regarding existing noise from the warehouses are noted. The existing warehouses referenced in the comment are separate and independent from the proposed Project and were approved by the City after undergoing their own environmental review and public hearing processes. The existence of these warehouses is addressed in the proposed Project’s environmental analysis, specifically, in the aesthetics, air quality, greenhouse gas emissions, noise, traffic, and cumulative impacts sections.

Good Neighbor Guidelines: The commenter’s assertion that the City eliminated the Good Neighbor Guidelines is incorrect; rather, this policy was adopted by the City in 2008. The City adopted *Good Neighbor Guidelines Siting New and/or Modified Warehouse/Distribution Facilities* to provide the City and developers with a variety of strategies that can be used to reduce diesel emissions from heavy-duty trucks that deliver goods to and from warehouse and distribution centers, such as the proposed Project. (DEIR, p. 5.3-16.) As discussed in DEIR Appendix M, the proposed Project is consistent with all of the goals and strategies outlined in the City’s *Good Neighbor Guidelines*. (DEIR Appendix M, pp. M-66–M-72.) Because each Project and property have different characteristics and circumstances, the City’s *Good Neighbor Guidelines* do not include recommendations regarding setbacks between distribution

center buildings and adjacent residential uses. Rather, it recommends that a Health Risk Assessment (HRA) be prepared for any warehouse project within 1,000-feet of residential properties. The HRA should indicate how the project can be designed to limit health risks. The site has been designed in order to minimize impacts on the adjacent residential area including placement of driveways and onsite parking areas away from the adjacent residential areas, consistent with the policies contained in the City's *Good Neighbor Guidelines*.

Since residences will be located within 1,000 feet from the proposed Project, a Screening HRA was prepared in June 2016 (included in Appendix B of the DEIR) and a Refined HRA was prepared in November 2016 (included in the Final EIR) to evaluate cancer and non-cancer risks associated with the proposed Project. The Refined November HRA was prepared in response to comments received from SCAQMD on the DEIR regarding the June HRA, and is consistent with the requested SCAQMD guidance and methodology. In both the June HRA and November Refined HRA, none of the SCAQMD cancer or non-cancer thresholds are exceeded as a result of Project construction or operation for either workers or residents within the Project site and vicinity. (DEIR, p. 5.3-34.)

Land Use: The Project requires approval of Tentative Parcel Map No. 36879 to combine 17 existing parcels into two parcels and three lettered lots. (DEIR, **Figure 3-8.**) Additionally, a Minor Conditional Use Permit (MCUP) is required to allow for warehouses greater than 400,000 square feet pursuant to City of Riverside Municipal Code, Title 19, Zoning Code, Chapter 19.150, Base Zones Permitted Land Uses.

The City of Riverside General Plan 2025 (the GP 2025) designates the Project site as Business/Office Park (B/OP) and the site is zoned Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones (BMP-SP). (DEIR, **Figure 3-4 – Land Use Designation Map, DEIR Figure 3-5 – Zoning Map.**) Development of the Project site is also guided by the City's *Sycamore Canyon Business Park Specific Plan (SCBPSP)*, which was adopted in 1984 by the City in order to encourage and provide incentives for economic development in the area. The site is designated as Industrial in the SCBPSP. (DEIR, p. 3-14.) The proposed Project is consistent with both the GP 2025 and SCBPSP and would not be in conflict with these plans.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 39-C:**

Ambient noise measurements were taken at two locations within the Project site to quantify the existing noise environment at the Project site and its vicinity. (DEIR, **Figure 5.12-1.**) Short-term measurements were taken twice at Location 1 to quantify noise conditions both during active construction of the CT Realty Sycamore Center Project east of the Project site and north of Dan Kipper Drive and while construction was inactive (DEIR, **Table 5.12-B – Existing Noise Levels in Project Vicinity**). During the monitoring period, none of the short-term  $L_{eq}$  noise measurements taken at either location exceeded the daytime noise standard of 55 dBA for residential property, except for the measurement taken at Location 1 during active construction



of the CT Realty Project. For the long-term measurement taken at Location1, the daytime residential noise standard of 55 dBA was exceeded at 8:00 AM, 10:00 AM, and 11:00 AM and the nighttime residential noise standard was exceeded for all hours.

The daytime residential noise standard was not exceeded at any point during the long-term measurement period at Location 2 and the nighttime noise standard was exceeded at 10:00 PM and from 4:00 AM – 7:00 AM. (DEIR, pp. 5.12-5 – 5.12-10.)

Noise levels from Project operation will not exceed the City's daytime residential exterior noise standard of 55 dBA  $L_{eq}$  at any of the residences adjacent to the Project site. (DEIR, p. 5.12-26, DEIR **Figure 5.12-5 – Operational Noise Levels (Leq) No Mitigation.**) To reduce noise from nighttime operations, the Project will implement mitigation measures **MM NOI 13** through **MM NOI 15** and **MM AQ 14**, below: (DEIR, p. 5.12-46.)

**MM NOI 13:** To reduce noise associated with the use of back-up alarms, either ambient-sensitive self-adjusting backup alarms or manually adjustable alarms shall be used on all equipment in use on the Project site that requires a backup alarm. Ambient-sensitive self-adjusting backup alarms increase or decrease their volume based on background noise levels. The alarm self-adjusts to produce a tone that is readily noticeable over ambient noise levels (a minimum increment of 5 decibels is typically considered readily noticeable), but not so loud as to be a constant annoyance to neighbors. Close attention shall be given to the alarm's mounting location on the machine in order to minimize engine noise interference, which can be sensed by the alarm as the ambient noise level. These alarms shall be mounted as far to the rear of the machine as possible. An alarm mounted directly behind a machine radiator will sense the cooling fan's noise and adjust accordingly.

If manually-adjustable alarms are used, each alarm shall be set at the beginning of each day and night shift. The manual setting feature eliminates the machine mounting location problem of the ambient-sensitive self-adjustable backup alarms. Alternatively, back-up movements can be supervised with a guide and flagging system.

**MM NOI 14:** To reduce operational noise at the residences located west of the Project site, no trucks shall use the northern access road or regular sized vehicle sized parking areas at Building 2 for site access, parking, queuing, or idling.

**MM NOI 15:** A restriction of nighttime use between the hours of 10:00 PM to 7:00 AM shall be implemented for the portion of the loading area and trailer parking located just south of Building 2 and within 360 feet of the western property line as shown on **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation.**

**MM AQ 14:** Electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. Trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement. The City shall verify electrical hookups have been installed prior to occupancy and shall confirm lease agreement language.

With implementation of mitigation measures **MM NOI 13** through **MM NOI 15**, and **MM AQ 14**, noise from nighttime operations at the Project site will be reduced to acceptable levels for all receptors except two residences located northwest of the Project site. Because these two residences are at a higher elevation than the Project site, a noise barrier as described in **MM NOI 16**, below, is required to reduce nighttime noise to below the City's nighttime noise standard of 45 dBA  $L_{eq}$ . (DEIR, pp. 5.12-26–5.12-28, 5.12-47, DEIR **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation.**)

**MM NOI 16:** Prior to finalization of building permit, the temporary 12-foot noise barrier shall be removed and the Project applicant shall work with City Design Review staff and the property owners of receptor location 3 (6063 Bannock) and receptor location 4 (6066 Cannich) to determine the design and materials for a noise barrier that is mutually acceptable to the Project Applicant, City Design Review staff, and the property owners. The noise barrier shall be ten-foot high installed at the top of the slope of the residential properties west of the Project site. The designed noise screening will only be accomplished if the barrier's weight is at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-site openings between the shielded areas and the project site. Noise control barrier may be constructed using one, or any combination of the following materials: masonry block; stucco veneer over wood framing (or foam core), or 1-inch thick tongue and groove wood of sufficient weight per square foot; glass (1/4 inch thick), or other transparent material with sufficient weight per square foot; or earthen berm.

Prior to the issuance of a Certificate of Occupancy for the Project, the Project applicant shall construct said noise barrier provided all of the property owners upon whose property the barrier is proposed to be constructed provide written authorization for such construction. The Project applicant shall provide written notice to the property owners of its intent to commence wall construction at least 90-days prior to the anticipated construction date. If all of the property owners do not authorize the construction of the wall in writing, including providing the applicant with all requisite legal access to the affected properties, within 60 days of applicant's written notice, the applicant shall instead pay to the property owners the equivalent cost to construct the wall, based on applicant's good faith estimate.

If the two property owners will permit the installation of the noise barrier wall per mitigation measure **MM NOI 16**, operational noise will not exceed the City's nighttime noise standard of 45 dBA. However, because the noise barrier outlined in **MM NOI 16** would be on private property, the installation of this mitigation measure is dependent on the individual property owner authorizing installation, not the Project Applicant. For this reason, impacts are significant and unavoidable with feasible mitigation and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.12-48.)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 39-D:**

The commenter correctly stated that "All significant environmental effects of the proposed Project have been reduced to less than significant with implementation of the mitigation with the exception of impacts to air quality, noise, and traffic." The proposed buildings at the Project site will be located 100 feet from the residential property line to the north and 138 feet from the property line of the residences to the west of the Project site.

Air Quality: The South Coast Air Quality Management District (SCAQMD) is responsible for monitoring air quality, as well as planning, implementing, and enforcing programs designed to attain and maintain state and federal ambient air quality standards. Accordingly, SCAQMD has developed regional thresholds that can be used to determine if a project will have significant air quality impacts. The Air Quality Report (AQ Report, Appendix B to the DEIR) modeled Project-related emissions and compared estimated emissions to the SCAQMD thresholds.

The Project's short-term emissions are below regional and localized thresholds. However, the Project's long-term Oxides of Nitrogen (NO<sub>x</sub>) emissions of 339.39 lbs/day in the winter and 325.95 lbs/day in the summer will exceed the SCAQMD regional threshold of 55 lbs/day even after incorporation of Project design features and feasible mitigation measures **MM AQ 1** through **MM AQ 15**, **MM AQ 18**, and **MM AQ 19** as well as additional **MM AQ 22** through **MM AQ 25**. (DEIR, p. 5.3-27.) (DEIR, pp. 5.3-26, 5.3-30, 5.3-35–5.3-40.) Hence, regional air quality impacts from long-term operation are significant and unavoidable and the Project is considered to have a cumulatively considerable net increase on non-attainment pollutants in the region under applicable state and federal standards. Although the Project would result in significant and unavoidable impacts related to air quality even with feasible mitigation incorporated, pursuant to State CEQA Guidelines Section 15093, the City has the discretion to adopt a Statement of Overriding Considerations and make findings that the benefits of the Project outweigh the costs to move forward with the Project. Mitigation Measures **MM AQ 13** and **MM AQ 22** were modified and new text is shown as double underlined and the text to be deleted is shown as ~~strikethrough~~. These revisions do not change the significance conclusions of the DEIR or result in the need for additional mitigation.

**MM AQ 1:** Solar or light-emitting diodes (LEDs) shall be installed for outdoor lighting. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 2:** Indoor and outdoor lighting shall incorporate motion sensors to turn off fixtures when not in use. The site and buildings shall be designed to take advantage of daylight, such that use of daylight is an integral part of the lighting systems. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 3:** Trees and landscaping shall be installed along the west and south exterior building walls to reduce energy use. Vegetative or man-made exterior wall shading devices or window treatments shall be provided for east, south, and west-facing walls with windows. Landscaping and/or building plans shall contain these features and are subject to City verification prior to building permit issuance.

**MM AQ 4:** Light colored “cool” roofs shall be installed over office area spaces and cool pavement shall be installed in parking areas. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 5:** Energy efficient heating and cooling systems, appliances and equipment, and control systems that are Energy Star rated shall be installed in future office improvement plans. Refrigerants and heating, ventilation, and air conditioning (HVAC) equipment shall also be selected to minimize or eliminate the emission of compounds that contribute to ozone depletion and global warming. The efficiency of the building envelope shall also be increased (i.e., the barrier between conditioned and unconditioned spaces). This includes installation of insulation to minimize heat transfer and thermal bridging and to limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption. The City shall verify tenant improvement plans include these features. The City shall verify these features are installed prior to issuance of occupancy permits.

**MM AQ 6:** Energy Star rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment shall be installed. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 7:** All buildings shall be designed with “solar ready” roofs that can structurally accommodate future installation of rooftop solar panels. Prior to building permit issuance, the City shall verify roofs are “solar ready.” If future building operators are providing rooftop solar panels, they shall submit plans for solar panels to the City prior to occupancy.

**MM AQ 8:** The Project’s landscaping plans shall incorporate water-efficient landscaping, with a preference for xeriscape landscape palette. Landscaping plans shall be approved by the City prior to building permit issuance.

**MM AQ 9:** All building owners shall provide education about water conservation and available programs and incentives to building operators to distribute to employees.

**MM AQ 10:** Interior and exterior waste storage areas shall be provided for recyclables and green waste. Prior to occupancy permits, the City shall verify interior and exterior storage areas are provided for recyclables and green waste. The property operator will also provide readily available information provided by the City for employee education about reducing waste and available recycling services.

**MM AQ 11:** Up to three electric vehicle charging stations shall be provided to encourage the use of low or zero-emission vehicles. Prior to building permit issuance, the City shall verify building plans contain electric vehicle charging stations.

**MM AQ 12:** Adequate bicycle parking near building entrances shall be provided at the site. Facilities that encourage bicycle commuting (e.g., locked bicycle storage or covered or indoor bicycle parking) shall be provided. Prior to building permit issuance, the City shall verify building plans contain adequate bicycle parking.

**MM AQ 13:** All facilities shall post signs informing users of requirements limiting idling to threefive minutes or less which is shorter than required underpursuant to Title 13 of the California Code of Regulations, Section 2485. The City shall verify signage has been installed prior to occupancy.

**MM AQ 14:** Electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. Trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement. The City shall verify electrical hookups have been installed prior to occupancy and shall confirm lease agreement includes such language.

**MM AQ 15:** Service equipment (i.e., forklifts) used within the site shall be electric or compressed natural gas-powered.

**MM AQ 18:** Locally produced and/or manufactured building materials shall be used for at least 10% of the construction materials used for the Project. Verification shall be submitted to the City prior to issuance of a building permit.

**MM AQ 19:** “Green” building materials shall be used where feasible, such as those materials that are resource efficient and recycled and manufactured in an environmentally friendly way. Verification of the feasibility or infeasibility of

securing these materials shall be submitted to the City prior to issuance of a building permit.

In addition to the Project design features, the following mitigation measures shall be implemented during Project operations to minimize air quality impacts.

**MM AQ 22:** The Project shall implement the following measures to reduce emissions from on-site heavy duty trucks within six months after operations commence:

a) Post signs informing truck drivers about the health effects of diesel particulates, the requirement that CARB diesel idling times cannot exceed three minutes regulations, and the importance of being a good neighbor by not parking in residential areas.

b) Tenants shall maintain records on its fleet equipment and vehicle engine maintenance to ensure that equipment and vehicles serving the building are in good condition, and in proper tune pursuant to manufacturer's specifications. The records shall be maintained on site and be made available for inspection by the City.

cb) The facility operator will ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at California Air Resources Board approved courses (such as the free, one-day Course #512).

**MM AQ 23:** In order to promote alternative fuels, and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants with information related to SCAQMD's Carl Moyer Program, or other such programs that promote truck retrofits or "clean" vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. If trucks older than 2007 model year will be used at a facility, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP, HVIP, and SOON funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants will be required to use those funds, if awarded.

**MM AQ 24:** Any yard trucks used on-site to move trailers in or around the loading areas shall be electric in place of traditional diesel powered yard trucks.

**MM AQ 25:** The building operator shall provide signage or flyers that advise truck drivers of the closest restaurants, fueling stations, truck repair facilities, lodging, and entertainment.

SCAQMD has also developed localized significance thresholds (LSTs), which represent the maximum emissions from a project that would not cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standards. Based on the air quality analysis prepared for this Project, neither the short-term construction nor long-term operation of the Project will exceed SCAQMD LST at sensitive receptors, such as the residences, within the Project vicinity for any criteria pollutants. (DEIR, p. 5.3-29.)

Also, refer to Response to Comment 39-B under Good Neighbor Guidelines for HRA discussion. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Noise: The Noise Impact Analysis prepared for the Project was based upon a model that considered the topography of the site and the adjacent residences. Unmitigated operational noise will not exceed the daytime noise standard of 55 dBA  $L_{eq}$ . However, it will exceed the nighttime noise standard of 45 dBA  $L_{eq}$  along the western Project boundary and at two residential units adjacent to the northwest corner of the Project site. Implementation of mitigation measures **MM NOI 13** through **MM NOI 16** will reduce operational noise impacts; however, because the noise barrier outlined in **MM NOI 16** would be on private property, the Project Applicant does not have control over construction of the noise barrier and installation is therefore not guaranteed. Although the Project would result in significant and unavoidable impacts related to noise even with feasible mitigation incorporated, pursuant to State CEQA Guidelines Section 15093, the City has the discretion to adopt a Statement of Overriding Considerations and make findings that the benefits of the Project outweigh the costs to move forward with the Project.

**MM NOI 13:** To reduce noise associated with the use of back-up alarms, either ambient-sensitive self-adjusting backup alarms or manually adjustable alarms shall be used on all equipment in use on the Project site that requires a backup alarm. Ambient-sensitive self-adjusting backup alarms increase or decrease their volume based on background noise levels. The alarm self-adjusts to produce a tone that is readily noticeable over ambient noise levels (a minimum increment of 5 decibels is typically considered readily noticeable), but not so loud as to be a constant annoyance to neighbors. Close attention shall be given to the alarm's mounting location on the machine in order to minimize engine noise interference, which can be sensed by the alarm as the ambient noise level. These alarms shall be mounted as far to the rear of the machine as possible. An alarm mounted directly behind a machine radiator will sense the cooling fan's noise and adjust accordingly.

If manually-adjustable alarms are used, each alarm shall be set at the beginning of each day and night shift. The manual setting feature eliminates the machine

mounting location problem of the ambient-sensitive self-adjustable backup alarms. Alternatively, back-up movements can be supervised with a guide and flagging system.

**MM NOI 14:** To reduce operational noise at the residences located west of the Project site, no trucks shall use the northern access road or regular sized vehicle sized parking areas at Building 2 for site access, parking, queuing, or idling.

**MM NOI 15:** A restriction of nighttime use between the hours of 10:00 PM to 7:00 AM shall be implemented for the portion of the loading area and trailer parking located just south of Building 2 and within 360 feet of the western property line as shown on **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation**.

**MM NOI 16:** Prior to finalization of building permit, the temporary 12-foot noise barrier shall be removed and the Project applicant shall work with City Design Review staff and the property owners of receptor location 3 (6063 Bannock) and receptor location 4 (6066 Cannich) to determine the design and materials for a noise barrier that is mutually acceptable to the Project Applicant, City Design Review staff, and the property owners. The noise barrier shall be ten-foot high installed at the top of the slope of the residential properties west of the Project site. The designed noise screening will only be accomplished if the barrier's weight is at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-site openings between the shielded areas and the project site. Noise control barrier may be constructed using one, or any combination of the following materials: masonry block; stucco veneer over wood framing (or foam core), or 1-inch thick tongue and groove wood of sufficient weight per square foot; glass (1/4 inch thick), or other transparent material with sufficient weight per square foot; or earthen berm.

Prior to the issuance of a Certificate of Occupancy for the Project, the Project applicant shall construct said noise barrier provided all of the property owners upon whose property the barrier is proposed to be constructed provide written authorization for such construction. The Project applicant shall provide written notice to the property owners of its intent to commence wall construction at least 90-days prior to the anticipated construction date. If all of the property owners do not authorize the construction of the wall in writing, including providing the applicant with all requisite legal access to the affected properties, within 60 days of applicant's written notice, the applicant shall instead pay to the property owners the equivalent cost to construct the wall, based on applicant's good faith estimate.

Traffic: Implementation of the Project will introduce additional traffic to the study area. All study area intersections and freeway segments will continue to operate at an acceptable level of



service (LOS) when Project-related traffic is added to the existing traffic, traffic from ambient growth, and traffic from cumulative development projects except for the Eastridge Avenue-Eucalyptus Avenue I-215 Northbound off-ramp, the intersection of Sycamore Canyon Boulevard/Dan Kipper Drive, and the Fair Isle Drive/Box Springs Road I-215 northbound ramp. For the freeway segments to operate at an acceptable LOS, improvements to the freeway would be required. However, freeway facilities are under the jurisdiction of Caltrans and there is no mechanism for the City or Project Applicant to contribute fair share fees or implement improvements to change the LOS from unsatisfactory to satisfactory. For these reasons, Project impacts are considered significant and unavoidable until improvements are funded or constructed by Caltrans. (DEIR, p. 5.16-52.) Although the Project would result in significant and unavoidable impacts related to traffic even with feasible mitigation incorporated, pursuant to State CEQA Guidelines Section 15093, the City has the discretion to adopt a Statement of Overriding Considerations and make findings that the benefits of the Project outweigh the costs to move forward with the Project.

The trip distribution analyzed in the *Revised Traffic Impact Analysis, Sycamore Canyon Industrial Buildings 1 & 2* (TIA) prepared for the Project by Albert A. Webb Associates determined the directional orientation of traffic by evaluating existing and proposed land uses, existing roadway system, and existing traffic patterns within the vicinity of the Project site. The Project has been designed to limit vehicle egress onto Dan Kipper Drive by installing traffic delineators (pork chops) at each exit and by posting signs at all Project driveways that indicate only right turns onto Lance Drive. Because of these traffic directing devices, the majority of traffic exiting Project site is expected to use Sierra Ridge Drive to Sycamore Canyon Boulevard to Eastridge Avenue which will provide on/off ramp access to Interstate 215. (DEIR, p. 5.16-26)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 39-E:**

The existing warehouses referenced in the comment are separate and independent from the proposed Project and were approved by the City after undergoing their own environmental review and public hearing processes that included analysis of potential noise and light impacts. The existence of these warehouses is addressed in the proposed Project's environmental analysis, specifically, in the aesthetics, air quality, greenhouse gas emissions, noise, traffic, and cumulative impacts sections of the DEIR.

Good Neighbor Guidelines: Refer to Response to Comment 39-B regarding compliance with the City's Good Neighbor Guidelines. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Setback: The subject Project, as originally submitted and presented at the August 26, 2015, scoping meeting for the DEIR, proposed two buildings totaling 1.43 million square feet (SF) with the northern building (Building 2) setback 60 feet from the northerly property line. (DEIR, **Figure 8-1 – Original Project.**) As discussed on page 8-3 of the DEIR, during preparation of the DEIR, the Project Applicant received feedback from the City encouraging additional

setback and landscaping along the northern portion of the Project site and a reduction in the size of the Building 2. As a result, the proposed Project was revised by the Project Applicant so that the northern wall of Building 2 is now located 100 feet south of the property line abutting residential lots north of the Project site.

Within the 100-foot setback along the northern property line, the Project proposes 64 feet of landscaping, a 30-foot wide drive aisle (vehicles only, no trucks) and an additional 6-foot wide landscape adjacent to Building 2. (DEIR, p. 3-35, **DEIR Figure 3-10 – Proposed Site Plan, DEIR Figure 3-11 – Conceptual Landscape Plan.**) Additionally, there are no dock doors on the northern side of Building 2, closest to the residences to the north.

The western wall of Building 2 is located approximately 138 feet from the rear property line of the residences located northwest of the site. There is an approximately 101-foot wide Mitigation Area, consisting of native landscaping materials, that provides additional screening and buffer from the residences to the northwest. (DEIR, **Figure 3-10 – Proposed Site Plan and Figure 3-11 – Conceptual Landscape Plan.**)

Building 1 is located downslope from and south of Building 2 and is not expected to be visible from the residential neighborhood to the north (DEIR, p. 5.1-8). The Project will also implement mitigation measure **MM AES 1** which states: (DEIR, pp. 5.12-19, 5.12-31–5.12-33.)

**MM AES 1:** To provide separation between the Project site and the adjacent residential uses and to be consistent with the wall constructed on the project located east of the Project site and north of Dan Kipper Drive, the developer shall install an 8-foot tall wall constructed of two-sided decorative masonry material along the Project site's northern property line and that portion of the Project's westerly property line adjacent to existing residential uses. As part of the Design Review process and prior to the issuance of a grading permit, the Project developer shall submit a revised site plan showing the 8-foot tall wall and the proposed materials and decorative treatment for such wall to the City of Riverside Community and Economic Development Department, Planning Division and the Parks, Recreation, and Community Services Department for review and approval.

The Project will implement mitigation measure **MM AES 9** to ensure that the buildings are attractively designed. (DEIR, p. 5.1-35.)

**MM AES 9:** To offset the long expanses of wall surfaces on Building 1 and Building 2, prior to the issuance of a grading permit as part of the Design Review process, revised architectural plans and elevations shall be submitted for review and approval by the City of Riverside Design Review staff.

- a. The revised architectural plans and building elevation for the west elevation of Building 1 shall include some of the same elements used on the front elevation to offset the long (1,394 feet) expanse of wall surface,

including providing design techniques like those at the office areas on every corner of Building 1. The new design shall implement articulation to create pockets of light and shadow.

- b. The revised architectural plans and building elevation for the north elevation of Building 2 shall be articulated in the same manner as the front elevation and shall include the same elements used on the east elevation to offset the long (978 feet) expanse of wall surface. The exterior features provided at the office areas shall be provided on every corner of Building 2. The new design shall implement articulation to create pockets of light and shadow.

As such, the proposed Project would be set back with landscape screening to minimize the aesthetic impacts. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 39-F:**

Good Neighbor Guidelines: Refer to Response to Comment 39-B regarding compliance with the Good Neighbor Guidelines. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

According to CARB's *Air Quality and Land Use Handbook*, CARB recommends to avoid the placement of new sensitive land uses within 1,000 feet of a distribution center (accommodating more than 100 trucks per day, 40 trucks with transport refrigeration units (TRUs), or where TRUs operate more than 300 hours a week) and to take into account the configuration of existing distribution centers and avoid locating residences and other sensitive land uses near entry and exit points. However, these are recommendations, not mandates, and land use decisions ultimately lie with the local agency which needs to balance other considerations. (DEIR, p. 5.3-18.)

Since the Project involves the construction of a logistics center approximately 100 feet (30 meters) from the nearest sensitive receptor, a more detailed Screening HRA was prepared in 2016 for the Project (included in Appendix B of the DEIR) and a Refined HRA was prepared in November 2016 to address the SCAQMD comments (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>). The Refined HRA is consistent with the requested SCAQMD guidance and methodology. According to both the June HRA and Refined November HRA, none of the cancer or non-cancer thresholds will be exceeded as a result of Project construction or operation for workers or residents within the proposed Project vicinity. Therefore, the Project will not result in the exposure of sensitive receptors to substantial pollutant concentrations during Project construction or operation. (DEIR, p. 5.3-34.)

CARB's guidance, on page 5 of the handbook, acknowledges that the recommendations are in fact advisory, and "to determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel PM will decrease over time as cleaner technology phases

in.” The handbook further goes on to state that “these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists.” Therefore, the FEIR and underlying technical study is actually consistent with the CARB handbook. The FEIR includes a site-specific health risk assessment based on the geospatial location of the proposed development and existing sensitive land uses in the vicinity of the Project site and the truck travel routes that are expected to be utilized. As shown in the FEIR, the Project would not pose a significant health risk associated with diesel particulate matter (DPM) to sensitive receptors in the Project vicinity.

As stated previously, the CARB recommends, but does not mandate, that new sensitive land uses should not be placed within 1,000 feet of a distribution center. As discussed in Section 5.10 – Land Use and Planning of the DEIR, the Project is consistent with both the existing land use designation in the GP 2025 and SCBPSP. Furthermore, Appendix M of the DEIR identifies applicable City of Riverside General Plan 2025 objectives and policies and the Project’s consistency level with those objectives and policies. The Project was found to be consistent with the General Plan Air Quality Element Objectives and Policies. (DEIR Appendix M, pp. M-58-65.)

Smart Growth: Smart growth is the development that serves the economy, the community, and the environment. As the Project is being constructed as a “spec” building and no specific tenant is known at this time, specific employment numbers are not available. However, based on the size of the proposed buildings, the Project would result in approximately 860 to 1,335 new permanent jobs and approximately 350 to 400 temporary construction jobs (DEIR, p. 3-43). It is anticipated that the Project Applicant would hire individuals already residing in the Project vicinity during both Project construction and operation, thus creating employment opportunities in the community.

The proposed Project would be developed adjacent to existing warehouse buildings, and setback from residential neighborhoods with landscape screening. Additionally, the proposed Project incorporates design features that connects to adjacent open space (Sycamore Canyon Wilderness Park). The Project includes a trail and a 16-space parking lot on the southeast portion of the Project site which will provide access to a fully-improved trail that will be located in an easement along the southern perimeter of Parcel 1. The parking lot and trail will provide connectivity for recreational users of the Sycamore Canyon Wilderness Park from Lance Drive in the Sycamore Canyon Business Park. (DEIR, p. 5.15-6.) Thus, the Project incorporates smart growth features to the extent feasible given that the Project is a permitted use in the GP 2025 and SCBPSP.

Although the Project is consistent with the City’s Good Neighbor Guidelines, the Guidelines do not contain specific recommendations for setback distances between warehouse/distribution center development and nearby sensitive receptors, such as residential areas. (DEIR, Appendix M.) Instead the Guidelines require the preparation of a Health Risk Assessment (HRA) with the Project incorporating any needed mitigation measures. Smart growth describes a general strategy that can be used to inform land use and development decisions made in the City. By

providing a source of employment for members of the community, the Project may reduce vehicle miles traveled and improves the jobs-housing balance of the vicinity.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 39-G:**

Good Neighbor Guidelines: Refer to Response to Comment 39-B regarding compliance with the Good Neighbor Guidelines. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Height: The City's GP 2025 designates the Project site as Business/Office Park (B/OP) and the site is zoned Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones (BMP-SP). (DEIR, **Figure 3-4 – Land Use Designation Map**, DEIR **Figure 3-5 – Zoning Map**.) As set forth in the Riverside Municipal Code Chapter 19.130, development in the Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones (BMP-SP) allows a maximum building height of 45 feet. (DEIR, p. 5.1-11.) The proposed Project complies with the height restriction of the BMP-SP because Building 1 is proposed to be approximately 41 feet in height from grade and Building 2 will be approximately 37 feet in height from grade. The elevational and building height differences between Building 1 and Building 2 will minimize the view of these buildings from the adjacent neighborhood. Building 1 is located downslope from and south of Building 2 and is not expected to be visible from the residences north of the Project site. Additionally, Building 1 is setback approximately 256 feet from the Sycamore Canyon Wilderness Park and views of the building from the park will be softened by on-site landscaping and the Conservation Area. The northern wall of Building 2 is located 100 feet south of the property line with the residential lots north of the Project site. The Project proposes 64 feet of landscaping, a 30-foot wide drive aisle (vehicles only, no trucks) and an additional 6-foot wide landscape area within the 100-foot buffer between Building 2 and the northern property line of the Project site. (DEIR, p. 3-35, **DEIR Figure 3-10 – Proposed Site Plan**, **DEIR Figure 3-11 – Conceptual Landscape Plan**.)

This comment suggests that the City implement a requirement for a 1,000-foot buffer between residential and warehouse developments and recommends height restrictions; however, these proposals are separate City planning-related issues and not directly applicable to the City's decision to move forward with the proposed Project. Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

## Comment Letter 40 – Alec Gerry

40

### Comment for City Council Meeting on October 25

#### Agenda Item: Good Neighbor Guidelines – warehouse development

*Please provide include my comments below to each City Council member, to the Mayor, to the City Manager, to the Planning Department, and to the Planning Commission.*

40-A

**Riverside has a development problem!** While we pretend to support the ideals of “smart growth”, recent evidence contradicts this position. Smart growth is development for economic viability while maintaining and enhancing existing neighborhoods (this is taken from the US EPA document on Smart Growth available at the City Planning Department website). **Recent warehouse developments in this City are certainly are not maintaining or enhancing existing neighborhoods – quite the contrary; they are damaging existing neighborhoods.** You need only to look at the recent CT Realty warehouse image below to see how a neighborhood was recently damaged. Welcome to the “Berlin Wall” Riverside style!

40-B



*“Berlin Wall” of Riverside – CT Realty Warehouse blocks the view and the sun.*

Riverside is the leader in the Inland Empire, and our City Leadership should be ensuring that Riverside is a great place to both live and work. Instead, in 2009 Riverside tossed aside the State and County recommendation of a 1000-foot buffer zone between warehouses and residential homes protecting residents from pollutants and other hazards, and Riverside instead decided that developers should be able to build essentially whatever they wanted. Hey, after all it is the developer’s property, right?! Never mind the severe negative effects on the adjacent residential property.

40-C

Now developers expect any proposal to fly through Riverside Planning (which they do) – because there is no City ordinance, policy, or guideline stating that significant negative effects to homeowners should be a development consideration. The current Riverside “Good Neighbor” policy is so weak that it essentially serves no protective function at all. Instead of a “good neighbor”, existing residential areas get an immense wall blocking out the sun, and 24/7 noise that exceeds the noise level allowed in the adjacent residential area.

40-D

In case, you think that the CT Realty warehouse above is an anomaly, the Magnon Companies is intending to build a much larger and more threatening (from the perspective of noise) warehouse also adjacent to residential homes. Here is what the wall height of that warehouse is expected to look like based upon height indicators provided by the developer.

40-E



*Proposed Magnon Warehouse – wall height marker based upon developer height indicator poles*

The lack of an appropriate “Good Neighbor” Policy sets up both developers and residents for conflicts such as the current flight against the proposed Magnon warehouses which are either too tall or will produce too much noise with truck bays facing homes. This City needs to step up and provide leadership here:

40-F

***What do City leaders think is appropriate development for properties next to residential homes?***

Is that what we are getting with the current “Good Neighbor” policy? I hope that the images above depict developments that City Council members and other City Leaders would agree are not enhancing the existing neighborhood!

**The State Air Resources Board (the experts in air quality) have recommended a buffer of 1000 feet between residential homes and warehouses.** While this recommendation is based up air quality issues and protecting the health of nearby residents (including potentially sensitive receptors such as the very young, very old, or those with lung or breathing issues), *this common-sense approach to provide a clear buffer also goes a long way toward protecting residential communities from other significant impacts (such as noise).*

40-G

Noise is particularly problematic for myself and my neighbors. Already, we are awakened by warehouse activity noise throughout the night, and this is with warehouses that are currently farther than 1000 feet away (up to 1 mile). We cringe at the thought of having these noises come from only 100 feet away!

40-H

Frankly, even a buffer of 1000 feet will not eliminate the impact of noise on adjacent residential areas, but this buffer seems like a reasonable compromise particularly as it aligns with the state recommendation for reducing health impacts of warehouses.

**I hope that the City Council will recognize that it needs to provide leadership and guidance on this issue both to the City Planning Department and to developers. You have the means to either return Riverside to the path of “smart growth” or continue down a path leading to development conflict, lawsuits, blighted neighborhoods, and economic loss due to lower property values.**

40-I

Alec Gerry  
6017 Cannich Road  
Riverside, CA 92507



## **Response to Comment Letter 40 – Alec Gerry**

This comment letter was received outside the comment period for the public review of the Draft Environmental Impact Report (DEIR). Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states, “the lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” The original comment period of July 21, 2016, to September 25, 2016, was extended to October 7, 2016, in response to requests by members of the public to provide additional time for review of the DEIR. Accordingly, nothing in CEQA “requires the lead agency to respond to comments not received within the comment periods” (Pub. Res. Code, § 21092.5(c); see also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1111). Comments received by the City outside the comment period have been included within this Final EIR. Although not required by CEQA, the City has included this letter and reviewed the letter to verify that it does not raise new environmental issues related to the DEIR.

### **Response to Comment 40-A:**

This comment will be added to the official record for the Project, which will be provided to each City Council member, to the Mayor, to the City Manager, to the Planning Department, and to the Planning Commission. The public will have an opportunity to comment on the merits of the Project itself at a Planning Commission hearing and at a City Council hearing. Notice of the Planning Commission and City Council hearings on this Project will be published at least 10 days prior to the hearing date in accordance with relevant provisions of the Government Code. The agenda for Planning Commission and City Council hearings can be found at: <http://riversideca.legistar.com/Calendar.aspx>. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 40-B:**

The commenter’s opinion regarding the CT Sycamore Center Project is noted. The CT Sycamore Center Project on Dan Kipper Drive, was constructed with a fifty-foot setback from the northerly property lines, adjacent to the residential properties and the buildings range from 37-feet to 41-feet in height. The existing warehouses referenced in the comment are separate and independent from the proposed Project and were approved by the City after undergoing their own environmental review and public hearing processes. The existence of these warehouses is addressed in the proposed Project’s environmental analysis, specifically, in the aesthetics, air quality, greenhouse gas emissions, noise, traffic, and cumulative impacts sections of the DEIR.

Smart Growth: Smart growth is the development that serves the economy, the community, and the environment. The proposed Project is consistent with the land use and zoning designations for the site and these designations were applied taking into consideration the General Plan policies concerning Smart Growth. As the Project is being constructed as a “spec” building and no specific tenant is known at this time, specific employment numbers are not available. Based on the size of the proposed buildings and logistics uses, the Project would result in approximately 860 to 1,335 new permanent jobs and approximately 350 to 400 temporary

construction jobs. (DEIR, p. 3-43.) It is anticipated that the Project Applicant and future occupants would hire individuals already residing in the Project vicinity during both Project construction and operation, thus creating employment opportunities in the community.

The proposed Project would be developed adjacent to existing warehouse buildings, and will be set back from the residential neighborhoods with landscape screening. Additionally, the proposed Project incorporates design features that provides a connection into the adjacent open space (Sycamore Canyon Wilderness Park). The Project includes a trail and a 16-space parking lot on the southeast portion of the Project site which will provide access to a fully-improved trail that will be located in an easement along the southern perimeter of Parcel 1. The parking lot and trail will provide connectivity for recreational users of the Sycamore Canyon Wilderness Park from Lance Drive in the Sycamore Canyon Business Park. (DEIR, p. 5.15-6.) Thus, the Project incorporates smart growth features to the extent feasible. The use of the proposed Project as a logistics center is a permitted use in the City's General Plan 2025 (GP 2025) and Sycamore Canyon Business Park Specific Plan (SCBPSP).

The proposed Project, as originally submitted and presented at the August 26, 2015, scoping meeting for the DEIR, consisted of two buildings totaling 1.43 million square feet (SF) with the northern building (Building 2) setback 60 feet from the northerly property line. (DEIR, **Figure 8-1 – Original Project.**) As discussed on page 8-3 of the DEIR, during preparation of the DEIR, the Project Applicant received feedback from the City encouraging additional setback and landscaping along the northern portion of the Project site and a reduction in the size of the Building 2. Thus, the proposed Project was revised by the Project Applicant so that the northern wall of Building 2 is now located 100 feet south of the property line with the residential lots north of the Project site. Within the 100 feet setback, the Project proposes 64 feet of landscaping, a 30-foot wide drive aisle (vehicles only, no trucks) and an additional 6-foot wide landscape area adjacent to Building 2. (DEIR, p. 3-35, **DEIR Figure 3-10 – Proposed Site Plan, DEIR Figure 3-11 – Conceptual Landscape Plan.**) This is the Project that has been analyzed in the DEIR. Additionally, there are no dock doors on the northern side of Building 2, closest to the residences.

The western wall of Building 2 is located approximately 138 feet from the rear property line of the residences located northwest of the site. There is an approximately 101-foot wide Mitigation Area, consisting of native landscaping materials, that provides additional screening and buffer from the residences to the northwest. (DEIR, **Figure 3-10 – Proposed Site Plan and Figure 3-11 – Conceptual Landscape Plan.**)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

#### **Response to Comment 40-C:**

The commenter's assertion that the City allows developers to build essentially wherever they want is incorrect. The City of Riverside General Plan 2025 (the GP 2025) designates the Project site as Business/Office Park (B/OP) and the site is zoned Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones (BMP-SP). (DEIR, **Figure 3-4 –**

**Land Use Designation Map, DEIR Figure 3-5 – Zoning Map.)** As noted above, the Project site is within the City's *Sycamore Canyon Business Park Specific Plan (SCBPSP)*, which authorizes a planned industrial park consisting of approximately 920 acres of industrial and commercial uses and a 480-acre wilderness park (Sycamore Canyon Wilderness Park). The proposed distribution center at the Project site is consistent with the land use designation for the site in the City's GP 2025 and the SCBPSP.

*Air Quality: The City adopted Good Neighbor Guidelines Siting New and/or Modified Warehouse/Distribution Facilities* to provide the City and developers with a variety of strategies that can be used to reduce diesel emissions from heavy-duty trucks that deliver goods to and from warehouse and distribution centers, such as the proposed Project. (DEIR, p. 5.3-16.) As discussed in DEIR Appendix M, the proposed Project is consistent with all the goals and strategies outlined in the City's *Good Neighbor Guidelines*. (DEIR Appendix M, pp. M-66–M-72.) Because each Project and property have different characteristics and circumstances, the City's *Good Neighbor Guidelines* do not include recommendations regarding setbacks between distribution center buildings and adjacent residential uses. Rather, it recommends that a Health Risk Assessment (HRA) be prepared for any warehouse project within 1,000-feet of residential properties. The HRA should indicate how the project can be designed to limit health risks. The site has been designed to minimize impacts on the adjacent residential area including placement of driveways and onsite parking areas away from the adjacent residential areas, consistent with the policies contained in the City's *Good Neighbor Guidelines*.

According to CARB's *Air Quality and Land Use Handbook*, CARB recommends to avoid the placement of new sensitive land uses within 1,000 feet of a distribution center (accommodating more than 100 trucks per day, 40 trucks with transport refrigeration units (TRUs), or where TRUs operate more than 300 hours a week) and to take into account the configuration of existing distribution centers and avoid locating residences and other sensitive land uses near entry and exit points. However, these are recommendations, not mandates, and land use decisions ultimately lie with the local agency which needs to balance other considerations. (DEIR, p. 5.3-18.)

Since residences will be located within 1,000 feet from the proposed Project, a HRA was prepared in June 2016 (included in Appendix B of the DEIR) and a Refined HRA was prepared in November 2016 (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>) to evaluate cancer and non-cancer risks associated with the proposed Project. The November Refined HRA was prepared in response to comments received from SCAQMD on the DEIR regarding the June HRA, and is consistent with the requested SCAQMD guidance and methodology. In both the June HRA and November Refined HRA, none of the SCAQMD cancer or non-cancer thresholds are exceeded because of Project construction or operation for either workers or residents within the Project site and vicinity. (DEIR, p. 5.3-34.) CARB's guidance, on page 5 of the handbook, acknowledges that the recommendations are in fact advisory, and "to determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel PM will decrease over time as cleaner technology phases

in.” The handbook further goes on to state that “these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists.” Therefore, the FEIR and underlying technical study is actually consistent with the CARB handbook. The FEIR includes a site-specific health risk assessment based on the geospatial location of the proposed development and existing sensitive land uses in the vicinity of the Project site and the truck travel routes that are expected to be utilized. As shown in the FEIR, the Project would not pose a significant health risk associated with diesel particulate matter (DPM) to sensitive receptors in the Project vicinity.

As stated previously, the CARB recommends, but does not mandate, that new sensitive land uses should not be placed within 1,000 feet of a distribution center. As discussed in Section 5.10 – Land Use and Planning of the DEIR, the Project is consistent with both the existing land use designation in the GP 2025 and SCBPSP. Furthermore, Appendix M of the DEIR identifies applicable City of Riverside General Plan 2025 objectives and policies and the Project’s consistency level with those objectives and policies. The Project was found to be consistent with the General Plan Air Quality Element Objectives and Policies. (DEIR Appendix M, pp. M-58-65.)

The Project will incorporate several design features to mitigate impacts on the residents. For example, Building 2 does not have any dock doors along the northern boundary facing the residences, and all driveways exiting the Project site will be right-turn only out to direct automotive and truck traffic away from Dan Kipper Avenue and the residential areas. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Hazards: Because the exact tenants of the proposed logistics center buildings are not known at this time, there is the potential that hazardous materials such as petroleum products, pesticides, fertilizer, and other household hazardous products such as paint products, solvents, and cleaning products may be stored and transported in conjunction with the proposed logistics center use. These hazardous materials would only be stored and transported to and from the site. Manufacturing and other chemical processing will not be permitted under the provisions of the SCBPSP. (DEIR, p. 5.8-17.)

Although the overall quantity of hazardous materials and waste generated in the Project area may increase because of implementation of the proposed Project, any new use that will handle or use hazardous materials would be required to comply with the regulations, standards, and guidelines established by the United States Environmental Protection Agency, the State of California, County of Riverside, and City of Riverside related to storage, use, and disposal of hazardous materials. (DEIR, p. 5.8-18.) Both the federal and state governments require all businesses that handle more than a specified amount of hazardous materials to submit a hazardous material business plan (HMBP) to a regulating agency to enable a quick and accurate evaluation of each situation for an appropriate response in the event of an emergency. It is not anticipated that the tenants of the buildings would handle enough hazardous materials to necessitate preparation of an HMBP; however, any new business that

meets the specified agency criteria would be required to submit an HMBP. Compliance with the environmental regulations of the United States Environmental Protection Agency, the State of California, County of Riverside, and City of Riverside would minimize hazardous risks.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 40-D:**

Good Neighbor Guidelines: See Response to Comments 40-B and 40-C. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Noise: Construction noise of up to 80 dBA  $L_{eq}$  at the westerly property line will exceed the City's daytime exterior standard for residential property of 55 dBA  $L_{eq}$  and the standard for public recreational facilities of 65 dBA  $L_{eq}$ . (DEIR, p. 5.12-22.) These standards were in effect at the time of the Notice of Preparation for this DEIR. To reduce construction noise to the extent feasible, the Project will implement mitigation measures **MM NOI 1** through **MM NOI 12**, below: (DEIR, pp. 5.12-45–5.12-46.) It should be noted that on August 18, 2016 (taking effect 30-days later), the City of Riverside City Council adopted Ordinance 7341 amending the City's Noise Code to exempt construction noise between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. of Saturdays from the standards of the Noise Code.

**MM NOI 1:** To reduce noise impacts to the surrounding residences and Sycamore Canyon Wilderness Park, prior to any Project-related construction or site preparation, a 12-foot tall temporary noise barrier shall be installed along the Project site's northern and western property line. The barrier shall be continuous without openings, holes or cracks and shall reach the ground. The barrier may be constructed with 1-inch plywood and provide a transmission loss of at least 23 dBA to ensure construction noise levels do not exceed 75 dBA at single-family residential units located near the proposed project. Other materials providing the same transmission loss shall also be permitted with the approval of the City Planning Division. **MM NOI 2:** To attenuate initial impact noise generated when an excavator drops rock and debris into a truck bed, heavy grade rubber mats/pads shall be placed within the bed of the trucks. These mats shall be maintained and/or replaced as necessary.

**MM NOI 3:** During all Project-related excavation and grading, construction contractors shall equip all construction equipment, fixed and mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.

**MM NOI 4:** All stationary construction equipment shall be located so that emitted noise is directed away from the residences to the north and west and from the Sycamore Canyon Wilderness Park to the west.

**MM NOI 5:** All construction equipment shall be shut off and not left to idle when not in use.

**MM NOI 6:** All equipment staging during all phases of construction shall be located in areas that will create the greatest distance between construction-related noise/vibration sources and the residences to the north and west and the Sycamore Canyon Wilderness Park to the west.

**MM NOI 7:** The use of amplified music or sound is prohibited on the Project site during construction.

**MM NOI 8:** Haul truck deliveries shall be limited to the same hours specified for construction equipment.

**MM NOI 9:** It is acknowledged that some soil compression may be necessary along the Project boundaries; however, the use of heavy equipment or vibratory rollers and soil compressors along the Project site's north and western boundaries shall be limited to the greatest degree feasible.

**MM NOI 10:** Jackhammers, pneumatic equipment, and all other portable stationary noise sources shall be shielded and noise shall be directed away from the residences to the north and west and Sycamore Canyon Wilderness Park to the west.

**MM NOI 11:** For the duration of construction activities, the construction manager shall serve as the contact person should noise levels become disruptive to local residents. A sign shall be posted at the Project site with the contact phone number.

**MM NOI 12:** No blasting shall take place on the Project site.

Even with implementation of feasible mitigation measures **MM NOI 1** through **MM NOI 12**, which will reduce construction noise by approximately 10 dBA, Project-related construction activities will result in temporary and periodic exposure of persons to and generation of noise levels in excess of standards established in the Riverside Municipal Code at the time of the Notice of Preparation, which is considered a significant and unavoidable impact. (DEIR, p. 5.12-34.)

Noise levels from Project operation will not exceed the City's daytime residential exterior noise standard of 55 dBA  $L_{eq}$  at any of the residences adjacent to the Project site. (DEIR, p. 5.12-26, DEIR **Figure 5.12-5 – Operational Noise Levels (Leq) No Mitigation.**) To reduce noise from nighttime operations, the Project will implement mitigation measures **MM NOI 13** through **MM NOI 15** and **MM AQ 14**, below: (DEIR, p. 5.12-46.)

**MM NOI 13:** To reduce noise associated with the use of back-up alarms, either ambient-sensitive self-adjusting backup alarms or manually adjustable alarms shall be used on all equipment in use on the Project site that requires a backup alarm. Ambient-sensitive self-adjusting backup alarms increase or decrease their volume based on background noise levels. The alarm self-adjusts to produce a tone that is readily noticeable over ambient noise levels (a minimum increment of 5 decibels is typically considered readily noticeable), but not so loud as to be a constant annoyance to neighbors. Close attention shall be given to the alarm's mounting location on the machine in order to minimize engine noise interference, which can be sensed by the alarm as the ambient noise level. These alarms shall be mounted as far to the rear of the machine as possible. An alarm mounted directly behind a machine radiator will sense the cooling fan's noise and adjust accordingly.

If manually-adjustable alarms are used, each alarm shall be set at the beginning of each day and night shift. The manual setting feature eliminates the machine mounting location problem of the ambient-sensitive self-adjustable backup alarms. Alternatively, back-up movements can be supervised with a guide and flagging system.

**MM NOI 14:** To reduce operational noise at the residences located west of the Project site, no trucks shall use the northern access road or regular sized vehicle sized parking areas at Building 2 for site access, parking, queuing, or idling.

**MM NOI 15:** A restriction of nighttime use between the hours of 10:00 PM to 7:00 AM shall be implemented for the portion of the loading area and trailer parking located just south of Building 2 and within 360 feet of the western property line as shown on **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation**.

**MM AQ 14:** Electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. Trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement. The City shall verify electrical hookups have been installed prior to occupancy and shall confirm lease agreement language.

With implementation of mitigation measures **MM NOI 13** through **MM NOI 15**, and **MM AQ 14**, noise from nighttime operations at the Project site will be reduced to acceptable levels for all receptors except two residences located northwest of the Project site. Because these two residences are located at a higher elevation than the Project site, a noise barrier as described in **MM NOI 16**, below, is required to reduce nighttime noise to below the City's nighttime noise standard of 45 dBA  $L_{eq}$ . (DEIR, pp. 5.12-26–5.12-28, 5.12-47, DEIR **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation**.)

**MM NOI 16:** Prior to finalization of building permit, the temporary 12-foot noise barrier shall be removed and the Project applicant shall work with City Design Review staff and the property owners of receptor location 3 (6063 Bannock) and receptor location 4 (6066 Cannich) to determine the design and materials for a noise barrier that is mutually acceptable to the Project Applicant, City Design Review staff, and the property owners. The noise barrier shall be ten-foot high installed at the top of the slope of the residential properties west of the Project site. The designed noise screening will only be accomplished if the barrier's weight is at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-site openings between the shielded areas and the project site. Noise control barrier may be constructed using one, or any combination of the following materials: masonry block; stucco veneer over wood framing (or foam core), or 1-inch thick tongue and groove wood of sufficient weight per square foot; glass (1/4 inch thick), or other transparent material with sufficient weight per square foot; or earthen berm.

Prior to the issuance of a Certificate of Occupancy for the Project, the Project applicant shall construct said noise barrier provided all of the property owners upon whose property the barrier is proposed to be constructed provide written authorization for such construction. The Project applicant shall provide written notice to the property owners of its intent to commence wall construction at least 90-days prior to the anticipated construction date. If all of the property owners do not authorize the construction of the wall in writing, including providing the applicant with all requisite legal access to the affected properties, within 60 days of applicant's written notice, the applicant shall instead pay to the property owners the equivalent cost to construct the wall, based on applicant's good faith estimate.

With installation of a ten-foot tall noise barrier per mitigation measure **MM NOI 16**, operational noise will not exceed the City's nighttime noise standard of 45 dBA. However, because the noise barrier outlined in **MM NOI 16** would be on private property, the installation of this mitigation measure is dependent on from the consent of the individual property owners, not the Project Applicant. For this reason, impacts are significant and unavoidable with feasible mitigation and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.12-48.)

Ambient noise measurements were taken at two locations within the Project site to quantify the existing noise environment at the Project site and its vicinity. (DEIR, **Figure 5.12-1 – Noise Measurement Locations**.) Short-term measurements were taken twice at Location 1 to quantify noise conditions both during active construction of the CT Realty Project east of the Project site and north of Dan Kipper Drive and while construction was inactive (DEIR, **Table 5.12-B – Existing Noise Levels in Project Vicinity**). During the monitoring periods, none of the short-term  $L_{eq}$  noise measurements taken at either location exceeded the daytime noise standard of 55 dBA for residential property, except for the measurement taken at Location 1



during active construction of the CT Realty Project. For the long-term measurement taken at Location 1, the daytime residential noise standard of 55 dBA was exceeded at 8:00 AM, 10:00 AM, and 11:00 AM and the nighttime residential noise standard was exceeded for all hours. The daytime residential noise standard was not exceeded at any point during the long-term measurement period at Location 2 and the nighttime noise standard was exceeded at 10:00 PM and from 4:00 AM – 7:00 AM. (DEIR, pp. 5.12-5 – 5.12-10.)

With regard to noise from existing development within the Sycamore Canyon Business Park (SCBP), noise sourced from existing operations, including the Big 5 Distribution Center, Ralph's Distribution Center, and the Pepsi Bottling Group facility would be reflected in the ambient noise measurements taken in December 2015. Since in the current condition there are no intervening structures between the Big 5 and Ralph's facilities and the residences adjacent to the Project site, it is not unexpected that residents hear noise from these operations. It is important to note that CEQA does not require a Project to mitigate for pre-existing impacts and conditions. That is, the proposed Project need not account for and/or mitigate non-Project related noise that may exceed current standards.

The Noise Impact Analysis (NIA) prepared for the proposed Project includes "Vibration Source Levels for Construction Equipment" (Federal Transit Administration 2006) and Table 2 includes "Typical Human Reaction and Effect on Buildings due to Groundborne Vibration (Caltrans 2002). The NIA acknowledges that vibratory construction equipment may annoy persons within 100 feet of on-site project construction. Use of a vibratory roller, which may occur with 25 feet of an adjacent receptor could generate up to 0.21 PPV (94 VdB) at a distance of 25 feet; and operation of a large bulldozer (0.089 PPV (87 VdB) at a distance of 25 feet (two of the most vibratory pieces of construction equipment) for a few days. Groundborne vibration at sensitive receptors associated with this equipment would drop off as the equipment moves away. For example, as the vibratory roller moves further than 100 feet from the sensitive receptors, the vibration associated with it would drop below 75 VdB. Thus, the use of vibratory construction equipment will be short-term and temporary as the annoyance would only occur during site grading and preparation activities. During Project operation, trailer trucks are prohibited from use of the driveway located between the sensitive receptors located north of the project site and the proposed building and sensitive receptors upslope and to the west of the Project site are too far away to be affected. The DEIR contains a thorough analysis of the noise resulting from the following operational sources: semi-trucks (tractor-trailers) entering and exiting the Project site and accessing dock areas, removal and hook-up of trailers, idling trucks, loading and unloading activities, occasional truck air brakes, vehicle movements within the proposed parking areas, trash compactors, and rooftop HVAC systems. (DEIR, p. 5-12-26.). The DEIR concluded that, although unmitigated operational noise will not exceed the City's daytime noise standard of 55 dBA  $L_{eq}$ , it will exceed the nighttime noise standard of 45 dBA  $L_{eq}$  along the western project boundary and at certain residences adjacent to the northwest corner of the Project site. Thus, the Project is required to implement mitigation measures **MM NOI 13** through **MM NOI 16** (see [Response to Comments 28-A, 28-D, and 28-F](#)) to reduce operational noise impacts. However, as discussed in [Response to Comment 28-F](#), because the noise barrier outlined in **MM NOI 16** would be on private properties and neither

the City nor Project Applicant has control over construction of the noise barrier, the DEIR concluded operational noise impacts are significant even with incorporation of feasible mitigation. (DEIR, pp. 5.12-24–5.12-34.) Additionally, the Project site has been designed to minimize noise impacts on residences by eliminating dock doors on the north side of Building 2 and not including cross-dock facilities on this building. As a result, there are no truck or trailer activities and no loading and unloading between Building 2 and the residences thus significantly reducing noise sources near the residences. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 40-E:**

Noise: The comment regarding existing noise from the warehouses is noted. The existing warehouses referenced in the comment are separate and independent from the proposed Project and were approved by the City after undergoing their own environmental review and public hearing processes, including impacts related to noise. The existence of these warehouses is addressed in the proposed Project’s environmental analysis, specifically, in the aesthetics, air quality, greenhouse gas emissions, noise, traffic, and cumulative impacts sections of the DEIR. Refer to Response to Comment 40-D above regarding construction and operational noise impacts. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Height: The City of Riverside General Plan 2025 (the GP 2025) designates the Project site as Business/Office Park (B/OP) and the site is zoned Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones (BMP-SP). (DEIR, **Figure 3-4 – Land Use Designation Map, DEIR Figure 3-5 – Zoning Map.**) As set forth in the Riverside Municipal Code Chapter 19.130, development in the Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones (BMP-SP) establishes a maximum building height to 45 feet. (DEIR, p. 5.1-11.) The proposed Project complies with the height restriction in the BMP-SP because Building 1 is proposed to be approximately 41 feet in height above grade and Building 2 will be approximately 37 feet in height above grade. Building 1 is located downslope from and south of Building 2 and is not expected to be visible from the residences north of the Project site. Additionally, Building 1 is setback approximately 256 feet from the Sycamore Canyon Wilderness Park and views of the building from the park will be softened by on-site landscaping and the Conservation Area. The northern wall of Building 2 is located 100 feet south of the property line from the residential lots north of the Project site. Within the 100-foot setback, the Project proposes 64 feet of landscaping, a 30-foot wide drive aisle (vehicles only, no trucks) and an additional 6-foot wide landscape adjacent to Building 2. (DEIR, p. 3-35, **DEIR Figure 3-10 – Proposed Site Plan, DEIR Figure 3-11 – Conceptual Landscape Plan.**)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 40-F:**

Good Neighbor Guidelines: See Response to Comment 40-C. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Noise: See Response to Comment 40-D. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Height: See Response to Comment 40-E. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 40-G:**

Air Quality: See Response to Comment 40-C. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Noise: See Response to Comment 40-D. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 40-H:**

Air Quality: See Response to Comment 40-C. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Noise: See Response to Comment 40-D. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 40-I:**

Smart Growth: The proposed Project is consistent with the land use and zoning designations for the Project site that took into account the General Plan policies concerning Smart Growth. Also, refer to Response to Comment 40-B. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Property Values: The commenter's concern regarding loss of property values is noted. It is also noted that this comment does not provide any evidence to support the speculation that the neighborhood will turn into low-end rentals if the Project is approved. According to CEQA Guidelines Section 15358(b), impacts analyzed in the EIR must be "related to physical changes" in the environment, not economic conditions. CEQA Guidelines Section 15131(a) does not require an analysis of a project's social or economic effect because such impacts are not, in and of themselves, considered significant effects on the environment. Section 15131(a) states:

*Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary*

*to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.*

The CEQA Guidelines also provide that physical effects on the environment related to changes in land use, population, and growth rate induced by a project may be indirect or secondary impacts of the project and should be analyzed in the EIR only if the physical effects would be significant. (CEQA Guidelines, § 15358(a)(2).) Indeed, “evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment.” (CEQA Guidelines, § 15064(f)(6).) The California Supreme Court has explained that “[a]n EIR is to disclose and analyze the direct and the reasonably foreseeable indirect environmental impacts of a proposed project if they are significant. . . . Economic and social impacts of proposed projects, therefore, are outside CEQA’s purview.” (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1182 [citing CEQA Guidelines, §§ 15126.2, 15064(d)(3)].) This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

## Comment Letter 41 – Alec Gerry

41

### Riverside “Good Neighbor” Policy – Issues



#### 1) Experts recommend a 1000-foot Buffer Zone between warehouses and residential homes

- a. Recommendation by State Air Resources Board guidance document for cities to make reasonable judgements for locating warehouses to limit health risk.
  - i. *These are the experts in measuring health risk!*
  - ii. Riverside currently fails to follow proper health risk determinations.
- b. 1000-ft also policy of Riverside County (based upon State recommendation)
  - i. Riverside agreed with Riverside County (1000-ft buffer) in 2006, then quietly eliminated this requirement in 2009 with a MUCH weaker policy.
- c. Buffer would also reduce noise and aesthetic impact discussed below.

41-A

#### 2) Nighttime noise is a huge problem!

- a. Noise in Industrial zones at 70dB while residential areas at 45dB. That is a 25dB difference!! How is this compatible at 30-100 feet?!
- b. Residents are already impacted by existing warehouse noise (>1000 feet).
- c. Assume a generous 6dB of noise reduction for each doubling of distance (as assumed in the Magnon warehouse EIR), then the distance to reduce noise to residential-acceptable levels is more than 4 doublings of distance from a 100-foot setback starting point (6dB x 4 doublings = 24dB, with distance doubling to 100-200-400-800-1600 ft).
- d. Noise will have effects on child development and resident sleep.

41-B

#### 3) Aesthetics of adjacent homes are heavily impacted!

- a. Recent CT Realty warehouse and proposed Magnon warehouse taller than adjacent homes. These monolithic walls block all views and sun. Residents call CT Realty wall the “Berlin Wall” - they feel imprisoned.
- b. Wall height is limited to 6 ft in residential areas for aesthetic reasons
  - i. Why is a development in the adjacent property allowed to build a 40 ft wall?! Wall height should be related to distance from residential home.
- c. Homes lose “view” that residents paid a premium for

41-C

**4) House values near Mega-warehouses are reduced**

41-D

- a. Residents are selling homes if they can – value has already been reduced for adjacent homes. Just ask the residents and realtors trying to sell.
- b. Homes near warehouses will become rentals (likely for students). Why maintain these homes? They will no longer be desirable homes.

**5) Are adjacent homes and warehouses “Smart Growth” for Riverside?**

41-E

- a. The significant negative impacts on residential properties will result in long-term negative economic effects for the City. Loss in property taxes - lower home price.
- b. Sets up developers, residents, and City for conflicts such as the current conflict with proposed Magnon warehouses and residents in Sycamore Highlands.
- c. The City prides itself on “smart growth”, but smart growth is development that serves the economy, the community, and the environment. **None of these are served by Mega-warehouses being placed next to homes!**
  - i. Smart Growth includes “Strong Neighborhoods” – maintaining and enhancing the value of existing neighborhoods (from US EPA Smart Growth Network link on Riverside Planning Dept. webpage: <https://www.riversideca.gov/planning/cityplans.asp> )
- d. Close approximation of Mega-warehouses and residential homes results in numerous significant negative impacts that cannot be mitigated:
  - i. Nighttime noise
  - ii. Reduced Air Quality
  - iii. Loss of Aesthetic quality of the neighborhood

**6) Mega-warehouses pose unknown health risks for residents**

41-F

- a. Mega-warehouses can store any number of dangerous chemicals that may result in health risk to residents living in the near vicinity of the warehouse in the event of warehouse fire, chemical spill or release, or explosion.
- b. A suitable buffer to reduce unknown health risks is needed – the 1000ft buffer recommended by the State is likely to greatly reduce these risks.

***All of these issues are reduced simply by applying a common-sense approach to protecting developments that already exist!!***

41-G

- ***Mandate a reasonable buffer distance between residential homes and warehouse developments (State recommends 1000 feet!)***
- ***Apply total height restrictions matching the residential requirements for buildings within 100 feet of residential property line.***
  - ***Over 100 feet apply height step downs to transition industrial to 100 feet from residential properties***

## Response to Comment Letter 41 – Alec Gerry

This comment letter was received outside the comment period for the public review of the Draft Environmental Impact Report (DEIR). Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states, “the lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” The original comment period of July 21, 2016, to September 25, 2016, was extended to October 7, 2016, in response to requests by members of the public to provide additional time for review of the DEIR. Accordingly, nothing in CEQA “requires the lead agency to respond to comments not received within the comment periods” (Pub. Res. Code, § 21092.5(c); see also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1111). Comments received by the City outside the comment period have been included within this Final EIR. Although not required by CEQA, the City has included this letter and reviewed the letter to verify that it does not raise new environmental issues related to the DEIR.

### **Response to Comment 41-A:**

Comment noted. Currently, the City of Riverside does not have a requirement for a 1,000-foot buffer between warehouses and other land uses, and the *Sycamore Canyon Business Park Specific Plan* does not require 1,000-foot setbacks.

According to CARB’s *Air Quality and Land Use Handbook*, CARB recommends to avoid the placement of new sensitive land uses within 1,000 feet of a distribution center (accommodating more than 100 trucks per day, 40 trucks with transport refrigeration units (TRUs), or where TRUs operate more than 300 hours a week) and to take into account the configuration of existing distribution centers and avoid locating residences and other sensitive land uses near entry and exit points. However, these are recommendations, not mandates, and land use decisions ultimately lie with the local agency which needs to balance other considerations. (DEIR, p. 5.3-18.) Since the Project involves the construction of a logistics center approximately 100 feet (30 meters) from the nearest sensitive receptor, a more detailed Screening HRA was prepared in 2016 for the Project (included in Appendix B of the DEIR) and a refined HRA was prepared in November 2016 to address the SCAQMD comments (found on the City’s website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>). The refined HRA is consistent with the requested SCAQMD guidance and methodology. According to both the June HRA and refined November HRA, none of the cancer or non-cancer thresholds will be exceeded as a result of Project construction or operation for workers or residents within the proposed Project vicinity. Therefore, the Project will not result in the exposure of sensitive receptors to substantial pollutant concentrations during Project construction or operation. (DEIR, p. 5.3-34.)

CARB’s guidance, on page 5 of the handbook, acknowledges that the recommendations are in fact advisory, and “to determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel PM will decrease over time as cleaner technology phases in.” The handbook further goes on to state that “these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not

designed to substitute for more specific information if it exists.” Therefore, the FEIR and underlying technical study is actually consistent with the CARB handbook. The FEIR includes a site-specific health risk assessment based on the geospatial location of the proposed development and existing sensitive land uses in the vicinity of the Project site and the truck travel routes that are expected to be utilized. As shown in the FEIR, the Project would not pose a significant health risk associated with diesel particulate matter (DPM) to sensitive receptors in the Project vicinity.

As stated previously, the CARB recommends, but does not mandate, that new sensitive land uses should not be placed within 1,000 feet of a distribution center. As discussed in Section 5.10 – Land Use and Planning of the DEIR, the Project is consistent with both the existing land use designation in the GP 2025 and SCBPSP. Furthermore, Appendix M of the DEIR identifies applicable City of Riverside General Plan 2025 objectives and policies and the Project’s consistency level with those objectives and policies. The Project was found to be consistent with the General Plan Air Quality Element Objectives and Policies. (DEIR Appendix M, pp. M-58-65.)

*Air Quality: The City adopted Good Neighbor Guidelines Siting New and/or Modified Warehouse/Distribution Facilities to provide the City and developers with a variety of strategies that can be used to reduce diesel emissions from heavy-duty trucks that deliver goods to and from warehouse and distribution centers, such as the proposed Project. (DEIR, p. 5.3-16.) As discussed in DEIR Appendix M, the proposed Project is consistent with all the goals and strategies outlined in the City’s Good Neighbor Guidelines. (DEIR Appendix M, pp. M-66–M-72.) Because each project and property have different characteristics and circumstances, the City’s Good Neighbor Guidelines do not include recommendations regarding setbacks between distribution center buildings and adjacent residential uses. Rather, it recommends that a Health Risk Assessment (HRA) be prepared for any warehouse project within 1,000-feet of residential properties. The HRA should indicate how the project can be designed to limit health risks. The Project site has been designed to minimize impacts on the adjacent residential area including placement of driveways and onsite parking areas away from the adjacent residential areas, consistent with the policies contained in the City’s Good Neighbor Guidelines.*

Since residences will be located within 1,000 feet from the proposed Project, a HRA was prepared in June 2016 (included in Appendix B of the DEIR) and a revised HRA was prepared in November 2016 (found on the City’s website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>) to evaluate cancer and non-cancer risks associated with the proposed Project. The November HRA was prepared in response to comments received from SCAQMD on the DEIR regarding the June HRA, and is consistent with the requested SCAQMD guidance and methodology. In both the June HRA and November HRA, none of the SCAQMD cancer or non-cancer thresholds are exceeded as a result of Project construction or operation for either workers or residents within the Project site and vicinity. (DEIR, p. 5.3-34.)



Aesthetics: Although a 1,000-foot buffer has not been included in the Project, certain features of the site design and location do minimize aesthetic impacts. The site has been designed to incorporate a 100-foot building setback and expanded landscaped buffer between the Project and adjacent residences to minimize impacts to residents.

The proposed Project, as originally submitted and presented at the August 26, 2015 scoping meeting for the DEIR, proposed two buildings totaling 1.43 million square feet (SF) with the northern building (Building 2) setback 60 feet from the northerly property line. (DEIR, **Figure 8-1 – Original Project**.) As discussed on page 8-3 of the DEIR, during preparation of the DEIR, the Project Applicant received feedback from the City, encouraging additional setback and landscaping along the northern portion of the Project site and a reduction in the size of the Building 2. Thus, the proposed Project was revised by the Project Applicant so that the northern wall of Building 2 is located 100 feet south of the residential lots north of the Project site.

Within the 100-foot Building 2 setback, the Project proposes 64 feet of landscaping, a 30-foot wide drive aisle (vehicles only, no trucks) and a 6-foot wide landscape area adjacent to Building 2 and the northern property line of the Project site. (DEIR, p. 3-35, **DEIR Figure 3-10 – Proposed Site Plan, DEIR Figure 3-11 – Conceptual Landscape Plan**.) Additionally, there are no dock doors on the northern side of Building 2, closest to the residences to the north.

The western wall of Building 2 is located approximately 138 feet from the rear property line of the residences located northwest of the site. Within this setback, there is an approximately 101-foot wide Mitigation Area, consisting of native landscaping materials, that provides additional screening and buffer from the residences to the northwest. (DEIR, **Figure 3-10 – Proposed Site Plan and Figure 3-11 – Conceptual Landscape Plan**.)

Building 1 is located downslope from and south of Building 2 and is not expected to be visible from the residential neighborhood to the north. (DEIR, p. 5.1-8.) The Project will also, implement mitigation measure **MM AES 1** which states: (DEIR, pp. 5.12-19, 5.12-31–5.12-33.)

**MM AES 1:** To provide separation between the Project site and the adjacent residential uses and to be consistent with the wall constructed on the project located east of the Project site and north of Dan Kipper Drive, the developer shall install an 8-foot tall wall constructed of two-sided decorative masonry material along the Project site's northern property line and that portion of the Project's westerly property line adjacent to existing residential uses. As part of the Design Review process and prior to the issuance of a grading permit, the Project developer shall submit a revised site plan showing the 8-foot tall wall and the proposed materials and decorative treatment for such wall to the City of Riverside Community and Economic Development Department, Planning Division and the Parks, Recreation, and Community Services Department for review and approval.

Furthermore, in response to public comments, the Project Applicant has agreed to limit truck idling at the Project site to three minutes, which is two minutes less than the maximum idling time required under SCAQMD regulations and state law. (DEIR, p. 5.3-19.)

The Project includes City Design Review and will implement mitigation measure **MM AES 9** to ensure that the buildings are attractively designed. (DEIR, p. 5.1-35.)

**MM AES 9:** To offset the long expanses of wall surfaces on Building 1 and Building 2, prior to the issuance of a grading permit as part of the Design Review process, revised architectural plans and elevations shall be submitted for review and approval by the City of Riverside Design Review staff.

- a. The revised architectural plans and building elevation for the west elevation of Building 1 shall include some of the same elements used on the front elevation to offset the long (1,394 feet) expanse of wall surface, including providing design techniques like those at the office areas on every corner of Building 1. The new design shall implement articulation to create pockets of light and shadow.
- b. The revised architectural plans and building elevation for the north elevation of Building 2 shall be articulated in the same manner as the front elevation and shall include the same elements used on the east elevation to offset the long (978 feet) expanse of wall surface. The exterior features provided at the office areas shall be provided on every corner of Building 2. The new design shall implement articulation to create pockets of light and shadow.

Aesthetic impacts of the Project were found to be less than significant in the DEIR through the incorporation of Project design features and mitigation measures. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Noise: Although a 1,000-foot buffer has not been included in the Project, certain features of the site design do provide noise attenuations. To reduce construction noise to the extent feasible, the Project will implement mitigation measures **MM NOI 1** through **MM NOI 12**, below: (DEIR, pp. 5.12-45-5.12-46.) It should be noted that on August 18, 2016, the City of Riverside City Council adopted Ordinance 7341 amending the City's Noise Code to exempt construction noise between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. of Saturdays from the standards of the Noise Code.

**MM NOI 1:** To reduce noise impacts to the surrounding residences and Sycamore Canyon Wilderness Park, prior to any Project-related construction or site preparation, a 12-foot tall temporary noise barrier shall be installed along the Project site's northern and western property line. The barrier shall be continuous without openings, holes or cracks and shall reach the ground. The barrier may be constructed with 1-inch plywood and provide a transmission loss

of at least 23 dBA to ensure construction noise levels do not exceed 75 dBA at single-family residential units located near the proposed project. Other materials providing the same transmission loss shall also be permitted with the approval of the City Planning Division.

**MM NOI 2:** To attenuate initial impact noise generated when an excavator drops rock and debris into a truck bed, heavy grade rubber mats/pads shall be placed within the bed of the trucks. These mats shall be maintained and/or replaced as necessary.

**MM NOI 3:** During all Project-related excavation and grading, construction contractors shall equip all construction equipment, fixed and mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.

**MM NOI 4:** All stationary construction equipment shall be located so that emitted noise is directed away from the residences to the north and west and from the Sycamore Canyon Wilderness Park to the west.

**MM NOI 5:** All construction equipment shall be shut off and not left to idle when not in use.

**MM NOI 6:** All equipment staging during all phases of construction shall be located in areas that will create the greatest distance between construction-related noise/vibration sources and the residences to the north and west and the Sycamore Canyon Wilderness Park to the west.

**MM NOI 7:** The use of amplified music or sound is prohibited on the Project site during construction.

**MM NOI 8:** Haul truck deliveries shall be limited to the same hours specified for construction equipment.

**MM NOI 9:** It is acknowledged that some soil compression may be necessary along the Project boundaries; however, the use of heavy equipment or vibratory rollers and soil compressors along the Project site's north and western boundaries shall be limited to the greatest degree feasible.

**MM NOI 10:** Jackhammers, pneumatic equipment, and all other portable stationary noise sources shall be shielded and noise shall be directed away from the residences to the north and west and Sycamore Canyon Wilderness Park to the west.

**MM NOI 11:** For the duration of construction activities, the construction manager shall serve as the contact person should noise levels become

disruptive to local residents. A sign shall be posted at the Project site with the contact phone number.

**MM NOI 12:** No blasting shall take place on the Project site.

Even with implementation of feasible mitigation measures **MM NOI 1** through **MM NOI 12**, which will reduce construction noise by approximately 10 dBA, Project-related construction activities will result in temporary and periodic exposure of persons to and generation of noise levels in excess of standards established in the Riverside Municipal Code, which is considered a significant and unavoidable impact. (DEIR, p. 5.12-34.)

Noise levels from Project operation will not exceed the City's daytime residential exterior noise standard of 55 dBA  $L_{eq}$  at any of the residences adjacent to the Project site. (DEIR, p. 5.12-26, DEIR **Figure 5.12-5 – Operational Noise Levels (Leq) No Mitigation.**) To reduce noise from nighttime operations, the Project will implement mitigation measures **MM NOI 13** through **MM NOI 15** and **MM AQ 14**, below: (DEIR, p. 5.12-46.)

**MM NOI 13:** To reduce noise associated with the use of back-up alarms, either ambient-sensitive self-adjusting backup alarms or manually adjustable alarms shall be used on all equipment in use on the Project site that requires a backup alarm. Ambient-sensitive self-adjusting backup alarms increase or decrease their volume based on background noise levels. The alarm self-adjusts to produce a tone that is readily noticeable over ambient noise levels (a minimum increment of 5 decibels is typically considered readily noticeable), but not so loud as to be a constant annoyance to neighbors. Close attention shall be given to the alarm's mounting location on the machine to minimize engine noise interference, which can be sensed by the alarm as the ambient noise level. These alarms shall be mounted as far to the rear of the machine as possible. An alarm mounted directly behind a machine radiator will sense the cooling fan's noise and adjust accordingly.

If manually-adjustable alarms are used, each alarm shall be set at the beginning of each day and night shift. The manual setting feature eliminates the machine mounting location problem of the ambient-sensitive self-adjustable backup alarms. Alternatively, back-up movements can be supervised with a guide and flagging system.

**MM NOI 14:** To reduce operational noise at the residences located west of the Project site, no trucks shall use the northern access road or regular sized vehicle sized parking areas at Building 2 for site access, parking, queuing, or idling.

**MM NOI 15:** A restriction of nighttime use between the hours of 10:00 PM to 7:00 AM shall be implemented for the portion of the loading area and trailer parking located just south of Building 2 and within 360 feet of the western

property line as shown on **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation.**

**MM AQ 14:** Electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. Trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement. The City shall verify electrical hookups have been installed prior to occupancy and shall confirm lease agreement language.

With implementation of mitigation measures **MM NOI 13** through **MM NOI 15**, and **MM AQ 14**, noise from nighttime operations at the Project site will be reduced to acceptable levels for all receptors except two residences located northwest of the Project site. Because these two residences are located at a higher elevation than the Project site, a noise barrier as described in **MM NOI 16**, below, is required to reduce nighttime noise to below the City's nighttime noise standard of 45 dBA  $L_{eq}$ . (DEIR, pp. 5.12-26–5.12-28, 5.12-47, DEIR **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation.**)

**MM NOI 16:** Prior to finalization of building permit, the temporary 12-foot noise barrier shall be removed and the Project applicant shall work with City Design Review staff and the property owners of receptor location 3 (6063 Bannock) and receptor location 4 (6066 Cannich) to determine the design and materials for a noise barrier that is mutually acceptable to the Project Applicant, City Design Review staff, and the property owners. The noise barrier shall be ten-foot high installed at the top of the slope of the residential properties west of the Project site. The designed noise screening will only be accomplished if the barrier's weight is at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-site openings between the shielded areas and the project site. Noise control barrier may be constructed using one, or any combination of the following materials: masonry block; stucco veneer over wood framing (or foam core), or 1-inch thick tongue and groove wood of sufficient weight per square foot; glass (1/4 inch thick), or other transparent material with sufficient weight per square foot; or earthen berm.

Prior to the issuance of a Certificate of Occupancy for the Project, the Project applicant shall construct said noise barrier provided all of the property owners upon whose property the barrier is proposed to be constructed provide written authorization for such construction. The Project applicant shall provide written notice to the property owners of its intent to commence wall construction at least 90-days prior to the anticipated construction date. If all of the property owners do not authorize the construction of the wall in writing, including providing the applicant with all requisite legal access to the affected properties, within 60 days of applicant's written notice, the applicant shall instead pay to

the property owners the equivalent cost to construct the wall, based on applicant's good faith estimate.

The installation of a ten-foot tall noise barrier per mitigation measure **MM NOI 16**, the operational noise will not exceed the City's nighttime noise standard of 45 dBA. However, because the noise barrier outlined in **MM NOI 16** would be on private property, the installation of this mitigation measure is dependent on the individual property owner granting approval, not the Project Applicant. For this reason, impacts are significant and unavoidable with feasible mitigation and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.12-48.)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 41-B:**

Comment noted. The DEIR did evaluate noise impacts from the Project and a Noise Impact Study was prepared and included in the DEIR. (DEIR Appendix I.) Exterior nuisance sound levels in the City's Municipal Code are 70 dBA for industrial areas, 45 dBA for residential areas during nighttime, and 55 dBA for residential areas during daytime. (DEIR, **Table 5.12-E – Riverside Municipal Code Exterior Nuisance Sound Level Limits.**) Noise levels from Project operation will not exceed the City's daytime residential exterior noise standard of 55 dBA  $L_{eq}$  at any of the residences adjacent to the Project site. (DEIR, p. 5.12-26, DEIR **Figure 5.12-5 – Operational Noise Levels (Leq) No Mitigation.**) To reduce noise from nighttime operations, the Project will implement mitigation measures **MM NOI 13** through **MM NOI 15** and **MM AQ 14**, noted above (DEIR, p. 5.12-46.)

With implementation of mitigation measures **MM NOI 13** through **MM NOI 15**, and **MM AQ 14**, noise from nighttime operations at the Project site will be reduced to acceptable levels for all receptors except two residences located northwest of the Project site. Because these residences are at a higher elevation than the Project site, a noise barrier as described in **MM NOI 16**, above, is required to reduce nighttime noise to below the City's nighttime noise standard of 45 dBA  $L_{eq}$ . (DEIR, pp. 5.12-26–5.12-28, 5.12-47, DEIR **Figure 5.12-6 – Operational Noise Levels (Leq) with Mitigation.**)

With the installation of a ten-foot tall noise barrier per mitigation measure **MM NOI 16**, operational noise will not exceed the City's nighttime noise standard of 45 dBA. However, because the noise barrier outlined in **MM NOI 16** would be on private property, the installation of this mitigation measure is dependent on the individual property owner granting approval to construct, not the Project Applicant. For this reason, impacts are significant and unavoidable with feasible mitigation and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.12-48.)

Noise from existing warehouses was included as part of the *Sycamore Canyon Business Park Warehouse Noise Impact Analysis* (hereinafter the NIA). Ambient noise at two locations on the Project site was monitored for 24 hours. The results of this monitoring are reported in DEIR

**Table 5.12-C – Existing 24-Hour Noise Levels in Project Vicinity.** As stated in the DEIR, noise sources included noise from adjacent existing industrial uses, existing residential noise, dogs barking, traffic, aircraft noise, and bird song. (DEIR, p. 5.12-9.) The NIA also quantified potential noise impacts associated with construction and operation of the proposed Buildings 1 and 2. (DEIR Appendix I.)

The noise drop-off rate associated with geometric spreading from a stationary source is 6 dBA per each doubling of distance. The receptors that will receive the highest noise levels are numbers 3 and 4 located above the Project site to the northwest, which are anticipated to reach peak noise levels of 49 and 52 dBA during Project operation without mitigation. (DEIR, **Figure 5.12-5 – Operational Noise Levels ( $L_{eq}$ ) No Mitigation.**) Noise levels without mitigation will exceed the City's 45 dBA nighttime noise standards by 4 dBA and 7 dBA, respectively. Therefore, the commenter's assertion that the distance to reduce noise to residential-acceptable levels is more than four doublings of distance from a 100-foot setback starting point is incorrect. Rather, a doubling of the setback would be sufficient to reduce noise levels to residential-acceptable levels. However, instead of taking this approach, the Project incorporates several other noise-reducing design features, to the extent feasible, consistent with Figure N-10 of Title 24 of the California Code of Regulations to reduce noise impacts including barriers, and site design to locate noise-generating activities at the Project site away from the residences. For example, the Project site has been designed to minimize noise impacts on residences by eliminating dock doors on the north side of Building 2 and not including cross-dock facilities on this building. As a result, there are no truck or trailer activities and no loading and unloading between Building 2 and the residences thus significantly reducing noise sources near the residences. Nonetheless, noise impacts remain significant and unavoidable because mitigation measure **MM NOI 16** requires construction of a ten-foot noise barrier wall on private property and is not feasible because neither the City nor the Project Applicant has the authority to require its construction.

There is no evidence provided to substantiate the claim that noise will have effects on child development and resident sleep. Further, quality of life issues are not a California Environmental Quality Act (CEQA) related matter and thus not included in the DEIR analysis. Regardless, the project results in an operational noise impact at only two residences located to the northwest of the project site. Therefore, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 41-C:**

The comments regarding the existing warehouses are noted. The existing warehouses referenced in the comment are separate and independent from the proposed Project and were approved by the City after undergoing their own environmental review and public hearing processes, including analysis of impacts related to aesthetics and building heights. The existence of these warehouses is addressed in the proposed Project's environmental analysis, specifically, in the aesthetics, air quality, greenhouse gas emissions, noise, traffic, and cumulative impacts sections.

The commenter's assertion that wall height is generally limited to six feet in residential areas is correct. To further obscure views of the buildings at the Project site and reduce noise impacts, the City has authorized construction of an 8-foot tall wall adjacent to the residences pursuant to mitigation measure **MM AES 1** noted in Response to Comment 41-A above.

Further, onsite landscaping as well as the Project's grading plan will reduce aesthetic impacts to less than significant. Additionally, building walls that face the residences will be articulated with pockets of light and shadow to break up the long expanse of wall and the Project's landscape plan has been designed to provide visual appeal, functionality, and a buffer around the Project site as well as between the proposed buildings. (DEIR, pp. 5.1-7 – 5.1-9.)

Regarding the economic impacts related to homes losing their "view," this is not an environmental issue and is outside of the scope of analysis of a DEIR. According to CEQA Guidelines Section 15358(b), impacts to be analyzed in the EIR must be "related to physical changes" in the environment, not economic conditions. CEQA Guidelines Section 15131(a) does not require an analysis of a project's social or economic effect because such impacts are not, in and of themselves, considered significant effects on the environment. Section 15131(a) states:

*Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of use and effect. The focus of the analysis shall be on the physical changes.*

The CEQA Guidelines also provide that physical effects on the environment related to changes in land use, population, and growth rate induced by a project may be indirect or secondary impacts of the project and should be analyzed in the EIR only if the physical effects would be significant. (CEQA Guidelines Section 15358(a)(2).) Indeed, "evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment." (CEQA Guidelines, § 15064(f)(6).) The California Supreme Court has explained that "[a]n EIR is to disclose and analyze the direct and the reasonably foreseeable indirect environmental impacts of a proposed project if they are significant. . . . Economic and social impacts of proposed projects, therefore, are outside CEQA's purview." (*Anderson First Coalition v. City of*



*Anderson* (2005) 130 Cal.App.4th 1173, 1182 [citing CEQA Guidelines, §§ 15126.2, 15064(d)(3)].) This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 41-D:**

The commenter’s concern regarding loss of property values is noted. It is also noted that this comment does not provide any evidence to support the speculation that the neighborhood will turn into low-end rentals if the Project is approved. According to CEQA Guidelines Section 15358(b), impacts to be analyzed in the EIR must be “related to physical changes” in the environment, not economic conditions. CEQA Guidelines Section 15131(a) does not require an analysis of a project’s social or economic effect because such impacts are not, in and of themselves, considered significant effects on the environment. Section 15131(a) states:

*Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.*

The CEQA Guidelines also provide that physical effects on the environment related to changes in land use, population, and growth rate induced by a project may be indirect or secondary impacts of the project and should be analyzed in the EIR only if the physical effects would be significant. (CEQA Guidelines Section 15358(a)(2).) Indeed, “evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment.” (CEQA Guidelines, § 15064(f)(6).) The California Supreme Court has explained that “[a]n EIR is to disclose and analyze the direct and the reasonably foreseeable indirect environmental impacts of a proposed project if they are significant. . . . Economic and social impacts of proposed projects, therefore, are outside CEQA’s purview.” (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1182 [citing CEQA Guidelines, §§ 15126.2, 15064(d)(3)].) This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 41-E:**

Economic Impacts: Refer to Response to Comments 41-C and D. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Land Use: The City of Riverside General Plan 2025 (the GP 2025) designates the Project site as Business/Office Park (B/OP) and the site is zoned Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones (BMP-SP). (DEIR, **Figure 3-4 – Land Use Designation Map**, DEIR **Figure 3-5 – Zoning Map**.) Development of the Project site is also guided by the City’s *Sycamore Canyon Business Park Specific Plan* (SCBPSP), which was

adopted in 1984 by the City to encourage and provide incentives for economic development in the area. The site is designated as Industrial in the SCBPSP. (DEIR, p. 3-14.)

The proposed Project is consistent with the planned use for the site in both the GP 2025 and SCBPSP and would not conflict with these plans. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Smart Growth: The commenter notes that smart growth is the development that serves the economy, the community, and the environment. The proposed Project is consistent with the land use and zoning designations for the site and these designations were applied taking into consideration the General Plan policies concerning Smart Growth. As the Project is being constructed as a “spec” building and no specific tenant is known at this time, specific employment numbers are not available. Based on the size of the proposed buildings, the Project would result in approximately 860 to 1,335 new permanent jobs and approximately 350 to 400 temporary construction jobs. (DEIR, p. 3-43.) It is anticipated that the Project proponent would hire individuals already residing in the Project vicinity during both Project construction and operation, thus creating employment opportunities in the community.

The proposed Project would be developed adjacent to existing warehouse buildings, and set back from residential neighborhoods with landscape screening. Additionally, the proposed Project incorporates design features that connects to adjacent open space (Sycamore Canyon Wilderness Park). The Project includes a trail and a 16-space parking lot on the southeast portion of the Project site which will provide access to a fully-improved trail that will be located in an easement along the southern perimeter of Parcel 1. The parking lot and trail will provide connectivity for recreational users of the Sycamore Canyon Wilderness Park from Lance Drive in the Sycamore Canyon Business Park. (DEIR, p. 5.15-6.) Thus, the Project incorporates smart growth features to the extent feasible given that the Project is a permitted use in the GP 2025 and SCBPSP. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Noise: See Response to Comment 41-A above. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Air Quality: The South Coast Air Quality Management District (SCAQMD) is responsible for monitoring air quality, as well as planning, implementing, and enforcing programs designed to attain and maintain state and federal ambient air quality standards. Accordingly, SCAQMD has developed regional thresholds that can be used to determine if a project will have significant air quality impacts. The Air Quality Report (AQ Report, Appendix B to the DEIR) modeled Project-related emissions and compared estimated emissions to the SCAQMD thresholds.

The Project’s short-term emissions are below regional and localized thresholds. However, the Project’s long-term Oxides of Nitrogen (NO<sub>x</sub>) emissions of 339.39 lbs/day in the winter and 325.95 lbs/day in the summer will exceed the SCAQMD regional threshold of 55 lbs/day even after incorporation of Project design features and feasible mitigation measures **MM AQ 1** through **MM AQ 15**, **MM AQ 18**, and **MM AQ 19** as well as additional **MM AQ 22** through **MM**

**AQ 25.** (DEIR, p. 5.3-27.) (DEIR, pp. 5.3-26, 5.3-30, 5.3-35–5.3-40.) Hence, regional air quality impacts from long-term operation are significant and unavoidable and the Project is considered to have a cumulatively considerable net increase on non-attainment pollutants in the region under applicable state and federal standards. Therefore, the impact is considered significant and unavoidable and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.3-40.) Mitigation Measures **MM AQ13** and **AQ 22** were modified and new text is shown as double underlined and the text to be deleted is shown as ~~strike through~~. These revisions do not change the significance conclusions of the DEIR or result in the need for additional mitigation.

**MM AQ 1:** Solar or light-emitting diodes (LEDs) shall be installed for outdoor lighting. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 2:** Indoor and outdoor lighting shall incorporate motion sensors to turn off fixtures when not in use. The site and buildings shall be designed to take advantage of daylight, such that use of daylight is an integral part of the lighting systems. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 3:** Trees and landscaping shall be installed along the west and south exterior building walls to reduce energy use. Vegetative or man-made exterior wall shading devices or window treatments shall be provided for east, south, and west-facing walls with windows. Landscaping and/or building plans shall contain these features and are subject to City verification prior to building permit issuance.

**MM AQ 4:** Light colored “cool” roofs shall be installed over office area spaces and cool pavement shall be installed in parking areas. Prior to building permit issuance, the City shall verify building plans contain these features.

**MM AQ 5:** Energy efficient heating and cooling systems, appliances and equipment, and control systems that are Energy Star rated shall be installed in future office improvement plans. Refrigerants and heating, ventilation, and air conditioning (HVAC) equipment shall also be selected to minimize or eliminate the emission of compounds that contribute to ozone depletion and global warming. The efficiency of the building envelope shall also be increased (i.e., the barrier between conditioned and unconditioned spaces). This includes installation of insulation to minimize heat transfer and thermal bridging and to limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption. The City shall verify tenant improvement plans include these features. The City shall verify these features are installed prior to issuance of occupancy permits.

- MM AQ 6:** Energy Star rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment shall be installed. Prior to building permit issuance, the City shall verify building plans contain these features.
- MM AQ 7:** All buildings shall be designed with “solar ready” roofs that can structurally accommodate future installation of rooftop solar panels. Prior to building permit issuance, the City shall verify roofs are “solar ready.” If future building operators are providing rooftop solar panels, they shall submit plans for solar panels to the City prior to occupancy.
- MM AQ 8:** The Project’s landscaping plans shall incorporate water-efficient landscaping, with a preference for xeriscape landscape palette. Landscaping plans shall be approved by the City prior to building permit issuance.
- MM AQ 9:** All building owners shall provide education about water conservation and available programs and incentives to building operators to distribute to employees.
- MM AQ 10:** Interior and exterior waste storage areas shall be provided for recyclables and green waste. Prior to occupancy permits, the City shall verify interior and exterior storage areas are provided for recyclables and green waste. The property operator will also provide readily available information provided by the City for employee education about reducing waste and available recycling services.
- MM AQ 11:** Up to three electric vehicle charging stations shall be provided to encourage the use of low or zero-emission vehicles. Prior to building permit issuance, the City shall verify building plans contain electric vehicle charging stations.
- MM AQ 12:** Adequate bicycle parking near building entrances shall be provided at the site. Facilities that encourage bicycle commuting (e.g., locked bicycle storage or covered or indoor bicycle parking) shall be provided. Prior to building permit issuance, the City shall verify building plans contain adequate bicycle parking.
- MM AQ 13:** All facilities shall post signs informing users of requirements limiting idling to three five minutes or less which is shorter than required under pursuant to Title 13 of the California Code of Regulations, Section 2485. The City shall verify signage has been installed prior to occupancy.
- MM AQ 14:** Electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. Trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement. The City shall verify

electrical hookups have been installed prior to occupancy and shall confirm lease agreement includes such language.

**MM AQ 15:** Service equipment (i.e., forklifts) used within the site shall be electric or compressed natural gas-powered.

**MM AQ 18:** Locally produced and/or manufactured building materials shall be used for at least 10% of the construction materials used for the Project. Verification shall be submitted to the City prior to issuance of a building permit.

**MM AQ 19:** “Green” building materials shall be used where feasible, such as those materials that are resource efficient and recycled and manufactured in an environmentally friendly way. Verification of the feasibility or infeasibility of securing these materials shall be submitted to the City prior to issuance of a building permit.

*In addition to the Project design features, the following mitigation measures shall be implemented during Project operations to minimize air quality impacts.*

**MM AQ 22:** The Project shall implement the following measures to reduce emissions from on-site heavy duty trucks within six months after operations commence:

- a) Post signs informing truck drivers about the health effects of diesel particulates, the requirement that CARB diesel idling times cannot exceed three minutes regulations, and the importance of being a good neighbor by not parking in residential areas.
- b) Tenants shall maintain records on its fleet equipment and vehicle engine maintenance to ensure that equipment and vehicles serving the building are in good condition, and in proper tune pursuant to manufacturer’s specifications. The records shall be maintained on site and be made available for inspection by the City.
- cb) The facility operator will ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at California Air Resources Board approved courses (such as the free, one-day Course #512).

**MM AQ 23:** In order to promote alternative fuels, and help support “clean” truck fleets, the developer/successor-in-interest shall provide building occupants with information related to SCAQMD’s Carl Moyer Program, or other such programs that promote truck retrofits or “clean” vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. If trucks older than 2007 model year will be used at a facility, the developer/successor-

in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP, HVIP, and SOON funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants will be required to use those funds, if awarded.

**MM AQ 24:** Any yard trucks used on-site to move trailers in or around the loading areas shall be electric in place of traditional diesel powered yard trucks.

**MM AQ 25:** The building operator shall provide signage or flyers that advise truck drivers of the closest restaurants, fueling stations, truck repair facilities, lodging, and entertainment.

SCAQMD has also developed localized significance thresholds (LSTs), which represent the maximum emissions from a project that would not cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standards. Based on the air quality analysis prepared for this Project, neither the short-term construction nor long-term operation of the Project will exceed SCAQMD LST at sensitive receptors, such as the residences, within the Project vicinity for any criteria pollutants. (DEIR, p. 5.3-29.)

Also, refer to Response to Comment 41-A for HRA discussion. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Aesthetics: Refer to Response to Comment 41-A. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

#### **Response to Comment 41-F:**

No unknown impacts were identified in this comment, as the issues raised were addressed in the DEIR. The DEIR addressed health risks in two places: Air Quality (Section 5.3) and Hazards (Section 5.8).

Air Quality: A HRA was prepared in June 2016 (included in Appendix B of the DEIR) to evaluate cancer and non-cancer risks associated with the proposed Project. The HRA analysis was summarized in the Air Quality section of the DEIR. A revised HRA was prepared in November 2016 (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>). The November HRA was prepared in response to comments received from SCAQMD on the DEIR regarding the June HRA, and is consistent with the requested SCAQMD guidance and methodology. In both the June HRA and November HRA, none of the SCAQMD cancer or non-cancer thresholds are exceeded as a result of Project construction or operation for either workers or residents within the Project site and vicinity. (DEIR, pp. 5.3-33 – 5.3-34.) Therefore, the Project will not result in the exposure of sensitive receptors to substantial pollutant concentrations during Project construction or operation.

Additionally, the Project site has been designed to buffer the adjacent residences from air quality impacts due to operation of the Project site. This buffering includes no dock doors on Building 2 adjacent to the residences to the north and right-turn only onto Dan Kipper Drive to direct traffic away from the residential areas to the north.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Hazards: Because the exact tenants of the buildings are not known at this time, there is the potential that hazardous materials such as petroleum products, pesticides, fertilizer, and other household hazardous products such as paint products, solvents, and cleaning products to be stored and transported in conjunction with the proposed logistics center use. These hazardous materials would only be stored and transported to and from the site. Manufacturing and other chemical processing are not permitted under the provisions of the SCBPSP. (DEIR, p. 5.8-17.) As part of the Tenant Improvement Process the City requires all businesses that handle, store, and/or use hazardous materials equal to or greater than 500 pounds, 200 cubic feet and/or 55 gallons at standard temperature and pressure or 5 gallons, 50 pounds or 20 cubic feet of an EHS (Extremely Hazardous Substance) to submit their Business Emergency Plan electronically in the California Environmental Reporting System (CERS), <http://cers.calepa.ca.gov>. This is pursuant to the State mandate requiring all businesses to submit their Business Emergency Plans electronically. First time user/handlers must submit their completed business emergency plan within thirty (30) days of becoming a user/ handler. Any business who does not submit by their assigned due dates may be subject to administrative penalties. These businesses are inspected annually by the Fire Department.

Although the overall quantity of hazardous materials and waste generated in the Project area may increase because of implementation of the proposed Project, all new businesses that will handle or use hazardous materials would be required to comply with the regulations, standards, and guidelines established by the United States Environmental Protection Agency, the State of California, County of Riverside, and City of Riverside related to storage, use, and disposal of hazardous materials. (DEIR, p. 5.8-18.) Both the federal and state governments require all businesses that handle more than a specified amount of hazardous materials to submit a hazardous material business plan (HMBP) to a regulating agency to enable a quick and accurate evaluation of each situation for an appropriate response in the event of an emergency. It is not anticipated that the tenants of the building would handle enough hazardous materials to necessitate preparation of an HMBP; however, any new business that meets the specified agency criteria would be required to submit an HMBP. Complying with the environmental regulations as required by the United States Environmental Protection Agency, the State of California, County of Riverside, and City of Riverside would minimize hazardous risks.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 41-G:**

Buffer: The City of Riverside does not have a requirement for a 1,000-foot buffer between warehouses and other land uses, and the SCBPSP does not require a 1,000-foot setbacks.

According to CARB's *Air Quality and Land Use Handbook*, CARB recommends to avoid the placement of new sensitive land uses within 1,000 feet of a distribution center (accommodating more than 100 trucks per day, 40 trucks with transport refrigeration units (TRUs), or where TRUs operate more than 300 hours a week) and to take into account the configuration of existing distribution centers and avoid locating residences and other sensitive land uses near entry and exit points. However, these are recommendations, not mandates, and land use decisions ultimately lie with the local agency which needs to balance other considerations. (DEIR, p. 5.3-18.) Since the Project involves the construction of a logistics center approximately 100 feet (30 meters) from the nearest sensitive receptor, a more detailed Screening HRA was prepared in 2016 for the Project (included in Appendix B of the DEIR) and a refined HRA was prepared in November 2016 to address the SCAQMD comments (found on the City's website at <http://www.riversideca.gov/planning/pdf/eir/sycamorecanyon/Refined-HRA-Report-11-9-16.pdf>). The refined HRA is consistent with the requested SCAQMD guidance and methodology. According to both the June HRA and refined November HRA, none of the cancer or non-cancer thresholds will be exceeded as a result of Project construction or operation for workers or residents within the proposed Project vicinity. Therefore, the Project will not result in the exposure of sensitive receptors to substantial pollutant concentrations during Project construction or operation. (DEIR, p. 5.3-34.)

CARB's guidance, on page 5 of the handbook, acknowledges that the recommendations are in fact advisory, and "to determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel PM will decrease over time as cleaner technology phases in." The handbook further goes on to state that "these recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists." Therefore, the FEIR and underlying technical study is actually consistent with the CARB handbook. The FEIR includes a site-specific health risk assessment based on the geospatial location of the proposed development and existing sensitive land uses in the vicinity of the Project site and the truck travel routes that are expected to be utilized. As shown in the FEIR, the Project would not pose a significant health risk associated with diesel particulate matter (DPM) to sensitive receptors in the Project vicinity.

As stated previously, the CARB recommends, but does not mandate, that new sensitive land uses should not be placed within 1,000 feet of a distribution center. As discussed in Section 5.10 – Land Use and Planning of the DEIR, the Project is consistent with both the existing land use designation in the GP 2025 and SCBPSP. Furthermore, Appendix M of the DEIR identifies applicable City of Riverside General Plan 2025 objectives and policies and the Project's consistency level with those objectives and policies. The Project was found to be consistent with the General Plan Air Quality Element Objectives and Policies. (DEIR Appendix M, pp. M-58-65.)



The proposed Project has incorporate design features to create additional landscape screening (refer to Response to Comment 41-A) as well as limiting air quality and noise impacts by not allowing dock doors on Building 2 adjacent to the residences to the north and restricting vehicles to right-turn only onto Lance so that vehicle exiting the Project cannot use Dan Kipper Drive and away from the residential areas to the north (refer to Response to Comment 41-F).

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

Height: The City of Riverside General Plan 2025 (the GP 2025) designates the Project site as Business/Office Park (B/OP) and the site is zoned Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones (BMP-SP). (DEIR, **Figure 3-4 – Land Use Designation Map**, DEIR **Figure 3-5 – Zoning Map**.) As set forth in the Riverside Municipal Code Chapter 19.130, development in the Business and Manufacturing Park and Sycamore Canyon Business Park Specific Plan Zones (BMP-SP) cannot exceed 45 feet in height. (DEIR, p. 5.1-11.) The proposed Project would comply with the height restriction in the BMP-SP because Building 1 is proposed to be approximately 41 feet in height and Building 2 will be approximately 37 feet. Building 1 is also located downslope from and south of Building 2 and is not expected to be visible from the residences north of the Project site. Additionally, Building 1 is setback approximately 256 feet from the Sycamore Canyon Wilderness Park and views of the building from the park will be softened by on-site landscaping and the Conservation Area. The northern wall of Building 2 is located 100 feet south of the residential lots north of the Project site. Within the 100-foot setback, the Project proposes 64 feet of landscaping, a 30-foot wide drive aisle (vehicles only, no trucks) and a 6-foot wide landscape area adjacent to Building 2. (DEIR, p. 3-35, **DEIR Figure 3-10 – Proposed Site Plan**, **DEIR Figure 3-11 – Conceptual Landscape Plan**.)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

## Comment Letter 42 – Karen Wright

Date: 11-1-16

42

Item No.: 12

FW: [External] Karen Doris Wright Comment for Nov 1 Riverside City Council evening public comments, and AGAINST PUSHING THROUGH GIGANTIC WAREHOUSES prior to Guidelines being completed Warehouse item on the Riverside Planning Board/Commission meeting on No

-----Original Message-----

From: K Wright [mailto:twodogkd@yahoo.com]

Sent: Tuesday, November 01, 2016 11:53 AM

To: Melendrez, Andy <ASMelendrez@riversideca.gov>; MacArthur, Chris <CMacArthur@riversideca.gov>; Perry, Jim <JPerry@riversideca.gov>; Burnard, John <JBurnard@riversideca.gov>; Alicia Robinson <arobinson@pe.com>; Gardner, Mike <MGardner@riversideca.gov>; Soubirous, Mike <msoubirous@riversideca.gov>; Davis, Paul <PDavis@riversideca.gov>; Bailey, Rusty <RBAiley@riversideca.gov>; Morton, Sherry <SMorton@riversideca.gov>

Cc: twodogkd@yahoo.com

Subject: [External] Karen Doris Wright Comment for Nov 1 Riverside City Council evening public comments, and AGAINST PUSHING THROUGH GIGANTIC WAREHOUSES prior to Guidelines being completed Warehouse item on the Riverside Planning Board/Commission meeting on Nov...

TO City Council and other

From Karen Doris Wright

See title

I am STONGLY AGAINST THIS PROJECT below being PUSHED at a Nov 3 Planning meeting before the guidelines are developed and am against any such project withini 2000 feet of housing development or any park.

42-A

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Meeting Name: Planning Commission Agenda status: Final Meeting date/time: 11/3/2016 9:00 AM Minutes status: Draft Meeting location: Art Pick Council Chamber 2,140th Meeting

16-3162 1 4 PC - P14-1072 - 11-3-16 Board/Commission PLANNING CASES P14-1072, P14-1081, P14-1082, P16-0101, P16-0102, AND P16-0103: Proposal by Hillwood Enterprises L.P. and The Magnon Company to consider an Environmental Impact Report for the construction of two industrial warehouse buildings, Building 1 (1,012,995 square feet) and Building 2 (352,174 square feet), to operate as a distribution center. This proposal involves the following entitlements: 1) an amendment to the General Plan Circulation Element and to the Sycamore Canyon Business Park Specific Plan Circulation Plan to remove planned but unconstructed streets; 2) Tentative Parcel Map No. 36879 to consolidate 17 parcels into two parcels; Minor Conditional Use Permit to permit industrial buildings greater than 400,000 square feet in area; 3) Design Review of a plot plan and building elevations for the construction of two distributions centers and on-site improvements; and 4) Grading Exceptions for creation of slopes in excess of 20 feet in height and Variance to allow fewer parking spaces than required by the Zonin Code. This 76-acre property is located on the west side of No

GO HERE FOR LINKS TO

<https://riversideca.legistar.com/LegislationDetail.aspx?ID=2865459&GUID=3009DD36-1CCF-46CB-B1BA-8286FF240410&Options=&Search=>

File #: 16-3162 Version: 1 Name: PC - P14-1072 - 11-3-16

Type: Board/Commission Status: Agenda Ready File created: 10/18/2016 In control: Planning Commission  
On agenda: 11/3/2016 Final action:

Title: PLANNING CASES P14-1072, P14-1081, P14-1082, P16-0101, P16-0102, AND P16-0103: Proposal by Hillwood Enterprises L.P. and The Magnon Company to consider an Environmental Impact Report for the construction of two industrial warehouse buildings, Building 1 (1,012,995 square feet) and Building 2 (352,174 square feet), to operate as a distribution center. This proposal involves the following entitlements: 1) an amendment to the General Plan Circulation Element and to the Sycamore Canyon Business Park Specific Plan Circulation Plan to remove planned but unconstructed streets; 2) Tentative Parcel Map No. 36879 to consolidate 17 parcels into two parcels; Minor Conditional Use Permit to permit industrial buildings greater than 400,000 square feet in area; 3) Design Review of a plot plan and building elevations for the construction of two distributions centers and on-site improvements; and 4) Grading Exceptions for creation of slopes in excess of 20 feet in height and Variance to allow fewer p...

Attachments:

1. Report,
2. Report Exhibits 3- 8,
3. Report Exhibit 9 - Building Elevations, 4. Report Exhibit 9 - Conceptual Landscape Plan, 5. Report Exhibit 9 - Grading Exceptions Plan, 6. Report Exhibit 9 - Line of Site, 7. Report Exhibit 9 - Photo Simulations, 8. Report Exhibit 9 - Preliminary Grading Plan, 9. Report Exhibit 9 - Site Plan, 10. Report Exhibit 9 - Tentative Parcel Map, 11. Report Exhibits 10 - 12, 12. Report Exhibit 13a - Comment Letters, 13. Report Exhibit 13b - Comment Letters, 14. Report Exhibit 14 - Draft EIR, 15. PowerPoint

See report

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Karen Doris Wright

cc: Mayor  
City Council  
City Manager  
City Attorney  
ACMs  
C&ED Director

## **Response to Comment Letter 42 – Karen Wright**

This comment letter was received outside the comment period for the public review of the Draft Environmental Impact Report (DEIR). Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states, “the lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” The original comment period of July 21, 2016, to September 25, 2016, was extended to October 7, 2016, in response to requests by members of the public to provide additional time for review of the DEIR. Accordingly, nothing in CEQA “requires the lead agency to respond to comments not received within the comment periods” (Pub. Res. Code, § 21092.5(c); see also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1111). Comments received by the City outside the comment period have been included within this Final EIR. Although not required by CEQA, the City has included this letter and reviewed the letter to verify that it does not raise new environmental issues related to the DEIR.

### **Response to Comment 42-A:**

This comment does not address the adequacy of the DEIR or raise any environmental issues. Section 15088 of the CEQA Guidelines states, “the lead agency shall evaluate comments on environmental issues received from persons who reviewed the DEIR and shall prepare a written response.” (Emphasis added.) Where a commenter submits comments that do not raise environmental issues, there is no requirement under CEQA that the City respond (*ibid.*; see also *Cleary v. County of Stanislaus* [1981] 118 Cal.App.3d.348 360 [holding that a Final EIR was adequate under CEQA where it did not respond to comments raising non-environmental issues]). The public will have an opportunity to comment on the merits of the Project itself at a Planning Commission hearing and at a City Council hearing. Notice of the Planning Commission and City Council hearings on this Project will be published at least 10 days prior to the hearing date in accordance with relevant provisions of the Government Code. The agenda for City Planning Commission and City Council hearings can be found at: <http://riversideca.legistar.com/Calendar.aspx> This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

## Comment Letter 43 – Sherri Aurich-Hardy

43

Distributed at Planning Commission  
November 3, 2016

Agenda Item: 4  
P16-0101, P16-0102, P14-1082, p16-0103, P14-1081, P14-1072

-----Original Message-----

From: Sherri Aurich-Hardy [mailto:seah5923@sbcglobal.net]  
Sent: Wednesday, November 02, 2016 12:27 PM  
To: Morton, Sherry <SMorton@riversideca.gov>  
Subject: [External] Regarding Mega-Warehouse meeting on November 3, 2016

To Whom it May Concern:

This e-mail is for the City Planning Commission. I am sending this in case I am not able to go to the meeting tomorrow.

My concern is that there are already too many trucks on Sycamore Canyon Blvd. heading down into Riverside during to and from work hour traffic time. Not that long ago, my car and other cars had to merge with an 18-wheeler into one lane near Raceway Ford (just east of intersecting with Fair Isle), then it opens into two lanes again.

43-A

Also, I have witnessed at least once, multiple trucks lined up in the right hand lane, stopped, waiting to go into their distribution center, which leaves only one lane for on-going traffic.

43-B

If you look on the freeway near Fair Isle on/off ramp, you will see many, many, many trucks going down the freeway hill into Riverside.

43-C

Also, I firmly believe, residents with backyards facing all these warehouses, will detract from the value of the home, and make it harder to sell their home. Who wants to live with a warehouse next door?

43-D

I am not for any more warehouses being built in our area. There are way too many trucks at present.

43-E

Thank you for your consideration.

Sherri Aurich-Hardy  
Abernathy Drive  
Sycamore Highlands Resident  
seah5923@sbcglobal.net

Sent from my iPad

## Response to Comment Letter 43 – Sherri Aurich-Hardy

This comment letter was received after the close of the comment period for the public review of the Draft Environmental Impact Report (DEIR). Section 15088(a) of the State CEQA Guidelines states, “the lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” The original comment period of August 10, 2016, to September 23, 2016, was extended to October 7, 2016, in response to requests by members of the public to provide additional time for review of the DEIR. Accordingly, nothing in CEQA “requires the lead agency to respond to comments not received within the comment periods” (Pub. Res. Code, § 21092.5(c); see also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1111). Comments received by the City outside the comment period have been included in the Final EIR. Although not required by CEQA, the City has included this letter and reviewed the letter to verify that it does not raise new environmental issues related to the DEIR.

### **Response to Comment 43-A:**

The Project DEIR analyzed impacts from truck trips generated by the Project, and specifically evaluated existing and projected truck traffic along Sycamore Canyon Boulevard. Sycamore Canyon Boulevard is a major north-south street within the Sycamore Canyon Business Park. Designated as a 106-foot wide thru-way in the Sycamore Canyon Business Park Specific Plan (SCBPSP), the road has been designed to accommodate truck traffic. The study area of the *Revised Traffic Impact Analysis for the Sycamore Canyon Industrial Buildings 1 & 2* (the TIA), which is DEIR Appendix J, included six intersections along Sycamore Canyon Boulevard as well as the Sycamore Canyon Boulevard Interstate 215 (I-215) Southbound (SB) off-ramp. **(DEIR Figure 5.16-1 – Study Area; DEIR, p. 5.16-4.)** All intersections and the I-215 SB Sycamore Canyon Boulevard off-ramp currently operate at an acceptable level of service (LOS) in the existing condition.

The following table presents the existing average daily traffic (ADT) and the Project-generated ADT by vehicle type for Sycamore Canyon Boulevard from the I-215 SB ramps to Eastridge Avenue.

Segment of Sycamore Canyon Boulevard		Existing Condition (ADTs) by Vehicle Type					Project Trips Only (ADTs) by Vehicle Type				
From	To	Passenger Cars	2 Axle Trucks	3 Axle Trucks	4 Axle Trucks	Total All Trucks	Passenger Cars	2 Axle Trucks	3 Axle Trucks	4 Axle Trucks	Total All Trucks
Fair Isle Drive	I-215 Southbound Ramps	14530	400	25	200	<b>625</b>	335	4	5	14	<b>23</b>
I-215 Southbound Ramps	Dan Kipper Drive	12785	200	100	305	<b>605</b>	372	8	10	28	<b>46</b>

Segment of Sycamore Canyon Boulevard		Existing Condition (ADTs) by Vehicle Type					Project Trips Only (ADTs) by Vehicle Type				
From	To	Passenger Cars	2 Axle Trucks	3 Axle Trucks	4 Axle Trucks	Total All Trucks	Passenger Cars	2 Axle Trucks	3 Axle Trucks	4 Axle Trucks	Total All Trucks
Dan Kipper Drive	Box Springs Boulevard	12340	200	90	295	<b>585</b>	223	4	5	14	<b>23</b>
Box Springs Boulevard	Sierra Ridge Drive	9425	150	35	330	<b>515</b>	223	4	5	14	<b>23</b>
Sierra Ridge Drive	Eastridge Avenue	10715	140	60	305	<b>505</b>	1120	148	198	526	<b>872</b>

Source: Roadway Segment Average Daily Traffic (not PCE) from Appendix C of the TIA.

Based on the table above, there are more truck trips in the existing conditions without the Project at Fair Aisle Drive off ramps than Eastridge Avenue; however, there are more 2-axle (light duty) trucks utilizing Fair Isle Drive than Eastridge Avenue. The heavier duty trucks (3-axle and 4-axle) are utilizing Eastridge Avenue. The Eastridge-Eucalyptus interchange is geometrically easier for trucks to turn at than the Fair Isle-Box Springs interchange. The Eastridge-Eucalyptus interchange is a single point interchange (SPI) which has large sweeping radii for all turning movements. The Fair Isle-Box Springs interchange is a partial diamond/partial hook ramp design with relatively small radii for many turning movements. For these reasons, it is reasonable to expect that more trucks will use the Eastridge-Eucalyptus interchange.

As indicated by the analysis in the TIA and DEIR, although the Project will introduce new passenger and truck trips to Sycamore Canyon Boulevard, Project-related traffic will not result in a significant degradation of LOS for this roadway.

With respect to the existing condition of trucks using Fair Isle Drive for any reason other than to turn onto Sycamore Canyon Boulevard, Chapter 10.56 of the Riverside Municipal Code prohibits the use of Fair Isle Drive, Lochmoor Drive, and Sycamore Canyon Boulevard between El Cerrito Drive and University Drive, by commercial vehicles exceeding ten thousand pounds (5 tons) gross weight. Residents observing commercial vehicles exceeding ten thousand pounds (5 tons) gross weight in locations where these restrictions are in place may call 311 to report the incident. The 311 call will be routed to the Traffic Department and Police Department so that the appropriate response can be coordinated.

Thus, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 43-B:**

Due to existing warehouse and logistics center developments within the SCBPSP, there is currently truck traffic on streets in the Project vicinity which may lead to trucks waiting to turn along Sycamore Canyon Boulevard. However, all intersections within the study area of the TIA

prepared for the Project currently operate at an acceptable level of service (LOS) in existing conditions. (DEIR, **Table 5.16-C.**)

Thus, this comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 43-C:**

Please see Response to Comments 43-A and 43-B.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 43-D:**

The commenter's concern regarding loss of property values is noted. It is also noted that this comment does not provide any evidence to support the speculation that the neighborhood will turn into low-end rentals if the Project is approved. In accordance with CEQA Guidelines § 15358(b), impacts to be analyzed in the EIR must be "related to physical changes" in the environment, not economic conditions. CEQA Guidelines § 15131(a) does not require an analysis of a project's social or economic effect because such impacts are not, in and of themselves, considered significant effects on the environment. Section 15131(a) states:

*Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.*

With regard to economic impacts, Section 15093(a) of the State CEQA Guidelines requires the City to balance, as applicable, the economic, legal, social, technological, or other benefits, of the proposed Project against its unavoidable environmental risks in determining whether to approve the Project. If these benefits outweigh the unavoidable adverse environmental effects, the City may consider the adverse environmental effects to be acceptable. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 43-E:**

This comment does not address the adequacy of the DEIR or raise any environmental issues. Section 15088 of the CEQA Guidelines states, "the lead agency shall evaluate comments on environmental issues received from persons who reviewed the DEIR and shall prepare a written response." (Emphasis added.) Where a commenter submits comments that do not raise environmental issues, there is no requirement under CEQA that the City respond (*ibid.*; see also *Cleary v. County of Stanislaus* [1981] 118 Cal.App.3d.348 360 [holding that a Final EIR was adequate under CEQA where it did not respond to comments raising non-environmental issues]). The public will have an opportunity to comment on the merits of the Project itself at a



Planning Commission hearing and at a City Council hearing. Notice of the Planning Commission and City Council hearings on this Project will be published at least 10 days prior to the hearing date in accordance with relevant provisions of the Government Code. The agenda for Planning Commission and City Council hearings can be found at:  
<http://riversideca.legistar.com/Calendar.aspx>

## Comment Letter 44 – Maureen Clemens

44

Distributed at Planning Commission  
November 3, 2016

Agenda Item: 4  
P16-0101, P16-0102, P14-1082, p16-0103, P14-1081, P14-1072

-----Original Message-----

From: Maureen Clemens [mailto:maureenclemens@att.net]  
Sent: Wednesday, November 02, 2016 10:33 AM  
To: Morton, Sherry <SMorton@riversideca.gov>  
Subject: [External] City Planning Commission meeting 11/3/16

Re: Mega Warehouses in the Sycamore Canyon directly in back of residents homes.

The residents of Sycamore Highlands have reviewed the draft EIR prepared by WEBB Associates. We find there are a number of errors in the methods utilized to acquire data in the modeling performed to interpret data and in the analysis of the data required.

44-A

The air quality for one will be significantly impacted according to the report by the South Coast Air Quality Management District. Does this not mean something when considering 917 more Semi-Trucks added to the already enormous amount of trucks in the vicinity. These will be added to the already 24/7 movement and constant noise. The constant slamming of trucks hitching to trailers and the beep beep of backing up is already interrupting a nights sleep and this is heard in the entire community not just those in close proximity. Sound carries in this hill top community whether the wind is blowing or there is cloud cover. These are serious issues not to be taken lightly.

44-B

## **Response to Comment Letter 44 – Maureen Clemens**

This comment letter was received outside the comment period for the public review of the Draft Environmental Impact Report (DEIR). Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states, “the lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” (Originally the comment period was from August 10, 2016, to September 23, 2016; however, it was then extended to October 7, 2016, pursuant to the public’s request.) Accordingly, nothing in CEQA “requires the lead agency to respond to comments not received within the comment periods” (Pub. Res. Code, § 21092.5(c); see also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1111). Comments received by the City outside the comment period have been included within this Final EIR. Although not required by CEQA, the City has included this letter and reviewed the letter to verify that it does not raise new environmental issues related to the DEIR.

### **Response to Comment 44-A:**

Comment noted. The commenter does not identify the specific errors in the methods used in the modeling. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the Draft Environmental Impact Report (DEIR).

### **Response to Comment 44-B:**

Air Quality: The South Coast Air Quality Management District (SCAQMD) is responsible for monitoring air quality, as well as planning, implementing, and enforcing programs designed to attain and maintain state and federal ambient air quality standards. Accordingly, SCAQMD has developed regional thresholds that can be used to determine if a project will have significant air quality impacts. The Air Quality Report (AQ Report, Appendix B to the DEIR) modeled Project-related emissions and compared estimated emissions to the SCAQMD thresholds using methodologies and models set forth by the SCAQMD.

The DEIR did analyze impacts related to air quality from the construction (short term) and the operations (long term) of the Project. The Project’s short-term emissions are below regional and localized thresholds. However, the Project’s long-term Oxides of Nitrogen (NO<sub>x</sub>) emissions of 339.39 lbs/day in the winter and 325.95 lbs/day in the summer will exceed the SCAQMD regional threshold of 55 lbs/day even after incorporation of Project design features and feasible mitigation measures. (DEIR, pp. 5.3-26, 5.3-30, 5.3-35–5.3-40.) Hence, the DEIR determined that regional air quality impacts from long-term operation are significant and unavoidable and the Project is considered to have a cumulatively considerable net increase on non-attainment pollutants in the region under applicable state and federal standards. Therefore, the impact is considered significant and unavoidable. The DEIR found that a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.3-40.)

Noise: Construction noise of up to 80 dBA L<sub>eq</sub> at the westerly property line will exceed the City’s daytime exterior standard for residential property of 55 dBA L<sub>eq</sub> and the standard for

public recreational facilities of 65 dBA  $L_{eq}$ . (DEIR, p. 5.12-22.) These standards were in effect at the time of the Notice of Preparation for this DEIR. To reduce construction noise to the greatest extent feasible, the Project will implement mitigation measures **MM NOI 1** through **MM NOI 12**, below: (DEIR, pp. 5.12-45–5.12-46.)

**MM NOI 1:** To reduce noise impacts to the surrounding residences and Sycamore Canyon Wilderness Park, prior to any Project-related construction or site preparation, a 12-foot tall temporary noise barrier shall be installed along the Project site's northern and western property line. The barrier shall be continuous without openings, holes or cracks and shall reach the ground. The barrier may be constructed with 1-inch plywood and provide a transmission loss of at least 23 dBA to ensure construction noise levels do not exceed 75 dBA at single-family residential units located near the proposed project. Other materials providing the same transmission loss shall also be permitted with the approval of the City Planning Division.

**MM NOI 2:** To attenuate initial impact noise generated when an excavator drops rock and debris into a truck bed, heavy grade rubber mats/pads shall be placed within the bed of the trucks. These mats shall be maintained and/or replaced as necessary.

**MM NOI 3:** During all Project-related excavation and grading, construction contractors shall equip all construction equipment, fixed and mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.

**MM NOI 4:** All stationary construction equipment shall be located so that emitted noise is directed away from the residences to the north and west and from the Sycamore Canyon Wilderness Park to the west.

**MM NOI 5:** All construction equipment shall be shut off and not left to idle when not in use.

**MM NOI 6:** All equipment staging during all phases of construction shall be located in areas that will create the greatest distance between construction-related noise/vibration sources and the residences to the north and west and the Sycamore Canyon Wilderness Park to the west.

**MM NOI 7:** The use of amplified music or sound is prohibited on the Project site during construction.

**MM NOI 8:** Haul truck deliveries shall be limited to the same hours specified for construction equipment.

**MM NOI 9:** It is acknowledged that some soil compression may be necessary along the Project boundaries; however, the use of heavy equipment or vibratory rollers and soil compressors along the Project site's north and western boundaries shall be limited to the greatest degree feasible.

**MM NOI 10:** Jackhammers, pneumatic equipment, and all other portable stationary noise sources shall be shielded and noise shall be directed away from the residences to the north and west and Sycamore Canyon Wilderness Park to the west.

**MM NOI 11:** For the duration of construction activities, the construction manager shall serve as the contact person should noise levels become disruptive to local residents. A sign shall be posted at the Project site with the contact phone number.

**MM NOI 12:** No blasting shall take place on the Project site.

Even with implementation of feasible mitigation measures **MM NOI 1** through **MM NOI 12**, which will reduce construction noise by approximately 10 dBA, Project-related construction activities will result in temporary and periodic exposure of persons to and generation of noise levels in excess of standards established in the Riverside Municipal Code, which is considered a significant and unavoidable impact. (DEIR, p. 5.12-34.)

Subsequent to preparation of the DEIR, on August 18, 2016, the City of Riverside City Council adopted Ordinance 7341 amending the City's Noise Code to exempt construction noise between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. of Saturdays from the standards of the Noise Code.

Noise levels from Project operation (i.e back up beeps and hitching/unhitching trailers), according to the modeling in the DEIR, will not exceed the City's daytime residential exterior noise standard of 55 dBA  $L_{eq}$  at any of the residences adjacent to the Project site. (DEIR, p. 5.12-26, DEIR **Figure 5.12-5 – Operational Noise Levels (Leq) No Mitigation.**) To reduce noise from nighttime operations, the Project will implement mitigation measures **MM NOI 13** through **MM NOI 15** and **MM AQ 14**, below: (DEIR, p. 5.12-46.)

**MM NOI 13:** To reduce noise associated with the use of back-up alarms, either ambient-sensitive self-adjusting backup alarms or manually adjustable alarms shall be used on all equipment in use on the Project site that requires a backup alarm. Ambient-sensitive self-adjusting backup alarms increase or decrease their volume based on background noise levels. The alarm self-adjusts to produce a tone that is readily noticeable over ambient noise levels (a minimum increment of 5 decibels is typically considered readily noticeable), but not so loud as to be a constant annoyance to neighbors. Close attention shall be given to the alarm's mounting location on the machine in order to minimize engine noise interference, which can be sensed by the alarm as the ambient noise level.

These alarms shall be mounted as far to the rear of the machine as possible. An alarm mounted directly behind a machine radiator will sense the cooling fan's noise and adjust accordingly.

If manually-adjustable alarms are used, each alarm shall be set at the beginning of each day and night shift. The manual setting feature eliminates the machine mounting location problem of the ambient-sensitive self-adjustable backup alarms. Alternatively, back-up movements can be supervised with a guide and flagging system.

**MM NOI 14:** To reduce operational noise at the residences located west of the Project site, no trucks shall use the northern access road or regular sized vehicle sized parking areas at Building 2 for site access, parking, queuing, or idling.

**MM NOI 15:** A restriction of nighttime use between the hours of 10:00 PM to 7:00 AM shall be implemented for the portion of the loading area and trailer parking located just south of Building 2 and within 360 feet of the western property line as shown on **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation**.

**MM AQ 14:** Electrical hookups shall be installed at all loading docks to allow transport refrigeration units (TRUs) with electric standby capabilities to plug in when TRUs are in use. Trucks incapable of using the electrical hookups shall be prohibited from accessing the site as set forth in the lease agreement. The City shall verify electrical hookups have been installed prior to occupancy and shall confirm lease agreement language.

With implementation of mitigation measures **MM NOI 13** through **MM NOI 15**, and **MM AQ 14**, the DEIR found noise from nighttime operations at the Project site will be reduced to acceptable levels for all receptors except two residences located northwest of the Project site. Because these two residences are at a higher elevation than the Project site, a noise barrier as described in **MM NOI 16**, below, is required to reduce nighttime noise to below the City's nighttime noise standard of 45 dBA  $L_{eq}$  at these two residences. (DEIR, pp. 5.12-26–5.12-28, 5.12-47, DEIR **Figure 5.12-6 – Operational Noise Levels ( $L_{eq}$ ) with Mitigation**.)

**MM NOI 16:** Prior to finalization of building permit, the temporary 12-foot noise barrier shall be removed and the Project applicant shall work with City Design Review staff and the property owners of receptor location 3 (6063 Bannock) and receptor location 4 (6066 Cannich) to determine the design and materials for a noise barrier that is mutually acceptable to the Project Applicant, City Design Review staff, and the property owners. The noise barrier shall be ten-foot high installed at the top of the slope of the residential properties west of the Project site. The designed noise screening will only be accomplished if the barrier's weight is at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-site openings between the shielded areas and the project site.

Noise control barrier may be constructed using one, or any combination of the following materials: masonry block; stucco veneer over wood framing (or foam core), or 1-inch thick tongue and groove wood of sufficient weight per square foot; glass (1/4 inch thick), or other transparent material with sufficient weight per square foot; or earthen berm.

Prior to the issuance of a Certificate of Occupancy for the Project, the Project applicant shall construct said noise barrier provided all of the property owners upon whose property the barrier is proposed to be constructed provide written authorization for such construction. The Project applicant shall provide written notice to the property owners of its intent to commence wall construction at least 90-days prior to the anticipated construction date. If all of the property owners do not authorize the construction of the wall in writing, including providing the applicant with all requisite legal access to the affected properties, within 60 days of applicant's written notice, the applicant shall instead pay to the property owners the equivalent cost to construct the wall, based on applicants good faith estimate.

With the installation of a ten-foot tall noise barrier at the locations where the property owners will authorize the installation per mitigation measure **MM NOI 16**, operational noise will not exceed the City's nighttime noise standard of 45 dBA. However, because the noise barrier outlined in **MM NOI 16** would be on private property, the installation of this mitigation measure is dependent on the individual property owner authorizing the installation, not the Project Applicant. For this reason, impacts are significant and unavoidable with feasible mitigation and a Statement of Overriding Considerations will be required should the City choose to approve the Project. (DEIR, p. 5.12-48.)

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### Comment Letter 45 – Rincon Band of Luiseño Indians

45

**RINCON BAND OF LUISEÑO INDIANS**  
**Cultural Resources Department**  
1 W. Tribal Road - Valley Center, California 92082 -  
(760) 297-2635 Fax: (760) 749-2639



**RECEIVED**

**OCT 31 2016**

**Community & Economic  
Development Department**

October 21, 2016

Patricia Brenes  
City of Riverside  
Community & Economic Development Department  
Planning Division  
3900 Main Street  
Riverside, CA 92501

**Re: P14-1072, P14-1081, P14-1082, P16-0101, P16-0102, and P16-0103**

Dear Ms. Brenes:

This letter is written on behalf of Rincon Band of Luiseño Indians. We have received your notification regarding the P14-1072, P14-1081, P14-1082, P16-0101, P16-0102 and P16-0103 Projects and we thank you for the consultation notification. The location you have identified is within the Territory of the Luiseño people.

45-A

Embedded in the Luiseño Territory are Rincon's history, culture and identity. The project is within the Luiseño Aboriginal Territory of the Luiseño people however, it is not within Rincon's Historic Boundaries. We do not have any additional information regarding this project but, we defer this project to the Pechanga Band of Luiseño Indians or Soboba Band of Luiseño Indians who are located closer to your project area.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Vincent Whipple  
Manager  
Rincon Cultural Resources Department

Bo Mazzetti  
Tribal Chairman

Stephanie Spencer  
Vice Chairwoman

Steve Stallings  
Council Member

Laurie E. Gonzalez  
Council Member

Alfonso Kolb  
Council Member



## **Response to Comment Letter 45 – Rincon Band of Luiseño Indians**

This comment letter was received outside the comment period for the public review of the Draft Environmental Impact Report (DEIR). Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states, “the lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” (Originally the comment period was from August 10, 2016, to September 23, 2016; however, it was then extended to October 7, 2016, pursuant to the public’s request.) Accordingly, nothing in CEQA “requires the lead agency to respond to comments not received within the comment periods” (Pub. Res. Code, § 21092.5(c); see also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1111). Comments received by the City outside the comment period have been included within this Final EIR. Although not required by CEQA, the City has included this letter and reviewed the letter to verify that it does not raise new environmental issues related to the DEIR.

*Note: Comment Letter 45 is similar to Comment Letter 1.*

### **Response to Comment 45-A:**

See Response to Comment 1-A. In summary, the City engaged in consultation with the Pechanga Band of Luiseño Indians, the Soboba Band of Luiseño Indians, and the Morongo Band of Mission Indians pursuant to Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18). (DEIR, pp. 5.5-18–5.5-20.) This comment does not identify any significant new environmental issues or impacts not already addressed in the Draft Environmental Impact Report.

# Comment Letter 46 – Riverside County Flood Control & Water Conservation District

JASON E. UHLEY  
General Manager-Chief Engineer



1995 MARKET STREET  
RIVERSIDE, CA 92501  
951.955.1200  
FAX 951.788.9965  
www.rcflood.org

208323  
SKM-bdd

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

October 25, 2016

RECEIVED

OCT 31 2016

Community & Economic  
Development Department

City of Riverside  
Planning Department  
3900 Main Street  
Riverside, CA 92522

Attention: Patricia Brenes

Re: PM 36879, P14-1072, P14-1081, P14-1082,  
P16-0102, P16-0103

The District does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check city land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

46-A

The District has not reviewed the proposed project in detail and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety or any other such issue:

- This project would not be impacted by District Master Drainage Plan facilities nor are other facilities of regional interest proposed.

### GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

46-B

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy.

46-C

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

46-D

Very truly yours,

HENRY OLIVO  
Engineering Project Manager

c: Riverside County Planning Department  
Attn: Kristi Lovelady

## **Response to Comment Letter 46 – Riverside County Flood Control & Water Conservation District**

This comment letter was received outside the comment period for the public review of the Draft Environmental Impact Report (DEIR). Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states, “the lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” (Originally the comment period was from August 10, 2016, to September 23, 2016; however, it was then extended to October 7, 2016, pursuant to the public’s request.) Accordingly, nothing in CEQA “requires the lead agency to respond to comments not received within the comment periods” (Pub. Res. Code, § 21092.5(c); see also *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1111). Comments received by the City outside the comment period have been included within this Final EIR. Although not required by CEQA, the City has included this letter and reviewed the letter to verify that it does not raise new environmental issues related to the DEIR.

### **Response to Comment 46-A:**

The City appreciates the Riverside County Flood Control Districts’ (District) review of the Draft Environmental Impact Report (DEIR) and notes that this Project would not be impacted by the District’s Master Drainage Plan facilities; nor are there facilities of regional interest proposed. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

### **Response to Comment 46-B:**

Comment noted. Since the Project would disturb more than 1 acre of land, the Project would be required to comply with the National Pollutant Discharge Elimination System (NPDES) Statewide General Construction Permit (Order No. 09-09-DWQ). The permit requires preparation of an effective Storm Water Pollution Prevention Plan (SWPPP), which describes erosion and sediment control best management practices (BMPs) to prevent stormwater pollution during construction. The SWPPP will be prepared by a qualified SWPPP developer and implemented onsite by a qualified SWPPP practitioner. (DEIR, p. 5.9-22.) Additionally, in accordance with the County of Riverside Municipal Separate Storm Sewer System (MS4) NPDES Permit, all new construction is required to implement permanent BMPs, such as water quality basins, vegetated swales, and other stabilization measures to minimize the potential for erosion and related impacts to water quality. For projects that are not served by an existing city storm drain system and must discharge stormwater to natural water features, the cities and Regional Water Quality Control Board (RWQCB) require that each project retain stormflows such that the amount of stormwater discharged from the basin does not exceed pre-existing conditions to downstream erosion. The proposed Project and much of the *Sycamore Canyon Business Park Specific Plan* area will drain to an existing 120-inch storm drain in Eastridge Avenue prior to discharge into a series of regional marshes, which will reduce off-site erosion. Clearance for grading, recordation or other final approval would not be given until the City has

received evidence that a NPDES Permit has been granted. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 46-C:**

Comment noted. The Project site is not located within a Federal Emergency Management Agency (FEMA) mapped floodplain. This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.

**Response to Comment 46-D:**

Comment noted. The Project site contains three jurisdictional features, as detailed in Section 5.4 (Biological Resources) of the DEIR. Mitigation Measure **MM BIO 5** requires the following (DEIR, p. 5.4-31):

**MM BIO 5:** Prior to any ground disturbing activities within jurisdictional waters, the Project proponent shall obtain the necessary authorization from the regulatory agencies for proposed impacts to jurisdictional waters. Impacts to jurisdictional waters shall require authorization by the corresponding regulatory agency. Authorization may include, but is not limited to, a Section 404 permit from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification from the local Regional Water Quality Control Board, and Section 1602 Streambed Alteration Agreement from California Department of Fish and Wildlife. Project-specific impacts to jurisdictional waters shall be mitigated by the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and the Regional Water Quality Control Board, where applicable.

This comment does not identify any significant new environmental issues or impacts that were not already addressed in the DEIR.