



# March Joint Powers Commission of the March Joint Powers Authority

City of Moreno Valley ♦ City of Perris ♦ City of Riverside ♦ County of Riverside

## Memorandum

**Date:** April 23, 2024

**From:** Dan Fairbanks, Planning Director

**Subject:** Item 10. 1. Matter Subsequent to Posting of April 24, 2024 Agenda

Subsequent to the posting of the agenda for the April 24, 2024, March Joint Powers Commission (JPC) meeting, it was discovered that two letters submitted regarding the proposed Environmental Justice Element were inadvertently left out of the April 24, 2024, March JPC packet. The letters consist of a February 25, 2024, letter from Jerry Shearer regarding a separate project, but containing comments pertaining to the Environmental Justice Element, and a letter from Brenda Shearer, dated February 11, 2024, regarding the proposed Environmental Justice Element.

These two letters were included as part of the April 1, 2024, packet to the March JPA Technical Advisory Committee. That packet of public comments contained a greater number of pages than the public comments provided to the March JPC, because there were 17 duplicate documents that were removed for the March JPC packet. In the interest of full disclosure, the attached Public Comment List identifies the duplicate documents that were removed in **blue** and the two inadvertently removed letters that are being provided to the Commission in **green**.

<b>Environmental Justice Public Comment List</b>	
<b>April 24 JPC Packet</b>	<b>April 1, 2024 TAC Packet</b>
P. 1 – 270: Identical (Includes) P. 12 – 13 Channel Law Group P. 225 – 227 LULAC	P. 1 – 270: Identical. This section includes: <b>P. 700 -701 Channel Law Group</b> <b>P. 702 - 702 LULAC</b>
P. 271 – 350 City of Riverside (letter, toolkit, policy)	P. 704 – 780 (City of Riverside (letter, toolkit, policy) <b>P. 781 – 864 (Copy removed from 4/24/24)</b>
P. 351 – 390 (Comments Drexler – Broach)	P. 271 - 310 (Comments Drexler – Broach)
P. 392 – 394: Friends of Riverside Hills	P. 311 - 314: Friends of Riverside Hills <b>P. 866 – 867 (Copy removed from 4/24/24)</b>
P. 395 – 397: World be Well	P. 315 – 317: World be Well
P. 398 – 400: Riverside Neighborhood Partnership	P. 348 – 350: Riverside Neighborhood Partnership <b>P. 878 – 879 (Copy removed from 4/24/24)</b>
P. 401 – 406 (Comments Shirley – Shearer)	P. 318- 323 (Comments Shirley – Shearer)
P. 407 - 420: Jerry Shearer (EJ - 2/11/24)	P. 335 - 347: Jerry Shearer (EJ - 2/11/24) <b>P. 487 – 496 (Copy removed from 4/24/24)</b> <b>P. 868 – 877 (Copy removed from 4/24/24)</b> <b>P 1014 – 1023 (Copy removed from 4/24/24)</b>
P. 421 – 430: (Comments Shaw – Kim)	P. 351 - 360: (Comments Shaw – Kim)
P. 433 – 445: Carney - Heinemann	P. 369 – 385: Carney - Heinemann
P. 447 – 453: Sierra Club	P. 361 – 368: Sierra Club <b>P. 386 – 393 (Copy removed from 4/24/24)</b> <b>P. 880 – 885 (Copy removed from 4/24/24)</b>
P. 454 – 481: Jen B. Smith w/ petition (EJ 2/13/24)	P. 394 – 422: Jen B. Smith <b>P. 886 – 912 (Copy removed from 4/24/24)</b>
P. 483 – 485: (Comments Tingley – Balmer)	P. 423 - 426 (Comments Tingley – Balmer)
P. 487 – 496: McCarthy (EJ 2/13/24)	P. 427 – 436: McCarthy (EJ 2/13/24) <b>P. 913 – 922 (Copy removed from 4/24/24)</b>
P. 497 – 500: (Comments Clark – Norman)	P. 437 – 440: (Comments Clark – Norman)
P. 501 – 503: CCAEJ	P. 442 - 442: CCAEJ <b>P. 923 – 925 (Copy removed from 4/24/24)</b>
P. 505 – 507: Robert Redford Conservancy	P. 445 – 447: Robert Redford Conservancy <b>P. 926 – 928 (Copy removed from 4/24/24)</b>
P. 508 – 523 (Comments Lliguin – Reynolds)	P. 448 – 463 (Comments Lliguin – Reynolds)
P. 525 – 535 McCarthy (WCUP-1 2/23/24)	P. 476 - 486 McCarthy WCUP-1 4/23/24)
P. 536 – 543 McCarthy (WCUP-2 2/23/24)	WCUP comment not provided to TAC
P. 544 - 548 McCarthy (WCUP-3 2/23/24)	WCUP comment not provided to TAC
P. 549 – 557 McCarthy (WCUP-4 2/23/24)	WCUP comment not provided to TAC
P. 558 – 567 McCarthy (REIR 2/23/24)	P. 465-474 McCarthy (REIR 4/23/24) <b>P. 929 - 938 (Copy removed from 4/24/24)</b>
P. 569 – 578 Jen L Smith (REIR 2/23/24)	WCUP comment not provided to TAC
P. 579 – 591 Jen L Smith (REIR 2/23/24)	P. 497 - 509 Jen L Smith (REIR 2/23/24) <b>P. 886 – 919 (Copy removed from 4/24/24)</b>
P. 593 – 605 (Valencia – Miller)	P. 654 – 666 (Comments Valencia – Miller)
P. 606 – 609 California Environmental Voters	P. 667 – 670 California Environmental Voters <b>P. 1011 – 1013 (Copy removed)</b>
P. 610 – 631 (Comments Perez - Spasojevic)	P. 671 – 692 (Comments Perez - Spasojevic)
P. 632 – 634 Mission Grove NH Assoc. (WCUP 2/24)	P. 693 – 695 Mission Grove NH Assoc.
P. 635 – 638 (Comments Pettis – Stalder)	P. 696 – 699 (Comments Pettis – Stalder)
P. 640 – 717 (Comments re: 4/1/24 TAC)	Not yet received for 4/1/24 packet
<b>Attached February 25, 2024 Jerry Shearer</b>	<b>P. 510 – 581, P. 582 – 653, P. 939 – 1010: Provided to JPC with this memorandum</b>
<b>Attached: February 11, 2024 Brenda Shearer</b>	<b>P. 324 – 334 Provided to JPC with this memorandum</b>

11 February 2024

Mr. Dan Fairbanks, AICP  
Planning Director  
March Joint Powers Authority (March JPA)  
14205 Meridian Parkway, Suite 140  
Riverside, CA 92518

RE: Public comment on record for the draft Environmental Justice Element of the March JPA  
General Plan dated November 30, 2023

Attention Mr. Fairbanks:

Thank you for considering my comments on the draft Environmental Justice Element as an amendment to the March JPA's General Plan. While this letter is similar to my husbands, I also agree with the concerns provided in this letter. Please do not represent this comment letter as me using a template, in fact, I learned a great deal about the March JPA as my neighbor and Environmental Justice in helping my husband write this letter. This letter focuses on the inclusion of the draft Environmental Justice element as both a standalone amendment with comments as well as details incorporated into the recirculated draft EIR for the West Campus Upper Plateau project (SCH 2021110304), as well as my objection to the March JPA's characterization of the "Application of Environmental Justice Policies" as part of the March JPA's General Plan on page 3 of 14 of the PDF posted on your website.

Standard government contracting procedures allow for quick adoption of an agreement or contract because of pressing factors like public safety or timely acquisition by the government of a product or service at an advantageous price or offering. I do not see where in the government's guidance that the release of the Environmental Justice Element at the same time as including it as a part of a specific land development project meets the acquisition or contracting standards at the federal or state government level. The timing of your release of this policy is questionable. In addition, your interpretation that the March JPA General Plan (as approved and through this proposed amendment) contains goals and policies that "are evaluated as a continuum of direction within broad interpretation parameters" is no more than your attempt to interpret and construct the General Plan to meet your narrowly focused development practices and land use plans as the March JPA prepares to sunset in July 2025. You have consistently demonstrated your willingness to venture away from the original intentions of the General Plan and Final Reuse Plan at the whim of the profit-driven goals of your single source development partner and their greedy investors. The authors of the General Plan had a clear vision for how the land surrounding March ARB could be used to provide both blue and white-collar jobs, recreation and open-space areas, and community focused business opportunities for local entrepreneurs, military personnel, and college graduates. For example, under Planning Process C1F, the Final Reuse Plan (1996) reads: "Serious and careful consideration will be given to the wishes of existing land users and owners

in areas adjacent to the base.” In addition, in your General Plan (1999) Goal 2, Policies 2.3 and 2.4 state that the land uses should “discourage land uses that conflict or compete with the services and/or plans of adjoining jurisdictions,” and “Protect the interest of, and existing commitments to adjacent residents, property owners, and local jurisdictions in planning land uses.” And finally, the Final Reuse Plan (1996) describes how “the planning process was designed to incorporate consensus of the adjacent communities, creation of a ‘Community Preference’ land use plan consistent with the goals of the community relative to base reuse, and to maximize the opportunity for citizen involvement with base reuse.” But you have ignored these guidelines giving preference to a very narrow interpretation of how the repurposed land should be redeveloped. These founding organizational documents clearly indicate a preference for community preference in decision making and land use planning which you have largely ignored, dismissed, or purposefully excluded or marginalized increasingly over the past 15 years. Your willingness to overlook these clear objectives demonstrates your eagerness to serve private industry and predatory capitalism over the people living in the communities surrounding March ARB. I am curious to know why the March JPA staff, Commission, and your partners have excluded the public in every aspect of the redevelopment of public lands surrounding the base.

On November 29, 2023, the March JPA released information on their website and through mailed notifications and email to members of the Westmont Village, Green Acres, and Veteran’s Village communities within the March JPA planning area that an Environmental Justice Element was under consideration. The March JPA included the draft Environmental Justice Element in two completely separate but concurrent business filings with no input from all impacted community members (and no public notification that an Environmental Justice Element was under consideration, a disturbing pattern), no review by the March JPA Technical Advisory Committee, and no input from the March JPA Commission. The Environmental Justice Element has not undergone any formal CEQA review, as required under CEQA for a general plan amendment. And you clearly shared drafts of this plan, if not the very draft published on your website, with your contractors and the applicant for the West Campus Upper Plateau prior to the public ever being made aware of your plans to establish an Environmental Justice Element. Why are you pursuing these two simultaneous yet wholly connected efforts now and in this manner? Why, for a policy that lives and dies with public engagement, did you exclude the public and include private contractors and for-profit commercial entities? What is your definition of stakeholders?

Whatever your responses, and I imagine they will be as insufficient as your justification for bastardizing the General Plan’s language to meet your anti-community business objectives, it is about time you considered an Environmental Justice Element for the March JPA’s General Plan. It concerns me, as I have mentioned, that the release of the draft at the end of November 2023 coincided with the recirculation of the draft EIR for the West Campus Upper Plateau project (and is included as part of this updated plan) that the local community (including more than 160 members from the most at-risk communities within the March JPA development territory) overwhelmingly rejects. It is frankly insulting to think that while the March JPA has existed since 1996, and have consistently built warehouses in communities that CalEnviroScreen 4.0 lists in

the 98th and 99th percentile, the March JPA has chosen the last days of November 2023 to amend the General Plan for an organization that sunsets in July 1, 2025. It is farcical to think that the March JPA intends to actually carry through with this absurd and ambitious plan, and as a member of an active community that opposes the land development practices of the March JPA, I don't believe this effort is genuine on your part. Your last minute draft Environmental Justice Element is clearly in response to comment letters submitted by the community in response to the draft EIR for the West Campus Upper Plateau, and rather than engage with the community and consider the comments in these letters, the March JPA is obviously placating to the applicant's greed and desire to push through a significantly controversial project despite unanimous opposition from the very communities that this copy-paste Environmental Justice policy intends to protect and represent.

Looking back to page 3 of the draft Environmental Justice plan online, the paragraphs addressing the "Application of Environmental Justice Policies" spells out the fact quite clearly: you do not intend to comply with this plan, only to use it as a way to measure the degree to which you are working toward "the direction set by the goal or policy is met, a level of compliance is achieved such that the direction set by the goal or policy is met within a continuum framework" to satisfy your behind the scenes effort to pass CA Senate Bill 994. Per the bill summary posted on [www.fastdemocracy.com](http://www.fastdemocracy.com), the March JPA is seeking authority from the State of California to "authorize the authority to transfer jurisdiction over any landscaping and lighting maintenance districts and any community facilities districts, as specified, and to assign its contractual obligations relating to the use of land to the county ... require the application of specified authority land use laws and entitlements, as specified, on and after July 1, 2025." Your attempts to manipulate the system in a way not available to the public in order to force through the unpopular West Campus Upper Plateau project even after the March JPA ceases to exist is a disturbing misuse of power and clearly is being done to cut out the public and our wishes for how the land surrounding the March ARB is repurposed. You have no intention of adhering to the goals or policies in the draft Environmental Justice Element. But what is worse is that you are developing a framework to lock out the public (exactly the opposite of aligning with the objectives stated in your draft policy) while negotiating with the County of Riverside to continue your pro-developer, anti-community policies and legal relationships after you close your doors for good. You need to amend the General Plan so that these policies are in place so you or your successor agency can continue to contract needless and unpopular warehouses on the remaining March JPA lands, and CA SB994 will ensure that the County of Riverside is obligated to grant the greedy applicant and its investors time and land to profit at the expense of people's health and life choices even as it inherits all of the costs of your destructive business decisions.

I have concerns with the process by which the JPA is going about this amendment to the General Plan, as you and your contractors have already inserted it into the revised draft EIR for the West Campus Upper Plateau project being recirculated currently. The policy in its current form reads as an unimaginative cut-and-paste from the County of Riverside, filled with policies that the March JPA has no ability or intention to follow through on in the 18 months it has left to exist.

Maybe this is your intention. You plan to amend the General Plan with some form of the draft plan posted November 2023 and you will then attempt to amend the specific plan for the West Campus Upper Plateau while it is in the final stages of review or even possibly after the Commission has voted on it. And if you succeed in getting CA SB994 approved by the State, your plan appears like it will work. When this area falls under the land permitting jurisdiction of the County of Riverside, it will be more capable of administering the Environmental Justice Element you have included, but how is it equipped to administer your unfunded obligations related to this policy? Please elaborate in detail your plan to actually implement this plan in regards to past and current specific plan amendments to the General Plan in a more meaningful way than measuring progress on an ongoing basis.

Diving a bit deeper, the draft policy posted on your website is a wholesale copy-paste of the County of Riverside Environmental Justice Element incorporated in the Healthy Communities section of the County of Riverside General Plan. Your justification for this adoption appears to be that the County of Riverside will be the successor agency to the March JPA in July 2025, though no written succession plan is available on your website today outside of revenue sharing detailed in the 14<sup>th</sup> Amendment to the General Plan and CA SB994 (not on the JPA website). This copied plan is desperate, reactionary management and decision-making on your part. Your choice to take this path is indefensible because the timeframes, financial resources, jurisdiction, accountability, and specific issues of the two land-use agencies are completely different. The March JPA needs to examine its own planning area and create an Environmental Justice Element that is specific to the needs of the community members who live in the surrounding communities; it should contain land-use policies that will govern the residents and neighbors of the March JPA planning area regardless of how long your organization has left to exist, not the County of Riverside.

The County of Riverside's Environmental Justice Element includes 77 policies, many of which are long-range goals. However, the March JPA is sunseting in 18 months and cannot make long-range plans like those found in your draft Environmental Justice Element. The March JPA has limited staff, time, and resources to establish, monitor, and manage such a plan, and you cannot achieve or even work towards any long-range objectives for your planning area. Adopting the County of Riverside's objectives leads to an absurd number of policies that make no sense. Specifically, the policies that the March JPA has no ability or intention of fulfilling include:

1. The March JPA has no history of, and has repeatedly rejected the idea of coordinating with community-based organizations and community members to develop an outreach plan to increase public awareness and participation in the local planning process (HC 15.1), especially in relationship to Environmental Justice communities (HC 15.2-15.3).
2. The March JPA has no time or budget to create a 'far-ranging, creative, forward-thinking public education and community-oriented outreach campaign' about EJ issues or hazards (HC 15.7).
3. The March JPA has no jurisdiction over the Salton Sea (HC 16.1).

4. The March JPA will not have time to pursue grant funding for EJ issues (HC 16.2), evaluate creating a cap or threshold on pollution sources within EJ communities (HC 16.8), and rejected community alternatives to consider compact affordable and mixed-use housing near transit (HC 16.10).
5. The March JPA won't be coordinating with transit providers for access to grocery stores and healthy restaurants (HC 17.1), increase access to healthy food (HC 17.3), develop a food recovery plan (HC 17.4), work with local farmers and growers (HC 17.6), or consider edible landscaping (HC 17.7).
6. The March JPA is not discouraging industrial land-uses conflicts with residential land uses (HC 18.6) and rejects considering safe and affordable housing in EJ communities (HC 18.13).
7. The March JPA has no time to utilize public outreach and engagement policies to address local needs in EJ communities (HC 22.4) since it has never addressed or considered this issue prior to November 2023.

As I have mentioned, what concerns me is that the March JPA has decided to engage simultaneously with a draft Environmental Justice policy and the recirculation of the draft EIR for the West Campus Upper Plateau (SCH 2021110304), though you consistently state the two “projects” are unrelated, and that the JPA references this not-yet-adopted policy extensively in the document. How meaningful are community comments for a General Plan amendment if it is already assumed that the agency will adopt the plan wholesale for even one specific plan before the process has started? As it stands, the public comment window for the recirculated draft EIR will close before you are able to officially adopt an Environmental Justice policy. How can a community officially comment on a project's draft EIR when it is contingent on policies in the General Plan have not been finalized, and the policies are wholly unresponsive to the specific Environmental Justice needs of the area? The March JPA's process communicates that it is not actually interested in meaningful feedback, that this is an exercise with a predetermined outcome, a process that fulfills a legal requirement rather than fulfills the JPA's responsibility to “protect the interest of, and existing commitments to adjacent residents, property owners, and local jurisdictions in planning land uses,” and finally is exactly the opposite of the language and spirit of the civic engagement policies that the March JPA is trying to adopt and codify.

The proposed Environmental Justice Element for the March JPA needs to incorporate March JPA priorities, exclude inapplicable County of Riverside policies, and describe community priorities through a formal and active community engagement process. This copy-paste of the County of Riverside policy is neither specific, concrete, nor targeted and it is devoid of all community input. Adopting a General Plan amendment with more than a dozen policies that the March JPA has no intention of implementing is dishonest, poor governance, leaves behind unfunded obligations, and is a litigation risk. Incorporating the draft Environmental Justice Element into an existing March JPA draft EIR as if it will be adopted without modification is also dishonest, unstable, and risks litigation. Is the County of Riverside aware of the unfunded obligations that the March JPA is leaving behind? Is the County of Riverside prepared to assume the legal



responsibilities and liabilities left behind by the March JPA? If so, please provide written evidence of the communications stating their acceptance of these terms.

Around the country, but especially in the Inland Empire, urban planning (and those responsible for it) continues to have an uneasy relationship with Environmental Justice advocates and requirements. Poor planning decisions and discriminatory practices have historically heightened the burdens of environmental contamination in low-income neighborhoods and communities of color, in comparison to largely white, wealthy populations. This is why the residents of Irvine, Temecula, and Pasadena are able to assure their communities are not overrun by narrowly focused land uses like industrial and warehousing. Since the 1980s, activists have garnered some regulatory and scholarly support for changes to policy and planning processes, but urban planners have been slow to adopt an explicit Environmental Justice framework in land-use policies in more diverse, poorer, and less educated communities. The urban planning profession, however, has the task of helping ensure that future development does not repeat the unjust environmental injustices of the past.

Adopted in 2016 and implemented in 2018, California Senate Bill (SB) 1000 calls for local jurisdictions with disadvantaged communities to include Environmental Justice considerations in their general land use plans. CA SB1000 is intended to ensure transparency and community engagement in urban planning processes, mitigate the harm of living near environmental hazards, and facilitate equitable access to health-promoting amenities such as recreation, healthy and affordable food options, and safe and sanitary housing.

Without support from elected officials, public agencies, and senior planning managers, progress toward Environmental Justice has been and will continue to be slow and uneven. Hence, the real work of Environmental Justice takes place in the implementation and enforcement of laws and policies, and the insistence of this implementation and enforcement by all residents and communities. Environmental Justice will not be fully realized without strong oversight and political leadership, and racial and economic diversification of urban planning institutions. It seems as if the March JPA is a bit late in its efforts to implement and enforce laws and policies that protect all residents and communities, and is quite unimaginative in its approach to addressing CA SB1000 a full six years after the State implementation of its guidelines.

Yet, there is guidance available to inform the public and land use authorities like the March JPA about how to engage with the public in this area. The California DoJ and SB1000 implementation toolkit lists some best practices for community engagement. As others before me have requested, I ask that the March JPA engage in these standard practices.

1. Form an Environmental Justice advisory committee
2. Partner with local community organizations to form authentic goals
3. Consult with tribal groups to preserve culture and history
4. Stagger meeting times and locations to increase participation and offer childcare



## 5. Make meetings and documents accessible in many languages including ASL

The best practice for an Environmental Justice policy is that it is community led (CA SB1000 Implementation Toolkit, California DoJ). Instead of following this best practice, the March JPA engaged a large engineering/architectural firm (Michael Baker International) to lead the Environmental Justice policy development and you released a draft Environmental Justice policy without any community notification, much less public participation. Michael Baker International is the lead environmental consultant on more than six warehouse projects in southern California, including the I-15 Logistics Center in Fontana and the Southern California Logistics Center 44 in Victorville. It is not clear what qualifications in Environmental Justice they have, as there are no example projects focused on Environmental Justice issues on their website beyond environmental compliance for mega-projects. There are multiple environmental consultants or nonprofit organizations that could have been hired to help in this process that would not have this apparent conflict of interest. Aside from an existing relationship with Michael Baker International, what organizational qualifications does the March JPA believe this contractor has to benefit residents of Moreno Valley, Perris, Riverside, and Riverside County? How are they accountable to you to develop and implement a working Environmental Justice Element as an amendment to the General Plan? And how accountable to the public are you when they fail to develop a policy that meaningfully engages the residents of western Riverside County?

The March JPA has, as I have said previously, copied a plan that demonstrates desperate and reactionary management and decision-making practices on your part. However, one only needs to look down the 10 Freeway to find a better example of a functioning Environmental Justice plan at work. An example of an operational Environmental Justice policy is found in the Los Angeles Area Environmental Enforcement Collaborative. The densely populated communities closest to the I-710 freeway in Los Angeles County are severely impacted by pollution from goods movement and industrial activity, similar to the logistics dystopia the March JPA is creating in western Riverside County. However, in a multiyear effort, a unique collaboration of federal, state, and local governments and nonprofit organizations have been working together to improve the environmental and public health conditions for residents along this corridor.

Working with local communities, members of the Collaborative:

- Partner with community leaders to identify pollution sources, “ground-truth” agency data sources, and develop plans for immediate action.
- Engage with community organizations to propose land use designations that integrate with and enhance neighborhoods, parks, and sensitive receptors.
- Improve compliance with environmental laws by targeting inspections and enforcement at the state, federal, and local levels to address the pollution sources of most concern to communities.
- Build on the existing community partnerships and the targeted enforcement efforts of CalEPA’s Department of Toxic Substances Control (DTSC).
- Sustain multi-year partnerships with communities, offering voluntary programs, tools, capacity-building grant opportunities, educational information, and training.

Through this policy, the Collaborative continues to work with community representatives and local, state and federal regulatory agencies (e.g., Waterboards, air quality and public health agencies, planning departments) to coordinate environmental pollution mitigating activities including inspection and enforcement activities, ground-truthing real sources of environmental pollution in and around communities and schools and sensitive receptors. This example is a good model of how business, government, and the public form a more collaborative relationship. This is in stark contrast to the March JPA and how you are conducting business with the simultaneous release of a draft Environmental Justice plan in two “unconnected projects,” each required to follow the CEQA process of posting, review, and comment.

An example much closer to the March area of influence can be found in the City of Riverside’s recently adopted public engagement policy (though they are struggling to implement their policy throughout all City departments). In order to have a functioning Environmental Justice Element, an agency like the March JPA would actually need to incorporate feedback from the community into their land use planning and decisions. Genuine civic engagement, like the type the City of Riverside is implementing today, is what a public engagement policy establishes, and what as governors of the public (which the March JPA Commission is supposed to be) you are tasked with doing. To date, the March JPA only engages with the public when forced to involve community wishes by a court mandate or settlement, and even then, the March JPA has shown that it only follows through on settlement terms that benefit your agency or the sole-source applicant that has had far too much influence in this region for far too long. For example, one of the unfunded obligations the March JPA will need to deal with prior to sunseting July 2025 is the 2012 Center for Biological Diversity Settlement Agreement that requires the construction of a 60-acre park among other things. For more than a year, I and many other community members and organizations have asked the March JPA for involvement in planning for this park. In the February 14, 2024 March JPA Commission meeting agenda, it appears you have been meeting privately with the City and County of Riverside, “Meetings of parks officials and senior management from Riverside County and the City of Riverside were held on December 4, 2023 and January 18, 2024 to discuss the proposal for a park as a component of the West Campus Upper Plateau. Follow-up meetings are expected.” It is quite clear that the March JPA has engaged far more meaningfully with JPA Staff, City and County staff, and the Lewis Group and its investors than you ever have with the public. These secretive meetings about an issue deeply important to the community surrounding March ARB demonstrates your lack of urgency to involve the public in ways that your draft Environmental Justice Element says you are going to engage with the public. Your efforts to covertly discuss the park is proof that you are only doing the minimum necessary to allow you to continue to build more warehouses around a community of retired military veterans and the final resting places that provide full military honors for our veterans! Your purposeful dismissal of public concern negates anything you write in your draft Environmental Justice plan.

With the unannounced release of the draft Environmental Justice Element in two places or “projects”, the March JPA violated the core principle of Environmental Justice – meaningful civic engagement in policy development. Residents of the March JPA community were not notified at all until the draft Environmental Justice Element was released online. In contrast, the master developer and environmental consultants working with the March JPA were given early access to the policy and fully incorporated it into a recirculated draft EIR for the West Campus Upper Plateau released three days after the draft Environmental Justice Element was released to the public. The consideration of an Environmental Justice Element was not released via CEQANET notification, nor was it released to community members via published agendas of March JPA Commission or TAC Committee meetings occurring between March 2023 and November 2023. I know as I attended many of these meetings in person. Your consideration of the draft Environmental Justice Element was done behind closed doors by March JPA employees, staff, your consultants, and the master developer. Nothing says Environmental Justice like excluding the public from the creation and writing of this document. And now you are trying to backwards map your way into public engagement by hosting two public workshops to discuss the plan you copy-pasted in secrecy. Why have you chosen to work in this exclusionary manner? Does it have anything to do with the Lewis Group’s insistence that you obligate the West Campus Upper Plateau project before expiring on July 1, 2025? Is that why you are pursuing a shady political approach of passing CA SB994 at the same time you are rushing to finalize the West Campus Upper Plateau warehouse project? How can you claim to be engaging with the public when your every action works against public interest?

To incorporate the draft Environmental Justice Element into an active recirculated draft EIR so extensively, it was necessary for multiple environmental consultants and the master developer to have access to the draft Environmental Justice policies months before the recirculation of the draft EIR for the West Campus Upper Plateau (SCH 2021110304) was released, though allegedly these two “projects” are unrelated. In contrast, the community was not even notified, and certainly was not consulted or engaged during this same time. This is notable not only for its inconsistency with best practice as identified by CEQA and DoJ, it is also notable for its deliberate withholding of responses to CEQA comment on the draft EIR made on March 9, 2023, and for its inconsistency with the very words of the March JPA General and Final Reuse Plans. The March JPA staff knows that the community wants to be engaged in this public agency and its environmental policy-making but chooses not to allow collaborative participation, and thus this draft Environmental Justice Element is disingenuous, manipulative to those serving on and voting on the March JPA Commission, manipulative of the legal and political systems in the State of California, and insulting to the public.

For years now, the March JPA has disproportionately added to the burden of communities living within its planning area by choosing a heavy industrial land-use policy with minimal mitigation measures. I experience the negative impacts of this burden on a daily basis. You have also been derelict in updating your General Plan to address CA SB1000, with over five general plan amendments since 2018 that included no mention of environmental justice. It is ironic that

California SB1000, which is codified in Government Code Section 63502(h), requires jurisdictions with disadvantaged communities to either include an Environmental Justice Element in their general plan or incorporate Environmental Justice goals, policies, and objectives throughout other general plan elements, and the March JPA insists on forcing through this plan on two separate but connected “projects” while ignoring public sentiment on either of them. CA SB1000 is triggered when a jurisdiction concurrently adopts or revises two or more general plan elements if there is one or more disadvantaged communities within the jurisdiction. A “disadvantaged community” is an area identified by the California Environmental Protection Agency as such or that is a low-income area disproportionately affected by environmental pollution and other hazards that may lead to negative health effects or environmental degradation within its planning area. What has taken the March JPA so long to address this requirement? And why are you doing it now so hastily and without public involvement or participation? Why are you working covertly to move a draft Environmental Justice Element through with proper CEQA requirements? Why are you working covertly with private and government groups to push through a flawed and irrelevant policy and controversial industrial projects?

Please consider slowing down this process, listening to the community just as this proposed policy says you will do, and draft a sensible Environmental Justice Element to the March JPA’s General Plan that responds to the community’s needs, is realistic to the agency’s capabilities and mission, includes metrics and milestones to measure progress toward and compliance with individual policies and goals (as any element of a “project” of this scope would do), and will transition to and benefit the County of Riverside once the March JPA sunsets in July 2025 (not one driven by greedy developers and investors or one that leave the County with unfunded obligations and liabilities). Please also consider pausing the release of the Recirculated Draft EIR for the West Campus Upper Plateau until the Environmental Justice Element General Plan amendment process is complete so that the community can meaningfully comment on a policy that has been approved by the March JPA and its Commission and thus will be relevant to the applicant’s proposed project. Please make a better attempt to empower the public rather than patronize and placate us.

“A good person is the friend of all living things.”

*Brenda Shearer*

Brenda Shearer  
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25 February 2024

Mr. Dan Fairbanks, AICP  
Planning Director  
March Joint Powers Authority (March JPA)  
14205 Meridian Parkway, Suite 140  
Riverside, CA 92518

RE: Public comment on record for the West Campus Upper Plateau Project, Recirculated Draft Environmental Impact Report, State Clearinghouse No. 2021110304

Attention Mr. Fairbanks:

Thank you for considering my comments on the recirculated EIR for the March JPA West Campus Upper Plateau project. The updated project site comprises approximately 817.9 acres within the western portion of the March JPA planning subarea (according to documents posted on the JPA's website), located approximately half a mile west of Interstate 215 and Meridian Parkway, south of Alessandro Boulevard, north of Grove Community Drive, and east of Trautwein Road. It is surrounded on two sides by residential neighborhoods in the City of Riverside, on one side by a residential neighborhood within the County of Riverside, and is adjacent to the 215 freeway, more industrial developments, and ultimately the City of Moreno Valley. I must say, as a member of the local community, I am disappointed that you are continuing to push forward this abhorrent industrial project.

My comments reflect documents available publicly on the March JPA website which to the best of my knowledge are the most recent available to me. These documents include:

- Recirculated Draft West Campus Upper Plateau Project Environmental Impact Report State Clearinghouse No. 2021110304 and plus Appendices, December 2, 2023
- Draft West Campus Upper Plateau Project Environmental Impact Report State Clearinghouse No. 2021110304 and plus Appendices A-S, January 9, 2023
- March JPA Draft Environmental Justice Element, November 2023
- March JPA TAC Meeting Minute Notes from February 6, 2023, April 3, 2023, June 5, 2023, August 7, 2023, September 6, 2023, and December 4, 2023
- Local Guidelines for Implementing the California Environmental Quality Act for March Joint Powers Authority (et al), 2022
- General Plan of the March Joint Powers Authority, assumed March 11, 1997
- General Plan Land Use Plan, assumed March 11, 1997
- Planning Related Maps (Zoning General Plan/Land Use), July 2018
- Settlement Agreement: Center for Biological Diversity, September 2012
- Settlement Agreement: CCAEJ and CAREE, August 2003 (not on the JPA website)

For the purposes of this comment letter, I will refer to the March Joint Power Authority (JPA) which includes the Commission members, the developer that is understood to be LNR Riverside, LLC, Meridian Park West, LLC, the Lewis Group of Companies (partners and subsidiaries), and member entities the cities of Riverside, Moreno Valley, and Perris, and the County of Riverside.

The West Campus Upper Plateau is a unique piece of land. It is an extension of the Sycamore Canyon Park natural area geographically, historically, culturally, environmentally, and recreationally. It is a valuable part of the OrangeCrest community, value beyond how much money it can generate a few greedy people. There is no other place like it in western Riverside County. Any development of this land should complement the unique characteristics and value (human value, not just economic value) of this land not destroy it. Through the original draft EIR process, I and many members of the community wrote to you detailing alternate land use plans that accentuate the community, meet the JPA's goals for this project, and preserve large portions of the landscape for both passive and active recreation.

As much as the applicant via this draft and recirculated EIRs tries, this industrial development plan and land use zoning do not preserve the landscape even with the inclusion of the 2012 agreement that sets aside open space and a conservation easement and the "community benefit" of a fire department (which was always a requirement of settlements against the JPA) and park. Viewing this land from a land use map or a parking lot don't begin to do adequate justice to its human value. The public still does not understand your thoughts on taking this special piece of land away from residents of western Riverside County and turning it over for private development. The establishment of the 2012 settlement (why has it taken you 12 years to act on it?) does not adequately reflect how people value and enjoy this land currently. This warehouse project is not like other warehouse projects and it will have a significant negative impact on the community it borders regardless of the CEQA mandated mitigation efforts and applicant's hollow claims of community benefits. It is inconceivable to me why the JPA continues to allow the applicant to push forward this specific plan and project, especially after two years of widespread and uniform community opposition to it. Your effort thus far is appalling.

After reviewing the recirculated draft EIR, it continues to be quite clear that the March JPA is scrambling to push through an unpopular project before sunsetting July 1, 2025 leaving the County of Riverside to sort out the mess. There are many clear and obvious errors, omissions, misrepresentations, and discrepancies in the recirculated draft EIR. I write this letter to call attention to as many of them as I can, especially those that to me, my family, and my community are the most egregious. Changes to the project itself from the original draft EIR are negligible if not even more upsetting to the residents and communities surrounding the March JPA territory. Specifically, I find the following areas of the recirculated draft EIR to be unstable, dismissive, and predatory in nature.

1. A clear continued disregard for the 2012 and 2003 settlements, and the destruction of a unique cultural resources and natural habitat and ecosystem in western Riverside County.



2. The lack of authentic community engagement and involvement when making decisions that impact people's lives, and the lack of enforcement mechanisms or policies in place for existing and future warehouses within the JPA jurisdiction, and a hasty Environmental Justice element that is unapproved by the JPA and Commission at the time of this letter.
3. The continued privatization of public lands surrounding March ARB and throughout southern California, including the criminal request to form a second long-term development agreement with a single contractor.
4. The JPA's refusal to discuss or acknowledge why the applicant is proposing an industrial project instead of working with the community and local agencies to find non-industrial alternative plans for the land of the Upper Plateau despite public demands to do so.
5. Misleading and inconsistent baseline information used to develop this plan including faulty mitigation measures, misleading statements about the benefits and jobs associated with this project, the misinterpretation of aesthetics outside of a very specialized world, the continued demonstration of contempt for this land and how the public has, is, and will benefit from it, and the March JPA's unfunded liabilities.

It is disturbing for all who live in the communities surrounding the March JPA developed lands that you are clearly cherry-picking guidelines, policies, and regulations to suit the greedy goals of your applicant and its private investors. Information developed as part of the CEQA process should influence the development of general plan policies (and specific plan amendments). CEQA should not just be a post hoc rationalization of decisions that have already been made, and this is exactly what your recirculated and draft EIR for the West Campus Upper Plateau have presented for us for public comment. The later environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive for applicants and land use authorities to ignore environmental concerns that could be dealt with more easily at an early stage of the project. My concerns and comments in this letter reflect your negligent and ineffectual governing and oversight practices, and the flaws in the recirculated draft Environmental Impact Report for the Upper Plateau.

Lastly, the JPA, the applicant, and the growing list of consultants you are hiring to ensure that warehouses are built on the Upper Plateau clearly signal to the public that you have no intention of following your General Plan unless it suites predetermined business goals. Those goals clearly are to help the applicant profit quickly from the sale of and development of this land. While greedy developers may not be explicitly illegal, in some cases predatory development is, the JPA is proudly displaying its duplicitous nature by ignoring the heritage of western Riverside County and selling it (along with the heritage of the US Air Force and March ARB) out for the greed of developers like the Randall Lewis. Companies like the Lewis Group are no better than slumlords preying on people who cannot afford to resist the mistreatment you are providing them. When you sunset in July 2025, will you leave by driving one last surveyors' stake through the heart of the communities you were tasked with rebuilding? Will you offer a greedy developer one last showcase to add to its investment and project portfolios? Or will you change course and align

with the communities you were formed to serve and demand better land use planning from the applicant? Your recirculated draft EIR makes it clear what you intend to do. I hope the pages to follow help convince you to change your course.

### **The Park: “Community Benefit” in Name Only**

The damage and disturbance to this unique piece of land is unquestionable. The recirculated and draft EIRs admit as much throughout the impacts and mitigations described in section 3.5.2 Project Design Features, 3.5.6 Request Approvals and Entitlements, 4.2.6 Impact Analysis, 4.2.7 Mitigation Measures, 4.2.8 Level of Significance after Mitigation, 4.8.6 Mitigation Measures, and 4.10.4-4.10.7. The climate change and extreme weather events of the past few years, from severe drought in California to unprecedented rain and snowfall in 2023, the fact that our climate and weather patterns are changing is unquestionable. Anyone paying attention can hear the environmental alarm bells ringing, warning us of changes to our lives that we may not be prepared to handle, and that we may well be contributing to on a daily basis with our life choices. It is not my intention to argue climate change related to the West Campus, Upper Plateau project, but it is my intention to question why the JPA and applicant feel it is imperative to eliminate valuable open space and natural landscapes in the name of greed and predatory capitalist practices. Where in the March ARB General Plan are you tasked with building more warehouses near our homes and community? Why have you repeatedly in person and in the recirculated draft EIR identified that the General Plan allows you flexibility to develop the land with warehouses and industrial zoning when it does not put an emphasis on doing so? In fact, with the formation of the General Plan (as stated on page V of the General Plan), the March JPA was created as a public entity tasked with preparing, adopting, implementing, and maintaining a general plan that serves to link community values with actual physical decisions. You were tasked with creating a community with diversity and inclusiveness with respect for the military, private, and public land uses; to address circulation, housing, conservation of natural resources, preservation open space, and protect public safety. Cherry-picking where you adhere to the General Plan and where you choose to ignore it is misleading to the public and inconsistent with the draft Environmental Justice Element hastily being formed as I write this letter. I ask you again nearly a year later, how does this specific plan begin to comply with California’s push to net zero emissions standards? How does this specific plan meet the objectives stated in your General Plan and benefit the surrounding community? How does this specific plan, essentially unchanged from the original draft EIR, show that the JPA and applicant are operating in good faith with the community it will very soon destroy? And why does the recirculated draft EIR leave so many unfunded financial liabilities for the public and successor agency to assume?

I object to your use of the term “community benefit” on page 3-24 and throughout the recirculated draft EIR. A **Community Benefit Agreement (CBA)** is a strategic vehicle for community (the residents of western Riverside County, specifically the residents living along the eastern border of the City of Riverside) improvement, while benefiting private sector developers (the applicant) and government (the March JPA). CBAs are not zero-sum instruments. They are

legal agreements between community benefit groups and developers, stipulating the benefits a developer agrees to fund or furnish, in exchange for community support of a project. Community benefits can include commitments to hire directly from a community, contributions to economic trust funds, jobs and local workforce training guarantees, infrastructure improvements, gifts in-kind, and many more establishments to benefit residents of a community.

CBAs pivot around government officials: since elected representatives and government staff need support from their constituencies, and developers need government support for items like zoning and contract approvals, permits, and financing, developers have clear incentives to accommodate community interests. When synergistic development models like CBAs are employed, developers experience reduced risk, government and communities profit from improved cost/benefit positions, and residents benefit from a better quality of life. Thus, CBAs are mutually-reinforcing, since all three stakeholder groups gain, albeit uniquely, from this legally binding relationship.

For example, the California Department of Toxic Substances Control uses the CBA process as part of the Cleanup in Vulnerable Communities Initiative to further improve the quality of life in the most vulnerable communities impacted by contaminated sites overseen by DTSC. The DTSC uses CBAs in remediation projects to provide the community with benefits that go beyond mitigation measures that are required for toxic cleanups. The goal of this CBA process is to engage the public in the investigation and restoration of sites within communities with high cumulative environmental burdens including environmental justice organizations, indigenous tribes, and local community stakeholders.

Another example of a successful CBA being implemented is in the City of Richmond, California. Chevron U.S.A. Inc. was planning a large refinery modernization project at the Richmond facility and in order to finalize the EIR process, Chevron entered into a CBA with the City of Richmond to implement measures designed to protect and enhance public health and safety which included funding a five-year air quality study, providing training and equipment to the local fire department, working with Contra Costa Sheriff's department to improve the Community Warning System, and helping to develop and implement local agency emergency response procedures and drills. Chevron's stated contribution would be up to \$40 million for these community benefit programs.

One example of the community benefit plan not working, because it was attached to a poorly planned industrial project in Moreno Valley, California, was when the applicant offered numerous CEQA mandated mitigation efforts and community benefits attached to a warehouse project in an over-burdened neighborhood. Among these community benefits were providing more than \$200,000 for an electric vehicle grant, more than \$100,000 for a solar advocacy program, \$500,000 gift for a community foundation (a gift to the City), up to \$15,000,000 donations to the same community foundation, and the construction of a community active recreation park. This community benefits offer was rejected in Moreno Valley on a small

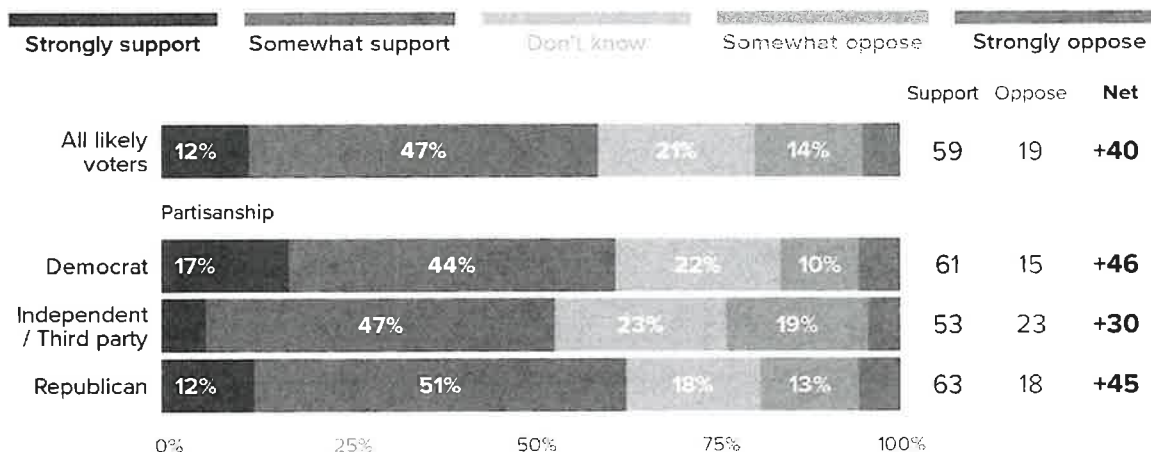
warehouse project because the City felt it fell beyond the City’s legal authority to approve as CEQA-related Mitigation Measures or as the Conditions of Approval related to the requested entitlements. This applicant was motivated to work with the government to win a project, but they did not engage with the public, a requirement of an authentic community benefits agreement. As this example comes from a member agency in the March JPA, I hope you would consider the negative impacts unilaterally agreeing to “benefits” on behalf of the public will have for your agency and instead involve the community in choosing benefits for this project.

Not only can CBAs be successful when implemented correctly, they are overwhelmingly popular. A 2022 Data for Progress poll found that 59 percent of likely voters support the use of CBAs on development projects (a +40-point margin of support). And this is no political issue, just like opposition to industrial development right in the middle of an establish community is unpopular, support for CBAs holds across partisan lines, with 61 percent of Democrats, 53 percent of Independents, and 63 percent of Republicans in favor.

## Across Partisan Lines, Voters Support CBAs for Development Projects

A Community Benefits Agreement (CBA) is a legally binding agreement between a project developer and a community where a project will be built. The CBA describes the benefits a project developer promises to give to a community in exchange for the community's support for the project.

Do you support or oppose the use of CBAs on development projects?



June 10–13, 2022 survey of 1,268 likely voters

DATA FOR PROGRESS

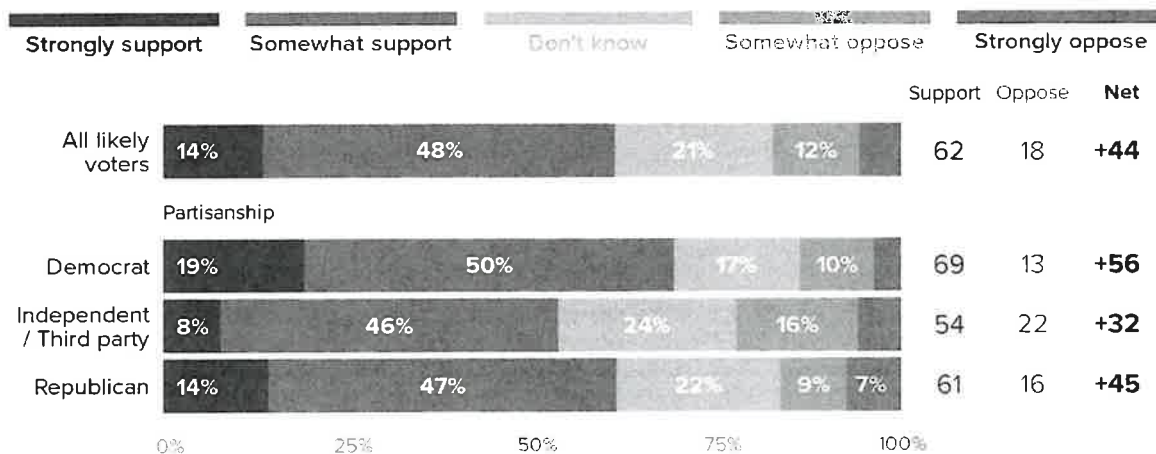
This same report identifies support for CBAs increases when voters think about their own communities, with 62 percent of respondents in favor of local CBAs. Notably, when asked if they would support or oppose the use of a CBA for a proposed development project in their community, 17 percent of both Black and Latina/o voters indicate they would “strongly support” a CBA. Given historical and ongoing systemic racism and the predatory siting of development

projects (like the many of the warehouses within the March JPA development area) in communities of color, this finding is indicative of the need and support for CBAs that center on equity and prioritize local benefit and restorative justice.

## Voters Support CBAs in Their Own Communities

A Community Benefits Agreement (CBA) is a legally binding agreement between a project developer and a community where a project will be built. The CBA describes the benefits a project developer promises to give to a community in exchange for the community's support for the project.

If there was a proposed development project in **your community**, would you support or oppose the use of a CBA?



June 10-13, 2022 survey of 1,268 likely voters

DATA FOR PROGRESS

Despite the promise of CBAs to guarantee communities are consulted about and benefit from a given development, CBAs can be weak and nonbinding if designed poorly or unilaterally forced on the public without input. Yet in the recirculated draft EIR, the applicant and JPA are misleading the public in stating that there are community benefits provided in this plan. You fail to include the word “agreement” and therefore are trying to pass the “benefits” off as something you are contributing as a result of this project, but the truth is you are required to provide the benefits you list on page 3-24. To this end, there are two settlement agreements in place within the JPA and they affect any plans put forward and then developed by the JPA and developer including the West Campus Upper Plateau. To better understand the community benefits offered by the JPA and applicant in the recirculated and draft EIR, it is first important to understand how we got to the latest version of your offer to provide benefit to the community in exchange for putting warehouses on the Upper Plateau.

The **September 2012 agreement** with the Center for Biological Diversity and San Bernardino Valley Audubon Society (S.D. Cal No. 09-cv-1864-JAH-POR) is a court ordered mandate that the JPA provides for a conservation easement or water quality open space area to be managed as a wildlife habitat for sensitive species and riparian areas. The purpose of this settlement is to



preserve this land for light recreation use, for archaeological and historic purposes, and for the safeguarding and conservation of native plants, animals, and topography. The JPA in its latest edition of the EIR clearly states its point-of-view on this settlement as a benefit to the community, but it is a court mandated benefit that was established long before the JPA sought to develop the West Campus Upper Plateau. Open space of any kind is a benefit to the community, but it is not one that you are able to bargain with the community on. You are required to provide it by settlement regardless of what you build on this land. In fact, your zoning of this area from Business Park to Industrial is inconsistent with the terms of the 2012 settlement agreement.

According to Tables 1-2 and 1-3 of the recirculated and draft EIRs, some of these areas will see “significant and unavoidable” impact due to this project. These items include air quality, historical resources, noise, and tribal cultural resources. In each instance, these unavoidable items are in conflict with the 2012 Settlement Agreement and the guidelines established in your final General Plan. In many instances, your list of items that will be impacted is incomplete, inaccurate, or are downright misleading to the public. These instabilities, errors, and omissions are in direct violation of the objectives you are seeking to establish with the Environmental Justice element found both on the JPA’s website and throughout this recirculated draft EIR.

There seems to be many inconsistencies especially in area of preservation of habitat under the 2012 agreement. The first environmental alarm bell centers around a blatant disregard for the preservation of species on this land. For example, the culverts (see the 2012 Slope Maintenance Exhibits) under Cactus are insufficient and will not accommodate all animals in their migration between Sycamore Canyon north and south areas. Similar wildlife corridors along the 101 freeway in California, Wallis Annenberg wildlife crossing, the Irvine-Laguna Wildlife Corridor and Greenbelt, the I-15 wildlife crossing in Temecula, and the I-10 wildlife crossing connecting the San Bernardino and San Jacinto wildernesses are (a) more numerous giving wildlife options for crossing at different locations, proposing two culverts is negligent wildlife and conservation planning on your part, and (b) larger or wider allowing for small and medium sized animals to move freely without feeling confined or forced into an uncomfortable setting that may restrict their movement and condense the gene pool of many threatened species. These successful corridors improve bio- and genetic diversity (which is one of the reasons you acknowledge in the recirculated draft EIR for the agreement to move the Stephen’s Kangaroo Rat) which will help ensure a healthy riparian habitat in the Upper Plateau. Granted these examples include must larger roadways, but the idea remains the same especially considering a large number of vehicles traveling on Cactus, Alessandro, and other roads surrounding the Upper Plateau will be semi-trucks that are unable to stop quickly and will undoubtedly cause an increase in deaths of small animals and reptiles living in and visiting this environment. If you plan on stating that there is a community benefit agreement in place for this project, then leaving out having a healthy diverse population of plants and animals in the open space as a benefit to the community guaranteed by the 2012 Settlement and the establishment of a conservation easement is ignorant, neglectful, and misleading to the public. This appears to be a one-sided benefit, a benefit in name only.

A real benefit to the community would be to have a healthy ecosystem to live near and enjoy. That would be one way for the JPA to form a truly collaborative CBA for the West Campus Upper Plateau project in relation to the 2012 Settlement. Without a better-defined benefit to the public than exists in the recirculated draft EIR, I have serious concerns about the shrinking of open spaces and destruction of habitat, and I ask that you require the project applicant to make every effort to preserve endangered and threatened species and plant life that you can.

1. The applicant should expand their analysis to include the Western Riverside County MSHCP Species Observations Database which contains much more data for our region than does CNDDDB.
2. The applicant should disregard any of the wildlife studies over a year old. My understanding is that the final EIR should include wildlife studies from within a year timeframe to satisfy the requirements of the California Department of Fish and Game or U.S. Fish and Wildlife Service. Please redo studies that are more than a year old.
3. The applicant should consistently account for species and their vulnerability throughout the document. Why is the coastal scrub documented in some parts of the EIR and then considered absent in the plant section? How would including it in the plant section potentially impact the significance level of the development on plant life?
4. Some rare plants, including the severely threatened tarplant, thrive in moist environments. Why did you conduct the plant survey during a drought year? How can you say it is absent or assess the significance of impact unless you have documented its absence during a year and season where the rare plant life would grow? Given these deficiencies, I request that you include the coastal scrub documented in the plant section and address how this might impact the significance level. I also ask that you survey severely threatened plants like the tarplant during the wet season in a non-drought year to verify its absence.
5. The draft EIR omits a thorough study of reptiles, specifically the study needs to evaluate the impact of construction on migration of snakes, brumation, species variety and reproduction, and prey habits. There is a rich community of reptiles on this land and the draft EIR negligently ignores them and their benefit to the landscape, environment, and local community.
6. The draft EIR does not account for migratory birds sufficiently. At different times of the year, residents and visitors can view geese, ducks, egrets, eagles, vultures, and a host of songbirds as they use the Upper Plateau to migrate from one place to the next. Why does the study of birds not include the migratory nature of birds making use of this land?
7. The draft EIR does not account for migratory butterflies, cicadas, and tarantulas, among other insects. Some of these insects are beneficial to our community from an aesthetics point of view and some of them simply kill other invasive pests. Why were these items omitted from the draft EIR? Along with the migratory and beneficial insects, the construction process will drive many of the less than desirable insects already in the open space into people's homes. Ants and mosquitoes (some carrying West Nile Virus) will be driven from their homes and into closer contact with people. Why does the draft EIR not include mitigations for residents impacted by this invasion? This is not imaginary, and



happened to my house when you last built warehouses so close to people's homes. What responsibility does the JPA take for increasing my pest control bill?

The public cannot trust that you are not destroying rare animal, bird, and plant life unless a more thorough survey is conducted, one that is done over a more representative timeframe that includes the local variations in seasonal temperatures, migration, and rainfall. I request the applicant and its consultants produce a more complete survey of the life forms that call this land home at one time or another as well as the impacts of climate change on this land over the last 10-20 years. I also request the JPA, the applicant, and its consultants survey local residents to assess the value of uninterrupted open space, not the kind provided for in the 2012 Center for Biological Diversity settlement (which is open space in name only), but the type of open space that allows animals to move freely throughout a landscape without the disruptions of traffic, light, noise, and water pollution associated with industrial development. Again, this would be a benefit to the community with respect to the court mandated open space and conservation easement you are required to provide regardless of the specific plan being proposed by the JPA and applicant. And any functioning CBA would balance community, developer, and government benefits in its final draft form and not leave behind the burden of unfunded liabilities for the public and successor agency to take over.

Under the Terms of the 2012 settlement agreement, item B Defendant-Intervenors' Obligations, subitem 1a on page 4, the agreement establishes, "That any currently existing service roads within the Conservation Areas...can continued to be utilized by the public for passive recreation." Subitem 1b on page 4 refines this to say that public access these roads can be restricted if the land management agency deems the access a threat to "conservation value or public safety." Yet Figures 3-2, 3-3, 3-4, and 3-5 (Site Plan) clearly show a plan that will infringe on and limit public access to existing trails and roadways in the Upper Plateau area. The fact that the recirculated plan is still unstable and provides inaccurate information means the it is unclear how the public will access this land during project construction. Please explain how the public will keep access during the project. You are in all likelihood aware of this requirement and believe that your plan adequately complies with the terms of the settlement agreement, but I fail to understand how. The construction of Cactus alone will destroy several hiking and biking trails in the area frequently used by the public for active and passive recreation. The large-scale demolition needed to level grades associated with roadways and building foundations will clearly impair access to these trails and roads and may eliminate some of them entirely. I like walking in this area, hiking into places that make me feel like I am somewhere outside of civilization. These trails that I and many residents enjoy hiking on will be destroyed by the construction. How is this not in violation of the 2012 agreement that quite clearly calls for maintaining existing roads and trails? I hope subitems 2 and 3a are not the answer to my questions here as they seem subjectively contrary to the idea of conservation and to the items identified in 1a and 1b.

I also question the status of settlement agreement subitem 7. What has the applicant done to establish and fund this endowment to date? Please provide establishment dates, payment dates

and amounts, corresponding permit dates, and progress toward the \$2 million funding level projected for April 1, 2027. Since the signing of this agreement, depending on your sources, inflation has risen 22%-30%. The funding obligation may have been fair in 2012, but today the number is about 25% behind. Even with the commitment (page 3-24 of the recirculated draft EIR) of the applicant to contribute up to \$3.5 million to fund a park feasibility study, there is no park. There is no realized benefit to the community in this offer and it is an offer that is completely one-sided: it favors the developer rather than the community.

As for the park identified in the 2012 settlement agreement: at the JPA's TAC meeting on August 7, 2023, Adam Collier, Vice President with Lewis Management Corp. stated on record that there will be no park under this agreement. He described that the applicant has limited financial responsibility for the park and that the high cost and lack of funding by the JPA (notes recorded in the 2022 Park Subcommittee meeting minutes) were reasons that the park will not be part of the West Campus Upper Plateau project, yet the JPA and applicant hurry to point at the conservation easement as a benefit to the community. JPA staff was less than forthcoming with the TAC and the public at this meeting in regards to the park. So, is the promise to contribute money for a park study in line with the 2012 settlement agreement? And is a park study a benefit to the community? The community is not fooled by your misleading recirculated draft EIR when the applicant and the JPA pick-and-choose what elements of the settlement it will comply with and what elements it will not comply with.

Why do you insist on labeling the park and conservation easement as a community benefit when they are both required by legal standing? The JPA is required to adhere to the terms of the 2012 settlement and there is no need for it to be a part of the Specific Plan for the Upper Plateau. You are only doing these two items together for public perception rather than adhering to the settlement terms. In fact, the building of a public park cannot be an objective of this project as it is required under the terms of the 2012 settlement. Because you insist on disregarding the zoning identified in the 2012 settlement, and forcing through industrial instead of business park, your Specific Plan is inconsistent with the terms of the 2012 settlement. And it is irresponsible to leave this issue unresolved and unfunded as the JPA sunsets in July 2025.

It is unclear to the public why you are manipulating the terms of the 2012 settlement in these ways. Please indicate if the applicant has missed deadlines for funding or permits, what accountability exist for their actions, and what would happen if the applicant defaults on this obligation relative to the 2012 settlement agreement. If I understand correctly, the applicant still is required to contribute nearly \$1,000,000 to a fund related to this settlement by 2027 regardless of whether they build anything on the Upper Plateau. Also, a true community benefit agreement, one that engages the community in its formation, would likely include the 2012 settlement agreement as a start to a CBA for this project, outlining specific financial status and obligations. The problem is that the JPA is not only inconsistent in regards to communication with the public about this project, but it is inconsistent with the settlement terms and draft Environmental Justice element is seeks to implement with only 16 months before the agency sunsets in 2025.

One recommendation that I explore later in this letter is to research and present an alternative project plan that incorporates the unique local value of this land into a County or State Park, which is possible under the County and State guidelines for such a park. This official status would need to begin with the applicant and JPA working with community groups to file paperwork that investigates the eligibility of the area to be a County or State Park, one with historical or cultural significance to the area. Such a park would be a benefit to the community, government, and could even benefit the developer. How can the JPA and applicant address the 2012 settlement and provide a CBA that helps establish a BRAC-Park alternate plan as I have identified in this letter? Because the JPA and applicant are pressed by a deadline, what happens to the 2012 agreement once the JPA sunsets at the end of June 2025? Would the County of Riverside be legally required to uphold the terms of the settlement agreement in place of the March JPA? The nature of this question isn't who takes over the land management function, it is more what legal obligation will exist when the applicant is no longer tied to the March JPA? Does the developer's DDA (existing or future) transfer along with its entitlements to the County or the MSHCP to ensure conservation is the primary focus of this set aside land?

The **August 2003 agreement** with Center for Community Action and Environmental Justice places conditions for further development of the March Business Center. The conditions include a reduction of semi-truck emissions (which frankly are outdated by today's air quality standards), increased use of bio-diesel and alternate clean burning fuels (with the advances in EVs, there has to be some application here), improve landscaping and scenic vistas from the OrangeCrest neighborhood, amend land uses for lots 16-18 and 54-56 to exclude logistics warehouses, limit semi-trucks on Van Buren Blvd (which certainly did not happen), and provide public amenities that include community, regional, and open space parks, and police and fire sub-stations. How is the proposed project complying with the requirements of the 2003 settlement? This settlement first established the community benefit of parks and community centers (identified in the General Plan) for both passive and active recreation, first responder facilities, and open-space. These, and many items in the 2003 agreement, form the basis for a quality CBA, but the JPA and applicant have failed to adhere to the items you agreed to in 2003.

According to Tables 1-2 and 1-3 of the recirculated and draft EIRs, many of the requirements in this settlement will see "significant and unavoidable" impact or were completely ignored by the draft EIR. The decision to leave this agreement out of the draft EIR is concerning. Can you explain to me and the community how the JPA is adhering to the scope of this agreement with this plan? There seems to be many inconsistencies especially in area of supporting the lives of residents of Riverside in the 2003 agreement.

The first area I have serious concerns about is the traffic section of the recirculated draft EIR. The traffic analysis in both draft versions of the EIR do not include the 215 Freeway or the 215/60 corridor, a path most, if not all, the trucks will take to access the warehouses. The 215 freeway is within 0.5 miles of the project and the project's own traffic estimates indicate that

approximately 20,000 additional trips will take the 215 Freeway. CalTrans should have been consulted according to standard WRCOG and County of Riverside Transportation Planning guidance documents. This is a significant deficiency in your analysis, especially when you consider that your traffic analysis failed to account for passenger vehicle traffic and the myriad of approved construction projects in and around the site such as the World Logistics Center, the Stoneridge Commerce Center, and dozens of other approved or planned projects. You also exclude major streets surrounding the development like Alessandro, Krameria, and Van Buren. Since the 2003 settlement agreement specifies that you work to reduce traffic on these streets, and you have not included this settlement in the draft EIR, it is clear that you do not intend to adhere to the settlement requirements and guidelines. How do you justify not considering the main truck traffic routes of the March JPA and the primary freeways in the area? Why did you exclude known construction projects that have already been permitted to be built? Why don't you consider the cumulative impacts for traffic within a five-mile radius of this project? Ignoring it is irresponsible.

Please redo your traffic section to include the 215 and the 215/60 corridor, other known construction projects in the region, and the adjacent truck routes of Alessandro, Krameria, and Van Buren and personal vehicle traffic into account. Anyone who lives or travels in this region knows that at any time of day, the 215 is bumper-to-bumper, filled with trucks, and undrivable, even though the industrial footprint will be doubling in the next few years without this project. Ignoring this major project element is not only a violation of the 2003 agreement, it is in conflict with the draft Environmental Justice element you are proposing, and it is a clear signal that your agency has no intention of entering into a community benefit agreement that will benefit the community.

I also have concerns about how traffic will affect our arterial streets. Your analysis assumes drivers will stick to approved paths, but we know from experience this is not the case. For instance, at 4:00 AM on 2/2/23 a semi-truck overturned carrying a heavy shipping container and blocked traffic on Alessandro and Trautwein for several hours, disrupting everyone's morning commute and trapping people in the OrangeCrest and Mission Grove neighborhoods. This driver knew he was driving down a road that prohibited the type of truck he was driving but he did it anyway because he was trying to find the quickest route to his destination. This is but one example of trucks not following the enforcement codes and using our arterial roads such as Alessandro/Central and Van Buren, increasing traffic and endangering public safety. This fact is also in violation of the 2003 settlement agreement and is difficult to monitor by law enforcement. In the recirculated draft EIR, PDF-TRA-3 identifies \$100,000 contributed by the applicant to fund truck route enforcement for two years. This is again identified as a community benefit, but this action would not take place until after the project is complete and the JPA will no longer exist, so there is no accountability to ensure this actually happens. That is hardly a benefit for the community because it lacks accountability. Your revised plan does not adequately account for the 2003 settlement, does not help mitigate this kind of problem on the streets surrounding the Upper Plateau, and does not offer the community a clear and real benefit.

Your revised plan also does not account for the noise pollution associated with idling semi-trucks. While not explicitly part of traffic patterns or congestion, it is part of vehicles moving to and from the warehouses. Many of these trucks sit idling for 20 or more minutes and according to you that is illegal. Yet there are virtually no enforcement mechanisms in place to prevent them from doing this, and there certainly is no acknowledgement of this problem in the recirculated draft EIR. You and I have traded many emails, phone calls, and in-person conversations over the past 20 months about this problem yet you cannot offer me or the community a solution to this illegal act occurring around JPA developed warehouses. I bring this up again because it also seems like a violation of the 2003 settlement agreement in the areas of reducing truck emissions and reducing truck traffic on our streets. Once again, the JPA and applicant fail to offer the public any benefit through your plans and all but guarantee that continued infractions will occur because there is no accountability for the businesses, the developer, or the JPA.

Why are enforcement mechanisms not considered as part of your plan? \$100,000 just scratches the surface of the cost to monitor traffic and crime in the JPA warehouses. Who will pay for this enforcement? When the JPA sunsets, who ensures that mitigation measures are followed for maintenance and enforcement? It seems like the County and member City agencies will be required to pay which means tax payers get to fund your poor planning decisions. How might the traffic study change if actual (versus the "ideal") traffic patterns of truck drivers were taken into account? For instance, has there been a study done of EIR predictive numbers versus the actual traffic patterns in existing warehouses? How did the predictions match reality, and why should we trust your analysis to be accurate if past ones underestimated the traffic disruption they caused? Anyone driving down Central or Van Buren can tell you that truck drivers are not following the agreed-upon paths, and it is not ethical to leave the burden of maintenance and enforcement to under-staffed and under-funded City or County public service officers. Please redo your traffic study to reflect the actual conditions of the surrounding area.

Finally, if the JPA and applicant had pursued a genuine CBA, then the 2003 and 2012 settlement agreements contain some key elements that would benefit the community and government in this legal relationship. If the JPA and applicant had pursued a genuine CBA, then your Environmental Justice element would contain objectives that impact the area around March ARB instead of the Salton Sea. If the JPA and applicant had pursued a genuine CBA, then like the City of Richmond and the California Department of Toxic Substances Control, the JPA would have a specific plan that aligns with the goals of the agency, the developer's wish to profit, and the community's dreams of living happy and healthy lives in homes surround the March ARB. There is still time to act: start today by forming a community advisory board to the JPA and work with them to establish an authentic Community Benefit Agreement for your project and an Environmental Justice Element that the JPA can and will actually employ on projects permitted in the final months of its existence.

## **The Environmental Justice Element and Community Engagement**

While I am clearly a novice when it comes to CEQA and your working relationship and knowledge and use of it as a project framework, it appears to me that you failed to follow the CEQA process in presenting the draft Environmental Justice amendment to the March JPA General Plan as part of the recirculated draft EIR for the West Campus Upper Plateau. By shortcutting the process and copy-pasting the County of Riverside's Environmental Justice policy into the March JPA's plans, you appear to be circumventing the CEQA process wherein you are required to complete an environmental study and release an EIR for the EJ element before you can adopt it as part of the General Plan. I encourage you to follow this process before moving forward with both the final March JPA Environmental Justice policy and any development project or agreement that will be impacted by this final document including the West Campus Upper Plateau project presented in the recirculated draft EIR.

Building on this idea that the plan is inconsistent or insufficient with the two agreements that pertain to any development plans by the March JPA, residents believe that the JPA is working for the builder rather than the residents of western Riverside County. Your community engagement effort has been a checkbox, not an actual process, you have documented and followed and that is illustrated by your reactive last minute-effort to establish an Environmental Justice element as part of the March JPA General Plan, and your lack of an authentic Community Benefit Agreement. To begin, the community benefits identified in the recirculated draft EIR were invented by the applicant, not a product of meaningful engagement with the public. As discussed in the previous section, a community benefit agreement is a partnership between business, government, and the public. Please explain this partnership in your recirculated and draft EIR documents to me. I can't see it. As part of the proposed DDA on page 3-24 of the recirculated draft EIR, you list a \$3.5 million contribution to a park feasibility study and the construction of the Meridian Fire Station as community benefits. Both of these items are a result of settlements against the JPA and applicant and are required by you from previous litigation. To attach them as benefits to the community for this project is disingenuous and deceptive planning on your part and looks to skirt your responsibility to the community for previous obligations that you have chosen to ignore to this point. Neither of these are benefits to the community in relation to the project at the West Campus Upper Plateau. The inclusion of these two items tied to a new 15-year development agreement is pure trickery by the applicant and the JPA and if the commission approves either of these items it would be complicit in disregarding the wishes of the community and selling us out to help the applicant and the JPA get a controversial project approved quickly and assure the applicant and its present and future investors maximize profit, not, I repeat, not benefit the community.

Back to the park from the previous section, there is no park, though a park is required by settlement and the JPA and applicant do not have the funds or desire to pay for it. \$3.5 million for a study is not a tangible benefit to the community and to label it one is purposefully misleading. The Meridian Fire Station, also a requirement of previous settlement against the JPA

and applicant, is also not a direct benefit to the community as it will primarily service the County of Riverside and not the City of Riverside. 90% of the homes surrounding the March JPA development area to the west of the 215 are homes within the City of Riverside. This fire station will not service these communities and is not a benefit to residents; it does however benefit the warehouses and buildings erected by the March JPA. The fire station only benefits businesses and warehouses, not residents and therefore is no community benefit. Interesting to note, there have been more large-scale fires in warehouses than in people's homes over the last 20 months. This fire station is not a benefit to the community, it is a requirement of your poor land use planning, lack of funding for mitigation measures, and narrow-minded past decisions.

The March JPA staff and some members of the commission have openly advocated for the applicant during this process. It is blatant, once again to refer back to the definition of a community benefit agreement, that the JPA is working on behalf of the applicant. How can you claim otherwise when you advocate for their business and allow them to propose development plans that do not support your main goals identified in the General Plan? Instead, the Director of the March JPA consistently advocates for and defends the applicant in public and private communications. I have received several offensive emails from Dr. Martin where she belittles members of the community and spins her message of support for the applicant like any good soldier would do taking orders from above. Members of the March JPA Commission have either openly said they support and stand with the applicant who is doing fine work, or have been implicated as cultivated assets by the logistics industry. The perception of bias or pre-determination on projects as significant as this one is concerning for not just me and my neighbors, but for all southern California residents as we watch schools, homes, and precious open space be destroyed to build more warehouses at a time when the logistics and warehouse industry is facing historic losses and laying off both part-time and full-time employees, closing locations because their economic modeling has changed. Your eagerness to stand up for such a predatory industry demonstrates clearly that you do not agree with the definition of the community benefit agreement because you insist on taking sides instead of helping to bridge and connect the public to predatory businesses like the Lewis Group.

Over the past century, land use planning by regulatory agencies has increasingly displaced the decentralized process of private landowners making their own decisions about land use. Local governments, county governments, state governments, and, to an increasing extent, the federal government are all requiring private landowners to modify their lives in order for privately owned land to conform to government plans. Increasingly, such plans are justified as necessary to grow the economy and provide jobs for local workers, which extends the reach of government agencies beyond important and traditional land use concerns like protecting residential neighborhoods from commercial intrusions.

Predatory land development practices, like the practices displayed by the March JPA and its applicant over the last 15 years, are those that harm communities and the environment for the sake of profit. While many developers approach their work responsibly and ethically, others



engage in practices that can cause harm and contribute to economic inequality. Some of the most common predatory land development practices include:

1. *Displacing low-income residents*: In many cases, land developers will purchase properties in low-income areas with the intention of demolishing existing housing or other buildings to make way for more lucrative developments for the developer and its investors. This can result in the forced displacement of residents who may not have the means to relocate, leading to increased homelessness and economic instability in the affected community.
2. *Environmental degradation*: Land development can have a significant impact on the natural environment, particularly when developers fail to implement sustainable practices or cut corners in the interest of maximizing profits. Clearing land for development can lead to deforestation, loss of wildlife habitat, and increased air and water pollution, among other negative outcomes. The negative impacts of the recirculated and draft EIR are well documented and, in the words of the draft EIR “unavoidable” (which was written 26 times in the recirculated draft EIR). These “unavoidable” environmental impacts include the loss of habitat for sensitive and endangered plants and animals as well as cultural and historic sites. Yet these impacts are avoidable, the applicant and the JPA choose to offer this unpopular and destructive warehouse project instead of offering a project that accentuates the landscape, and you propose this project in the name of profit for the applicant and its investors alone.
3. *Lack of transparency*: Some developers engage in secretive practices, such as concealing information about the impact their developments will have on the environment or failing to disclose financial arrangements with local officials. This lack of transparency can undermine public trust and prevent communities from having a say in the development process. The JPA staff and its elected commission members certainly have a high level of scrutiny on them related to the perception of bias and impropriety, and perception alone is enough to cast doubt as the authenticity of this process and the agency leading it.
4. *Overbuilding*: In some cases, developers may also engage in overbuilding, creating more properties than there is demand for in a given area. This can lead to a glut of empty properties, which can in turn lead to blight and economic decline in the surrounding area. For nearly two years, I and members of Riverside Neighbors Opposing Warehouses have communicated to the JPA that this is true for the land along Meridian Parkway, yet the JPA continues to alter the General Plan with Specific Plans that focus only on one land use: warehouses. This overbuilding seemed logical due to the rise in e-commerce in the late 20-teens but as the U.S. and global economy deal with post-COVID realities, there just isn't a need for logistics-driven businesses at the levels you have made a reality in our neighborhoods. Simply put, the JPA has overbuilt this area with primarily one land use, a land use that is seeing a steep decline in business. Smart investors rarely sink all of their assets into one market, but the JPA seems to have done just that and you are seeing the negative impacts of your bad land use planning. But the economy still supports profits for one business and that is the development industry and your applicant. As long as you allow the applicant to propose warehouses, the fastest way for them to make the most money,

without oversight, they will do so and their predatory nature will continue without government protection of residents like me and my neighbors.

At its worst, predatory land development can have devastating consequences for local communities and the environment. As you embark on your ambitious effort to create an Environmental Justice element for the General Plan as well as get this Specific Plan approved and contracted prior to sunseting in 2025, I have a few recommendations for the March JPA:

1. *Keep the community informed:* At the first EJ workshop hosted by the March JPA, Dan Fairbanks said that emails were sent announcing the workshop to residents within 300 feet of your area. While this may be your minimum obligation, it shows a lack of respect for residents who live in the area and are trying to understand and adjust to your predatory land use practices. At the second EJ workshop hosted by the March JPA, Dan Fairbanks said that the draft EJ element was posted to the JPA website on November 8, 2023, yet only the developer was notified of this plan and the public wasn't made aware of it during a busy holiday season until emails were sent out for the first workshop. By keeping the public informed about proposed developments in your area, you can better work with and engage the public in decisions being made and help them understand the potential impacts on their lives, and allow them to hold developers like the Lewis Group accountable for their predatory practices.
2. *Hold the developer accountable:* If you respect the community and endeavor to implement the EJ element you are proposing, you can work with local officials including your commission members and community groups to demand greater equity, transparency, and accountability from the development community. As I have offered in the past and will do so again and again, the JPA needs to for a community advisory board to similar to the TAC and I am happy to serve on it once formed.
3. *Support sustainable development:* Going back to the predatory practice of overbuilding an area, you can support the region and local community by advocating for developers who prioritize sustainability and responsible practices, including helping to incentivize more responsible approaches to land development. The March JPA should be leading this effort, and the developer makes every effort in public and private communications, to be the lead agency on the project described in the recirculated and draft EIR. But it is clear that the March JPA has its eyes on the sunseting date of July 1, 2025 and are eager to finish your mission to build out every parcel of land that you can before the County of Riverside takes over land use decisions. In fact, I am requesting that the JPA consider imposing a moratorium on industrial development projects until the JPA transitions land use authority for the remaining areas to the County of Riverside.

Predatory land development practices are a serious problem that can have far-reaching consequences, and these practices are clearly impacting the communities around March ARB. It's important to hold developers and the government accountable, and support sustainable development practices in our communities. And with this in mind, it is about time that you

consider an Environmental Justice element for the March JPA. Just as you have misrepresented the community benefit agreement process in the recirculated draft EIR, you have also misrepresented the EJ element in the recirculated draft EIR.

The release of the draft EJ element coincides with the re-release of the draft EIR for the West Campus Upper Plateau project that the local community overwhelmingly rejects. It is frankly insulting to think that while the JPA has existed since 1996, and have consistently built warehouses in communities that CalEnviroScreen 4.0 lists in the 98th and 99th percentile, the JPA has chosen the last days of November 2023 to amend the General Plan for an organization that sunsets in July 2025. It is farcical to think that the JPA intends to actually carry through with this ambitious plan, and as a member of an active community that opposes the land development practices of the JPA, I don't believe this effort is genuine on your part. This effort is clearly in response to comment letters submitted by the community in response to the draft EIR for the West Campus Upper Plateau and pressure from CEQA and State mandates, and rather than engage with the community and consider the comments in these letters, the JPA is obviously assisting in the applicant's greed and desire to push through a significantly controversial project despite the very communities that this copy-paste EJ policy intends to protect and represent.

I have concerns with the process by which the JPA is going about this amendment to the General Plan, as they have already inserted in into the revised draft EIR for the West Campus Upper Plateau project being recirculated currently. The policy in its current form reads as an unimaginative cut-and-paste from the County, lacking any accountability, filled with policies that the March JPA has no ability or intention to follow through on in the 16 months it has left to exist. Please elaborate in detail your plan to actually implement this plan. Specifically, the policies that the JPA has no ability or intention of fulfilling include:

1. The March JPA has no time or budget to create a 'far-ranging, creative, forward-thinking public education and community-oriented outreach campaign' about EJ issues or hazards (HC 15.7)
2. The March JPA has no jurisdiction over the Salton Sea (policy HC 16.1)
3. The March JPA will not have time to pursue grant funding for EJ issues (HC 16.2), evaluate creating a cap or threshold on pollution sources within EJ communities (HC 16.8), and rejected community alternatives to consider compact affordable and mixed-use housing near transit (HC 16.10)
4. The March JPA won't be coordinating with transit providers for access to grocery stores and healthy restaurants (HC 17.1), increase access to healthy food (HC 17.3), develop a food recovery plan (HC 17.4), work with local farmers and growers (HC 17.6), or consider edible landscaping (HC 17.7)
5. The March JPA is not discouraging industrial land-uses conflicts with residential land uses (HC 18.6) and rejects considering safe and affordable housing in EJ communities (HC 18.13)

6. The March JPA has no time to utilize public outreach and engagement policies to address local needs in EJ communities (HC 22.4) since it has never addressed or considered this issue prior to November 2023.

As I have mentioned, what concerns me is that the JPA has decided to engage simultaneously with a re-circulation of the draft EIR for the West Campus Upper Plateau (SCH 2021110304) and in this proposal, the JPA references this not-yet-adopted policy extensively in the document. How meaningful are community comments for a General Plan amendment if it is already assumed that the agency will adopt the plan wholesale before the process has even started? As it stands, the public comment window for the re-circulated draft will close before you are able to officially adopt a policy. How can a community officially comment on a draft EIR when it is contingent on policies that have not been finalized and that are wholly unresponsive to the specific EJ needs of the area? The JPA's prescribed process communicates that it is not actually interested in meaningful feedback, that this is an exercise with a pre-determined outcome (just as this whole experience with the West Campus has been), and is exactly the opposite of what the civic engagement policies the JPA is trying to adopt is attempting to codify. This process also highlights how your consultants are working to help the JPA bow to the wishes of your applicant for the Upper Plateau rather than collaborate with business and the public to make decisions.

As indicated in the City of Riverside's recently adopted public engagement policy, in order to have a functioning EJ policy, an agency like the March JPA would actually need to incorporate feedback from the community into their land use planning and decisions. That is what such a policy establishes and that is what governors of the public are tasked with doing. To date, the March JPA only engages with the public when forced to involve community wishes by a court, and even then, the JPA has shown that it only follows through on settlement terms that benefit them or the sole-source applicant that has had far too much influence in this region for far too long. Even the results of the "DOT Polls" at the December and February EJ workshops listed as the number one item that the March JPA needs to collaborate with all stakeholders on projects. The negative influences the March JPA has allowed this applicant to have on our region is clear to see, and the public is telling you enough is enough. Instead of listening to the public, you have allowed this applicant to build yet more warehouses around a community of retired military veterans and the final resting place that provides full military honors for our veterans!

Please consider slowing down this process, listening to the community as this proposed policy says you will do, and drafting a sensible, CEQA compliant, EJ element to adopt into the March JPA's General Plan that responds to the community's needs, is realistic to the agency's capabilities and mission, and will transition to and benefit the County once the JPA sunsets in 2025 (not one driven by greedy developers and investors). Please also consider pausing the release of the Recirculated draft EIR for the Upper Plateau until the CEQA-defined EJ process is complete so that the community can have meaningful comments on a policy that has been approved by the JPA and thus will be relevant to the applicant's proposed project.

It is ironic that California SB 1000, which is codified in Government Code Section 63502(h), requires jurisdictions with disadvantaged communities to either include an environmental justice element in their general plan or incorporate environmental justice goals, policies, and objectives throughout other general plan elements. SB 1000 is triggered when a jurisdiction concurrently adopts or revises two or more general plan elements if there is one or more disadvantaged communities within the jurisdiction. A “disadvantaged community” is an area identified by the California Environmental Protection Agency as such or that is a low-income area disproportionately affected by environmental pollution and other hazards that may lead to negative health effects or environmental degradation within its planning area. What has taken the JPA so long to address this requirement? And why are you doing it now so hastily?

As mentioned previously, I am happy to volunteer my time to serve on a community advisory board, working with the JPA to draft and finalize an authentic EJ element for the General Plan. Please let me know how I can help. I would also request that the JPA enact a warehouse moratorium until the EJ element can be finalized and the General Plan amended, and the community can be engaged in the planning process for the Upper Plateau. I find it ironic that in your listing of project goals in Table 4.10-1 of the recirculated draft EIR you include only the goals that you will adhere to rather than the goals including the community engagement that you will not adhere to.

This development project poses many concerns for local residents, the people of the cities of Riverside, Moreno Valley, and Perris, and western Riverside County including air and water pollution, increased crime and traffic, an increase of homeless and vagrant camps as seen near many of the warehouses along the 215 corridor and on existing March JPA developed land, a loss of aesthetics and scenic vistas for this natural area, it detracts from or limits economic opportunity for home owners and places undue financial burden on them to repair construction caused damage to their homes and exposure for people and appliances like HVAC and pool filtration systems to higher levels of “significant and unavoidable” pollution, a lower quality of life for humans and non-humans alike, and a significant burden on and health risk for residents. These are all items that directly benefit the public but you do not include any of it in your recirculated draft EIR. Engaging the community and making decisions that reflect our goals for the lands surrounding our homes would show that the applicant and the JPA care about us, rather than continue to demonstrate that the JPA is a vehicle for profit by greedy industrial investors.

Of the approximately 817.9-acre area, your plan calls for 250.85 acres for Mixed Use, Business Park and Industrial (143.31 acres) development, 523.43 acres designated as Park, Open Space, and Open Space Conservation (445.43 acres), and 40.75 acres for roadways and public facilities. After reviewing the draft Environmental Impact Report dated January 9, 2023 and recirculated draft EIR dated December 2, 2023 in some detail, you have attempted to demonstrate how this project benefits the public. Your claim that this project is bringing jobs and industry for people that live near this space is complete nonsense and I believe you know it. I have some serious concerns about your recirculated draft EIR and what looks like (at least per your working and

reworking of the political and CEQA process) the JPA intentionally acquiescing to the developer on all ideas and decisions related to the former redevelopment March AFB lands. Why aren't your mitigation efforts supported by evidence on previous projects? Why do you contradict in your communications the real experiences of residents surrounding your development projects? The only people to write anything positive in comments to the original EIR were unions whose sole purpose is to get their members jobs with fair working conditions and pay. No one who lives in this part of Riverside County likes your existing or planned projects because they are exclusive of our wishes and they are predatory in nature.

Even after the December and February workshops for the draft EJ element, the JPA has never genuinely engaged the effected communities (of which I am a member and I currently deal with the daily adverse effects of your advocacy for unrestrained logistics sprawl). For proof one only needs to look at the ongoing fiasco of your plans with the area around the Air Force Village West. Warehouses right next to a retirement village, one that houses veterans? Who thinks this is a good idea? How does the JPA defend such decisions if not that you are allowing the developer (might I remind you the applicant is ONLY concerned with profit margin and to think otherwise is purposeful nativity) to do as they please, unchecked. As it relates to the West Campus Upper Plateau, the draft EIR referred to "A public scoping period was held to solicit input on the scope of the analysis for the EIR between November 19 and December 20, 2021. Additionally, an open house scoping meeting was held by March JPA on December 8, 2021. The purpose of this meeting was to seek input from public agencies and the general public regarding the potential environmental impacts of the proposed Project" (p.1-13). As someone living on the perimeter of this proposed project and will be directly impacted by your construction insensitive construction plan for more than four years, where was my invitation to participate in this meeting? Where were invitations to any of the more than 1,000 homes in the area? In fact, where was my invitation to attend planning and community meetings for any of the warehouses that impede my views, give off excessive light and noise pollution, and are the cause of an increase in migraines for both me and my son?

These warehouses did not exist when I bought my home and they were not planned, the JPA maneuvered around the community and upzoned land use plans to build warehouses against the wishes or sometimes knowledge of the community. Your purposeful reference to legally exchanging land reserved for the SKR is an excuse, a justification for your profit-driven decisions of the past. In fact, the changes from your Final Reuse Plan have gotten so far out of hand that the less than 10% of space set aside for industrial and warehouses has grown to more than 20% of all land. Had anyone who bought these homes, anyone who paid a premium to have a home that bordered such a grand open space and natural area known that within five years we would be rewarded with views of warehouses and the sound and smell of illegally idling semi-trucks (see the emails I frequently send to Dan Fairbanks documenting such incidents including on the Thanksgiving morning 2023), I am sure that most people would not have bought a home here. The lack of genuine engagement, a true community benefits agreement, and EJ element implies you purposefully neglect to inform residents (and municipalities) of your plans. It also

implies that you are likely flying by the seat of your pants and proposing land use zoning based on whatever the developer tells you is in demand at the time (and they have been wrong for the last two years).

Additionally, the nature of their non-competitive contract with you is shameful, one that I view as criminal but also one that I rarely see in government work where contracts must be awarded to the business with the lowest price for the best value to the government. How is this any different? Why does the public, whose land this is/was, have to pay for and settle for whatever a sole source bidder wants to build? This is a disturbing pattern for your operation, one that again is predatory by nature. The practice of conducting business in private that directly impacts the public is unethical, unfair, and seemingly is a violation of the public's trust (if not a misuse of tax dollars). Please explain to me how the Air Force, the State of California, and the U.S. Government allows the JPA to negatively harm the public in this way.

As a precursor to your level of insincerity in the EJ element, and your willingness to enter into a genuine community benefit agreement, on February 24, 2022 the March JPA, along with the applicant, hosted a public Q&A forum online. The meeting was virtual due to COVID restrictions via Zoom and you did not permit people to speak with you instead forcing people to comment or ask questions via the website's chat. You did not monitor that chat appropriately or professionally, ignored comments and questions at your discretion (much like you did when you failed to protect the health of residents by choosing to site warehouses within 300 feet of people's homes in Riverside along Barton Road), and you allowed a member of your commission to berate residents (also a disturbing pattern for this commissioner as he professed to represent the JPA and the USAF) who questioned or expressed frustration with your plans. If you would have listened to this first public discussion of your plan one year ago, you would have heard a common and consistent message: no more warehouses. **No more warehouses!** Not making these comments integral to your recirculated draft EIR is dismissive and negligent on your part. It feeds the propagation of the idea that the applicant is only proposing this plan because it assures the highest level of profit for them and ignores the wishes of the public.

Another example of a one-way community engagement event was on August 18, 2022 when you hosted a presentation of the proposed plan at an open house at the March Air Museum. This event was open to the public and the public believed we were going to be able to discuss the plans with you, provide meaningful feedback on the plans, and work together to meet the goals of the JPA's mission and the needs of the community that surrounds this land. Wrong again. The event turned into a show by the JPA and developer and became quite heated. One of your commissioners, who said publicly that he was there to learn more about the project, stood with you and the builder as he argued with residents for more than an hour. How is this type of engagement productive or genuine? If you, and I know because I listened to you intentionally mislead residents that night, had listened to residents at this second gathering, you would have heard that same common and consistent message: no more warehouses. **No more warehouses!** And had your EJ element been in place, you would have had processes for engaging with the

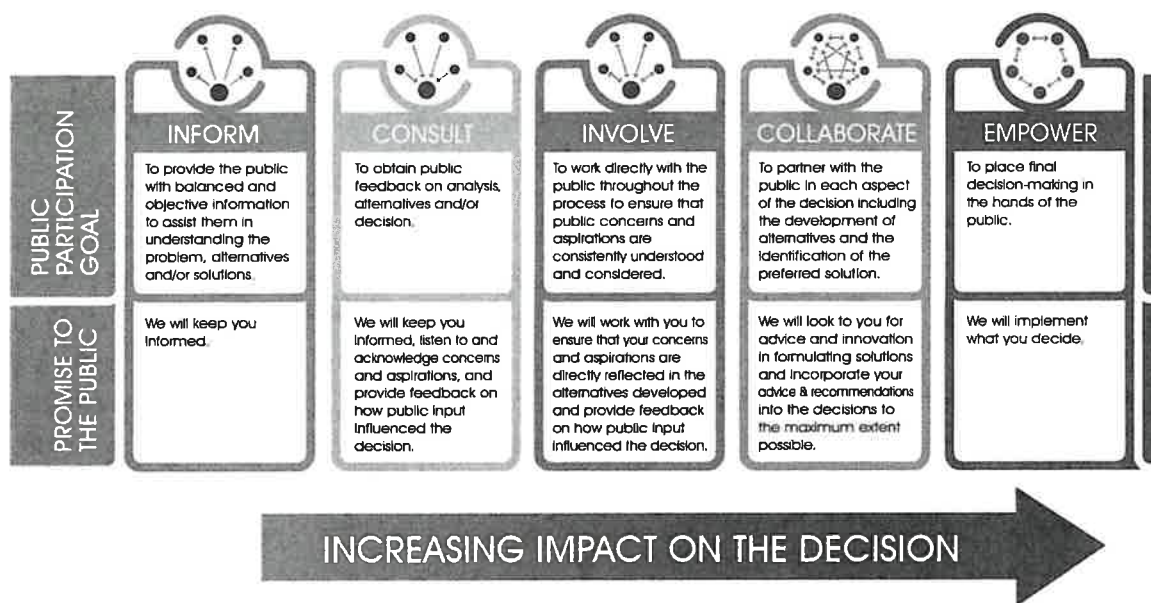


public in a meaningful way, but you didn't and even with the finalization of the draft EJ element sometime in 2024, you still will not have the staff or processes to conduct meaningful community engagement on important land use decisions. The draft EJ element is a check-box, nothing more, and your effort to claim its integrity is disingenuous. **No more warehouses!**

At a public meeting on January 11, 2023 held at the Moreno Valley Conference Center, 40 residents spoke against this project. Directing their words to the commission, they spoke honestly, emotionally, and factually about their continued desire to have a plan that excluded industrial and logistics sprawl. No more warehouses they demanded. I spoke that night and questioned the JPA's insistence on providing development and land use plans that included solely industrial and logistics. I asked why no alternate plan was offered. I also asked for the convening of a Public Advisory Board to the JPA much like the TAC severs today. Since that time, our requests have been "heard" by the JPA but the Director of the March JPA sent Jennifer Larratt-Smith an email denying the request for a community advisory board due to the JPA's 2025 sunset date. Yet here you are trying to backtrack and establish an EJ element that centers on community engagement, which a community advisory board and community benefits program would complement perfectly. Your public engagement is less than genuine. Where in this process so far have the voices of the public been acted upon? **No more warehouses!**

In yet another show of public engagement, the developer hosted another public showing of the project and their plans to develop the Upper Plateau. This meeting was held again at the March Air Museum on February 9, 2023 and involved nothing more than a live reading of the project. The applicant did its best to justify the warehouses but few from the public attended. I was one who did and found the meeting insulting and less than authentic. It was quite clear to attendees that the JPA and developer have no interest in considering alternate land use plans, nor have you ever considered them in the past, and this meeting was more box checking to say that you gave the public time to share their thoughts. **No more warehouses!** This again was an act, a misrepresentation of what it means to engage the public just as your Environmental Justice plan has been and your community benefit agreement has been, and I believe your meetings are held with the intention of misleading the public to view the project and applicant positively. This is once again a predatory practice sanctioned by the March JPA.

Part of the process that makes a community benefits agreement successful is a collaborative approach to communication. The JPA has consistently engaged with the public in a limited capacity, only sharing the minimum information to the minimum number of people. The image below comes from the Environmental Protection Agency. It describes what public engagement looks like at the federal level.



The JPA has clearly kept the public in the inform category despite the many public meetings that you claim you have held over the last two years. You have rarely ventured into “consulting” the public phase and have never empowered people to help make decisions about their lives, including in your December and February EJ workshops where you will say that you entered the “involved” the public phase of decision-making, but in reality, you only gave us a menu to choose from, we never helped develop the menu in the first place so the word involved is a flse definition of what you did at the workshop. What upsets residents so much is that you, someone who does not live here, unilaterally make decisions for us. How is this fair, beneficial, and legal in our world today? Do you believe you are acting reasonably? I think you believe you are and have chosen to ignore the community hoping to see this project contracted as quick as possible so that the you and the JPA can ride off into the “sunset” in July 2025. Just checking the boxes.

On a more personal note, I live within 800 feet of several of your warehouses today. I have contacted the JPA and your office many times to request help with bad warehouse tenants, questions about the JPA’s operational and management policies, and illegal public activity within your jurisdiction.

1. On January 22, 2023, I submitted a public request form asking the JPA for all correspondence in support of the West Campus Upper Plateau project. After four extensions to the time for response from Ms. Carmago and Mr. Fairbanks, I received a response and the documents I requested on April 17, 2023.
2. On January 30, 2023, I emailed the March JPA and Commission with a complaint about the warehouses near my home. I detailed the air, light, and noise pollution caused by these warehouses and asked you what from my experiences give me confidence that the proposed Upper Plateau development would be any different than what currently exists under the JPA’s management today. I also asked what accountability exists for the lack of

mitigations to these problems. After several emails with the JPA, I am still left wonder what is being done as I observe these problems continuing even today. Regarding these exchanges, how and where they the JPA be monitoring the noise from in relation to the existing warehouses, and how will these enforcements be applied to future developments like the mega-warehouses at Upper Plateau? How can residents access the data that the JPA will collect to confirm that the noise, light, and air pollution being monitored is represented accurately? This applies to existing and future warehouse developments. And What noise levels are considered unacceptable by JPA ordinance? How do these levels impact residents and wildlife? And what enforcement exists today and, in the future, to prevent significant noise, air, and light pollution generated by the JPA's warehouses? To date, nearly a year later, I have received no responses to this message.

3. The week of January 9, 2023, I visited the JPA's offices to discuss my concerns and report idling semi-trucks. My concerns were addressed with the promise to speak with the tenants of the warehouses near my home and to conduct some noise level measurements. And you agreed to speak with the Riverside Sheriff's Department about ticketing idling or illegally parked semi-trucks. These promises are a step in the right direction but offer no accountability or proof they are occurring. Because the JPA's word hold very little value with me right now, I am not inclined to believe this engagement is genuine. I have emailed or visited in person with Dan Fairbanks about this same issue xx more times in 2023 and each time Dan has responded that the JPA will talk with the occupants but the idling is largely out of the JPA's control. There are no accountability measures in place to stop pollution, so the tenants of these buildings and the workers will do whatever they can get away with. How under the recirculated and draft EIRs for the Upper Plateau, and with the JPA sunseting in 2025, would the County or the JPA enforce such illegal activity and major disruptions to our lives today and in the future? The recirculated and draft EIR offers no plan, no mitigations, and no methods for monitoring instances like this, and have I not experienced such accountability from the March JPA in the past.
4. On September 18, 2022, I emailed the March JPA and commission to ask for help with a pack of migratory coyotes who had taken up residence in my front yard and along the fence of my back yard. These animals, like many others, are being pushed out of their territory by development and increased human activities within the JPA management lands. While I live in the City of Riverside, these animals don't but did visit and cause a problem related to safety for residents of the City. Again, the lack of accountability, changes to the climate and the coyotes' homes, and a lack of empathy for residents is the clear signal from the March JPA in your response.
5. On June 1, 2023, I emailed the JPA requesting help with weed abatement throughout the JPA administered open-space because it was a fire danger to residents. As a resident who has seen my homeowner's insurance canceled due to fires in California and the insurance industry pulling out of the market, I am sensitive to this issue in my own backyard. The Director of the JPA contacted me the same day and explained that they were having scheduling issues with contractors and nesting bird habitat preservation. Almost, like most other things, seems like she was working hard to justify the JPA's inability to

manage their responsibilities and communicate with the public to ensure safety for all. Weeks later, I noticed that the schedules aligned so that the contractor could mow down a 10–20-foot buffer between the over-grown space and residential properties. The work was inadequate and the communication was non-existent and thankfully we didn't have any fires. Had the JPA considered a community advisory board, then maybe they would have employed a more environmentally appropriate solution to this issue and made sure resident homes were safe from fire danger in 2023. But no such board exists and the JPA continues to operate with minimal regard for the public welfare, and I get to build a buffer between my house and the fire danger growing just outside of my neighborhood.

It is misleading and disingenuous to say that the March JPA has authentically engaged with the public during this process. The March JPA should delay the recirculated draft EIR until you can review and approve the EJ element by following the CEQA process and amend the General Plan, and then recirculate an updated draft EIR for the Upper Plateau, one that implements an approved and meaningful EJ policy in regards to this specific plan amendment, and incorporates public preference in your proposed project.

### **The Development Agreement: Privatizing Public Lands**

With the recirculated and draft EIR, the March JPA seeks to amend the DDA with the applicant and extend the development agreement for an additional 15-25 years (page 3-24). As described, the JPA claims there are two community benefits associated with this extension and new business agreement. The first is the \$3.5 million contribution by the applicant, which is more than they are required to contribute, for a feasibility study, but it is not for a park as the JPA has advertised but cannot build for lack of planning and funding. The second is a fire station which was always required of the JPA and applicant via the 2003 settlement agreement with CCAEJ.

For 12 years I worked as a contractor who specialized in finalizing contracts with local, state, and federal government agencies including the DOD and Military. I am familiar with the Federal Acquisition Regulations and know from experience that for the most part, state and local government contracting vehicles mirror the way federal government agencies (like California's Procurement Division) and the U.S. General Services Administration conduct business with public funds. FAR 1.102 states, "The vision for the Federal Acquisition System is to deliver on a timely basis the best value product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives. Participants in the acquisition process should work together as a team and should be empowered to make decisions within their area of responsibility." The third item under this definition is the FA system will "promote competition." While people far more fluent in the FAR process than I will parse finer details of the introduction to these regulations, the fact of the matter is that the goal of the government is to spend tax dollars wisely, on goods and services that benefit the people who pay taxes.

FAR subparts 6.1 and 6.2 establish the requirements for full and open competition for projects and acquisitions, but FAR subpart 6.3 identifies when an open competition is not appropriate for contracting with a company doing business with the government. FAR 6.301 states that contracting without full and open competition is a violation of statute unless permitted by FAR 6.302. FAR 6.302-1 is labeled, "Only one responsible source and no other supplies or services will satisfy agency requirements." It states that contracting without open competition is permitted when the item or service being contracted is in limited supply or requires a domain expertise not easily found. In 2004, I helped a group of retired special ops members who formed a unique collaborative of skills used to map rivers in jungles finalize a contract for work with the CIA. I was only able to find one company to do this work and therefore helped the government avoid an open and competitive contract for a classified project. FAR 6.302-2 is labeled "Unusual and compelling urgency" and is used in times of conflict or disaster recovery. In 2003, I helped a large company and its subcontractors quickly establish a contract to support the identification and recovery of the Space Shuttle Columbia debris. This time sensitive procurement process required expertise and speed during a national disaster. FAR subpart 6.302-3 is labeled "Industrial mobilization; engineering, developmental, or research capability; or expert services." This FAR element helps the government streamline R&D efforts and streamline production and purchasing of essential products and services for the government. FAR 6.302-4 is labeled "International Agreement," FAR 6.302-5 is labeled "Authorized or required by statute," FAR 6.302-6 is labeled "National Security," and FAR 6.302-7 is labeled "Public Interest." Each of these last four elements is fairly self-explanatory as to why it would be in the best interest of the government to contract outside of their normal open and competitive requirement. This is a simplified look at standard government contracting practices, but again the FAR process is a model that most federal, state, and local government agencies follow during procurement of products and services.

So why describe all of this? Well, frankly, the March JPA doesn't operate quite like a federal, state, or local government agency because it lacks real accountability to the public. I also include this summary because the relationship between the March JPA and applicant is somewhat backwards in the typical government contracting world. Rather than pay a contractor money for products and services, the March JPA is getting paid by the contractor in this case. A different way of doing business that even people with experience like me struggle to understand entirely.

You see, to my knowledge, the applicant and the JPA privately agreed to convey the land of the West Campus Upper Plateau, as is permitted by the existing Disposition and Development Agreement between the March JPA and applicant, for a specific project that had yet to be released for public comment or commission approval. The JPA and the applicant rushed to execute a contract that had little to do with your mission and a pressing need, and more to do with timing. At the October 26, 2022 March JPA Commission Meeting, the commission approved the following transfer of land payment terms.

*Mass Grading Permit Issuance – New Development	\$14,000,000
*Building Permit Issuance – New Development First New Building	\$4,750,000
*Any Certificate of Occupancy – New Development First New Building	\$4,750,000
*Building Permit Issuance – New Development Second New Building	\$4,750,000
*Any Certificate Occupancy Permit Issuance – New Development Second New Building	\$4,750,000
*Building Permit Issuance – New Development Third New Building	\$4,750,000
*Any Certificate Occupancy Permit Issuance – New Development Third New Building	\$4,750,000
*Building Permit Issuance – New Development Fourth New Building	\$4,750,000
*Any Certificate Occupancy Permit Issuance – New Development Fourth New Building	\$4,750,000

In this secretive act, the March JPA gave the applicant a 60% discount on the current market value of this land. At a time when the logistics and warehouse industry was in decline, the JPA agreed to sell the land for this project for \$52,000,000. That is \$135,755.35 per acre. Based on my inexperienced knowledge of land prices with industrial zoning, the value today is \$129,292,379.72 or \$337,541 an acre for Riverside County. Asking me to accurately value land prices is like asking me, or anyone without expertise in the field, to compose a blues song or paint a seascape with water colors. I would try my best but ultimately pale in comparison to an expert. Never-the-less, the need for more industrial zoning and warehouses is not reflected in today's economy yet the value of the land is high, much higher than the price that the JPA agreed to sell this land to the applicant for in late October 2022. Within the logistics industry today, investors are preferring to keep their money in low-interest earning accounts as the two-five-year downturn in logistics seeks to become profitable again. I am unclear where in the DDA that parameters exist for how land is priced, but the JPA didn't do the public any favors like it did the applicant. The public doesn't need to be experts in this field to ask questions about your policies and practices and in this case, I wonder why you sold this land at such a cheap price that appears to benefit the applicant? The appearance of impropriety is enough for the public to believe something foul is afoot because the JPA does not have a trusting relationship with the public, and only now in the final months of its existence is the JPA trying to (at least on paper) establish an open-door communication policy with residents of western Riverside County.

Returning to the DDA and the misuse of public lands: the former March Air Force Base is considered public land. When the land use authority transferred from the Air Force to the March JPA, the JPA was tasked with redeveloping public land with respect to the local communities and the operations of the airport and Air Force. In some ways, and I realize this may be



comparing bananas to mangos, but the Base is much like any forest, park, or wildlife preserve wherein bananas and mangos are both fruits and the Base and a forest, park, or wildlife preserve are all public lands. By ignoring the need for a genuine EJ element that guides all land use decisions by the March JPA, the JPA is communicating that it does not care about the public. By upzoning projects to include significant industrial and warehousing on repurposed public lands, you are communicating that benefiting the public is secondary to the benefit the land offers private businesses and investors. By proposing to extend and amend the DDA with the same company for up to 25 additional years, you are allowing the applicant, a private for-profit business to take advantage, in a predatory manner, of a backwards contracting process that in all areas of government contracting would be in violation of Federal Acquisition Regulations.

The FAR, again the benchmark by which nearly all government contracting adheres to, clearly states that the government is required to get the best products and services for the best price possible. Thus, their requirement of open and competitive contracting processes. But because the JPA, the government, is not buying the land identified in Exhibits A and B of the amended DDA executed on 9/1/22, rather the applicant is buying land from the government, at a discounted price, the requirements of the FAR are muddled, and purposefully obscure to avoid public scrutiny and legal challenges. The applicant does not offer the government best value, in fact, the government is offering the applicant best value pricing for public land. I call this, for the lack of a better term, a gift of public funds, which is illegal in California, wherein the applicant benefits from an exclusive contract with the JPA to purchase something of value to the applicant at preferred pricing. By statute, all expenditures of public funds (in this case public land) must support the government's function, purpose, and benefit the government. Individuals and businesses are prohibited from receiving any advance payments or pre-payments made by a contractor before work has been performed or before all goods or services have been accepted.

It is the exclusive nature of the DDA that is concerning to the public. One business, one voice, telling the JPA how to develop land in the communities that the Military and March ARB helped grow over many decades. One company profits, and a private owner gets rich because the March JPA is understaffed and unqualified to conduct open and competitive contracting projects that benefit the region instead of a single company and its corporate investors. You have taken public land and given nearly all of its benefits to a private company. And when you sunset in July 2025, you will proudly announce mission accomplished. And it will be accomplished assuming your mission was to enrich greedy land developers and investors. It will not be if your mission was to follow the guidelines of the final March JPA General Plan and "define reuse and development opportunities of the area, while preserving the environmental quality," or "address specific elements of the community," or "plan for the preservation of open space designed to promote the management of natural (historical/cultural) resources, outdoor recreation (active and passive), and public health and safety." **No more warehouses!**

Why was the DDA amended in 2022 privately and without community knowledge or involvement? Your General Plan has always required community (largely defined as residents of



the area surround March ARB) input and now you are hastily trying to approve an EJ policy to make sure on paper that you are reflecting the wishes of the community, which it is clear you are not and never have. How does the draft EJ element found throughout the recirculated draft EIR impact your past DDA agreement now and future plans (CA AB994) for more of the same with this developer? What responsibility does the JPA have to comply with Federal Acquisition Regulations, State of California Procurement Department regulations, and the County of Riverside Purchasing Department guidelines and policies? What makes the applicant unique in providing products and services to the government, especially to the County since you appear to be preparing for a new DDA that will transition to the County of Riverside in 2025? They do not offer the unique skills of the contractor who specializes in mapping rivers in a rain forest, they do not offer a speedy service in a time of national emergency, they do not offer best value to the government in relations to public funding. They are a company that you foolishly awarded an exclusive contract to years ago because of a lack of experience and staffing. There are other contracting options available to you to work with the applicant through the remaining life of the JPA without saddling the County with an exclusive 15–25-year agreement, but the applicant requires a long-term assurance, they have said this a number of times publicly, to continue the business relationship with the JPA, and you are agreeing to it without hesitation. Not only is the agreement an exclusive deal for the applicant and its investors in order to maximize profit, it is a violation of your role as a government entity whose job is to collaborate with the public and incorporate private investment in the communities surrounding March ARB. You are failing the communities and rewarding the investors for their predatory practices. You are leaving this space with unfulfilled financial liabilities that you are eager to pass on to the public and to municipalities that will inherit the mess of your poor and predatory land use decisions surrounding March ARB. Please specify the government contracting regulations for the State of California and the U.S. Government that permit you to misuse public lands in such a way as to place an undue burden on residents of western Riverside County, and the cities of Riverside, Moreno Valley, and Perris. Better yet, I'd appreciate a public roundtable discussion (not workshop or presentation) on your answers to my questions in addition to written responses prior to a public hearing and voting on a final EIR for the Upper Plateau.

The privatization of public lands is a disgusting practice by predatory developers and investors taking advantage of a distracted or uninformed public. The amendment of the DDA to add 15-25 years to it, or to form a new DDA that transitions to the County of Riverside for the same purpose it entirely outside of standard government contracting practices and it may in fact be a violation of both federal and state statute. But the JPA and applicant's insistence that these predatory and illegal contracting practices be used to build more warehouses in an area saturated with them is irresponsible land use planning, decision making, and management of public spaces by the JPA. The lack of non-industrial zoning and alternate plans in the recirculated and draft EIRs is insulting to the public and is incompatible with the final General Plan. I once again call on the JPA to enact a moratorium on all industrial projects and plans until the County of Riverside assumes land use authority in 2025.

### **Lack of Non-Industrial Alternate Project Plans Violates the Draft EJ Element**

Another disturbing failure of the recirculated and draft EIR has been the lack of non-industrial development and land use options for this land. I am disappointed that the alternative plans still do not consider non-industrial uses, especially since the current plan sparked the formation of a grassroots community group that has opposed it for nearly two years. In the recirculated draft EIR, the JPA continues to identify 143.31 acres of industrial and that is for warehousing, possibly including cold storage warehousing, 42.22 acres of mixed use, which the JPA has gone to great lengths in the recirculated draft EIR to identify MAY contain warehouses as well, 78 acres of park and open space, though the park will not exist as a result of this project being approved, and less than 10 acres of public facilities, which again are public only in that the public will pay for them to be provided to warehouses that the public does not want.

Why did the JPA and applicant on page 4.2-17 choose to highlight the County of Riverside's Good Neighbor Guidelines when on several occasions the Director of the March JPA said publicly that the project would adhere to all local jurisdiction guidelines for siting warehouses near homes? While this project will ultimately fall under the management of the County of Riverside, their guidelines are outdated, the softest in the region, and the residents who are impacted the most by this project are largely from the City of Riverside who is working to update their guidelines as I write this letter. For the record, were the Director's word hollow and a political stunt? Or did the Director genuinely mean to engage with the concerns of the public and work with local government entities to protect the public? Please look to your draft Environmental Justice policy for answers and let me know if you find them. The way you have handled this project and the release of the recirculated and draft EIRs is in direct conflict with the draft Environmental Justice element you hope to shove through with this project.

Section 4.10 of the recirculated draft EIR identifies land use considerations by the March JPA for the Upper Plateau. In this section, you identify 14 munitions bunkers that the City of Riverside and other agencies have concluded are of significant historical value to the County, State, and U.S. Air Force. Your plan is still to demolish them, except for two that will be fenced off and surrounded by warehouses. This plan defies the concept of historical significance and your claims that your project will honor the U.S. Air Force by keeping two of them is absurd. You identify many sources to justify your proposal to largely zone this land as industrial and then you refer back to the General Plan as proof that you are interpreting it as it was designed. This is just what I referred to above in that you pick-and-choose which parts of the General Plan suite your needs, and your needs are driven by a predatory developer looking to profit further from public lands. With the recirculated draft EIR, you are helping the applicant reach financial goals for its investors, and ignoring the public that has asked you to zone this land in a way that lessens the burden of a community suffering from your overbuilding of warehouses.

It is pointless to argue with your selective claims that the noise of the airport is a major consideration factor for choosing to continue to offer an industrial zoning plan. The noise from

the airport impacts homes, business, and public spaces throughout the March JPA and they co-exist today. To suddenly use the ALUC and their wishes as justification for only developing warehouses on the Upper Plateau is purposeful and predatory by the March JPA and applicant. Why do each of the alternative development plans you offer still include 143 acres of industrial zoning? The area is zoned C-2, much like the surrounding area including my own house that routinely sees Air Force planes fly directly over my roof, which could include residential, commercial, and recreational uses as long as they are low-density. Figure 4.8-2 in the recirculated draft EIR seems to indicate that there are other zoning opportunities for this land but the JPA and applicant have chosen against any of them for a variety of reasons. Please specify why you declined other land uses C-2 zoning allows and why you chose not to pursue these options. Please explain why this is the right project at this time on this land. You have never successfully done this to the public and until you do you will have public opposition to it.

Under Planning Process C1F, the Final Reuse Plan (1996) reads: “Serious and careful consideration will be given to the wishes of existing land users and owners in areas adjacent to the base.” Given that this industrial complex is surrounded on more than three sides by residential homes (including mine) and that residents have submitted thousands of signatures, hundreds of emails, and hundreds of comments at public meetings opposing the project; how is our feedback being “seriously” and “carefully” considered? How are you doing what your draft EJ policy states you will do? What significant reductions in warehouse acreage have been made to the project as a result of the extensive opposition? Specifically, how has it impacted the industrial zoning footprint or the alternative plans? If the answer is that it has not, how do you justify your disregard for the community opposition in relation to your own policies and the inclusion of a draft EJ policy that largely values community input on decisions?

In your General Plan (1999) Goal 2, Policies 2.3 and 2.4 state that the land uses should “discourage land uses that conflict or compete with the services and/or plans of adjoining jurisdictions” and “Protect the interest of, and existing commitments to adjacent residents, property owners, and local jurisdictions in planning land uses.” How does building 4.7 million square feet of industrial warehouses that have “significant and unavoidable” noise and air quality impacts protect adjacent residents? Please specify in what ways this project fulfills this goal. Your responses in section 4 of the recirculated draft EIR do not answer this question, rather they are an attempt to justify your insistence on zoning this land industrial and ignoring any real community benefits. Also, how does this plan align with this goal and the subsequent 2003 and 2012 settlement agreements that require more of the same from the JPA?

Historically, the West Campus Upper Plateau was never intended to be an industrial zone. In the initial planning process, the Final Reuse Plan (1996) describes how “the planning processing was designed to incorporate consensus of the adjacent communities, creation of a ‘Community Preference’ land use plan consistent with the goals of the community relative to base reuse, and to maximize the opportunity for citizen involvement with base reuse” (Final Reuse Plan, 1996, p. II-v). In what specific ways have you incorporated Community Preference in the development of

your plan? To date, the only comments we have been given is that a few members helped the developer reconsider siting of a road or placement of smaller industrial buildings deceptively identified as mixed use or business. This was true in the draft EIR and it is true in your recirculated draft EIR, and I imagine it will continue so long as you ignore the wishes of the surrounding jurisdictions and communities.

As part of the Base Realignment and Closing (BRAC) process, four specific land use alternatives were considered as shown in Exhibits A, B, C, and D in the Final Reuse Plan. Exhibit B is the Alternative Pattern with the largest space reserved for ‘Industrial/Warehousing’ uses and it explicitly shows ‘Industrial/warehousing’ land-use was only considered within the first ¼ mile of the 215 Freeway; the West Campus Upper Plateau was a separate Business Park category for less intense land-uses. The adopted 1999 General Plan reflects the planning assumptions and again designates the West Campus Upper Plateau as Business Park or reserved space for the previously endangered Stephen’s Kangaroo Rat.

Moreover, the Draft General Plan 2010 “Draft Vision 2030” Section 2.2.24 stated,

“The Meridian West area shall be developed to provide a variety of land uses that will lead to the creation of high-paying jobs while protecting the environmental resources located therein; b) The Meridian West area should include an appropriate land use mix to emphasize the interaction between Office, Business Park and Park, Recreation and Open Space; d) When planning and approving future projects within the Meridian West area, projects that provide large quantities of high-paying jobs (such as corporate offices), high-technology jobs, and jobs related to the green building industry are preferred.”

Therefore, the historical precedent of the Final Reuse Plan (1996), General Plan (1999), and Draft General Plan (2010-never adopted) are clear. The West Campus Upper Plateau was never considered for intensive Industrial/Warehousing uses in any EIR or planning process that involved community meetings. All March JPA planning documents clearly indicate that warehouse uses should observe appropriate setbacks and be compatible with adjacent land uses to protect adjacent residential zoning. So, it is concerning and suspicious to the public why you persist in the recirculated draft EIR to only offer industrial and warehousing as a use for this land when clearly it was not intended and currently isn’t publicly desired to be used this way.

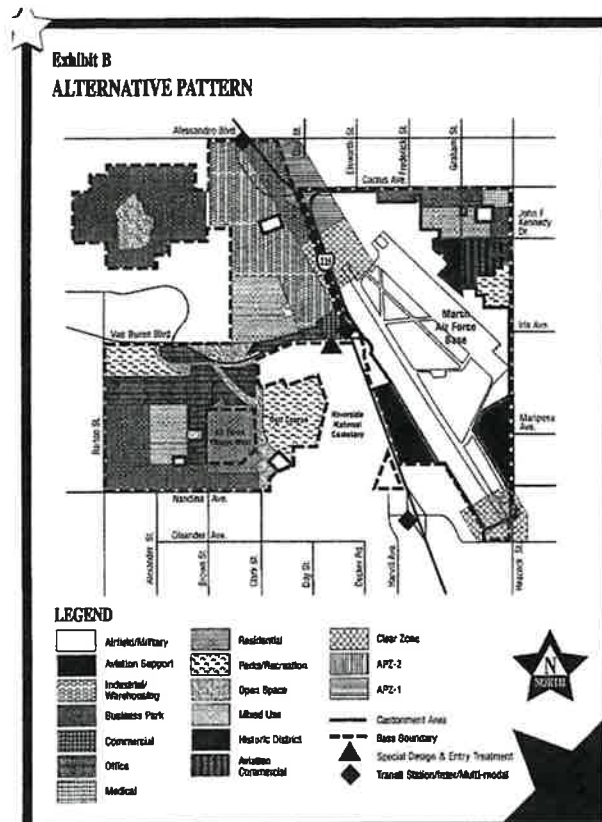
In the last two years, community members have presented a clear and consistent pattern of opposition to the proposal to ‘upzone’ the land use as specified in the General Plan from Business Park to Industrial. Community members have submitted petitions with thousands of signatures opposing the Project, provided hundreds of public comments, and commented in multiple developer and JPA-hosted community meetings opposing to the planned warehouse complex next to residential communities in Orangecrest, Mission Grove, and Camino del Sol. The Project is as presented in the recirculated and draft EIRs is unstable and incompatible with the General Plan, Final Reuse Plan, Draft General Plan, and Community Preference land use.

Therefore, I once again urge the March JPA to reject any Specific Plan that includes more than 50 total acres of warehouses in any zoning type (industrial, business park, mixed-use) as incompatible with its pledge to maximize community preference (found in both the General Plan and draft Environmental Justice policy) and protect existing residential property owners in its planning process. Why has the JPA kept the public in the “Inform” and “Consult” stages of the EPA’s decision-making continuum? Will you continue to deal with the public in this way even if you approve the draft EJ element found in the recirculated draft EIR? How do you justify any of this as authentic public engagement?

It seems almost that as soon as the March ARB General Plan was released, the JPA and developer began to ignore it, began to upzone and maximize profits from this land, and began to ignore and disregard the public interest in the repurposing of this land. In the initial planning process, the March ARB Final Reuse Plan, 1996 describes how the community was included in the planning of land-uses.

“With the formulation of the Land Use Plan, the planning processing was designed to incorporate consensus of the adjacent communities, creation of a ‘Community Preference’ land use plan consistent with the goals of the community relative to base reuse, and to maximize the opportunity for citizen involvement with base reuse” (Final Reuse Plan, 1996, p. II-v).

As part of the Base Realignment and Closing (BRAC) process four specific land use alternatives were considered as shown in Exhibits A, B, C, and D in the Final Reuse Plan. Exhibit B (shown below) is the Alternative Pattern with the largest space reserved for ‘Industrial/Warehousing’ uses and it explicitly shows ‘Industrial/warehousing’ land-use was only considered East of Brown Street within the first three quarters of a mile adjacent to the 215 Freeway; the West Campus Upper Plateau was a separate Business Park category for less intense land-uses. While the Business Park category allows warehouses, it also allows a wide range of other less intense land-uses identified in General Plan Table 1-1 below.



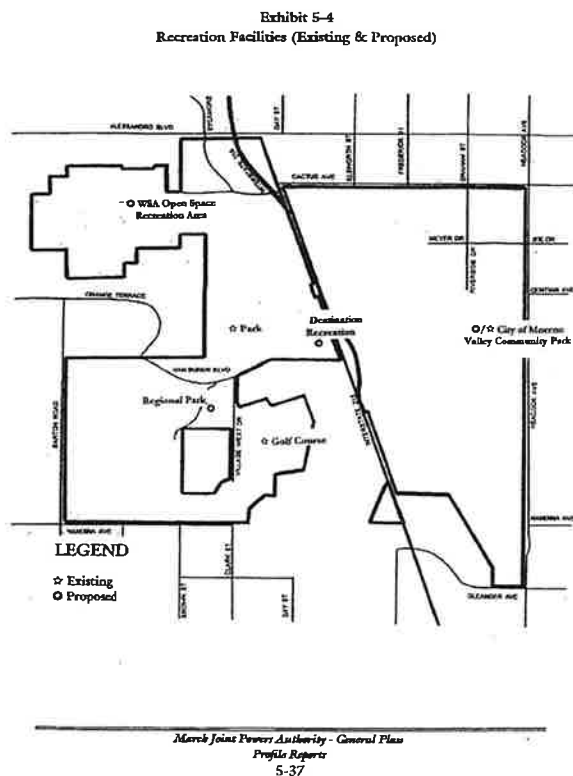
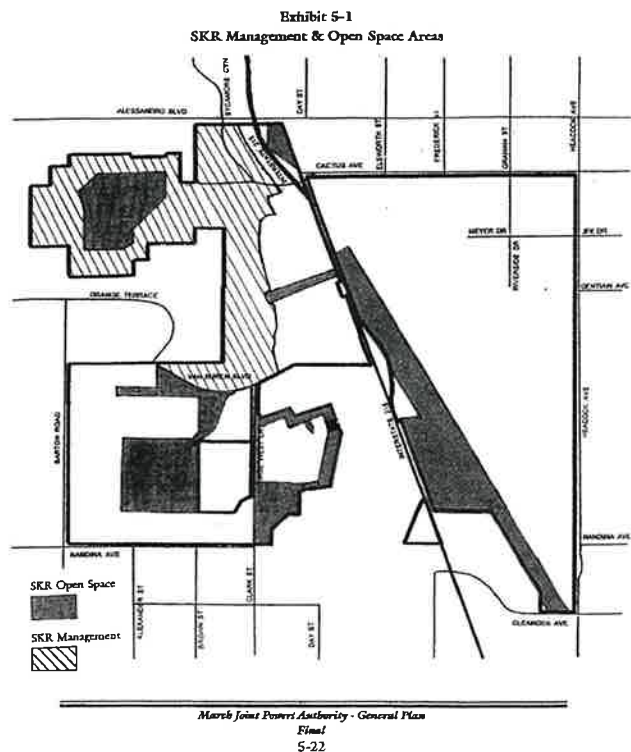
**TABLE 1-1  
BUILDOUT MARCH JPA PLANNING AREA**

Land Use Designation	Acres GROSS	Density		Buildout Capacity*
		MAX.	AVG.	
<b>INDUSTRY</b>				
Business Park	1278	.75	.20	7,793,755 sf
Industrial	433	.60	.15	1,980,455 sf
SUBTOTAL				9,774,210 sf
<b>COMMERCE</b>				
Office	104	.75	.30	951,350 sf
Mixed Use	360	.60	.25	2,744,280 sf
Commercial	45	.60	.30	411,642 sf
Destination Recreation	135	.50	.25	1,029,105 sf
SUBTOTAL				4,136,377 sf
<b>PUBLIC</b>				
Park/Recreation/ Open Space	777	.25	.025	592,307 sf
Public Facility	449	.50	.10	1,369,091 sf
SUBTOTAL				1,961,398 sf
<b>SPECIAL</b>				
Military Operations	2102	n/a	n/a	2,500,000 sf
Aviation	316	.40	.15	1,445,321 sf
Historic District	58	2du/ac	2du/ac	111 units
AFWV Expansion	75	.60	.30	686,070 sf
Cemetery Expansion	160	.10	.005	24,394 sf
SUBTOTAL				4,655,784 sf 2,111 units
<b>TOTAL</b>				<b>21,527,269 sf</b> <b>111 units</b>

ac - acre      sf - square feet      du/ac - dwelling unit per acre  
 FAR - floor area ratio      \* based on average FAR, of net acre

The adopted 1999 General Plan reflects the planning assumptions and again designates the West Campus Upper Plateau as Business Park or reserved space for the previously endangered Stephen's Kangaroo Rat. This was the same map and designation I was presented with when I bought my house in 2009. In fact, I was given the maps in Exhibits 5-1 and 5-4 from the original owner of my house and they clearly indicate the intention for this land was conservation. It was what the original owner, a municipal judge and retired Marine Corps officer, understood at the time he paid a premium to own a house next to this unique landscape and the military base that played such an important role in his life. Did the JPA change their minds after they wrote and disseminated the final General Plan? If so, why? What changed? Did the JPA communicate these changes to residents in the surrounding communities? Has the JPA modified the Final Land Use Plan in the past? If not, why are you proposing a specific plan that is inconsistent with the Final Land Use Plan (see your own diagrams and roadways)? Any specific plan needs to comply with the Final Land Use Plan and it is clear this one does not.





Moreover, the Draft General Plan 2010 “Draft Vision 2030” which incorporated clearly a desire to avoid incompatible warehouse land uses adjacent to residential homes. In Section 2.2.25(d) it stated, “Any and all future distribution/warehouse development in the Meridian West area shall maintain a 1000’ distance from existing residential uses in accordance with the Good Neighbor Guidelines for Siting New and/or Modified Warehouse/Distribution Facilities. (See 2.1.4 of the Land Use Element).”

The historical precedent of the Final Reuse Plan (1996), General Plan (1999) and Draft General Plan (2010-never adopted) are clear. The West Campus Upper Plateau was never considered for intensive Industrial/Warehousing uses and all discussion of warehouse uses focused on appropriate setbacks to protect adjacent residential zoning. Your justifications in the recirculated draft EIR are a disappointing effort for a public entity advocating for a developer-friendly plan that the community clearly rejects. At an industry event in December 2023, Prologis President Dan Letter described the current development environment as, “the fight is most pronounced and high-profile in California and New Jersey, states that are home to dense populations, tough environmental and permitting regulations, and major air and seaports. In both states are growing numbers of residents who, tired of seeing most warehouse projects being rubber-stamped, are resisting development and pushing their local commissions and state legislatures to fight with them” (Solomon). Even within the industry, developers and logistics executives know that southern California is over saturated with warehouses. Why do you insist on contributing to this problem as opposed to finding a solution that benefits all three parties (private, public, govt.)?

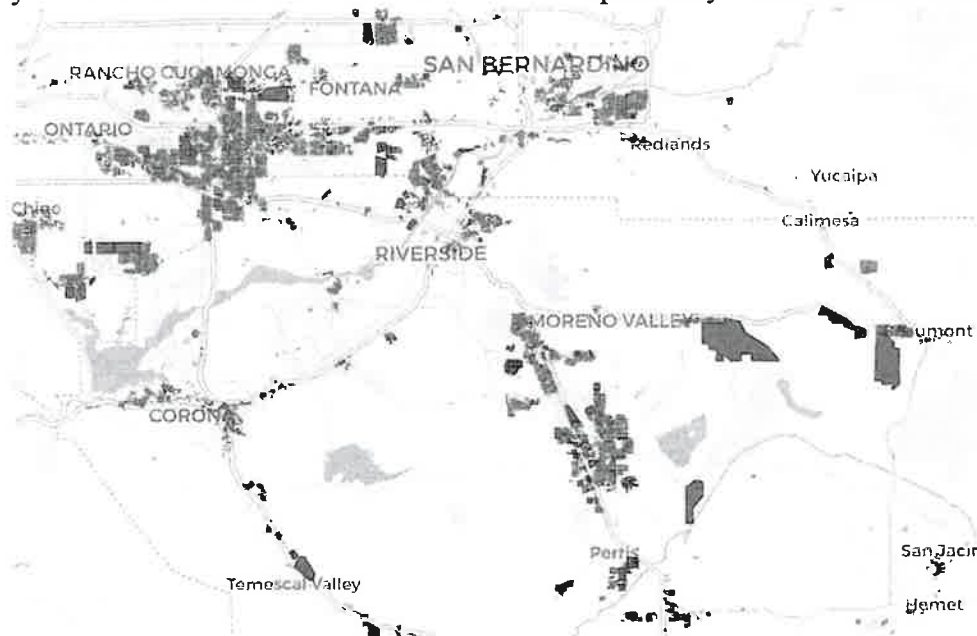


Finally, the specific plan for this campus changes the definition of the mixed-use land category. In the existing General Plan (1999), mixed-use is explicitly defined on page 1-34, “Mixed uses include a variety of complementary land uses; including commercial, business park, office, medical, educational and vocational, research and development, and services. Industrial and major warehousing uses are excluded.”

However, in the draft EIR (2023), p. 2-4, mixed-use is now defined as, “Mixed uses include a variety of complementary land uses, including commercial, business park, office, medical, research and development, business enterprise, and services. Industrial, and outdoor storage is prohibited.” Why change this designation? To approve unwanted warehouses on the Upper Plateau that was always set aside as a conservation and business park? This makes no sense to the public and many who serve in local government of the surrounding jurisdictions. This once again points to the predatory nature of the applicant, refusing to listen to the wishes of the public.

Major warehousing uses are now acceptable to the March JPA in the mixed-use zoning, despite a 24-year precedent in its 1999 General Plan and the definition that excluded this use. This sudden change in the recirculated and draft EIR is deceptive and malevolent. It is misleading to the public, and it gives rise to the belief that the JPA, at the direction of the applicant, can do whatever it wants without consequence. The public expects better of the JPA and the Commission. What justification do you offer to explain this apparent privatization of public lands? Please don’t refer me to the DDA (past or future).

The region of western Riverside County is overly populated with warehouses, largely because of the JPA’s TFZ244. The residents of eastern Riverside, western Moreno Valley, north Perris, and unincorporated Riverside County all along the 60/215 freeway corridors are disproportionately impacted by these warehouses thanks to the JPA and the predatory nature of the developer.



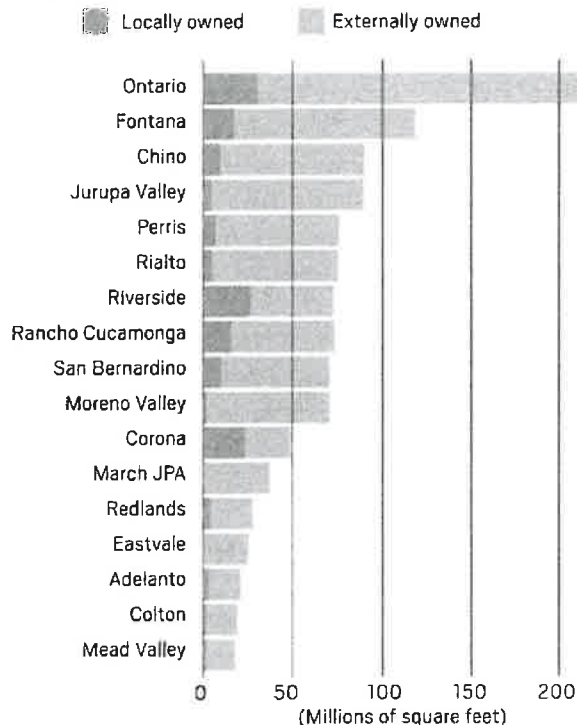


As the updated maps above demonstrate, the 215/60 freeway corridor is disproportionately impacted by the sprawl of warehouses and logistics as is most of the Inland Empire. The JPA has specialized in placing warehouses on a majority of the land it was tasked with repurposing. So, one has to ask why build so many warehouses when they are not the land use planning option that the original General Plan and its creators envisioned in the late 1990s. Well, it doesn't take long for a mistrusting public to draw rash conclusions like "it's all about the money" or "it is a land grab by the (insert your adversarial foreign government of choice here)."

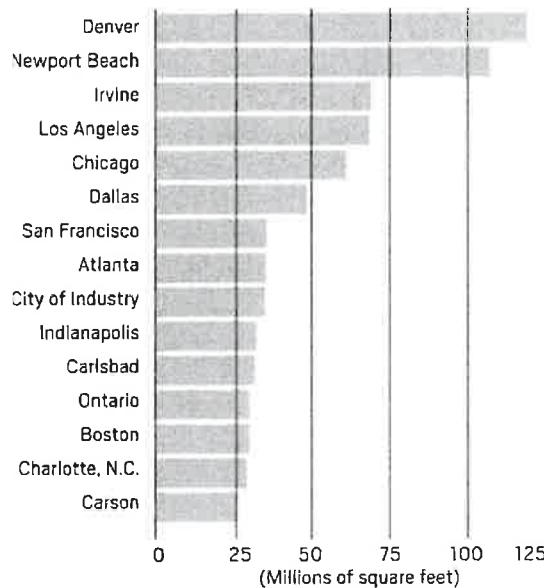
Fortunately, a little work and publicly available information provides me with some insight to avoid the conspiracies about why there are so many warehouses in the JPA's territory. In a meeting with the JPA in April 2022, I was told that most of these warehouses are built as speculative developments, and that they don't have tenants waiting to lease or buy them. This is the case with the West Campus, Upper Plateau project as well. I was still new to this the development around March ARB in April, but I have had some time to learn about it since that meeting. The graphic from 2023 below demonstrates the listed owners of the warehouses for warehouses in Riverside County, including the warehouses built by the JPA.

## Inland warehouses, non-Inland owners

Most of the Inland Empire's logistics footprint is owned by companies with addresses outside the two-county region.



## Top 15 cities with companies that own Inland warehouses



Source: Mike McCarthy, Riverside environmental consultant

JEFF GOERTZEN, SCNG

The nature of this speculative development means that the developer is incentivized to find financial backers, investors, that will fund the development of this land with the promise of a return on their investment. The way that the developer ensures that it and its investors profit is to spend the least amount of money in order to make the most amount of money in return, and this is what I am suggesting the JPA and applicant are doing with this land. If the JPA or the developer had the public interest in mind, then why is it that the mailing addresses for the owners of these businesses do not have a more equitable spread favoring local owners? Is it because as the graphics indicate, and what I learned at the April 2022 meeting and is confirmed in your recirculated draft EIR, that these warehouses were never intended to consider local business owners or local jobs for residents of western Riverside County? Is it because these warehouses are part of an investment portfolio for companies more concerned with Wall Street than the local streets of Alessandro or Van Buren? Is this another example of the JPA allowing their exclusive private developer to profit off lands that were intended for public benefit?

If I were to dig further, would these addresses stop in Denver, Tulsa, Chicago, Atlanta, or Newport Beach? Or would they quickly leave the North American shores and head to destinations far and wide? Are you, the JPA, telling me that my desire to live a happy and healthy life is not as important as the portfolio of the investors of your exclusive developer and their wealthy corporate friends? It is at times like this that you have to decide where your obligations lie. Do they lie with those that will profit from bad decisions or do they lie with the

people you were hired and tasked to serve? How will you enforce the JPA's own mission identified in the General Plan, the one that protects community values, health, and history from narrowly focused and neglectful land use decisions? I cannot see how building more warehouses accomplish this clear and focused goal as described by the writers of the original General Plan document. Where again is the accountability to the public? What will it take to get the JPA to stop privatizing public lands? Fortunately, I have some recommendations for you.

This brings me to a crucial and consequential point in this comment letter and the heart of my objection to this project, a project that would build nearly 5 million square feet of industrial warehouses right in the middle of a large residential neighborhood. Ever since the community became aware of and engaged in the plans for this shocking large industrial project, the community has repeatedly asked the JPA for one thing: **no more warehouses**. Warehouses are a part of life today, Councilmember Conder is right about that, but it is egregious to consider putting so many of them right in the middle of thousands of homes, something Councilmember Conder, the JPA, and the developer fail to acknowledge. This specific plan is a bad idea and real alternatives are needed.

But before we get to the alternative plans, I realize that you have not modified the plans in the recirculated draft EIR and that is my concern. The JPA and developer address alternatives to the projects that were rejected in the original draft EIR. The first reason listed (6.3.1) is that there is no alternate site for this project (because of its size). This explanation implies that this project (a mega-warehouse complex) is pre-decisional, the realization of a legal entitlement for the developer to build warehouses anywhere it wishes and the decision to sell the land to the developer in October 2022 shows that you understood the project was unpopular and didn't want to hold the applicant accountable to public sentiment. The fact that you never considered in the recirculated draft EIR the alternate project ideas provided by the community in comments to the original draft EIR means you don't care about public sentiment, but will work to give the public the perception that you do via the inclusion of the draft EJ element you are circulating now. It also implies that because the developer wants mega-warehouses to lease or sell to whomever (foreign or domestic) it wants, whenever it wants in the future, that it is their right to repurpose public land for private gain. It implies that the decision to build only warehouses here was made long ago and by approving these plans the JPA and this commission are helping to privatize public lands in a way that damages the public interest and our infrastructure but benefits the applicant and its investors financially. There is absolutely no community sentiment for building warehouses here (nor is there a need for the few temporary, low paying jobs created by these eyesores), but there is wide ranging public support for development that improves our lives and community. The applicant does not prioritize the values of the community, the protection of its citizens, or the collaboration with impacted and disadvantaged communities impacted by this project. They have a history of sanctioned negligence and their lack of accountability and accuracy is even written in the draft EIR. Residents of Riverside, Moreno Valley, Perris and unincorporated Riverside County expect the JPA to hold the developer accountable for our lives as much as it allows them to profit from this project. What lengths have you taken to do this?

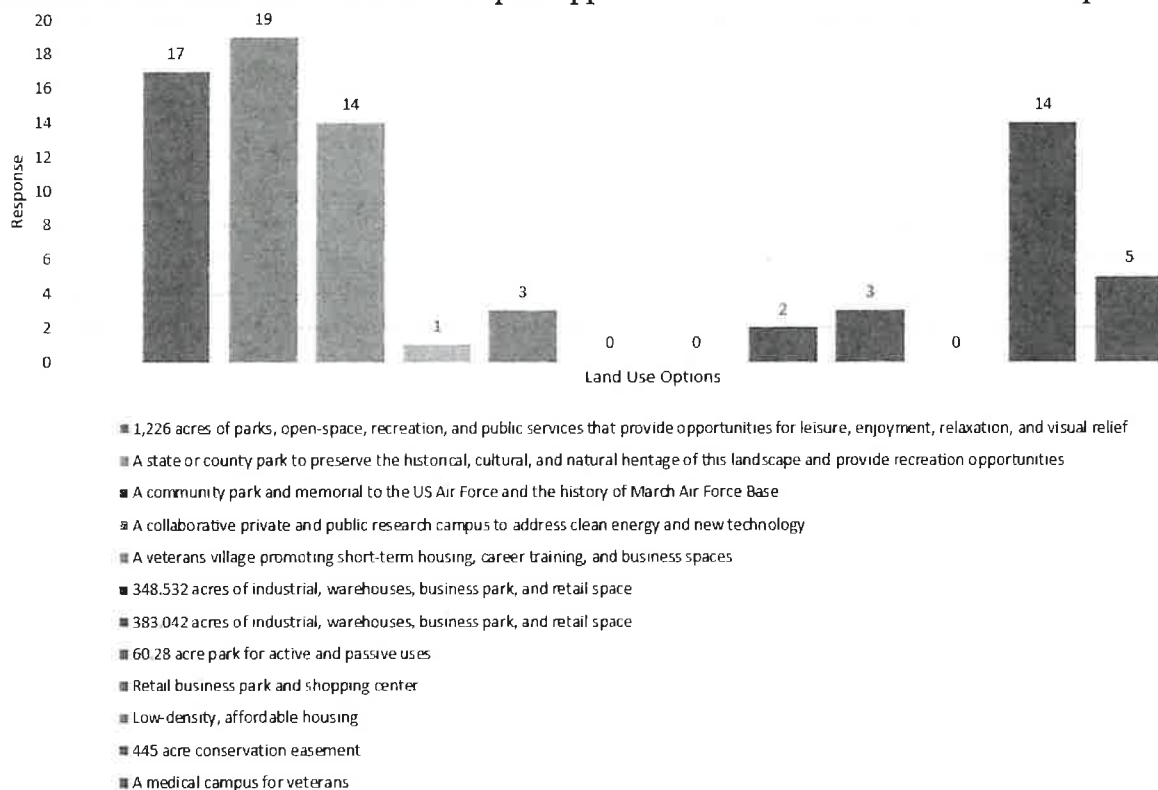
You do not explain this in your recirculated draft EIR. How will you hold them accountable on our behalf (a function of government)? How will you enforce your own mission identified in the General Plan, the one that protects community values, health, and history from narrowly focused and neglectful land use decisions? The economic risk here is massive; as quickly as the economy moved to demand more storage space, it has swung back just as quickly purging jobs and closing locations due to slow retail late 2023-early 2024. Once built, that space will sit as an empty concrete monument to bad government decisions and capitalism at its worst unless you demand real alternate uses for this land now.

Now on to the alternate plans that I and the community proposed in our comments to the original draft EIR: Section 1-10 of the draft EIR presents four alternative plans evaluated for the release of this document. If the JPA and developer had truly listened to the public when you met with us time-and-time again over these last two years, if you had genuinely engaged with residents of Riverside who are directly and adversely impacted by this plan as you say you will do under the draft EJ policy, then maybe one of your four alternative plans would have included development without warehouses or industrial. At the risk of being repetitive, why have you ignored this request for so long? Is it because the applicant has already paid for land with the assumption that they will be building large warehouses on it? The public expects the JPA to honor its commitment (page “v” of the General Plan) to serve as a link between community values and physical (land use) decisions. Is this line guidance or a mission statement? After 23 months of communication with the JPA, why is there no option to develop this land in a way that reflects community values and input?

In the draft EIR, Alternate Plan 1 under consideration is titled “No Project” and under section 6.4.2 the explanation of this plan appears to be a CEQA mandated option in the EIR, primarily for comparison purposes with the main plan and the other three alternate plans. This plan can be easily dismissed as naïve and misguided, and more than once I have been accused of being the loudest of the unreasonable proponents of this alternative. Alternate plan 1 is ideal and is the right decision for this land from a residential land use and quality of life point of view. Think about it, this land has historical significance for the City and County of Riverside, and Moreno Valley and Perris communities that grew up largely because of March AFB and these weapons storage facilities. The historical and native artifacts found in the area are irreplaceable and according to Table 1-3 this project will cause significant and unavoidable damage to these American and Native American symbols of our past. Even the City of Riverside questioned your willingness to destroy a part of the local history so cavalierly. I do not believe the JPA or the applicant will do the mitigation described in your draft EIR and want to understand why (a) I should take your word in writing for it (legal action is not a suitable response), and (b) why the JPA wants to erase the history and public image of March Air Force Base before sunseting?

Prior to submitting this letter, in an act of community engagement similar to that the JPA demonstrated at the December 2023 Environmental Justice workshop, I collected responses in a

“dot poll” of my own the last week of January 2024. In the poll, I asked respondents what they wanted to see done with the West Campus Upper Plateau. Here are the results of the poll:



Respondents were given three dots to place next to their top three land use objectives for the Upper Plateau. The choices presented to respondents came from the March JPA Final Reuse and General Plans, the draft EIR for the West Campus Upper Plateau, the 2012 Settlement agreement the JPA has with the Center for Biological Diversity and San Bernardino Valley Audubon Society, or from the community preferred land uses and alternate options proposed in this letter and in hundreds of responses to the original draft EIR in 2023. In this effort to listen to the community, we found that the community universally disagrees with the applicant’s plans for how this land should be used and have once again demonstrated to you that they prefer non-industrial or warehouse uses for this unique piece of land in western Riverside County. 82% of respondents asked that this land be preserved as open-space for public enjoyment and relaxation, and 100% of respondents rejected industrial and warehouses on this land as proposed by the applicant and the JPA. I would imagine that if the JPA and applicant, the Parks and TAC Committee, and the Commission truly engaged with the public regarding land use decisions, you would see similar results as I did in my efforts to give the public a voice in the decision-making process as it relates to land use planning and decisions for the Upper Plateau.

The recirculated draft EIR does nothing to address universal public objection to your industrial specific plan. From the draft EIR, alternative plans 2-4 all include significant warehouse development, major and heavy demolition and construction to build these warehouses, and will



still have significant impact on surrounding residents' health and quality of life. These alternate plans demonstrate that the JPA held public meetings as a matter of process and did not genuinely intend to work with the community (as required in your draft Environmental Justice policy and General Plan) to repurpose this land and build up (literally and metaphorically) the surrounding communities in a positive manner. Why is it that the mixed-use and business park elements already found with the March JPA, especially along Van Buren Blvd, are sparsely occupied, yet you pretend this new project will benefit local businesses and residents? Also, within these three alternate options, for you to tell the people that live here that the proposed plan and three of the alternative plans WILL HAVE significant and unavoidable impacts on our lives is reprehensible, especially for a government agency who says they are committed to protecting (at your discretion apparently) our lives and promoting a clean and healthy land uses.

The community has asked you in person, in writing, on the phone, virtually, and in every way we could to offer development plans that think forward, that offer jobs to our kids and to the bright engineering students and scientists graduating from UC Riverside and other area colleges, jobs and land uses that grow our community with essential services, conserving resources like water and electricity (even generating and storing that electricity), providing a place for the community to gather without congested roads and polluted landscapes: **no more warehouses**. Yet you ignored the community and you did so intentionally. Was this at the direction of your commissioners? Was it at the direction of your exclusive developer? Did the Air Force tell you it wanted more warehouses? Do you read the same reports about the economy as I do? Or are you beholden to the wishes of the applicant? You routinely claim that you cannot tell the applicant what to build, but you are wrong and the General and Final Reuse Plans tell you what your organization, the member communities, and the US Air Force envisioned for this land. By claiming that you cannot tell the applicant what projects to build, you are aiding a private, for-profit company in harming the local community, profiting off of private land, and destroying the very community your organization was tasked with rebuilding after the delisting of March AFB. You, the governmental buffer between private and public interests, chose sides and it wasn't the public you sided with, it was investors and profiteers you tied your legacy to.

To that point, when it became clear to me that the JPA and the applicant had no interest in discussing and offering alternate plans to industrial and logistics in the original draft EIR and now in the recirculated draft EIR, I started working with concerned members of government, business, and diverse and engaged members of the community (my own form of EJ) to develop three reasonable alternatives to your plan for the Upper Plateau. Having been rejected by the JPA, the applicant, and Commission members in the past by proposing everything from a solar farm and energy storage facility to a winery (the bunkers would make great tasting rooms providing they are not radioactive which the latest information in the recirculated draft EIR does little to dismiss public concern) to mixed use residential and commercial centers, all reasonable ideas seemed to fall on predetermined and blind ears. Thus, while the alternate projects were not part of the recirculated draft EIR, it seems like a good time to once again describe and elaborate on alternate projects I presented to you a year ago. These alternate use and zoning projects have

considerable appeal to the community and with traits of realistic development opportunities for the JPA and the applicant as I express my strong objection to the specific plan and alternate plans proposed in the recirculated and draft EIR.



#### 1. Alternate plan #1: The Campus Approach

- *Concept:* University of California Riverside (or a consortium of colleges such as the ones Randall Lewis has an interest in and donates to) campus facilities and research centers focusing on expanding the college's OASIS, CARB, CERT, and economic development programs, mixed with business park, a developed public park as required in both the 2003 and 2012 settlement agreements for active recreation, and significant open-space with a conservation easement for both active and passive recreation and enjoyment by hikers, runners, naturalists, and mountain bikers.
- *Environmental Analysis:* No impacts to population/housing, and recreation; impacts w/mitigation to aesthetics, biological and cultural resources, energy, geology soils, greenhouse gas emissions, hazardous materials, land use planning, hydrology, public services, transportation, utilities, and wildfire; significant and unavoidable impact to air quality, noise, and tribal resources.
- *Project Objectives:* Support job creation through partnership with UCR (and other area colleges) and their research centers to help college students and research professionals develop the skills and knowledge needed to lead our world into the future while offering a campus and business park environment that focuses on R&D as well as forward-thinking environmental, medical and hi-tech, and renewable resources and business. Project meets JPA objectives 1-3, 5-7; project does not meet JPA objective 4 (Cactus would not be connected under this plan). I have had a few discussions with UCR about this project and have had some interest from not only researchers but also from administrative personnel. This is an opportunity for the March JPA and applicant to forge a relationship with the University of California and build a unique partnership with education and private business to develop a campus environment similar to the Jacobs Medican Center at UC San Diego, the Rockwell Center at UC Irvine, the Center for Spatial Technologies and Remote Sensing at UC Davis or the UC Davis Center for Health and the Environment, or the Lawrence Berkeley National Laboratory at UC Berkeley. This land might be a good location for a campus that houses an alliance of University of California schools and their Aerospace Studies and Engineering programs (UC Berkeley, UCLA, UC San Diego,



UC Santa Barbara, UC Irvine, UC Santa Cruz, and UC Riverside all have Aerospace programs). This might even be a good location for a central campus for the University of California Institute for Mexico and the United States (UC MEXUS). Such a project would enrich the local

- *Conclusion:* Per the General Plan's goals and policies, this alternate plan offers the JPA and developer a project that would provide for long-term quality job growth in education and technology, and preserve valuable open-space for residents to enjoy a better quality of life. This plan also considers a need for the area to provide high-paying jobs and an opportunity for the UC and other colleges to grow in the area, and a way for the US Air Force and March ARB to work with researchers in the Aerospace and Engineering fields. And lastly, it incorporates the need for recreational opportunities and the preservation of open space and a unique ecological habitat. It would also allow the JPA to honor the past of March AFB and preserve a part of the munitions bunkers as a memorial to the history of the Air Force in Riverside County.

## 2. Alternate plan #2: The Veterans Village Approach

- *Concept:* A veteran's village that incorporates a conservation easement and open-space and a developed park for active and passive recreations (like the Great Park in Irvine) memorializing the local history of the US Air Force, along with low-density affordable veteran housing (like the Veteran's Village in Moreno Valley), medical offices (beyond your work on the March LifeCare Campus) and services, rehab and therapy center, job training and career transition services, and a small business park.
- *Environmental Analysis:* No impacts to recreation, and utilities; impacts w/mitigation to aesthetics, biological and cultural resources, energy, geology soils, greenhouse gas emissions, hazardous materials, land use planning (done in conjunction with USAF), hydrology, population/housing, public services, transportation, and wildfire; significant and unavoidable impact to air quality, noise, and tribal resources.
- *Project Objectives:* Support the heritage of March AFB while offering job creation through veteran services such as medical, career training, and housing projects. This option could include incentives for Veteran Owned, Disabled, or Minority Owned businesses to serve local communities while offering active and passive recreation opportunities for youth sports and active and passive community recreation. Project meets JPA objectives 1-7 and was enthusiastically received by the US Veterans Center associated with March ARB. This alternate project is popular with the community as many members of the local community, and a few members of the JPA Commission, served in the military and believe that (a) there are not enough resources and services locally for veterans, and (b) the March JPA isn't doing enough with regards to planning and development to honor the contributions of the US Air Force.
- *Conclusion:* Per the General Plan's goals and policies, this alternate plan offers the JPA and applicant a diverse project that would provide for long-term military service-member care, a multi-use park for both active and passive recreation, and a nature

preserve protecting valuable open-space and natural resources (just as your General and Final Reuse Plans identify). This is a patriotic plan that would allow both the JPA and the developer to capitalize on the good will of the community and connect to the history and present-day operations of March ARB. This alternate project would allow the March JPA to sunset with some honor in completing its mission, the applicant to profit from a development project that will appeal to its portfolio of investors, and to the community especially to those that served our country.

3. Alternate plan #3: The State or County Park Approach (#1 on my informal dot poll)

- *Concept:* A minimally invasive alternative plan partnering with the National Park Service's Federal Lands to Parks program that converts former military bases, closed under Base Realignment and Closure Acts (BRAC), to public parks and recreation areas. "Airman State Park" would be similar to Fort Ord State Park (CA), Charlestown State Park (IN), and Wompatuck State Park (MA).
- *Environmental Analysis:* These public parks help revitalize communities impacted by the closure of the military bases, providing close to home recreation, protecting natural and cultural resources, and potentially attracting businesses and increasing property values. These are all things that the March JPA General Plan and draft Environmental Justice policy strive to do with this land. No impacts to aesthetics, air quality, biological and cultural resources, energy, geology soils, greenhouse gas emissions, hazardous materials, land use planning, hydrology, population/housing, public services, recreation, transportation, tribal resources, and utilities; impacts w/mitigation to noise and wildfire.
- *Project Objectives:* Protects a special local natural and recreation attraction for future generations to enjoy while honoring the land and its connection to the USAF. Project meets JPA objectives 2, 6-7; project does not meet JPA objectives 1, 3-5.
- *Conclusion:* Per the General Plan's goals and policies, this alternate plan offers the JPA the chance to link with the community (State or County) by preserving an ecologically diverse habitat and landscape, and offer residents a better quality of life and extensive recreational opportunities. It complies with the General Plan and Exhibits 5-1 and 5-4 land uses. And it is easily the most popular alternate plan offered here. The public is aware of and has asked for this plan as their clear first choice. In addition, community members, local government staff, and experts in their field submitted many letters and comments in response to the draft EIR and at County and March JPA historical and parks committee meetings. The weapons storage igloos alone have state and local significance because they are the only such structures in California. They meet the California and National Register of Historic Resources criteria for preservation and the transfer of this land into a park would be very similar to the Naval Weapons Storage Area in Concord, CA. Following through with the plan as proposed in the recirculated and draft EIR would destroy the past and history of the US Air Force on this land, and prior to that the different Native American inhabitants,

rather than preserve and honor them. The March Weapons Storage Area represents a rich historical significance for Riverside County, and their preservation through a County or State Park would greatly benefit residents and the member entities of the March JPA.

My preference is clear and I have indeed spoken with the National Parks Service and the County of Riverside about making alternate plan #3 a reality. There is funding available to do this and all agencies (JPA and the four member agencies) would profit from the establishment of such a park. The JPA could engage with the National Parks Service, for example, and initiate a BRAC agreement to purchase this incredibly unique land and preserve the entire property for the very reasons identified in the 2012 Center for Biological Diversity agreement which seeks to preserve a delicate desert riparian ecosystem, preserve historic and cultural artifacts (hidden well within your draft EIR so much so that I have yet to discover them), and protect (without discretion) threatened or endangered species like the Stephen's Kangaroo Rat (they still live on this land despite your insistence in the recirculated draft EIR that their new home is elsewhere in Riverside County) and the burrowing owls located at the northern end of the property. Such an agreement would pay the JPA member agencies and immensely benefit the surrounding community by giving them recreation opportunities and serving as a buffer from the dreaded industrial sprawl that you are advancing without restraint. This solution is feasible, positive from all points of view, and something you have control over. It would serve as a compromise for all involved and would not negatively impact the airport/USAF. Unfortunately, your insistence on transferring the land to the applicant in October 2022 makes this effort more challenging and it would take some real leadership and community support to work with the County of Riverside or State of California to make the March Field State Park a reality.

Should the JPA consider any of these plans as viable solutions, I am happy to serve as a member of a community advisory board that will help facilitate, discuss, and explore how any of these plans could materialize. I am happy to also help advocate for and work to make any of these plans a reality for the JPA and my surrounding neighbors. And while the business minded persona deep inside of me would like to profit from such involvement and work, I would convince that part of me that an alternate solution to more industrial warehouses is more than enough reward for my time and hard work.

### **Baseline Information: Misleading and Inaccurate Data Used in Project Plan**

The recirculated draft EIR, like the draft EIR, is based on inconsistent, faulty, and misleading information and data that makes doing a public review of the proposed project difficult for the average citizen like myself. These errors and faulty information provided in the recirculated and draft EIRs make for an unstable and confusing project. The information I find troublesome includes:

- The health-risk assessment in revised appendix C-2 and summarized in the recirculated draft EIR applies arbitrary and incorrect methods for estimating the cumulative cancer

risk. The updated document omits exhaust emissions from light-duty passenger vehicles from the health-risk assessment, inaccurately allocates construction emissions from outside the Specific Plan area, even though these emissions are closed to residential homes and sensitive receptors, applies a '1,000 foot evaluation distance' for traffic related emissions impacts which is invalid for a modeling project of this scope under CEQA, and still does not model the right number of warehouse buildings or trucks for the project, despite comments on the draft EIR about these issues.

- The March JPA consultant is making unjustifiable boundaries for a cumulative impact health-risk assessment to keep the result below the 10-in-a-million cancer risk level required by statute. This is unjustified, inaccurate, and incorrect and is a deliberate attempt to misinform the public during review and decision makers about the cumulative impacts of warehouses on the community adjacent to its projects.
- The draft Environmental Justice element policies including in the Air Quality Section have no basis for validity. The community has not had the opportunity to provide formal feedback on these policies and these policies have not been adopted by the March JPA through a formal CEQA process. As such, we cannot meaningfully comment on draft policies which were not included in the formulation of a project retroactively.
- The business park and mixed-use components of the project are modeled as 'Office Park' in CalEEMod. Office Park is defined as a 'office buildings and support services, such as banks, restaurants, and service stations.' This is not consistent with the industrial land use of Business Park and Mixed Use (warehouse enterprise) described in the March JPA general plan.
- On page 4.2-30 of the recirculated draft EIR, while business park does include warehouse enterprise uses as an allowed use, it does not REQUIRE warehouse uses and it is a bait and switch to use 1999 assumptions that did not assume that 75% of business park uses would be warehouse uses as an excuse to upzone to industrial zoning which is far more intense. Moreover, the March JPA Development Code and updated in 2016 and 1999 General Plan was not applicable when community input was last solicited on preferred land-use patterns in from 1993-1996. Over the last two years, the community has communicated to the March JPA and applicant repeatedly in writing and verbal feedback to not upzone this parcel to industrial land-use and the MJPA is ignoring this feedback, and even recirculating the EIR while omitting community feedback.
- Table 4.2-16 and Exhibit 3-B are incomplete and omit multiple warehouses, arterial truck routes, and the 215 Freeway. Your deceptive plan draws a 1,000 foot buffer around the Upper Plateau Specific Plan area, rather than the West Campus Project Site boundaries. The most minimalist interpretation of the 1,000 foot boundary is undercounted by over 4M SQ FT of warehouses. This does not appear to be a mistake rather it is a deceptive act for an applicant and entity practicing predatory land development in my backyard.
- Air Quality Goals 2 and 3 in the recirculated draft EIR are inconsistent; the project is inconsistent with air quality plans because it is selecting the highest intensity use, failing to consider less intense alternatives, and has an extraordinarily high VMT/employee ratio

of trips (over 12 vehicle trips per employee per day). That is not reducing VMT or GHG emissions and these goals are inconsistent with a working Environmental Justice element which the March JPA lacks presently.

- A functioning Environmental Justice element would consider the health and safety of all communities, but especially those most at risk. With this in mind, census tract 06065046700 contains at least 50 existing warehouses estimated at over 20 million square feet of cumulative space, most of which have been built in the last 6 years. Another 10 warehouses are entitled or under construction within the census tract (including the March JPA), cumulatively adding another 5 million square feet. Adding this Specific Plan would put the cumulative total within the census tract at approximately 30 million square feet cumulatively, in the 99th percentile for census tracts within Southern California counties. The predatory nature of your land use zoning and development strategy of upzoning appears to risk the health and safety of those in the surrounding communities most at risk. This seems in conflict with the basic mission of the March JPA, to strengthen the community surrounding March ARB, not destroy it.
- The release of the March JPA's draft Environmental Justice plan coincides with the release of the recirculated draft EIR for the West Campus Upper Plateau project that the local community overwhelmingly rejects. It is insulting to think that while the JPA has existed since 1996, and have consistently built warehouses in communities that CalEnviroScreen 4.0 lists in the 98th and 99th percentile, the JPA chose the last days of November 2023 to amend the General Plan for an organization that sunsets in July 2025. It is farcical to think that the JPA intends to actually carry through with this ambitious plan, and as a member of an active community that opposes the land development practices of the JPA and its practices of bending the CEQA requirements of holding a full environmental review for the EJ policy prior to finalizing it, I don't believe this effort is genuine on your part. This effort is clearly in response to comment letters submitted by the community in response to the draft EIR for the West Campus Upper Plateau, and rather than engage with the community and consider the comments in these letters, the JPA is obviously assisting in the applicant's greed and desire to push through a significantly controversial project despite the very communities that this copy-paste EJ policy intends to protect and represent.
- I have concerns with the process by which the JPA is going about this amendment to the General Plan, as they have already inserted in into the revised draft EIR for the West Campus Upper Plateau project being recirculated currently. The policy in its current form reads as an unimaginative cut-and-paste from the County, filled with policies that the March JPA has no ability or intention to follow through on in the 18 months it has left to exist.
- Specifically, the policies that the JPA has no ability or intention of fulfilling include:
  1. The March JPA has no time or budget to create a 'far-ranging, creative, forward-thinking public education and community-oriented outreach campaign' about EJ issues or hazards (HC 15.7)

2. The March JPA has no jurisdiction over the Salton Sea (policy HC 16.1)
  3. The March JPA will not have time to pursue grant funding for EJ issues (HC 16.2), evaluate creating a cap or threshold on pollution sources within EJ communities (HC 16.8), and rejected community alternatives to consider compact affordable and mixed-use housing near transit (HC 16.10)
  4. The March JPA won't be coordinating with transit providers for access to grocery stores and healthy restaurants (HC 17.1), increase access to healthy food (HC 17.3), develop a food recovery plan (HC 17.4), work with local farmers and growers (HC 17.6), or consider edible landscaping (HC 17.7)
  5. The March JPA is not discouraging industrial land-uses conflicts with residential land uses (HC 18.6) and rejects considering safe and affordable housing in EJ communities (HC 18.13)
  6. The March JPA has no time to utilize public outreach and engagement policies to address local needs in EJ communities (HC 22.4) since it has never addressed or considered this issue prior to November 2023.
- At a minimum, a proposed EJ element needs to incorporate MIPA priorities, exclude inapplicable county policies, and describe community priorities through an active (and hopefully formal) community engagement process. This copy-paste of County policy is neither Specific, Concrete, nor Targeted and it is devoid of community input. Adopting a General Plan amendment with more than a dozen policies that the MIPA has no intention of implementing is dishonest, poor governance, and a litigation risk. Incorporating the draft EJ element into a REIR as if it will be adopted without modification is also dishonest, unstable, and intentionally misleading to the public and decision makers within the March JPA.
  - The project goal of providing open space amenities to serve the region is erroneous. This project will reduce open space amenities, reduce the utility of the existing open space amenities, reduce the value of the open space amenities by placing it adjacent to industrial land-uses and roads, and provide no additional open space amenities.
  - The project goal of completing the buildout of the roadway infrastructure by extending Cactus Avenue to the Specific Plan Area from its existing terminus, extending Barton Street from Alessandro Boulevard to Grove Community Drive, and extending Brown Street from Alessandro Boulevard to Cactus Avenue is erroneous. Barton Street and Brown Street are inconsistent with General Plan Circulation element, as is creating a truck arterial for Cactus Avenue that extends West past Camino del Oro. Such an objective is a discretionary action that requires a statement of overriding considerations by the March JPA commission. Including it as a project objective is not allowable.
  - The project goal of removing and redeveloping a majority of the former munitions storage area of the March AFB is inconsistent with the goals of the March JPA General and Final Reuse plans. The former munitions storage area (weapons storage area – WSA) is a significant local cultural resource. It is the only example of an Air Force WSA in the state of California. It is a primary example of cold war nuclear weapons storage. The

WSA represents an area with a rich historical significance and a significant longitudinal military history exemplifying Air Force weapons storage igloos present during the cold war. They are a unique military-related munitions storage structure in the county of Riverside and state of California; no other igloos were part of the Strategic Air Command. The general plan and preferred final reuse plan both designated the WSA as an open space and specifically named it as a central feature of future designs for the area. The goal in both 1996 and 1999 was to preserve these structures. Refer to all three alternate land use plans above for how the public would like to see this area preserved.

- The recirculated draft EIR documentation is unstable, with multiple versions of maps and text descriptions of the project that are inconsistent across the EIR and its recirculated technical appendices.
- Table 4.10-1 is a waste of time for public consideration as it demonstrates the level of effort and concern the March JPA has for approving an industrial project prior to sunseting in July 2025 despite unanimous public objection (outside of the Carpenter's Union which is a private entity, not public). This table demonstrates clearly the predetermined and predatory nature of the applicant and the March JPA and is dismissive of an authentic engagement with the public or living Environmental Justice element.
- The recirculated draft EIR documentation incorporates a draft Environmental Justice element of the General Plan as a key new component of multiple sections of the EIR. This is highly irregular, since neither the Technical Advisory Committee nor the MJPA commissions were briefed on the new EJ element prior to it being incorporated into the EIR. Given that community members were neither informed nor incorporated in the development of this new EJ element, it clearly does not reflect community input or vision.
- The recirculated draft EIR documentation makes many references to mitigations, entitlement, permitting, and enforcement actions that the MJPA will undertake, despite the MJPA sunseting in July 2025. These statements seem doubtful under this project as it is unlikely that the project will be completed by July 2025 and there is no indication that the County of Riverside will agree to the commitments made by the March JPA under this Specific Plan.

In addition to the inconsistent and misleading baseline data used in the recirculated and draft EIR, you also have consistently included insufficient mitigation measures for the items you claim will be disruptive to this land and surrounding communities. These insufficient mitigation measures demonstrate that the applicant and the JPA adhere to minimal industry regulations and disregard how this project differs from many others built in the March JPA area because of the significantly close proximity to large residential neighborhoods, churches, schools, historical and cultural resources, and parks. I especially take exception, as a resident living with negligent warehouse mitigations from the past, to the following stated mitigation measures from the recirculated and draft EIR documents:

- Technical Appendix T is a new addition to the draft EIR and it appears to be a static, 15-year-old document that applies to the March Business Center, not the West Campus Upper Plateau, and is exclusive of any current or future “responsible parties” or “monitoring agencies.” This makes the inclusion of an essential project Mitigation, Monitoring and Reporting Plan in this recirculated draft EIR inconsistent and inaccurate, misleading for the public, and by stating in the recirculated draft EIR that you will incorporate and updated version of the MMRP into the final specific plan, the March JPA is intentionally excluding public involvement in mitigations for this project.
- Page 12 of Technical Appendix T, “Aesthetics,” states that all project landscaping will comply with the approved landscape plan and March JPA development code. I have a couple of objections: one is that the March JPA has no history of implementing a mitigation plan to protect residents living on the perimeter of JPA developed lands, and the other is there is no accountability when the March JPA, master developer or applicant, or lot developer do not follow through with the standards of the development code (which has clearly not changed in this document since 2009). While not considered a grave impact on human life, the aesthetics of the Upper Plateau holds a significant concern for a majority of the residents of Riverside and its surrounding communities. Aesthetics is defined as a branch of philosophy concerned with the nature and appreciation of art, beauty and good taste. It has also been defined as “critical reflection on art, culture and nature”. Within aesthetics, there are two main branches: one branch focuses on the appreciation of nature and natural landscapes (the Upper Plateau now), and the other branch focuses on the appreciation of human creation and in this case architecture (the Upper Plateau with warehouses on it). In the recirculated and draft EIRs, the March JPA and applicant have chosen to view aesthetics singularly in regards to human creation and the design of warehouse buildings in relationship to other warehouse building. This is a faulty assumption, though one I am sure you will justify with an obscure development code that suits your unpopular and predatory development plans. When considering the nature of aesthetics, people contemplate and define the ideas of beauty and value to the natural or human made objects they are examining, and for you to assume in the recirculated draft EIR that your definition for aesthetics on this land is the one that the public will support is selfish for a government organization and land use authority working on behalf of the public. Your sections on aesthetics in the draft EIR are written by and for the same audience, a for-profit business and is entirely dismissive of how residents and visitors to the Upper Plateau find beauty and value in this land outside of profit incentives. Your consideration of aesthetics without genuine engagement with the public is unfairly biased toward those who stand to profit financially from this project and not toward those who must live with it after the developer and the March JPA have left the area. They are dismissive of the public and make a mockery of the forced draft Environmental Justice element included in this draft EIR. The draft EIR’s consideration of aesthetics is decidedly one-sided and communicates a clear anti-community message to residents living near the Upper Plateau. Was this your intention? Will the JPA and the



developer sanction a project that ignores the aesthetic appreciation of people who live here just so the applicant can meet the demands of its hedge-fund and non-local investors? How is this adhering to the spirit and guidance of the March ARB General Plan developed in the late 1990s?

- Specifically in the recirculated draft EIR, I find these mitigations to be dismissive of local residents and of people recreating in the open-space surrounding the project area:
  - Pages 4.2-45-50, Section 4.2.7 Mitigation Measures-AQ1: where will this information be publicly posted and maintained for the duration of the project? Who will hold the applicant accountable for maintaining the most current mitigations for this pollution? AQ2: “Active disturbance” contributes significantly to poor air quality, especially surrounding a large construction site. Why have you chosen to exclude its impact in your projections and this recirculated draft EIR? What mitigations will be provided for residents and recreationalists during construction regarding the significant impacts of blasting and grading to the air quality? AQ3 and AQ5: who is responsible for ensuring that the applicant adheres to these items, especially since the March JPA sunsets in July 2025 and this project would still be working through the demo phases? AQ6: evidence of compliance with LEED standards is an ongoing process, as I understand it. With the March JPA sunsetting in July 2025, who will ensure that the occupants of these buildings maintain the LEED standards for certification over time? Presumably, the applicant will also be long gone and will leave honest business owners to protect the health and safety of residents surrounding this area. AQ8: while requiring the inclusion of electrical hookups and compatibility with Smartway trucks is a nice feature, there is no requirement that the occupants use them and the March JPA has established no long-term climate plan to ensure that businesses surrounding the March ARB need to work to eliminate hazardous pollutants caused by warehouses and trucks. AQ9: while it is good to have a place for workers to relax at a warehouse, truck drivers often do so in the cab of their truck. Why is there no requirement for enforcement of idling or illegally parked trucks on all surrounding streets in these mitigation factors? If there is negative incentive to use the lounge area, workers are not likely to use it. AQ14: the maintenance crews for existing March JPA warehouses do not currently use electric or battery powered equipment for landscaping maintenance so why would the public or decision makers believe they will do so once this project is complete, especially since the March JPA will sunset in July 2025? AQ16-19: who is responsible for ensuring that the applicant adheres to these items, especially since the March JPA sunsets in July 2025 and this project would still be working through the demo phases? AQ20: the JPA’s emission objectives addition is once again nice but the language in the plan states that “occupants are encouraged” to comply and since the JPA will sunset in July 2025 there is no way it can mitigate or monitor businesses who do not comply. AQ21-27: who is

responsible for ensuring that the applicant or occupant adheres to these items, especially since the March JPA sunsets in July 2025 and this project would still be working through the demo phases?

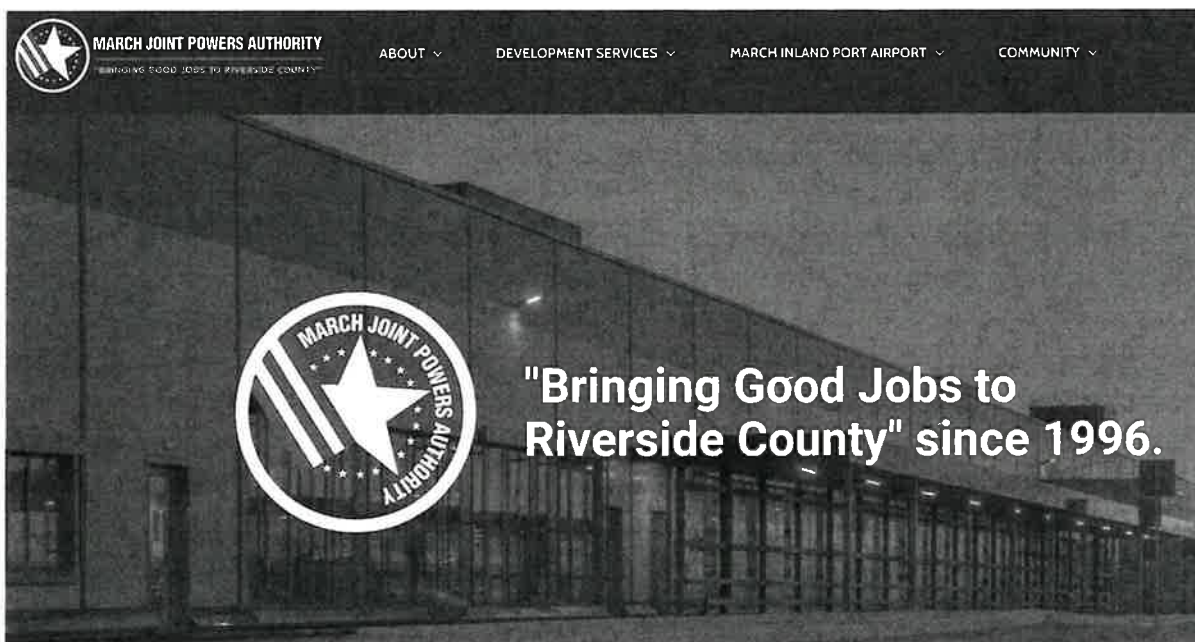
- Pages 4.8-40-41, Section 4.8.6 Mitigation Measures-HAZ1: If this project does not begin demolition prior to the March JPA sunset in July 2025, what assurances and procedures exist that the County of Riverside will be able to adhere to these same findings and mitigations, or that during the time between now and the time demolition begins that future hazardous materials will be done should there be evidence or a need to study if other non-tested materials are present in the project area? FIRE1: Mitigation measures for fire in the March JPA area, especially the open-space, is lacking. In the spring of 2023, I sent several emails to the Director of the March JPA about removing overgrown brush near homes and it took her more than a month to do anything about it. She had many excuses for why it took so long, but in reality, the March JPA doesn't have the resources to manage a mitigation plan and because of this lack of planning and staffing, and the fact that the JPA will sunset in July 2025, I find these mitigations insufficient and negligent by the March JPA. Were a fire to start in this area and home get damaged, the March JPA would have significant legal exposure.
- Page 4.10-73, Section 4.10.5 Mitigation Measures CUM: the unavoidable impacts identified in this section are more avoidable if the applicant and the March JPA were to propose an alternate land use plan that excluded industrial zoning entirely and focused on true business park and open-space designs. The fact that the March JPA is considering and willing to negatively impact the lives of residents surrounding this project site is unacceptable. Furthermore, the less than significant impacts identified via mitigations in this text, like the discussion on aesthetics above, is dubious for the public because your use of development standards and codes does not always reflect the impact a project will have on people living near a project site like the West Campus Upper Plateau. Your insistence that the mitigations provided will minimize the impact on our lives is arrogant, selfish, and demonstrates the predatory nature of the applicant and this Specific Plan.
- Page 4.10-73, Section 4.10.6 Levels of Significance After Mitigation: The proposed mitigations surrounding the open space amenities described in the recirculated and draft EIR is erroneous. This project will reduce open space amenities, reduce the utility of the existing open space amenities, reduce the value of the open space amenities by placing it adjacent to industrial land-uses and roads, and provide no additional open space amenities. It will result in conflicts with existing applicable land use policies adopted for the purpose of avoiding or mitigating an environmental effect. In spite of your proposed mitigation, the proposed project would result in significant impacts for residents and recreationalists, especially during the demolition and construction phases.
- Page 12 of the Technical Appendix T, "Noise," lists seven MMRP elements and living near warehouses built by the JPA and applicant I can report that the March JPA, Master

Developer, Lot Developer, and Contractors responsible for mitigation and monitoring do not follow through with the development standards and code established prior to project approval. Acoustic analysis, especially that in surrounding neighborhoods, were and are not performed and therefore no mitigation exists for noise caused by trucks and warehouse operations today along Meridian Parkway. During construction phases, equipment and procedures did not sufficiently mitigate noise and my attempts to contact the Lot Developer, Contractors, Master Developer, or the March JPA to address noise concerns typically resulted in no response or a thank you for contacting us message but no mitigation or change in noise levels caused by construction. There is no separation between current buildings and residents and the proposed mitigation of trees to block the sound have in five or more years never grown and therefore do not mitigate the noise from trucks and warehouses and cannot be considered part of an active MMRP plan for this specific plan as indicated you plan to do on page 3-12 of the recirculated draft EIR.

It is difficult to imagine how the recirculated and draft EIR comply with CEQA and common sense (maybe the two are incompatible) without considering the cumulative impact the specific plan would have on the region. The draft EIR fails to consider the cumulative impacts the specific plan would have on traffic, air, light and noise pollution, housing, and use of resources and infrastructure like water, gas, and electricity and roadways and law enforcement regionally. In many cases, the recirculated and draft EIRs make use of multiple and outdated datasets (biological, traffic, air quality, jobs data) to form its findings and justification for moving forward with this project. In some cases, this data is a preference of the JPA and the applicant because it helps you make your point or it justifies your vision for the project. But in other cases, you have mistakenly or purposefully used multiple, dated, or inaccurate studies and data in the EIR and the inconsistencies raised by old or incompatible data and reports is misleading to the public and done so in a predatory manner. Again, the later environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive for applicants and land use authorities to ignore environmental concerns that could be dealt with more easily at an early stage of the project.

Even a year after the publication of the original draft EIR, all of the presentations and reports I have seen published by the JPA related to this project name jobs as the primary justification for building industrial on the Upper Plateau. It has been an ever-present and leading comment by the Director of the March JPA and the applicant in public meetings or briefings for two years: this project will provide jobs for local residents but there is little evidence that these jobs will be the ones the March JPA intends or has touted for the last two years. There are many, many problems with this argument, again your primary argument for building industrial warehouses on the West Campus Upper Plateau. This justification just doesn't hold up to further scrutiny and the public is still waiting for a sensible explanation as to why this is the right project, at the right time, for the West Campus Upper Plateau. Maybe you will answer this question one day.

Your continued insistence that this project is a jobs creator is misleading to the public. Even today, your website advertises the misleading promise of “good job” in the image below.



Yet this image is not of building where hard-working, educated people earn an honest living. It is an image of logistics sprawl that has infected the Inland Empire of the last 20 years. The reason that buildings like this are the face of your organization is because you are preying on the uneducated and low-income residents and promoting low-quality jobs and predatory land use practices for Riverside County. Of all the zoning uses you could have used for the face of your organization, you chose logistics, industrial, warehouses. The March JPA General Plan and Final Reuse Plan identify a more balanced land use for the once public lands occupied by the US Air Force. Why did you choose this image? What is it this image communicates to you? Why is it you cannot put yourself in the shoes of the residents of Riverside, Moreno Valley, Perris and unincorporated Riverside County and develop this land to help them live better lives? If you could, you would see that this image communicates a message of greed, corporatism, and survival of the richest instead of building up a community negatively impacted by the reclassification of the March ARB. If you could stand in the shoes of residents, you would understand how this image is evidence that you, the March JPA, are beholden to a profit-driven agenda and business, not the citizenry you are tasked with protecting and helping.

Publicly available data from city, county, and federal jobs reports indicate that there are not enough unemployed people in the local area to fill the number of jobs that the logistics industry claims they are creating. Let's look at the population in western Riverside County for example; there are approximately 646,000 residents (approximately Riverside 325,000, Moreno Valley, 219,000, Perris 82,000, and Mead Valley 20,000). Based on the most 2023 employment statistics for the area, it is safe to estimate approximately 305,000 employed working-age people and

15,250 unemployed (based on the 5% unemployment rate). Even adding in residents from unincorporated areas like Woodcrest, Nuevo, and Sun City, there is nowhere near enough capacity for the jobs the industrial sector is claiming. The World Logistics Center in Moreno Valley is supposed to generate 35,000 jobs. Stoneridge Commerce Center is will generate 10,000 or more jobs. There's no way this region can add 45,000 jobs in just warehouses locally. Even if everyone who turned 18 decided to work in warehouses for 10 straight years, the data just doesn't add up. And with college enrollment beginning to rise again after COVID, it is unreasonable to believe that there will be enough local residents who will be willing to work for low paying wages and still be able to afford the cost of living in western Riverside County.

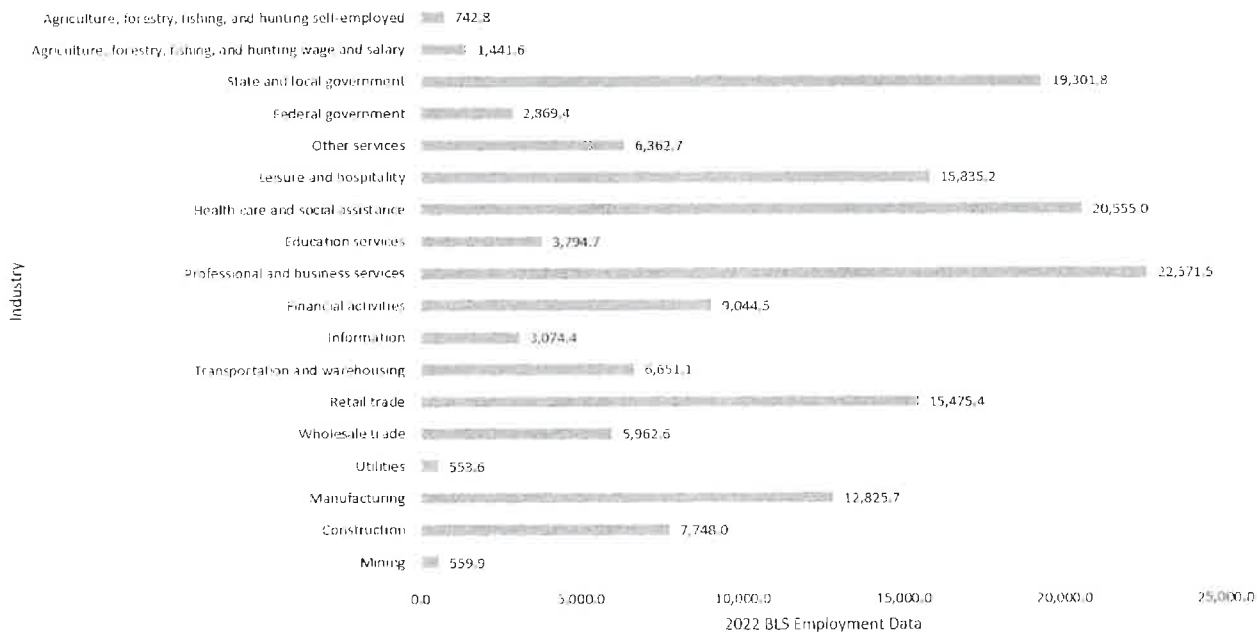
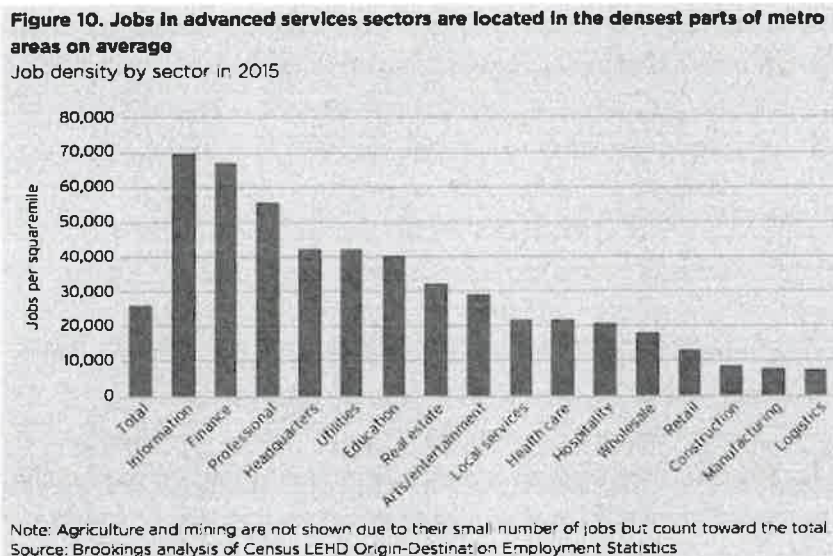
I'd like you to explain to me how graduates of local colleges like UC Riverside, Cal Baptist University, California State University San Bernardino, University of Redlands, and the community colleges in Riverside, San Bernardino, San Jacinto, Moreno Valley, and Yucaipa will find employment in the industrial sector and at these warehouses? If this area is to keep growing, it will require high paying jobs in the medical, technology, and energy sectors in order to keep the next generation of educated citizens an income that allows them to live in western Riverside County. Please explain in detail how this plan helps employ college educated workers. And if there is no explanation, please revise your jobs argument and projections for this plan or propose an alternate plan that meets the goals identified above in this letter.

The majority of warehouse jobs are low-wage and temporary work with reduced hours, and workers cannot afford to live in the local area. Per Indeed.com, the average annual salary of a warehouse associate in Riverside, CA is \$35,064 or \$17.00 per hour. Even if one assumes that a resident is fortunate enough to find a warehouse job that provides 40 hours a week for 12 months out of the year, a rare find in this industry where workers average is less than 30 hours a week right now, a person could not afford to live in the local area. Rather than living close to where these warehouse workers live, as indicated in the recirculated and draft EIRs in multiple locations, warehouse workers at the Upper Plateau would have a considerable commute to earn their low wages. In fact, according to rentdata.org, the fair market rent for a 1-bedroom apartment in the 92508-zip code is \$1972/per month. As of January 2024, the median home price for the zip code 92508 is \$830,617. Even if a warehouse associate were to find a rare steady, full-time job, they would have to pay an unsustainable amount of their paycheck to rent alone. These jobs you insist are the primary reason for building only industrial on the Upper Plateau simply cannot support the lives of people who live within a 30–40-mile radius of these buildings. These jobs cannot and will not serve the local residents. They will increase traffic on the 215, 60, and 91 freeways and local arterial roads, and they will not return the economic boon that you are projecting in your justification for more industrial buildings on the Upper Plateau. Your findings on the impact on housing for the project is faulty, inaccurate, and misleading to the public. This project needs a more detailed and realistic study on housing for these low paying warehouse jobs and low-income warehouse employees. Why did you not provide it with the draft EIR?

In fact, the logistics industry has actually weakened the economic outlook of our region overall. According to the SCAG December 2022 economic outlook report, “In 2001, GDP per capita in Riverside County and San Bernardino County were 64 percent and 69 percent of U.S. per capita GDP, respectively. When compared to the Rest of California, the ratios are worse: 52 percent and 56 percent. Moreover, by 2022, Riverside County’s position had deteriorated to a per capita GDP of only 59 percent of the U.S. level and 40 percent of California. San Bernardino County was at least able to improve to 71 percent of the U.S. level, but still fell to 48 percent of the rest of California level. These numbers are alarming, especially given the success of the Logistics Industry. They imply that the impressive job growth in the Inland Empire since 2001 resulted in numerous jobs, but they tend to be relatively lower paying jobs compared to other parts of the state and nation. This explains, in part, why such a large number of workers prefer to commute into the coastal areas, despite the heavy cost involved in terms of time lost on the road. It also explains why the Inland Empire’s per capita GDP has sunk to a rank of 340 out of 386 MSAs, despite being the twelfth largest by population count.” More than anything, the draft EIR lacks a detailed analysis of why the JPA insists on contributing to the economic downfall of its member organizations. Why do the cities of Riverside, Moreno Valley, and Perris want to support low-income jobs and residents? What social infrastructure exists for employees who do not have access to affordable healthcare because they only work on a part-time basis? Why has the JPA not included this as a consideration of impacts for the surrounding communities? Any approval of the plan as presented simply ignores the needs of disadvantaged communities and seems to ignore the facts of what really is happening in the current warehouses located within the JPA’s territory today.

The continued insistence for only industrial and logistics jobs and buildings in western Riverside County is a slide backwards economically and socially. Some may argue it is a form of social and economic injustice. By forcing a specific industry or employer on people who live in an area, you are forcing young people to decide to live in the community they grew up in, near family and friends they love and value, and work in jobs that disregard their quality of life, negatively affect their health and mental wellbeing, and limit their potential income levels, or move out of the region to find better quality of life and employment opportunities. Most valid and widely accepted studies show that industrial is the worst land use possible when it comes to job generation. Warehouses provide 0.000212 jobs per square foot and are the lowest economic jobs density of any professional category. It is literally the worst job creator per unit of land there is.

The charts provided below compare employment data from 2015 and 2022 and the news isn’t great for warehouses and logistics. Everyone from the Mayor and City of Managers of Riverside and Moreno Valley to the current and prospective County Supervisors are on record saying that the warehouse sector is not where they envision job growth happening locally going forward. The advances in technology and efficiencies gained through automation have only reduced the number of warehouse workers inside of buildings today.

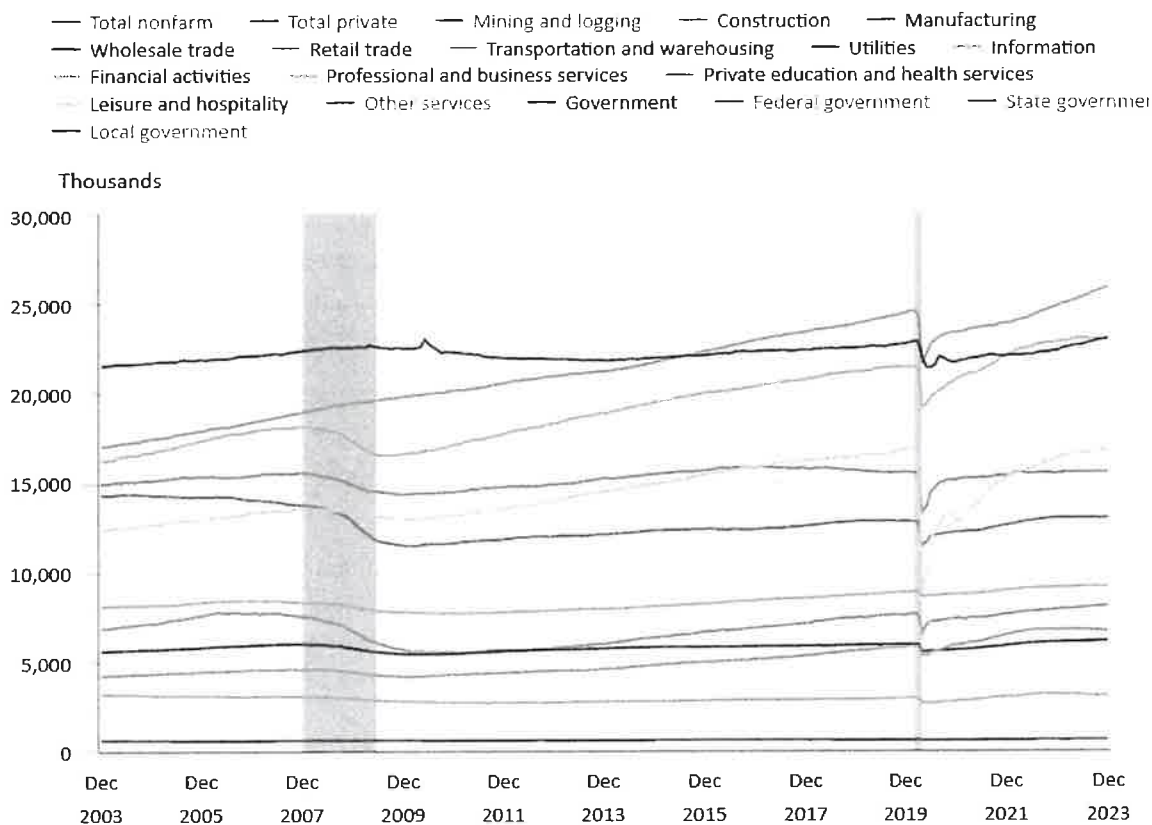


In the graph provided below, from the U.S. Bureau of Labor Statistics, you can see that transportation and warehousing jobs show very low growth only ahead of Private Education and Health and Utilities. And not only is this sector of jobs in America not growing, the total number of jobs shows marginal growth, in other words, not enough growth to develop spec-warehouses in the middle of a neighborhood or destroy one of a kind historical, cultural, natural, and community resources for. The data does not explain why the project proposed in both the recirculated and draft EIR is the right project for this land at this time. Once again, the answer comes right off your own webpage: your entity and sole-source contractor have upzoned land uses and are practicing predatory planning and development to satisfy their profit-driven investors, NOT to provide much needed jobs to a community in need.



### Employment levels by industry, seasonally adjusted

Click and drag inside chart to change dates displayed



Advances in automation may lead to mass unemployment if we overinvest in this industry. According to the December 2022 SCAG report, “Over the long-run, Logistics will likely go through a transformation as advances in automation and artificial intelligence displace workers. This means that the industry may continue to thrive, but it may not support the same number of workers as it presently does. In turn, the region must look to other industries as sources of employment and output growth. There will be further costs from the expansion of the Logistics Sector if the result of the expansion means that there will be less industrial space available in the future for industries which are able to add more value to the economy per square foot.” What evidence have you provided in the recirculated and draft EIR that refutes this report? What evidence does your plan provide that this project will provide high paying jobs related to the coming of advanced automation and technology in the logistic sector? Your mitigations do not deal with the loss to automation of the very few jobs that you say this project will create. What mitigations do you offer the public in the event of a down or changed economy as consumed by e-commerce as it was in 2019? There are few easy answers here and it is likely that the JPA is gambling that these buildings can be completed before people abandon e-commerce trends that rose so swiftly during the monumental changes in life due to COVID-19, and as evidence of a slow December for retailers emerges, your decisions look even more predatory and foolish.

For these reasons related to jobs, I urge the March JPA to think harder before making the jobs argument for the West Campus Upper Plateau. We do not want or need, nor can we support, 2,600 more warehouse jobs in this region. We are already oversaturated with the logistics industry and need to think more creatively about land uses so that it benefits the local region and doesn't simply line the pockets of developers.

Another area where the recirculated draft EIR does not sufficiently address the public's concern for your contempt for the land that this project is proposed to destroy. As a member of the community, I am disappointed that none of the alternative development plans in the recirculated and draft EIR consider non-industrial uses, especially since the current plan sparked the formation of a grassroots community group that has opposed it for two years now. The JPA's General Plan (1999) Goal 2, Policies 2.3 and 2.4 state that the land uses should "discourage land uses that conflict or compete with the services and/or plans of adjoining jurisdictions" and "Protect the interest of, and existing commitments to adjacent residents, property owners, and local jurisdictions in planning land uses." The 2012 agreement with the Center for Biological Diversity and San Bernardino Valley Audubon Society (S.D. Cal No. 09-cv-1864-JAH-POR) in fact prohibits industrial land use surrounding the conservation easement.

Under the Terms of the 2012 settlement agreement, item B Defendant-Intervenors' Obligations, subitem 1a on page 4, the agreement establishes, "That any currently existing service roads within the Conservation Areas...can continued to be utilized by the public for passive recreation." Subitem 1b on page 4 refines this to say that public access these roads can be restricted if the land management agency deems the access a threat to "conservation value or public safety." Yet draft EIR Figures 3-2, 3-3, 3-4, and 3-5 (Site Plan) clearly show a plan that will infringe on and limit public access to existing trails and roadways in the Upper Plateau area. You are in all likelihood aware of this requirement and believe that your plan adequately complies with the terms of the settlement agreement, but I fail to understand how. The construction of Cactus alone will not destroy several hiking and biking trails in the area frequently used by the public for active and passive recreation. The large-scale demolition needed to level grades associated with roadways and building foundations will clearly impair access to these trails and roads and may eliminate some of them entirely. I like walking in this area, hiking into places that make me feel like I am somewhere outside of civilization. These trails that I and many residents enjoy hiking on will be destroyed by the construction. How is this not in violation of the 2012 agreement that quite clearly calls for maintaining existing roads and trails? I hope subitems 2 and 3a are not the answer to my questions here as they seem subjectively contrary to the idea of conservation and to the items identified in 1a and 1b.

Active recreation refers to a structured individual or team activity that requires the use of special facilities, courses, fields, or equipment. Passive recreation refers to recreational activities that do not require prepared facilities like sports fields or pavilions. Passive recreational activities place minimal stress on a site's resources; as a result, they can provide ecosystem service benefits and are highly compatible with natural resource protection. While active and passive recreation

typically refer to different types of activities, both types of activities can be located together effectively. In some cases, as is true with the hiking and biking trails found in the open-space of the Upper Plateau and through the conservation easement north of Van Buren and west of Meridian Parkway, the line between active or organized recreation and passive or individual recreation is blurred, and the March JPA and applicant seemingly do not care to understand the community value of this land because it interferes with your profit-driven development plan.

The U.S. EPA defines running, hiking, and biking as passive recreation but in the case of spaces like the Upper Plateau, organized groups like high school and club cross-country and mountain biking teams, and trail running groups like Riverside Road Runners and the Inland Empire Running Club regularly use the trails to train for competitions and compete in organized events on community created trails that offer participants technical challenges as well as uninterrupted open-space to help improve the condition of all athletes and competitors. Your rigid use of the terms active and passive recreation spaced is based on the EPA definitions but residents and visitors to the area clearly view the Upper Plateau as a space with an ideal mix of infrastructure, maintenance, material and environmental alterations, and accessibility to use by younger and older recreationalists. When the March JPA and applicant propose a plan that separates and compartmentalizes the land in such a contemptuous way, you demonstrate a clear misunderstanding and disregard for how the public uses and appreciates the uniqueness of this land in western Riverside County, especially one home to diverse flora, fauna, and historical significance. If approved, this project will destroy a valuable community and natural resource.

Partnerships can play an important role in turning repurposed land dreams into reality. Many federal agencies regularly work with local government organizations and groups to share responsibility, experience, and resources to help get an active or passive recreational reuse area off the ground. Partnerships may occur, for example, between EPA or the National Parks Service and states, tribes, other federal agencies, local governments, communities, land owners, lenders, developers, and potentially responsible parties. As suggested in the alternate land use plans preferred by residents, the community is asking the March JPA to focus more on open-space and a real mix of active and passive recreation opportunities. Had the applicant listened to the community, had the March JPA a functioning EJ policy that values public input, maybe you would have engaged with private groups like FivePoint Holdings, the City of Irvine, and the Great Park Corporation who have worked to help fund and develop the Irvine Great Park, or MassDevelopment Group who worked with the State of Massachusetts and local government groups to redevelop Fort Devens, the U.S. Army's New England headquarters. This project is especially interesting to opponents of the March JPA and applicant's Specific Plan because the partnership established the Devens Enterprise Commission, a new form of municipal government similar to the March JPA Commission and they recognized that the only chance for economic recovery lay in recognizing the opportunity to define the economic future of the area and rigorously engage with the public in decision making steps. The power and authority to collaborate with the public in development decisions like at Fort Devens has always been available to the March JPA and the Commission. Precedence exists as a model for successful

partnership yet the March JPA and the applicant refuse to be a part of a partnership with the public, rather you are allowing a private, for-profit entity to define quality of life and the local economy for western Riverside County. Please explain to the public your disregard and indifference for precedence both in California and across the country regarding developing public lands in conjunction with the public.

Lastly, the recirculated draft EIR does not address the status, plans for, obligations, and consequences of funded and unfunded liabilities. The recirculated and draft EIR documentation is unstable, with multiple versions of maps and text descriptions of the project that are inconsistent across the REIR and its recirculated technical appendices. Second, the recirculated and draft EIR incorporates a draft Environmental Justice (EJ) element of the General Plan as a key new component of multiple sections of the recirculated and draft EIR. This is highly irregular, since neither the Technical Advisory Committee nor the March JPA commissions were briefed on the new EJ element prior to it being incorporated into the recirculated and draft EIR.

Given that community members were neither informed nor incorporated in the development of this new EJ element, it clearly does not reflect community input or vision. Finally, the recirculated and draft EIR make many references to mitigations, entitlement, permitting, and enforcement actions that the recirculated and draft EIR will undertake, despite the March JPA sunset in July 2025. The County of Riverside will be the responsible agency for almost every oversight role, given that the project cannot conceivably break ground in 2024 and will almost certainly be delayed well into 2025. However, the recirculated and draft EIR does not mention the sunset of the March JPA nor the change in its oversight role, nor the inherent instability created by switching agencies responsible for oversight as a result of the sunset of the March JPA. As a result, there appears to be no consultation or cooperation with the future County agencies that will be responsible for this project, should it be approved. This makes the future mitigation and enforcement actions unstable, questionable, and possibly unenforceable. As noted, the recirculated and draft EIR documentation is unstable in multiple ways, with multiple versions of project site, construction boundaries, and specific plans that are inconsistent in important ways for evaluating the impact of the project on the environment. Moreover, the new draft EJ element and the sunset of the March JPA make the stability of the General Plan consistency and the oversight and enforcement agency confusing and irregular.

Instabilities within the document include:

1. Project site and boundary maps: confusing and inconsistent portrayals in provided maps of the project site and construction boundaries.
2. The draft Environmental Justice element found in both the recirculated draft EIR and the March JPA website has many confusing statements, irrelevant goals as identified in this comment letter.
3. The nature and terms of March JPA's sunset on July 1, 2025 is unclear, fluid, and clearly being influenced by political means rather than community centered goals.

4. The Omission of the 2003 CAREE/CCA EJ Settlement Agreement that outlines unfunded liabilities and obligations that the March JPA to date have failed to address or pay for.
5. The unfunded and unrealized public park, police sub-station, and fire department station as required by settlement agreement.
6. The lack of increased job opportunities for local residents.
7. Provision of open space and amenities to serve the region (western Riverside County).
8. The completion of roadway infrastructure buildout.
9. The preservation of ecological, cultural, and historically significant areas surrounding the March ARB.
10. Provision and encouragement of public, pedestrian, and bicycle transportation for residents.

Throughout this letter, I have documented that this Project is unstable. The recirculated and draft EIR documentation remains inconsistent and unstable in terms of what the 'Project' is and where it will occur and how that impacts the residents adjacent to it. The recirculated and draft EIR has been revised to include a draft EJ element provided to the developer and environmental consultants to 'assess consistency' for the purpose of addressing CEQA deficiencies, but not provided or even revealed to community members within the March JPA planning area or the members of the public who commented on the CEQA deficiency. Finally, the March JPA will not be the Lead Agency responsible for carrying out the project; the March JPA has an expiration date of June 30, 2025 while the development agreement is for a minimum of 15 years with two optional 5-year extensions. It is not comprehensible to call the March JPA the Lead Agency when it will not exist during the development of the project. The recirculated and draft EIR inconsistencies, amendments to the General Plan, and even the Lead Agency make this project documentation completely unstable and preclude giving the public a meaningful opportunity to comment on the project.

As I have already established, it is disturbing for all who live in the communities surrounding the March JPA developed lands that you are clearly cherry-picking guidelines, policies, and regulations to suit the greedy goals of your applicant and its private investors. Information developed as part of the CEQA process should influence the development of general plan policies (and specific plan amendments). CEQA should not just be a post hoc rationalization of decisions that have already been made, and this is exactly what your recirculated and draft EIR for the West Campus Upper Plateau have presented for us for public comment. The later environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive for applicants and land use authorities to ignore environmental concerns that could be dealt with more easily at an early stage of the project. I once again ask that the March JPA imposes a moratorium in industrial and warehouse projects and plans until the County of Riverside assumes land use authority for the remaining areas to be developed surrounding the March ARB. I also remind you that I am happy to serve on a community advisory board to help the March JPA and County develop land use plans that will benefit the residents of western Riverside County.

The EIR contains some mixed messaging (at best) on jobs for sure, but the end result is this is not an overwhelming driving reason to build warehouses on the Upper Plateau. This argument by the JPA and developer is misleading and is not supported by data on your local agency websites. Please explain how the low quality and temporary jobs this project would provide will employ residents (as stated multiple times by the draft EIR). Western Riverside County cries out for jobs that can support the cost of living in this region and warehouse jobs cannot do this. How is this a primary reason to approve this project? If job creation is a primary driving factor for this project, why hasn't the developer and the JPA created a land use plan that focuses on jobs for residents of western Riverside County? There must be a better use for this special piece of land, one that the Air Force, residents and visitors, local municipalities, lawyers and lawmakers, and the JPA and the applicant can all support. Are you ready to do your part?

### **Conclusion: Wrap Up Your Legacy as a Land Use Authority**

The project as described in the recirculated draft Environmental Impact Report for the West Campus Upper Plateau is full of clear and obvious errors, omissions, misrepresentations, and discrepancies. The project is poorly planned, lacks a clear business need for the region, and not only ignores community preference and engagement, it actively excludes any involvement from residents of the communities surrounding the March ARB.

As time passes, local and national media outlets, regional business and investment groups, and the entirety of the logistics industry food chain has realized that the need for additional warehouse space in Orange, Los Angeles, Riverside, and San Bernardino Counties is diminishing. This is because the economy of 2024 is looking more and more like the U.S. economy of 20 years ago. Throughout the nation, retailers and their suppliers have been slashing their inventories, and now these same businesses are cutting back the need for storage space.

A once-booming U.S. warehousing market is coping with signs of contraction as businesses consolidate warehouses and, in some cases, upgrade existing sites rather than add facilities. The shift comes as retailers have turned the corner on a big drawdown of inventories and are working to align their supply chains for more normal, pre-pandemic stocking and consumer spending patterns. Major retail businesses are closing warehouses or upgrading existing facilities rather than leasing or opening new sites, and we are only at the beginning for this two-five-year trend of balancing inventories with the space needed to store them.

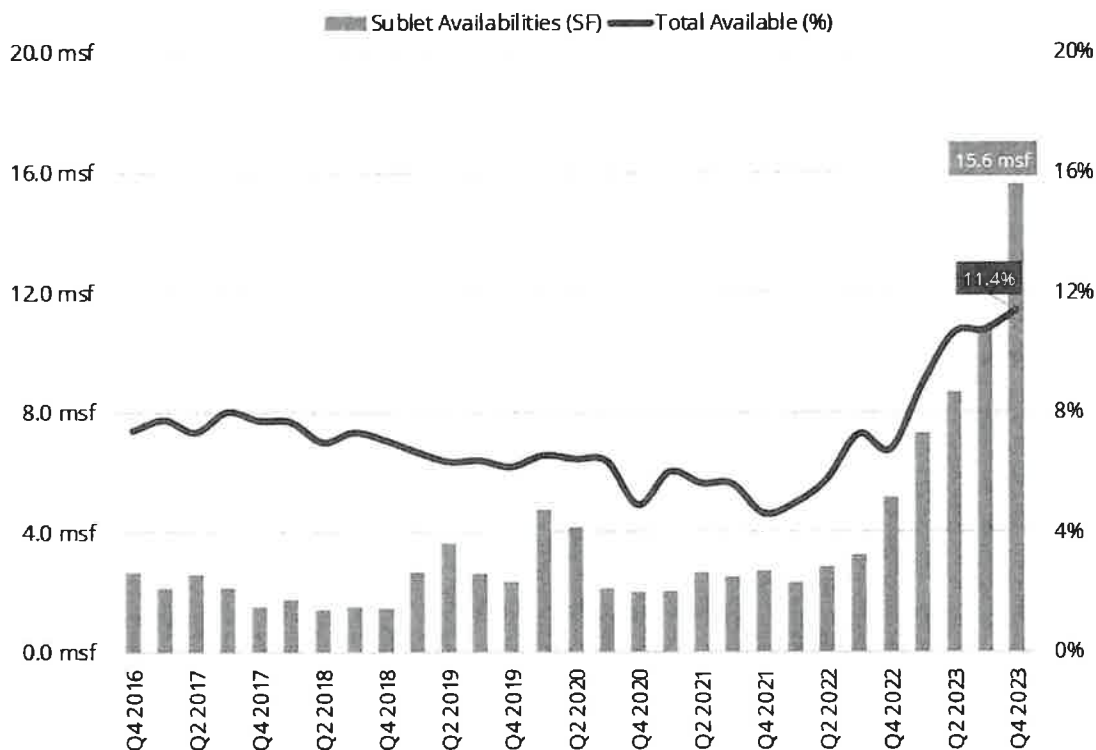
This turnabout comes as more manufacturers and retailers are returning to a leaner inventory management strategy that had given way to greater stockpiling during the pandemic, as companies sought to build so-called buffer stock amid product shortages and widespread supply chain disruptions. More and more today, many warehouse businesses are now subleasing space they had added during the pandemic based on projections that didn't come to fruition post-pandemic. The speculative development model of the past, one that fueled rapid land use



rezoning in not only the Inland Empire, but more specifically gave the March JPA an excuse to upzone land uses from the Final Reuse plan to be more industrial focused. This speculative development practice might have been a safe bet for investors and land use authorities, but today it is a risky proposition. Many companies are now consolidating warehouses and upgrading to newer buildings that can accommodate more automation and require less labor. The lifespan of spec-warehouse development has ended, yet the March JPA and its greedy applicant insist on pretending it still lives in western Riverside County.

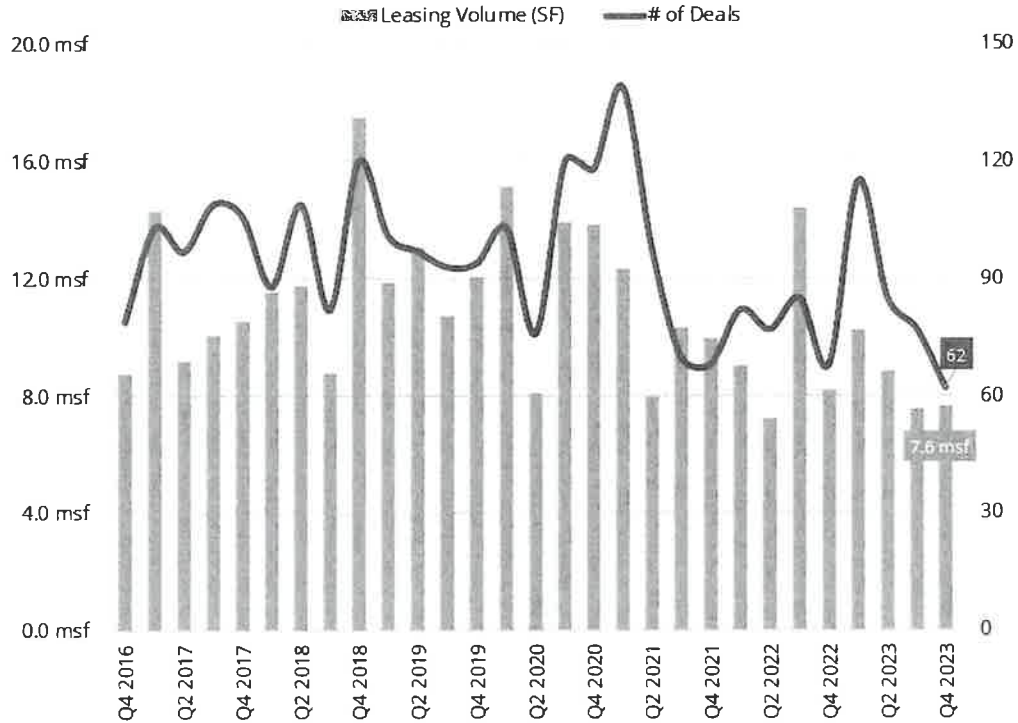
The following graphs illustrate just how quickly the need for MORE warehouses, and specifically the developments being proposed for the West Campus Upper Plateau area, can turn from boom to bust.

## Total Availabilities





# Leasing Activity



## Inland Empire Industrial development pipeline

### 272 properties

97 under construction  
175 proposed

### 151.9 million sf

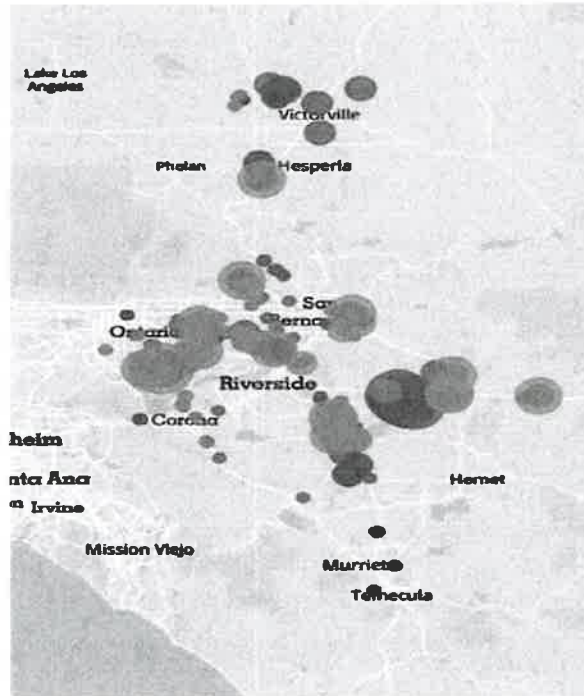
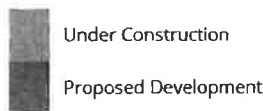
28.4 million sf under construction  
123.5 million sf proposed

### Major developments

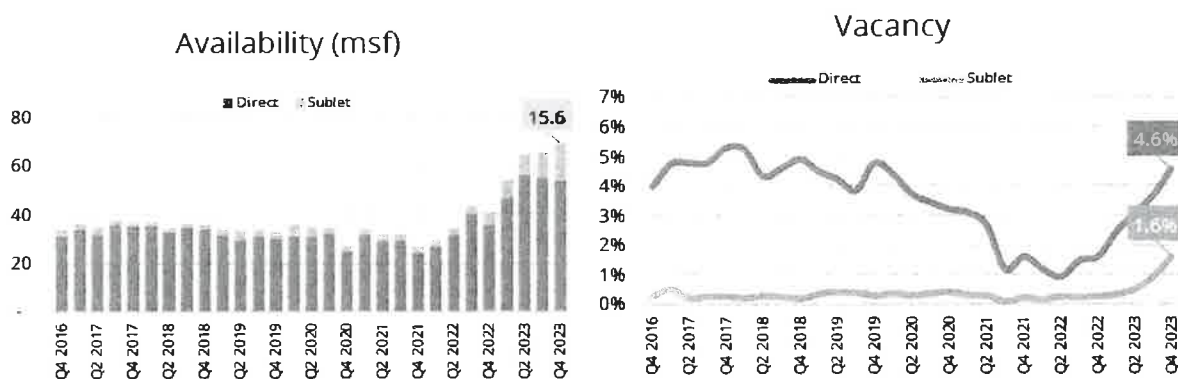
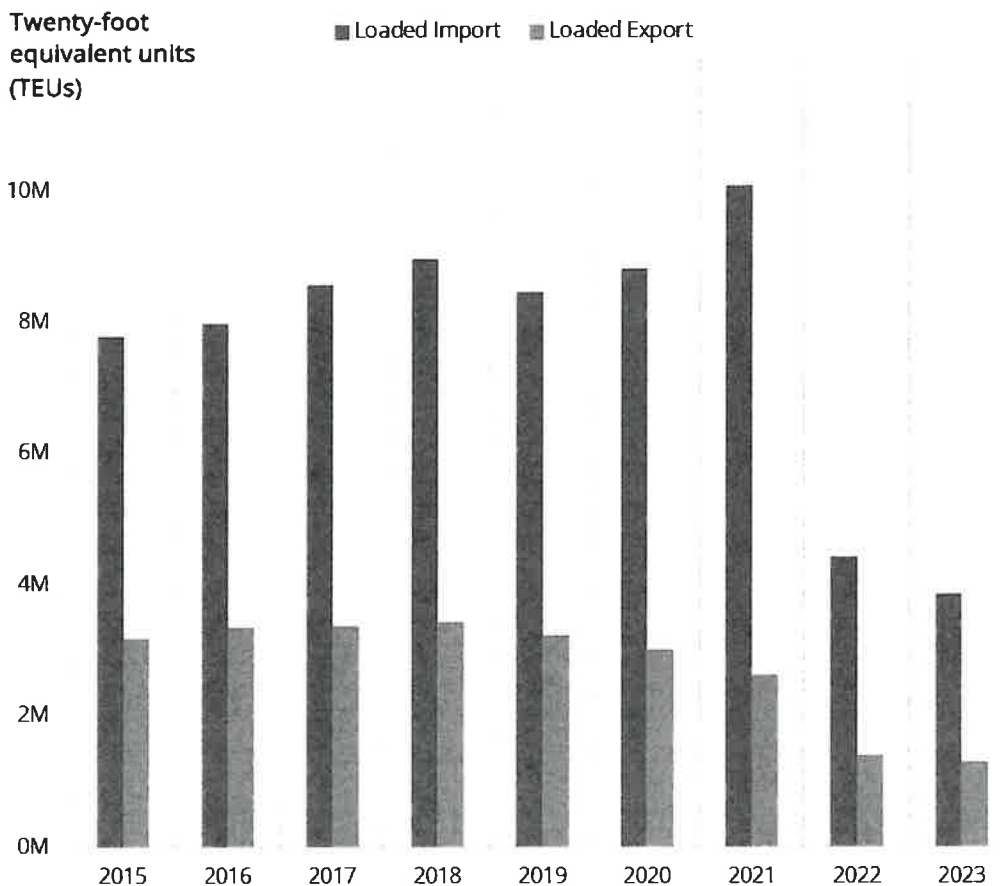
1363 Merrill Ave - 1.5 million sf

I-15 Logistics Center - 1.2 million sf

Eucalyptus & Euclid - 1.1 million sf  
(Pre-leased) - Home Depot



\*Survey consists of industrial buildings greater than 50,000 sf.



The growth of the logistics industry leading up to and during the pandemic exacerbated environmental concerns in communities, especially within Environmental Justice Tracks like those found within the March JPA, with some of the least-healthy air in the United States. And analysts say too many households in the area are struggling to make ends meet as earnings from the part-time and low-paying jobs found in the logistics and warehouse industry have not kept up with rising costs adding to the already vulnerable quality of life for many residents.

As jobs continue to melt away in the warehouse sector, a number of retail brands, e-commerce firms and industry giants have announced staff cuts (hourly as well as salaried employees) and new facility closures this year. This is hardly surprising, given a continuing focus on trimming costs to maximize corporate and investor profits and has prompted firms to reassess and consolidate operations and reduce the number of shipping locations.

One reflection of this trend has been the decline of deals involving mega-facilities – those larger than a million sq ft. Real estate firm CBRE reported that last year, 43 of the top 100 warehouse deals involved these behemoths, a drop from 63 such agreements in the top 100 of 2022 and from 57 the year before. It isn't just me, you see, that believes building mega-warehouses anywhere right now, let alone building them in the middle of an existing neighborhood near homes, parks, and churches, is a bad idea and a losing investment strategy.

Because the economy is clearly trending away from the growth of the pandemic economy, industry data points to no significant rise in inventories in the foreseeable future. The largest warehouse companies throughout the nation are right this minute trying to reduce labor and its costs, reduce inventory and the cost of storing it, and reduce unoccupied space on the books all in the name of maximizing corporate profits and return on investment. And with supply heading for a big drop in terms of newly available space, the facility construction boom, triggered by the surging e-commerce market of 2021/22, has largely run its course. And thus, as I said earlier, the specific project plan as presented in the recirculated and draft EIRs for the West Campus Upper Plateau makes no sense, excludes public preference, and is a bad investment for the JPA, the Lewis Group, and the environment you pretend to protect with the conservation easement. It is time for the March JPA to wrap up its legacy as a land use authority and ride off into the sunset.

As a concerned citizen, it is not enough to just find problems with the recirculated draft EIR and the process undertaken by its developers. Responsible citizens take an interest in their community for the benefit of all people, working to avoid the economic and social injustices these warehouse projects present our communities. With this in mind, I once again propose the following mitigations and solutions to you related to the West Campus Upper Plateau project, the recirculated and draft EIR, and the March JPA's operations moving forward.

First, commission a community advisory board that works alongside of the JPA and the developer working collaboratively to develop a list of alternative plans that would support the goals of the JPA and meet the needs of the community while allowing the developer to realize a profit and an incentive to do the work. This advisory board would need to have some level of authority, a voice in how this land is used and in the enforcement of policies that protect the neighbors surrounding it, and be backed by the objectives of a functioning Environmental Justice Policy. Genuine public engagement is recommended by the March JPA General Plan (p.1-3, 1<sup>st</sup> paragraph; p.1-5, 1<sup>st</sup> paragraph; p.1-13, goal 2; p.1-14, goal 4; p.1-18, goal 8; and p.1-37, all) and the Final Reuse Plan (p.I-2, last paragraph; and p.II-10, item F) and a community advisory board is one way for you to align with these recommendations and work harmoniously with business,

developers, public government, and the people whose taxes pay for all of this. It is also a tool your organization has successfully used in the past and it seems like an essential step to take in order to maintain the close public connection March AFB has always enjoyed in this area.

Second, the public and local jurisdictions would support the JPA if it represents the interests of the people who live in these communities and the USAF instead of representing the interest of the entitled developer and its Wall Street investors. Be our leader and advocate for one of the researched and vetted alternate plans recommended in this letter. Thousands of voices of the residents of western Riverside County have spoken clearly over the last two years. The people who have invested in and helped pay for the land that March AFB was built on demand a voice and a return on their investment. There is a time to rise above the legal loopholes that allow private companies to derive profit from public lands. Local businesses would appreciate a voice in this effort as they would benefit and offer jobs at a much more significant level than a million square foot warehouse ever would. Residents would enjoy natural landscapes with open space and unimproved trails that allow them some relief from the urban world around them. The land itself would appreciate it too. And the JPA gets to satisfy its mission and realize its economic goals by redeveloping the land and bringing jobs that would actually employ the people who live near March ARB. Once again, we'd have a community living in harmony and with purpose (the roots of the March AFB community) instead of one literally divided by an investment or development portfolio for global investors.

Lastly, while the March General Reuse Plan was written more than 20 years ago, and you have publicly stated that it is a guideline rather than a requirement for the JPA to follow it, you owe it to the public the plan was created to protect and benefit to develop this land primarily in our interest, not in the interest of outside investors. The spirit of the general plan was to reignite a community negatively impacted by the closing of March AFB. The general plan was the government's best effort to do something positive for Riverside, Moreno Valley, and Perris residents who directly felt the blow of decommissioning the March base. Ask anyone that does not work for you, has the JPA lessened that life altering change from the 90s today? Has the JPA improved people's (not you or your exclusive developer partner) lives? The answer is no.

The March JPA and its exclusive developer have a duty to adhere to the March ARB General Plan and to follow the vision established in this document. You also have a duty to work with local communities to develop this land in conjunction with the people and municipalities that make up the Joint Powers Commission. You have a duty to think about this land after your organization sunsets in 2025. Your overreliance on heavy industrial development will leave the communities surrounding March ARB with more problems than they will be able to handle 10 years from now. I have found nothing in the draft EIR to convince me that you have planned for this area beyond the conclusion of its construction. This, it must be stated, is irresponsible land use planning and land management. The West Campus Upper Plateau project should be reconsidered and reasonable alternative configurations developed, limiting the negative impacts developing this land will have on the residents who will have to live with this development.

I have previously submitted comments on this project, including a list of feasible mitigation measures and alternative land use ideas, so that the March JPA would include these measures or provide a reasoned explanation for why it has not included the requested mitigation measures, as required by CEQA. As mentioned previously, more than a thousand residents, community groups, and public agencies have submitted similar comments regarding the need for the March JPA and its applicant to include community preference as part of its plans for the West Campus Upper Plateau, but you have chosen not to include these feasible mitigation measures to mitigate this Specific Plan's significant environmental impacts as required by California law and CEQA.

Therefore, I once again urge the March JPA Commission and Staff to reject this Specific Plan as currently designed, follow the CEQA process to form and approve an Environmental Justice Element plan to amend in the General Plan, engage local residents to determine their preference for land uses on the Upper Plateau, fully fund and adhere to the 2003 and 2012 Settlement Agreements before the JPA sunsets July 1, 2025, enact a warehouse moratorium until these actions are completed, and then revise the draft EIR so that complies with the applicable State of California project guidelines and requirements and the March JPA's General and Final Reuse Plans. Please don't allow one final grand act of greed and poor land use planning be your lasting legacy. I await your detailed response. See you down the road.

"We abuse the land because we regard it as a commodity, belonging to us. When we see land as a community to which we belong, then we may begin to use it with love and respect."

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