

**BBC Properties, LLC
c/o Peter L. Rhein
1407 South Holmby Avenue
Los Angeles, California 90024
310-497-1655**

November 20, 2017

City of Rialto
Development Services Department, Planning Division
Attn: Gina Gibson
150 South Palm Avenue
Rialto, CA 92376

RECEIVED
NOV 22 2017
ADMINISTRATION

RE: Pepper Avenue Specific Plan (Master Case 2017-0042, SP #2017-0072)
Environmental Impact Report SCH #2016021047 (EA Review 2017-0072)

Dear Ms. Gibson,

As you may recall, BBC Properties owns approximately 25 acres of land within the proposed Pepper Avenue Specific Plan. We received notification of the Planning Commission hearing held on November 9, 2017, just a short time prior to the hearing, and unfortunately, I was traveling and was unable to attend the meeting.

We understand that no changes have been made to the Pepper Avenue Specific Plan, and upon review the Final EIR Response to Comments we realized that the City has not considered or responded to our April 19, 2017, (copy attached letter). We assume this was an oversight, and the City will want to rectify this oversight.

We are requesting that the City of Rialto formally respond to BBC Properties letter attached prior to certification of the Final EIR and moving this project forward to City Council.

Sincerely,

Peter L. Rhein
Member Management Committee
BBC Properties, LLC

CERTIFIED RETURN RECEIPT REQUESTED

cc: Mayor Deborah Robertson, City of Rialto
✓ Mr. Mike Story, City Administrator, City of Rialto
Mr. Robb Steel, Assistant City Administrator/Director of Development
Services, City of Rialto

**BBC Properties, LLC
c/o Peter L. Rhein
1407 South Holmby Avenue
Los Angeles, CA 90024
(310) 497-1655**

April 19, 2017

**City of Rialto
Development Services Department, Planning Division
Attn: Gina Gibson
150 South Palm Avenue
Rialto, CA 92376**

**RE: Pepper Avenue Specific Plan and Draft Environmental Impact Report SCH #2016021047 dated
March 2017**

Dear Ms. Gibson,

This letter is being provided in response to the Notice of Completion and Availability of the Draft Environmental Impact Report (DEIR) for the Pepper Avenue Specific Plan (PASP) dated March 7, 2017. BBC Properties owns approximately 25 acres of land located south of Interstate-210 and west of Pepper Avenue within the City's proposed PASP (specifically Assessor Parcel Numbers: 0264-191-07, 0264-191-10, 0264-191-11 and 0264-201-22) as shown in Figure 1 below labeled BBC Properties. BBC property lies within Planning Areas 5, 7, and portion of 9 as identified by PASP Figure 3-1, Land Use Plan shown below as Figure 2.

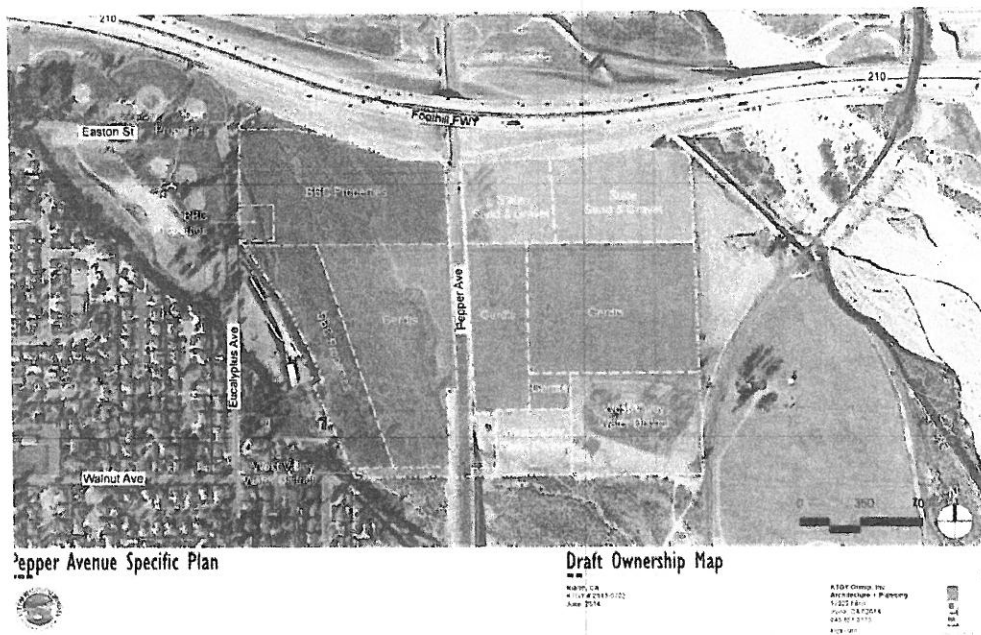


Figure 1 – PASP Ownership Map

On June 18, 2014, we presented to the City our development plan for a small commercial center on approximately 4 acres along Pepper Avenue shown in **Figure 3** (within Planning Area 5). At that time, we also shared with the City the results of biological studies conducted that identified the presence of listed species and sensitive habitats associated with the drainage on our site. Subsequent to that meeting, Wildlands, Inc. was retained to work with the US Fish and Wildlife Service (FWS) to add approximately 20 acres consisting of Planning Areas 7, and portion of 9 to BBC's existing conservation bank located north of Interstate-210 (i.e. Lytle Creek Conservation Bank).

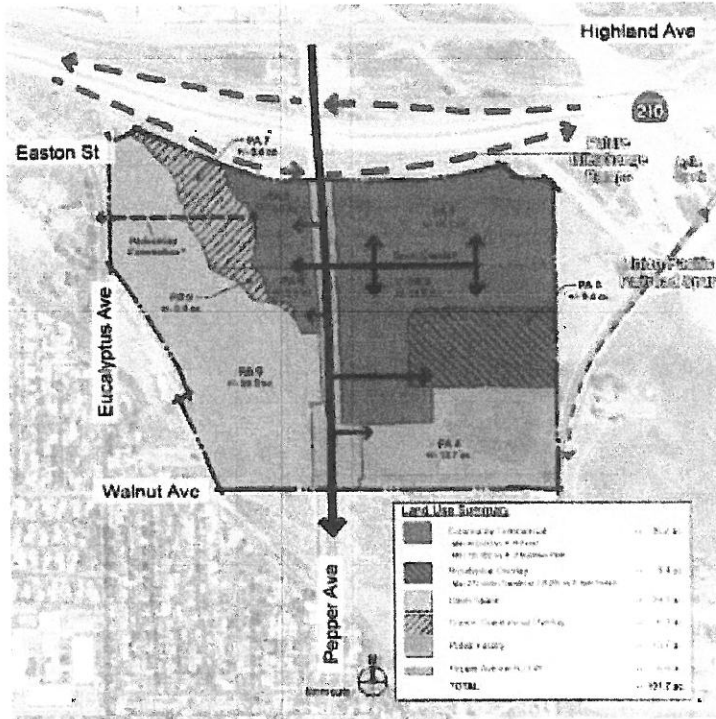


Figure 2- PASP Figure 3-1, Land Use Plan

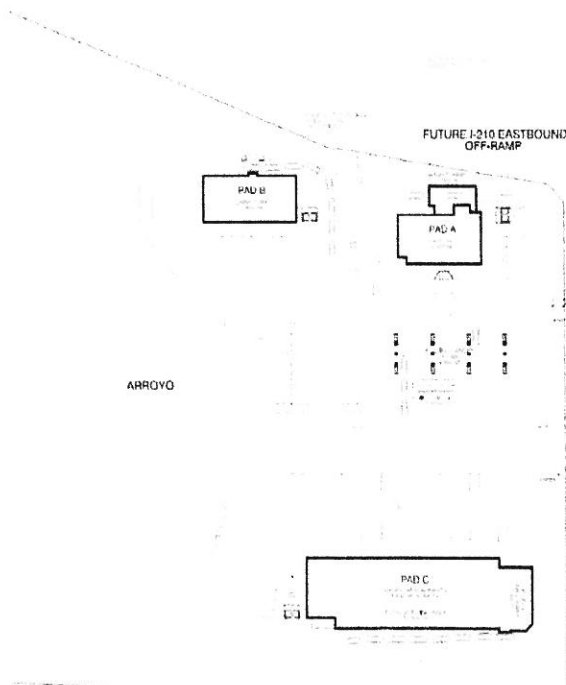


Figure 3 - PA 5 Site Plan

As a result, a prospectus was submitted seeking approval from FWS for this land to be utilized as a conservation bank. This process to seek approval from FWS will determine an endangered species-compatible project boundary between PAs 7 and 5.

BBC Properties was notified by the FWS of concerns with proceeding with the addition of this area to the mitigation bank on our property due to some issues with the City of Rialto's construction of the culverts under Pepper Avenue as part of the Pepper Avenue Extension Project. The construction of culverts was not performed in accordance with the Biological Opinion issued by the FWS in response to the Army Corps of Engineers (ACOE) issuance of a Section 404 Permit for the Pepper Avenue Extension Project. Construction of the culverts was not to standards specified by the ACOE; jeopardizing the lands ability as a mitigation bank. However, upon meeting with City staff on February 13, 2017, we understand that the City

has been in the process of bringing these culverts into compliance with the Section 404 permit and the Section 7 consultation.

With that context, we would like to respond to the Notice of Completion and Availability of the DEIR for the PASP as follow:

1. **Easton Avenue Vacation:** The Pepper Avenue Specific Plan identifies the City of Rialto's intent is to vacate Easton Avenue since the construction of Interstate-210 will cause the right-of-way for Easton Avenue to terminate at the Caltrans' right-of-way. The DEIR does address the vacation of Easton Avenue. BBC Properties encourages the City of Rialto to proceed with the vacation of Easton Avenue as soon as possible and update the Land Use Plan to identify this area as a future part of Planning Areas 5, 7 and 9 once the vacation is complete. It should be noted that BBC Properties landholdings also includes approximately 0.62 acres on the north side of Easton Street (Figure 4), which will also be affected by the vacation of Easton that will be included the mitigation bank.

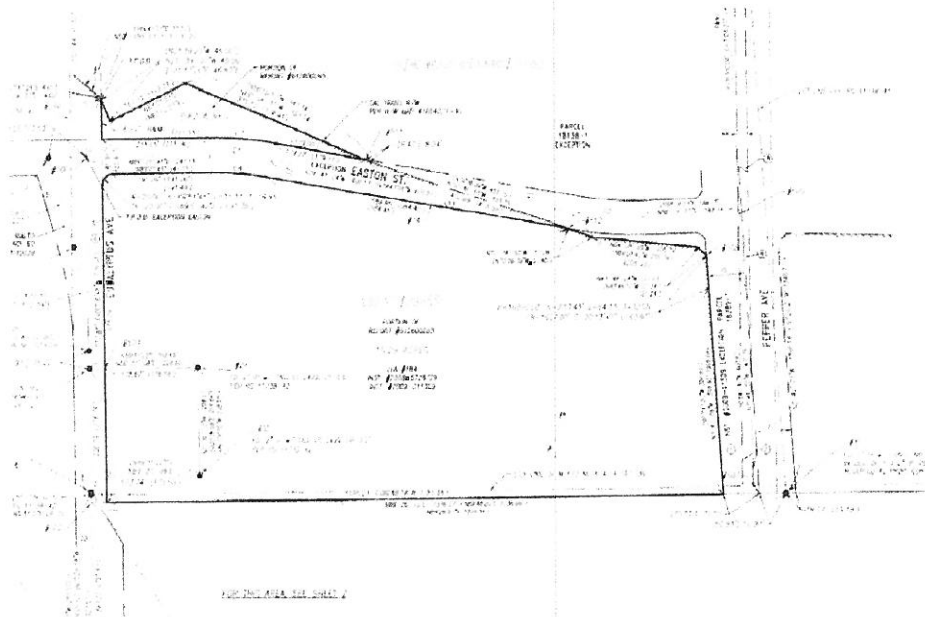


Figure 4 – Boundary BBC North Parcel

2. **Commercial Overlay:** The Commercial Overlay proposed for Planning Area 7 should be removed from the Specific Plan land use designations (PASP and DEIR page 2-11). The actual acreage of land use in PAs 5 and 7 will be determined by the landowner working with FWS. As described above, BBC Properties is working with FWS to utilize this land as a conservation bank and will eventually place a conservation easement over the BBC portion of PA 9, PA 7 and possibly some edge condition for PA 5.

3. **Open Space:** The Open Space proposed for the BBC portion of Planning Area 9 and Planning Area 7 should instead be identified as Open Space for Conservation. The DEIR discussion should be clarified accordingly. As BBC does not own PA 9 in its entirety, it would be preferable to create a separate planning area for all BBC Properties owned property since the intent is to utilize our property as a mitigation bank.
4. **Pedestrian Bridge:** The Pedestrian Bridge should be reconsidered. As the bridge will span land that will be placed into conservation, the bridge may pose impacts to the habitat below and be incompatible with FWS requirements for mitigation land banking.
5. **Culverts:** As mentioned above, the construction of the culverts associated with the extension of Pepper Avenue, were not built to specifications identified by the ACOE Section 404 permit. These specifications were designed to minimize and/or avoid impacts to the San Bernardino Kangaroo Rat (SBKR) and to help facilitate their passage under Pepper Avenue so as not to impact their movement. Per meeting with the City on February 13, 2017, the issue with the culverts needs to be rectified. BBC Properties encourages and requests that the City of Rialto continue to bring the culverts into compliance with the ACOE Section 404 permit requirements.

Thank you for the opportunity to submit comments. We would like to receive all copies of the Specific Plan, Environmental documents, and future notices related to the Pepper Avenue Specific Plan project as we will be directly impacted.

Sincerely,

Peter L. Rhein
Member Management Committee
BBC Properties, LLC