Johnson & Sedlack
ATTORNEYS at LAW

Raymond W. Johnson, Esq. AICP
Carl T. Sedlack, Esq. Retired
Abigail A. Broedling, Esq.
Kimberly Foy, Esq.
Aminta Raffalovich, Esq.

26785 Camino Seco, Temecula, CA 92590

E-mail: EsqAICP@WildBlue.net

Abby.JSLaw@gmail.com
Kim.JSLaw@gmail.com
Aminta.JSLaw@gmail.com
Telephone: 951-506-9925
Facsimile: 951-506-9725

June 4, 2013

VIA EMAIL

Beaumont City Council
550 E. 6th Street
Beaumont, CA 92223

RE: June 4, 2012 Hearing Item 5. C. – General Plan Amendment 13-GPA-01, Heartland Specific Plan Amendment 13-SPA-02, Tract Map No. 36529 13-TM-02, Plot Plan No. 13-PP-01, and EIR Addendum.

Greetings:

On behalf of local residents, Johnson & Sedlack hereby submits these comments on the Heartland Specific Plan Amendment 13-SPA-02 and associated documents (June 4, 2013 Agenda Item 5c), including General Plan Amendment 13-GPA-01, Tract Map No. 36529 13-TM-01, Plot Plan No. 13-PP-01, and the Environmental Impact Report ("EIR") Addendum (collectively, the "Project").

As a preliminary note, my firm attempted to obtain documents necessary for review of this Project for over a week. First, we were given the incorrect documents. When we finally received the correct documents on Friday, May 31st, the 1994 Specific Plan EIR was not included. This Project is based on an Addendum; providing the EIR on which it is based must be provided.

We respectfully ask that you disapprove this Project. The EIR Addendum is inadequate, as it fails to comply with the requirements of the California Environmental Quality Act ("CEQA"). Preparation of a new EIR is necessary for this substantially changed Project. The Addendum inadequately analyzes impacts pertaining to, at least, air quality, aesthetics, biology, cultural resources, geology, hydrology, GHGs, and traffic/transportation, among others. The Addendum fails to adopt all feasible mitigation measures and ensure that mitigation measures are fully enforceable through permit conditions, agreements, and/or other legally binding instruments. (State CEQA Guidelines § 15126.4(a)(2)).

I. General Comments

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

CEQA must be interpreted to afford the fullest protection to the environment within the scope of the statutory language. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 563-64.) Central to CEQA is the EIR, which informs the public and decision-makers of the environmental consequences of a project before it is undertaken. (*Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 276.) ***Preparation of an addendum to a nine year old EIR does not comport with CEQA.***

The Addendum and EIR fail as informational documents. The Addendum misleads decision-makers and the public as to the extent and severity of the Project's environmental effects.

The Addendum is also very conclusory and fails to provide the analysis and examination required by CEQA to inform the public and decision-makers of the analytical pathway taken from facts to conclusions. The findings are not supported by substantial evidence in the record.

CEQA also requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, ***all feasible mitigation*** must be adopted. In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR or Addendum that all feasible mitigation measures be required of a project. This has not been done with this Project. Moreover, all mitigation measures must be fully enforceable and certain to occur. This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and deferred mitigation measures. This is unacceptable.

Moreover, a significant number of the Project's environmental effects will be a result of its use as a distribution center and corresponding traffic and air quality impacts, not the effects of the warehouse building itself.

Of particular concern, ***this Project denies the public their right to comment on the final Project and on the Project's Mitigation Monitoring Program***. The Conditions of Approval state: "All mitigation measures as contained in the previously certified Heartland Environmental Impact Report and Addenda prepared for the Heartland Commerce Center shall be conditions of approval for the project. *Subsequent to the completion of the public hearing process*, the Applicant shall finalize the Specific Plan to incorporate all changes and modifications" (2.1).

This Project will not be revised and finalized until after the public hearing process is closed. Condition of Approval 2.1 goes on to state: "The Applicant shall also prepare a Mitigation Monitoring Program, inclusive of all mitigation measures specified in the Environmental Impact Report and Addendum, for the approval of the Director of Planning." This is impermissible. The City cannot deny the public the opportunity to comment on the final Project and on the Mitigation Monitoring Program, nor may the City defer preparation of a Mitigation Monitoring Program for this Project.

This Project fails to make adequate findings, *based on substantial evidence*, that the environmentally superior alternative is infeasible. In fact, the environmentally superior alternative satisfies most, if not all project objectives and significant reduces project impacts, particularly with regards to air quality in an area known to have some of the worst air quality in the nation. At the very least, the environmentally superior alternative must be implemented in lieu of the Project.

II. Project Summary

The Project proposes a series of entitlements to permit development of a 417.2 acre Industrial Center with 5.021 million square feet of floor area within five buildings for distribution uses. Of this area, 113.45 acres are to be designated for open space, and 10.7 acres are to be designated for private streets. The five buildings will range from 300,000 square feet to 2.01 million square feet. The buildings will have a maximum height of 60 feet and will be constructed of concrete and glass elements.

The Project site is currently subject to the Heartland Specific Plan and various other approvals made in 1994, which would develop 207.6 acres of residential uses, 50.3 acres of industrial uses, 11.5 acres of commercial uses, 9.2 acres of school uses, 25.3 acres of park space, and 89 acres of open space.

The proposed Project, the "Heartland Commerce Center Specific Plan," would not void the Heartland Specific Plan ("1994 Specific Plan"), which was approved in 1994. The two specific plans would both be allowed under the proposed General Plan designation, but issuance of grading or building permits for one specific plan will render the other void.

As a planner with over 40 years of experience and with a Masters of Regional and Community Planning, I am unaware of any provision of California Planning Law that allows for two specific plans to exist simultaneously on the same property nor have I ever witnessed two radically different land uses which are both consistent with a City's General Plan.

An Addendum to the original EIR has been prepared for the Project. A new Specific Plan document has also been prepared.

III. This Project Must Be Rejected Because CEQA Requires Preparation of a New EIR, Not a Mere Addendum.

CEQA Guidelines section 15164(a) provides: "The lead or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR have occurred." Section 15162 of the CEQA Guidelines and Public Resources Code section 21166 call for the preparation of a subsequent EIR where there are substantial changes in the proposed project, substantial changes in circumstances, or where new information of substantial importance has arisen which was not known at the time of the previous EIR. The question under section 21166 is whether changed circumstances justify repeating a substantial portion of the CEQA process. (*Long Beach Savings & Loan Association v. Long Beach Redevelopment Agency* (1986) 188 Cal.App.3d 249.)

Here, the Project has changed significantly as have the circumstances under which the environmental analysis was originally conducted. Certainly, requirements for projects have changed since the EIR's certification *nine years ago*. These changed circumstances require preparation of a subsequent EIR.

Typically, an addendum which is prepared for a specific project is only appropriate where the original EIR was a project-specific EIR and there have been some changes in the original project. The rationale behind this rule is that the original EIR will not serve its purpose in informing the public and decision-makers of project-specific environmental impacts. Also, the original EIR may fail to take into account feasible mitigation measures which would reduce/eliminate these impacts. This is certainly the case here, as will be explained further below.

Where a prior EIR is prepared for a large-scale planning action, as here, the standards of section 21166 do not apply to excuse the agency from full and complete independent environmental review. In other words, the proposed Project is not merely an addition or change to the 1994 Heartland Specific Plan, but is an entirely new project under CEQA.

The 1994 Specific Plan includes 207.6 acres of residential uses, 50.3 acres of industrial park uses, 11.5 acres of commercial retail uses, 9.2 acres of school uses, 25.3 acres of park space, and 89 acres of passive open space. Tentative Tract Map 27971 provided for the formal subdivision of the 1994 Specific Plan Area. Under Tract Map 27971, up to 988 single-family dwelling units and 126,000 square feet of commercial retail uses may be developed on the Project site. No industrial uses are permitted.

In stark contrast, this Project proposes to replace the residential uses with distribution/warehouse uses (*See* Staff Report, Exhibit B). The park and other outdoor uses which would have supported

the residential uses are likewise eliminated under the Project. ***So, while the 1994 EIR analyzes 50.3 acres of industrial use, this Project proposes 284.9 acres of industrial use, nearly six times more industrial land use than previously analyzed.*** There is simply no support for finding this Project is similar to the 1994 Specific Plan and its associated Tract Map.

Despite the significant change is land usage proposed under this Project, the Addendum claims the Project will not result in any new significant, substantively increased or different impacts. There is no support for this claim. For instance, the Addendum claims that the Project would not result in any new, additional, or different hydrology/water quality impacts. First, no hydrology/water quality study has been prepared for this Project, so it is unclear how the Addendum arrives at this conclusion. Second, the Santa Ana Regional Water Quality Control Board commented that the Project may violate water quality standards.

The Addendum also claims that no new information of substantial importance warrants preparation of a subsequent EIR. The EIR was certified nine years ago. Since then, important information regarding, at least, greenhouse gases and air quality has become available and must be used in evaluating Project impacts.

IV. The Addendum and 1994 EIR Do Not Comport with CEQA.

A lead agency must prepare an initial study or other analysis to determine whether a project may cause significant impacts which were not "adequately addressed" in a prior EIR. (CEQA Guidelines § 15152(f); Pub. Res. Code § 21094.) If the analysis finds such significant effects, a subsequent EIR is required for the project. (CEQA Guidelines § 15152(f).)

Significant environmental effects have been "adequately addressed" if: (1) the effects have been mitigated or avoided as a result of the prior EIR and findings adopted in connection with that prior EIR; or (2) the effects have been examined at a sufficient level of detail in the prior EIR to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project. (CEQA Guidelines § 15152(f)(3).)

It is important to note that because the EIR was prepared for the 1994 Heartland Specific Plan as a whole, *the EIR fails to act as an informational document with respect to the Project.*

This Project includes a General Plan Amendment which would add an entirely new base Land Use Designation "Residential/ Business Specific Plan Overlay" to the text of the Land Use Element. ***This General Plan Amendment is not analyzed at all in the Addendum.*** Indeed, it would be quite difficult to perform an environmental analysis of the proposed General Plan Amendment, as it effectively eliminates all zoning by allowing all land uses.

Project Description

The Addendum does not require the Project be revised and finalized until after close of the public hearing process. Consequently, the description of the Project does not adequately inform decision-makers and the public of the true nature of this Project and its impacts.

The Santa Ana Regional Water Quality Control Board commented in a letter dated April 23, 2013 that the nature of the basins must be accurately described in order to allow the City to enforce this Project's Water Quality Management Plan (which, as noted below, has not yet been prepared) and comply with its Permit.

Mitigation

As a general note, and as explained further herein, the mitigation for this Project is improperly deferred and unbelievably deficient. Importantly, ***a Mitigation Monitoring Program has not been prepared for this Project***.

Examples of improperly deferred mitigation include, but are not limited to:

- Condition of Approval 2.3 states that "[m]itigation measures for impacts to local districts which may ultimately serve the project shall be identified prioer to the approval of implementing tentative subdivision maps and plot plans in accordance with the State laws."
- Condition of Approval 2.5, which defers preparation of reports and studies.
- Condition of Approval 2.7, which defers preparation of Conservation/Open Space Plans.
- Condition of Approval 2.8, which defers preparation of a "Master Sign Program."
- Condition of Approval 2.9, which defers preparation of landscape plans which would reduce aesthetic impacts.
- Condition of Approval 2.10, which defers preparation of an acoustical analysis.
- Condition of Approval 2.11, which defers preparation of a hydrology study.
- Condition of Approval 4.13, which also defers preparation of a hydrology study.
- Condition of Approval 5.12, which defers notifying the California Department of Fish and Game or obtaining a permit.
- Condition of Approval 5.13, which defers proof of compliance with the U.S. Army Corps of Engineers Nationwide Permit Conditions or obtaining a permit from the Corps.
- Condition of Approval 5.14, which defers preparation and submission of grading plans. This Condition even admits that "[a]pproval of the grading plans is required to fulfill monitoring requirements of the California Environmental Quality Act."
- Plot Plan Condition of Approval 1.23(B), which defers preparation of a preliminary soils report and determination of setback requirements.

- Plot Plan Condition of Approval 1.23(C), which defers preparation of a soils compaction report.

Examples of uncertain mitigation include, but are not limited to:

- Condition of Approval 2.13, which proposes the payment of development impact fees but does not guarantee any improvements. A program may not even exist for the improvements; if a program does exist, there is no indication that it is adequately funded.
- Condition of Approval 2.15, which only requires "best efforts" to dispose of all wastes generated, however that is to be determined.
- Condition of Approval 4.14, which proposes payment of a fair share of necessary facilities, but does not indicate any program which could adequately fund these facilities, if one exists at all. (This Condition also improperly defers determination of the roadway, water, sewer, and drainage facilities necessary for implementation of this Project.)
- Condition of Approval 7.7, which states that "[a]ll driveways shall be concrete paved, *or as approved by the Public Works Director*." No driveways are actually required to be paved.
- Plot Plan Condition of Approval 2.10, which states that street improvements and mitigation of traffic impacts shall be the responsibly of the developer. The Condition does not clarify at all what "improvements" and what "mitigation" the developer is responsible for. (This Condition also improperly defers determination of mitigation to address significant traffic impacts.)

Aesthetics

Stating that the Project will comply with applicable City Ordinances does not reduce aesthetic impacts. This Project is not required, through certain and enforceable mitigation, to reduce light and glare impacts to meet the standards adopted by the City in 2011.

Air Quality

The traffic study in the addendum is grossly distorted and deprives the public and decision makers of any chance of making an informed decision. This impact is not only felt relative to traffic but even more so for air quality. The Traffic Study assumes that only 4% of the total trips for the project will be large trucks. This amounts to only 337 one way trips per day for large trucks. This amounts to only 168.5 trucks visiting the site per day, a totally unrealistic number for a project that would be expected to have 600 dock doors. According to one source, Bluffstone and Ouderkirk (Bluffstone and Ouderkirk. 2007. Warehouses, trucks, and [PM.sub.2.5]: human health and logistics industry growth in the eastern Inland Empire. Contemporary Economic Policy 25(1)), a 500,000 square feet facility on 50 acres, will on average have 350 truck trips per day (or 700 trip segments) associated with its development. This

figure is proportionate to estimates for an AMB Property Corporation center in Redlands (1,000 truck trips for a 1.3 million square feet structure); Wal-Mart distribution centers in Pueblo, Colorado (700 truck trips per day for an 880,000 square feet facility), Connecticut, and Delaware (both 1,000 truck trips per day for 1.2 million square feet structures); and a grocery distribution center in New York (Boas, 2002; Gasiewski, 2004; Hernandez, 2005; Pueblo Chieftain, 2004; Sholl, 2004). Estimates from other sources indicate approximately 1 truck per 1,000 square feet of the building, which means that the proposed project would require 5,000 trucks per day (or 5,000 trip segments per day) for the Project. The number of truck trips could be higher at a new, more efficient facility where more inventory is moved per day. Without proper modeling of the emissions from these additional vehicles the impacts on the environment and the citizens of Beaumont is unknown. It is clear that the size of the Project will have significant NOx and GHG emissions during Project operations.

Even worse, the average trip length is totally distorted with an average trip length of 7.7 miles per trip. This is in spite of the fact that 100% of the trucks are projected to use I-10. The distance to the ports at Long Beach is 90 miles one way. To Arizona it is substantially longer. Rather than the 2,600 miles per day for heavy trucks identified in the TIA, the actual mileage would be 30,296 miles per day, over ten times the number claimed in the TIA.
Additionally, there is no discussion of Health Risk Assessment to determine the impact to the health of area residents from the toxic diesel emissions.

The EIR found that, even after the application of mitigation, the 1994 Specific Plan would result in construction-source respirable particulate matter (PM10) and nitrogen oxide (NOx) emissions that would exceed applicable South Coast Air Quality Management District ("SCAQMD") thresholds. The EIR also found that mitigated operational-source emissions of PM10, NOx, carbon monoxide (CO), and reactive organic compounds (ROC) would also exceed applicable SCAQMD thresholds.

The Project is located within the South Coast Air Basin (SCAB). Residents in this region experience the worst air quality in the nation. Diesel trucks, which would necessarily be used in conjunction with the Project, emit many harmful pollutants including ultrafine particles, diesel particulate matter (a known carcinogen), and nitrogen oxides (NOx). While the traffic and criteria pollutants may not significantly differ, the use of diesel trucks associated with this Project will substantially increase toxic air contaminants.

The Addendum unreasonably assumes that construction activities would parallel the scope of activities analyzed in the EIR. Based on this unexplained and unsupported assumption, the Addendum concludes that no new, additional, or different construction impacts will result. This type of "analysis" is typical of the Addendum as a whole. It assumes without reason that impacts from this Project are the same as those in the EIR, then concludes the same.

Mitigation for air quality impacts is frighteningly inadequate. Despite finding air quality impacts (both direct and cumulative) significant and unavoidable, ***only ten mitigation measures are actually required***. The Project will only implement mitigation measures contained in the 1994 EIR "to the extent they are applicable to final Project designs, are consistent with site specific studies and recommendations, and are consistent with incumbent policies and regulations." CEQA mandates that mitigation measures be fully enforceable and certain to occur. This is certainly not the case with this Project, whose mitigation measures are largely unknown. In this way, the Addendum attempts to incorporate mitigation from the 1994 EIR but ultimately cannot do so properly because this Project is so vastly different.

The complete lack of mitigation measures adopted to address significant and unavoidable air quality impacts shows the utter inadequacy of environmental review in this case. Sadly, the few mitigation measures which are actually required of this Project are highly deficient.

Diesel Particulate Matter (PM) and Health Risks:

The Staff Report claims this Project "will not be detrimental to the health, safety and general welfare of the community" (p. 6). To the contrary, the AQMD MATES III study places the Project in an existing carcinogenic risk area of nearly 500 cancers per million and in an area where "diesel particulate continues to be the dominant toxic air pollutant based on cancer risk."[1] Health risks from Diesel PM are wide-ranging and well documented. The Project and *cumulative projects in the area* will add to these risks.

This Project will substantially contribute to toxic air contaminants in the form of Diesel PM, the result of which is an increased risk of cancer and other health impacts to the individuals residing near this project, especially infants, children, and the elderly. Sensitive receptors will be adversely impacted by the diesel PM emissions created by this Project and cumulative projects.

TACs are air pollutants which may cause or contribute to an increase in deaths or in serious illness, or which may pose a present or potential hazard to human health. In 1998, CARB designated Diesel PM as a TAC. CARB also set a lifetime cancer risk from diesel particles at 3 in 10,000.

SCAQMD has stated with regards to the health effects from diesel PM:

> "Diesel particles consist mainly of elemental carbon and other carbon-containing compounds… Diesel particles are microscopic…Due to their minute size, diesel particles

[1] *See* MATES III Final Report, September 2008, p. 6-2, http://www.aqmd.gov/prdas/matesIII/Final/Document/f-MATESIIIChapte6Final92008.pdf; interactive map, http://www3.aqmd.gov/webappl/matesiii/.

> can penetrate deeply into the lung. There is evidence that once in the lung, diesel particles may stay there for a long time.
>
> In addition to particles, diesel exhaust contains several gaseous compounds including carbon monoxide, nitrogen oxides, sulfur dioxide and organic vapors, for example formaldehyde and 1,3-butadiene. Formaldehyde and 1,3-butadiene have been classified as toxic and hazardous air pollutants. Both have been shown to cause tumors in animal studies and there is evidence that exposure to high levels of 1,3-butadiene can cause cancer in humans…
>
> Diesel emissions may also be a problem for asthmatics. Some studies suggest that children with asthma who live near roadways with high amounts of diesel truck traffic have more asthma attacks and use more asthma medication.
>
> Some human volunteers, exposed to diesel exhaust in carefully controlled laboratory studies, reported symptoms such as eye and throat irritation, coughing, phlegm production, difficulty breathing, headache, lightheadedness, nausea and perception of unpleasant odors. Another laboratory study, in which volunteers were exposed to relatively high levels of diesel particles for about an hour, showed that such exposures could cause lung inflammation."[2]

With regards to infants and children, increased susceptibility to TACs and diesel PM exists for a variety of reasons. Children are generally more active than adults, have higher respiration rates, and inhale more pollutants deeper into the lung. Children also have more lung surface area in proportion to their body size and inhale more air pound for pound when compared to adults, taking in 20 to 50 percent more air and associated air pollutants than adults. When compared to adults, children spend more active time outdoors in polluted air environments and exert themselves harder than adults when playing outside. Importantly, this exposure to high pollutant levels in children occurs while their lungs are still developing, and therefore has more severe impacts on this sensitive group.[3]

This increased susceptibility to air pollutant emissions for children has resulted in the California EPA Office of Environmental Health Hazard Assessment ("OEHHA") weighting cancer risk by a factor of 10 for exposures to carcinogens from birth to two years old, and by a factor of 3 for

---

[2] *The Health Effects of Air Pollution on Children*, Michael T. Kleinman, Ph.D, Fall 2000, http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren.
[3] *The Health Effects of Air Pollution on Children*, Michael T. Kleinman, Ph.D, Fall 2000, http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren.

exposures from 2 years old to 15 years old.[4] Additionally, recent studies conducted by SCAQMD's Brain and Lung Tumor and Air Pollution Foundation have found a specific connection between exposure to diesel PM and brain cancer in children.[5]

This Project will contribute to an already dire TAC situation in Riverside County. The Riverside County Planning Commission recently considered GPA 1096, an amendment to the General Plan to add a Healthy Communities Element which seeks to reduce hazardous air quality impacts to environmental and human health. The Healthy Communities Element of the General Plan was approved in view of the following significant health impacts resulting from already poor air quality in Riverside County.

The following mitigation should be incorporated into the Project:

Construction Impacts

1. Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.
2. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g. install wheel shakers, wheel washers, and limit site access).
3. All roadways, driveways, sidewalks, etc., should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
4. Pave all construction roads.
5. Pave all construction access roads at least 100 feet on to the site from the main road.
6. Limit fugitive dust sources to 20 percent opacity.
7. Require a dust control plan for earthmoving operations.
8. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
9. All streets shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers utilizing reclaimed water trucks if visible soil materials are carried to adjacent streets.
10. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.

---

[4] *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures*, California EPA OEHHA Air Toxicology and Epidemiology Branch, April 2009, p. 3. http://www.oehha.ca.gov/air/hot_spots/pdf/TSDCPFApril_09.pdf..

[5] Annual Meeting of the Brain & Lung Tumor and Air Pollution Foundation, April 2, 2010, http://www.aqmd.gov/hb/2010/April/100425a.htm.

11. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
12. Extend grading period sufficiently to reduce air quality impacts below a level of significance.
13. The simultaneous disturbance of the site shall be limited to five acres per day.
14. Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.
15. Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered three times daily.
16. Any site access points within 30 minutes of any visible dirt deposition on any public roadway shall be swept or washed.
17. A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period.
18. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.*
19. Develop a trip reduction plan to achieve a 1.5 AVR for construction employees
20. Require high pressure injectors on diesel construction equipment.*
21. Restrict truck operation to "clean" trucks, such as a 2007 or newer model year or 2010 compliant vehicles.*
22. Require the use of CARB certified particulate traps that meet level 3 requirements on all construction equipment.*
23. Utilize only CARB certified equipment for construction activities.*
24. The developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use and/or idling in excess of 3 minutes.*
25. Restrict engine size of construction equipment to the minimum practical size.*
26. Use electric construction equipment where technically feasible.*
27. Substitute gasoline-powered for diesel-powered construction equipment.*
28. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel.*
29. Use methanol-fueled pile drivers.*
30. Install catalytic converters on gasoline-powered equipment.*
31. Require the use of Alternative Diesel Fuels on diesel equipment used. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14%

reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.

32. Electrical powered equipment shall be utilized in-lieu of gasoline-powered engines where technically feasible.*
33. All forklifts shall be electric or natural gas powered.*
34. Suspend use of all construction equipment operations during second stage smog alerts.*
35. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
36. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
37. Reroute construction trucks away from congested streets and sensitive receptor areas.*
38. Configure construction parking to minimize traffic interference.*
39. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
40. Minimize construction worker trips by requiring carpooling and providing for lunch onsite. *
41. Provide shuttle service to food service establishments/commercial areas for the construction crew.*
42. Provide shuttle service to transit stations/multimodal centers for the construction crew.*
43. Require the use of Zero-VOC paints, coatings, and solvents.

(* would reduce impacts to GHGs as well)

<u>Operational Emissions</u>

1. The operator of the primary facilities shall become SmartWay Partner.*
2. The Project shall meet SmartWay 1.25 ratings.*
3. The project shall use only freight companies that meet SmartWay 1.25 ratings.*
4. (ALTERNATIVELY from 2,3 above) The operator of the primary facilities shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*
5. The operator of the primary facilities shall incorporate requirements or incentives sufficient to achieve a 15% per year (as a percentage of previous percentage, not total

trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*

6. All fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.*
7. All spaces utilizing refrigerated storage, including restaurants and food or beverage stores, shall provide an electrical hookup for refrigeration units on delivery trucks. Trucks incapable of utilizing the electrical hookup for powering refrigeration units shall be prohibited from accessing the site. All leasing documents shall include these requirements and provide that violation of those provisions will constitute a material breach of the lease that will result in the termination of the lease. Because of the fact that these terms of the lease are designed to benefit the public, the public shall be considered to be a third party beneficiary with standing to enforce the requirements of the lease.*
8. Install catalytic converters on gasoline-powered equipment.*
9. Where diesel powered vehicles are necessary, require the use of alternative diesel fuels. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
10. Electrical powered equipment should be utilized in-lieu of gasoline-powered engines where technically feasible.*
11. Utilize electrical equipment for landscape maintenance.*
12. All forklifts shall be electric or natural gas powered.*
13. Utilize electric yard trucks.*
14. Prohibit idling of trucks for periods exceeding three minutes.*
15. Provide electrical vehicle ("EV") and compressed natural gas ("CNG") vehicles in vehicle fleets.*
16. Charge reduced or no parking fee for EVs and CNG vehicles.*
17. Install EV charging facilities for a minimum of 10% of all parking spaces.*
18. Install a CNG fueling facility.*
19. Provide preferential parking locations for EVs and CNG vehicles.*
20. Implement parking fee for single-occupancy vehicle commuters.*
21. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
22. Plant at least 50 percent low-ozone forming potential (Low-OFP) trees and shrubs,

preferably native, drought-resistant species, to meet city/county landscaping requirements.*

23. Plant Low-OFP, native, drought-resistant, tree and shrub species, 20% in excess of that already required by city or county ordinance. Consider roadside, sidewalk, and driveway shading.*
24. Orient 75 percent or more of homes and buildings to face either north or south (within 30 degrees of N/S) and plant trees and shrubs that shed their leaves in winter nearer to these structures to maximize shade to the building during the summer and allow sunlight to strike the building during the winter months.*
25. Provide grass paving, tree shading, or reflective surface for unshaded parking lot areas, driveways, or fire lanes that reduce standard black asphalt paving by 10% or more.*
26. Electrical outlets shall be installed on the exterior walls of all residential and commercial buildings (and perhaps parking lots) to promote the use of electric landscape maintenance equipment.*
27. Prohibit gas powered landscape maintenance equipment within residential, commercial, and mixed-use developments. Require landscape maintenance companies to use battery powered or electric equipment **or** contract only with commercial landscapers who operate with equipment that complies with the most recent California Air Resources Board certification standards, or standards adopted no more than three years prior to date of use or any combination of these two themes.*
28. Implement parking cash-out program for non-driving employees.*
29. Require each user to establish a carpool/vanpool program.*
30. Create a car sharing program within the planned community.*
31. Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.*
32. Provide preferential parking for carpool/vanpool vehicles.*
33. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
34. Provide secure, weather-protected bicycle parking for employees.*
35. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*
36. Provide direct safe, direct bicycle access to adjacent bicycle routes.*
37. Provide showers and lockers for employees bicycling or walking to work.*
38. Short-term bicycle parking for retail customers and other non-commute trips.*
39. Connect bicycle lanes/paths to city-wide network.*
40. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*
41. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*
42. Provide a display case or kiosk displaying transportation information in a prominent area accessible to employees or residents.
43. Provide shuttle service to food service establishments/commercial areas.*

44. Provide shuttle service to transit stations/multimodal centers.*
45. Provide on-site child care or contribute to off-site child care within walking distance.*
46. Implement a compressed workweek schedule.*
47. Implement home-based telecommunicating program, alternate work schedules, and satellite work centers.*
48. All buildings shall be constructed to LEED Platinum standards.*
49. Design buildings for passive heating and cooling and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.*
50. Construct photovoltaic solar or alternative renewable energy sources sufficient to provide 100% of all electrical usage for the entire Project.*
51. Install an ozone destruction catalyst on all air conditioning systems.*
52. Construct renewable energy sources sufficient to offset the equivalent of 100% of all greenhouse gas emissions from mobile sources (internal combustion engines) for the entire Project. *
53. Purchase only green/ renewable power from the electric company.*
54. Install solar water heating systems to generate all hot water requirements.*

Biological Resources

Mitigation measures are stated to reduce biological impacts to burrowing owls below a level of significance are insufficient. A recent "Staff Report on Burrowing Owl Mitigation" by the Department of Fish and Game found that construction further from nesting sites is needed to mitigate for impacts to the owls dependant on level of disturbance. The Staff Report also provides updated guidance on passive relocation of burrowing owls which must be incorporated into any mitigation.[6]

To ensure adequate mitigation of impacts to the owls, the following additional mitigation measures must be incorporated into the Project:

1. Where habitat will be temporarily disturbed, restore the disturbed area to pre-project condition including decompacting soil and revegetating. Permanent habitat protection may be warranted if there is the potential that the temporary impacts may render a nesting site (nesting burrow and satellite burrows) unsustainable or unavailable depending on the time frame, resulting in reduced survival or abandonment.
2. Mitigate for permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced based on site-specific analysis and accounting for natal area,

[6] "Staff Report on Burrowing Owl Mitigation," State of California Natural Resources Agency, Department of Fish and Game March 7, 2012, http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf.

home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in the project area.

3. Mitigate for permanent impacts to nesting, occupied and satellite burrows and burrowing owl habitat with (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) sufficiently large acreage, and presence of fossorial mammals.
4. Alternatively, where a burrowing owl population appears to be highly adapted to heavily altered habitats such as golf courses, airports, athletic fields, and business complexes, permanently protecting the land, augmenting the site with artificial burrows, and enhancing and maintaining those areas may enhance sustainability of the burrowing owl population onsite. Maintenance includes keeping lands grazed or mowed with weedeaters or push mowers, free from trees and shrubs, and preventing excessive human and human-related disturbance (e.g., walking, jogging, off-road activity, dog-walking) and loose and feral pets (chasing and, presumably, preying upon owls) that make the environment uninhabitable for burrowing owls.
5. Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. If the project is located within the service area of a Department approved burrowing owl conservation bank, the project proponent may purchase available burrowing owl conservation bank credits.
6. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

Geology and Soils

The Addendum improperly defers mitigation of a geotechnical study. The Project site has not been evaluated in eight years.

Condition of Approval 5.10 refers to off-site grading areas. Off-site work was not evaluated in Addendum.

Hydrology and Water Quality

Mitigation to address hydrology and water quality impacts is improperly deferred. For instance, the Addendum and the 1994 EIR defer preparation of a development-specific hydrology study. Deferring preparation of a hydrology study is wholly improper. A hydrology study must be prepared for this Project.

The EIR requires payment of fees to fund and construct supporting area-wide drainage improvements. CEQA requires that mitigation be certain and enforceable. It is unclear what program funds will be paid to, if any program exists at all. If such a program does exist, it is unclear when, if ever, drainage improvements will occur.

Plot Plan Condition of Approval 7.10 states that "[a]ll lots shall be designed and graded to drain to the approved conveyance system" and requires the hydrology report (deferred) to demonstrate that flows for both 10-year and 100-year event will not inundate to any individual lot within the Project. This Condition needs to address impacts to off-site areas as well.

The Santa Ana Regional Water Quality Control Board commented on the water quality impacts associated with this Project in a letter dated April 23, 2013. ***The Regional Board found that the Project may violate water quality standards and made clear that a Water Quality Management Plan must be prepared and circulated prior to Project approval.*** The Regional Board went so far as to say that the absence of a Water Quality Management Plan "suggests that the City is in violation of, or threatens to violate, the Permit" (p. 1).

The Regional Board also commented that the Addendum should include an update on receiving a wastewater treatment plant. Per the 1994 EIR, the City's plant was operating over its capacity and violating water quality standards.

In response to the Regional Board's comments, C&V Consulting stated in a letter dated April 24, 2013 that, among other things, the Project was proposing porous parking stalls and use of an existing water well as an irrigation source, neither of which are required of the Project.

The Addendum contains no discussion of stormwater discharge, flooding, or drainage impacts. It also fails to address additional runoff resulting from nearly 100 percent site coverage. This is concerning because the 1994 EIR only anticipated minor amounts of pollutants typical of urban use.

Land Use and Planning

This Project results in a significant land use impact. It substantially alters the balance of uses set forth in the General Plan and 1994 Specific Plan.

The Staff Report claims that this Project is better suited for the area than residential uses because of its proximity to the freeway and to other proposed distribution/warehouse uses. A subsequent EIR is necessary to fully evaluate the cumulative impacts of this Project and the "other proposed distribution/warehouse uses."

Noise

No noise studies have been prepared for this Project. These studies are necessary to adequately inform the public of noise impacts and to properly mitigate impacts. Noise associated with distribution/warehouse use is entirely different than noise associated with residential use.

The construction noise analysis is fatally flawed, as the source for typical construction equipment noise is outdated. The Addendum fails as an informational document by failing to update, account for, and rely on contemporary studies and data. The noise exposure during construction will be much greater than predicted by the EIR.[7]

The following mitigation should be incorporated into the Project:

1. Temporary noise barriers must be installed during project construction.
2. Where technically feasible, utilize only electrical construction equipment.
3. During construction, the developer shall require that all contractors turn off all construction equipment and delivery vehicles when not in use and prohibit idling in excess of 3 minutes.
4. Provide a "windows closed" condition requiring a means of mechanical ventilation (e.g. air conditioning) for all buildings.
5. Provide upgraded windows with a minimum Sound Transmission Class (STC) rating of 34 for all buildings, and/or require the installation of double-paned windows.
6. Keep new transportation facilities away from vibration sensitive areas.
7. When dealing with existing transportation facilities, obvious vibration causes, such as pot holes, pavement cracks, differential settlement in bridge approaches or individual pavement slabs, etc., may be eliminated by resurfacing.
8. Require the use of rubberized asphalt for construction of all roadways and parking areas.
9. Maintain quality pavement conditions that are free of bumps, pot holes, pavement cracks, differential settlement in bridge approaches or individual pavement slabs, etc.
10. Require resurfacing of roads.
11. Ban heavy trucks near vibration sensitive uses.
12. Use alternate construction methods and tools to reduce construction vibrations. Examples are predrilling of pile holes, avoiding cracking and seating methods for resurfacing concrete pavements near vibration sensitive areas, using rubber tired as opposed to tracked vehicles, placing haul roads away from vibration sensitive areas.
13. Scheduling construction activities (particularly pile driving) for times when it does not interfere with vibration sensitive operations (e.g. night time).

---

[7] *See* "Construction Noise Handbook," Chapters 3, 4, and 9, Federal Highway Administration, August 2006, http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/index.cfm.

14. To reduce train vibrations, require the use of continuous, welded rails, vibration damping pads between rails and ties, and extra ballast.

Traffic

The traffic analysis exemplifies the problem with using an Addendum for this Project, which is completely different in nature than the project analyzed in the EIR. The project analyzed in the EIR was heavily residential, while this Project includes no residential uses. Impacts to traffic are thus significantly different.

The Addendum fails as an informational document by failing to study impacts to regional and local highways including SR-60, I-215, and others.

The Addendum even admits that "since the Tentative Tract Map TIA was conducted in 2006, its roadway network varies from the currently Existing (2012) roadway network" and "traffic conditions are not the same as they were in 2006."

In presenting the traffic impacts, the Addendum claims that this Project will reduce total trips and therefore decrease impacts. However, the traffic analysis finds this Project will result in new and additional impacts. ***The Project will result in six intersections which will operate at unacceptable LOS.*** Table 6-2 also shows increased traffic impacts as a result of this Project. In order to address these impacts, ***the Project must require all mitigation contained in the TIA through certain and enforceable measures.***

The TIA's claim that the new Project will have less traffic impact because it will reduce daily trips from 19,580 to 11,580 is deceptive and inaccurate. The traffic analysis vastly underestimates truck trips. It assumes that only four percent of trips are truck trips. This assumption is completely unfounded.

The analysis of traffic impacts in 2035 assumes that lane configurations and traffic controls are in place. However, lane configurations and traffic controls are not required. The analysis also incorrectly assumes that the Potrero Boulevard at SR-60 Freeway is in place. Reliance on unfounded assumptions makes the traffic analysis completely unreliable.

The Staff Report states that this Project "represents a reduction in intensity" (p. 5). Interestingly, the Addendum finds that new mitigation measures outlined in the traffic study must be required of this Project. This new mitigation is the result of increased and new impacts which were not previously considered in the 1994 EIR. This is yet another example of why the use of an Addendum is improper.

As stated in the Staff Report, "[t]he mitigation measures adopted in certain cases require the preparation of a series of additional studies and methodical monitoring to ensure full implementation of all measures" (p. 5). In this way, the Addendum improperly defers preparation of studies and makes mitigation measures uncertain to occur, in violation of CEQA.

Plot Plan Condition of Approval 2.23 does not require lane improvements. These lane improvements must be required of this Project.

The Addendum claims the Project will contribute fair share fees toward construction of traffic improvements. There is no existing program in place and no assurance of adequate funding. Any traffic improvements are therefore uncertain to occur.

The following mitigation should be incorporated into the Project:

1. Require preparation of a traffic control plan.
2. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
3. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
4. Reroute construction trucks away from congested streets and sensitive receptor areas.
5. Configure construction parking to minimize traffic interference.
6. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.
7. Implement a carpool program for construction workers.
8. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.
9. Provide shuttle service to food service establishments/commercial areas for the construction crew.

Alternatives

Where there is an environmentally superior alternative that significantly decreases the significant impacts of the Project then that alternative must be approved rather than the Project if that alternative is feasible, even if the alternative would impede to some degree the attainment of the project objectives, or would be more costly. [(PRC§ 21002; *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597, State CEQA Guidelines § 15126.6(b)] An environmentally superior alternative must be adopted in lieu of this Project.

Findings

The findings required under CEQA cannot be made with respect to this Project. Not all significant effects of the Project have been eliminated or substantially lessened, additional mitigation is feasible, and alternatives which are environmentally superior are feasible.

Statement of Overriding Considerations

CEQA Guidelines § 15093 (b) provides that when the agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The decision to approve a project in spite of significant environment impacts requires the decision-making agency to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks. (Guidelines § 15093(a).) However, the Statement of Overriding Considerations ("SOC") shall be supported by *substantial evidence* in the record. (*Id.*) In *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1222, the court said: "Whereas the [mitigation and feasibility] findings … typically focus on the feasibility of specific proposed alternatives and mitigation measures, the statement of overriding considerations focuses on the larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes, and the like."

Substantial evidence in the record does not support the adoption of a Statement of Overriding Considerations. ***This Project is totally inconsistent with the benefits claimed in the Statement of Overriding Considerations. Those benefits no longer exist should this Project be approved.***

The benefits claimed to outweigh unavoidable significant impacts to air quality and biological resources include: providing a variety of complementary land uses; providing dwelling units to respond to housing demand; reducing environmental impacts due to complementary and mixed land uses; providing recreational facilities; and providing a commercial facility for project residents, among others. None of these benefits exist in this case.

A Statement of Overriding Considerations cannot be supported for this Project.

V. Conclusion

To comply with CEQA, a subsequent EIR must be prepared for the Project. The Addendum is completely inadequate and fails to inform the public and decision-makers of the true environmental consequences of the Project.

For the reasons detailed herein, we ask that you deny this Project and recommend that the preparation of an EIR. Thank you for your consideration of these comments and referenced material.

Sincerely,

Raymond W. Johnson
JOHNSON & SEDLACK

RAYMOND W. JOHNSON, Esq., AICP LEED GA
26785 Camino Seco
Temecula, CA 92590
(951) 506-9925
(951) 506-9725 Fax
(951) 775-1912 Cellular

Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Thirty years subdivision design: residential, commercial and industrial
- Thirty years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
  - Review and supervision of preparation of EIR's and joint EIR/EIS's
  - Preparation of Negative Declarations
  - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
  - Sierra Club
  - San Bernardino Valley Audubon Society
  - Sea & Sage Audubon Society
  - San Bernardino County Audubon Society
  - Center for Community Action and Environmental Justice
  - Endangered Habitats League
  - Rural Canyons Conservation Fund
  - California Native Plant Society
  - California Oak Foundation
  - Citizens for Responsible Growth in San Marcos
  - Union for a River Greenbelt Environment
  - Citizens to Enforce CEQA
  - Friends of Riverside's Hills
  - De Luz 2000
  - Save Walker Basin
  - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals
- Member, U.S. Green Building Council, LEED GA

Johnson & Sedlack, Attorneys at Law
26785 Camino Seco 12/97- Present
Temecula, CA 92590
(951) 506-9925

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

Planning-Environmental Solutions
26785 Camino Seco 8/94- Present
Temecula, CA 92590
(909) 506-9825

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

San Bernardino County Planning Department
Environmental Team 6/91-8/94
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

San Bernardino County Planning Department
General Plan Team 6/91-6/92
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community.

San Bernardino County Planning Department
North Desert Regional Planning Team
15505 Civic 6/90-6/91
Victorville, CA
(619) 243-8245

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

Broadmoor Associates/Johnson Consulting
229 NW Blue Parkway
Lee's Summit, MO 64063
(816) 525-6640 2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track Provided conceptual design of 800 acre mixed use development.

Shepherd Realty Co.
Lee's Summit, MO 6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

Contemporary Concepts Inc.
Lee's Summit, MO 9/78-5/84
Owner

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

Environmental Design Association
Lee's Summit, Mo.
Project Coordinator 6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

City of Lee's Summit, MO
220 SW Main
Lee's Summit, MO 64063
Community Development Director 4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

Howard Needles Tammen & Bergendoff
9200 Ward Parkway
Kansas City, MO 64114
(816) 333-4800 5/73-4/75
Economist/Planner

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS.