

Ginetta L. Giovinco  
ggiovinco@rwglaw.com

February 8, 2017

**VIA ELECTRONIC MAIL & U.S. MAIL**

Jensen Uchida (CPUC Project Manager)  
California Public Utilities Commission  
c/o Panorama Environmental, Inc.  
One Embarcadero Center, Suite 740  
San Francisco, CA 94111  
riversidetrp@panoramaenv.com  
Fax: 650-373-1211

**Re: City of Jurupa Valley’s Comments on Notice of Preparation of an  
Environmental Impact Report and Scoping Meeting: Riverside  
Transmission Reliability Project (A.15-04-013)**

---

Dear Mr. Uchida:

The City of Jurupa Valley (“City”) has reviewed the California Public Utilities Commission’s (“CPUC”) January 25, 2017 Notice of Preparation of a Subsequent Environmental Impact Report (“SEIR”) and the Initial Study Checklist (“Initial Study”) for the Riverside Transmission Reliability Project (A.15-04-013) (“RTRP” or the “Project”). The vast majority of the RTRP is located within the City; thus, the City bears the greatest burden of any environmental impacts from the RTRP. Accordingly, the City appreciates the CPUC’s call for further environmental review of the RTRP in light of the significant modifications that were made to the Project. In furtherance of a full and fair analysis of the RTRP and its impacts, the City provides the following comments regarding the scope of the SEIR.

**1. Project Description**

The Project Description must include the dimensions of the proposed RTRP facilities because it would provide a more informative and comprehensive analysis of the Project’s impacts. “An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.) The dimensions of the RTRP are massive in size and scope and can vary widely depending on the location and method of installation for a particular portion of the transmission line. For example, the 2013 EIR admits that the height of the RTRP’s overhead steel poles range from 90 to 170 feet, and lattice tower heights range from 113 to 180 feet. Even at its lowest elevation, a 90-foot, overhead RTRP structure is massive, let alone a structure at the 180-foot height. Put simply, the RTRP includes structures that dwarf anything in the surrounding area and that require significant right-of-ways to accommodate these

February 8, 2017

Page 2

facilities. The Project Description must include these essential facts of the RTRP's dimensions and specifically describe them to adequately inform the public and properly describe the Project. Not including the dimensions of the Project would be misleading and analogous to describing the *Titanic* as merely a boat.

Similarly, the Project Description must include the precise locations of the RTRP's facilities. The placement of the Project's underground and overhead facilities must be specifically described because the route of the RTRP crosses through a diverse range of uses, including residential, rural, commercial, recreational, and planned development areas. Properly describing the RTRP's dimensions and the specific locations of the RTRP's components would provide the public with a more informative document and guide a full analysis of the RTRP's impacts.

## 2. Hazards

The SEIR must analyze the potential hazards resulting from placing massive overhead transmission structures in close proximity to residential, recreational, and planned-development areas. Specifically, the RTRP puts tall, overhead transmission lines in close proximity to homes, recreational facilities, parks, trails, roadways, and future developments. These structures dwarf people, cars, and houses. A tower collapse or line failure from such large transmission structures could have catastrophic safety impacts. The Initial Study fails to make any mention of these hazards impacts. The SEIR must analyze the potential hazards impacts from placing massive overhead transmission structures in such close proximity to people, residences, and recreational uses.

## 3. Environmental Justice

The SEIR must consider the RTRP's environmental justice impacts because the RTRP will place a significant environmental and economic burden on the City's residents, where much of the massive overhead transmission lines are planned to be located.

Social and economic factors play an important and explicit part of the CEQA review process. The Legislature stated the intent of CEQA is in part to “[c]reate and maintain conditions under which man and nature can exist in productive harmony **to fulfill the social and economic requirements** of present and future generations.” (Pub. Resources Code § 21001(e) [emphasis added].) Significantly, the economic and social effects of a project's physical changes to the environment may be considered in determining that the physical change is a significant effect on the

February 8, 2017  
Page 3

environment. (CEQA Guidelines § 15064(e) [“If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect”]; CEQA Guidelines 15131(b) [“economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment”].)

The CEQA Guidelines illustrate how a physical change to the environment can be a significant impact based on the social or economic impact of that physical change: “For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant.” (CEQA Guidelines § 15131 (b); see also CEQA Guidelines § 15382 [“A social or economic change related to a physical change may be considered in determining whether the physical change is significant”].)

Accordingly, an agency is required to find that a “project may have a ‘significant effect on the environment’” if, among other things, “[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.” (Pub. Res. Code § 21083(b)(3).) An indirect effect that requires CEQA analysis can be an economic one: if a proposed development project may cause economic harm to a community’s existing businesses, and if that could in turn “result in business closures and physical deterioration” of that community, then the agency “should consider these problems to the extent that potential is demonstrated to be an indirect environmental effect of the proposed project.” (See *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 446.)

Here, the RTRP will cause physical changes to the environment that have massive social and economic impacts on the City’s residents. As demonstrated herein, the Project is an immense industrial use that perpetuates further industrial uses by encroaching upon and destroying the viability of residential, commercial, and open space uses in the City. Over 75% of the City’s residents are low and median-income minorities. These disadvantaged residents would unfairly bear the brunt of the Project’s impacts because much of the Project’s overhead alignment is located in the City. These are the residents who will be deprived of housing and economic and recreational opportunities as the Project’s physical changes to the environment would result in irreparable social and economic impacts to the residential, commercial, and open space land uses in the City. Future commercial and residential developments

February 8, 2017

Page 4

simply will not seek to locate within the vicinity of massive, overhead transmission lines, and the value of existing nearby commercial and residential uses would be greatly diminished. Put simply, the social and economic impacts of the Project are dire: the City would lose further construction and development of residences and businesses; the value of existing residences and businesses in the area of the RTRP will be greatly diminished; and the City will lose future residents whose buying power would be a catalyst for new retail and commercial development that would provide necessary tax revenue and critical jobs for the community.

In December 2015, Urban Futures, Inc. prepared an Economic/Fiscal Impact Analysis of the RTRP's impacts on the City, which confirms that the RTRP will devastate the value of the City's most important assets and cause tremendous harm to the economic viability of the City. The City's planned development projects along the I-15 corridor, where the RTRP seeks to locate massive, overhead transmission lines and towers, are crucial for the City's sustainability and economic livelihood. The breadth of development that would take place along the I-15 represents the City's greatest economic asset and the greatest opportunities for economic development throughout the entire City. However, a 100-foot-wide no-build-zone along the City's frontage properties to accommodate the location of transmission towers and lines along the I-15 freeway would seriously impair the ability of the City and private property owners to fully develop and leverage the property along the I-15 freeway. Thus, the RTRP would preclude the City from fully developing the I-15 corridor and, in so doing, cripple the City's ability to address its current budget deficit, leading to the depletion of reserves, fiscal insolvency, and potential bankruptcy or disincorporation of the City, itself.

Because the RTRP's physical changes to the environment result in severe social and economic impacts on the City's residents, the SEIR must analyze the Project's environmental justice impacts.

#### **4. Land Use and Planning**

The SEIR must analyze the RTRP's inconsistency with the City's General Plan. Prior to the City's incorporation, industrial land uses were allowed to indiscriminately locate close to residential neighborhoods, many of which were disadvantaged by language or cultural barriers and unable to influence these decisions. Thus, in an effort to provide a healthy living and working environment for its citizens, the City's General Plan now establishes standards for eliminating and minimizing further impacts of encroaching industrial development through its Land Use Element, Housing Element, Open Space Element, Conservation Element, and

February 8, 2017

Page 5

Environmental Justice Element. The RTRP, however, is inconsistent with the City's General Plan and goals to reduce industrial development from encroaching on residential neighborhoods because the RTRP creates an inherently industrial land use wherever it is located. Similarly, the practical consequence of locating massive overhead transmission lines precludes all but industrial uses in the surrounding area, as commercial and residential developments would not seek to locate within the vicinity of these transmission lines. Because the RTRP instigates further industrial development and is, itself, an inherently industrial use that encroaches upon residential neighborhoods, the RTRP is inconsistent with the City's General Plan, and the SEIR must analyze this planning inconsistency.

Furthermore, the SEIR must analyze the incompatible land uses resulting from the RTRP. First, the Project introduces an industrial land use on land that is used or zoned for residential and commercial uses. As demonstrated above, the placement of massive overhead transmission lines will preclude viable land uses other than industrial uses which, if developed, will put existing residential neighborhoods in harm's way from chemical and air pollution and heavy truck traffic. Indeed, the RTRP would drive future and existing non-industrial uses away as commercial and residential developments would not seek to remain or develop within the vicinity of massive transmission lines. Therefore, several hundred acres of adjacent vacant land will not be appropriately developed pursuant to their residential or commercial land use designations because of the incompatibility of massive overhead transmission lines with such uses.

Second, the RTRP is inconsistent with the open space and residential land uses on the south side of the Santa Ana River in the City of Riverside. This area is located between the Hidden Valley Wildlife Refuge and residential neighborhoods. The RTRP, however, would impose a fundamentally industrial and incompatible use on land that is designated for open space or residential uses. Accordingly, the SEIR must analyze the RTRP's inconsistent land use impacts, which conflict with planned and existing commercial and residential uses and, instead, encourage further industrial uses.

Finally, the SEIR must analyze the RTRP's inconsistency with the Riverside General Plan Open Space and Conservation Element. The RTRP's alignment traverses open space land on the south side of the Santa Ana River that is protected open space under the City of Riverside Proposition R and Measure C. Specifically, the Riverside Open Space and Conservation Element states: "The Hidden Valley Wildlife Area is another existing attraction, which could host additional activities. The Task Force suggested cooperating with the County and State Department of Fish

February 8, 2017

Page 6

and Game (agencies which currently manage the property) to bring additional activities to the site.” The Riverside Open Space and Conservation Element pursues the continued protection of the Santa Ana River corridor and its drainages through OBJECTIVE OS 7 and Policies OS-7.3, 7.5, and 7.6:

**Policy OS-7.3:** Preserve and expand open space along the Santa Ana River to protect water quality, riparian habit and recreational uses.

**Policy OS-7.5:** Improve the perception of public safety at authorized recreation locations along the river.

**Policy OS-7.6:** Partner with other jurisdictions, including the Regional Water Quality Control Board and the US Army Corps of Engineers, to minimize the impact of new development on the river and bring about some of the enhancements envisioned by the Santa Ana River Task Force.

Because the RTRP would impose an inconsistent, industrial land use that conflicts with the Riverside General Plan Open Space and Conservation Element, the SEIR must analyze this plan inconsistency impact.

## **5. Aesthetics**

The SEIR must consider the RTRP’s aesthetic impacts based on appropriate viewpoints and photo-realistic view simulations. The RTRP’s proposed route goes through significant residential, recreational, and commercial sectors in the City. The massive size of the RTRP’s overhead components would significantly alter the visual character of these areas. Accordingly, appropriate viewpoints and photo-realistic view simulations must be used to analyze the RTRP’s aesthetic impacts, including the impacts on residential neighborhoods on Wineville and Pats Ranch Road in Jurupa Valley, and on both sides of the Santa Ana River in Jurupa Valley, Riverside and Norco.

The SEIR’s aesthetics analysis also must take into account the existing and proposed developments along the RTRP route. Under CEQA Guidelines § 15126.2(a), an EIR must consider “the significant environmental effects of the proposed project ... [and] shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.” The location and installation of the RTRP would result in significant aesthetic changes to the environment that would significantly impact existing and proposed developments

February 8, 2017  
Page 7

along the RTRP's route. For example, the RTRP seeks to place massive transmission line components that are over 100-feet tall in close proximity to the residential neighborhoods just south of the Project's alignment along the Santa Ana River. The RTRP's towers would extend far above the elevation of nearby residences and would directly intrude upon their views of designated open space, the river, the wildlife refuge, and the mountains to the north. Thus, the RTRP will result in significant, adverse aesthetic impacts that the SEIR must fully analyze.

Significantly, the SEIR also must consider photo-realistic view simulations and the aesthetic impacts for all considered Project alternatives. Given the massive size of the RTRP's overhead components, an alternative that changes the RTRP's route or calls for additional undergrounding would drastically alter the aesthetic impacts of the Project. Thus, in order to adequately and fairly compare the aesthetic impacts of alternatives to the aesthetic impacts of the proposed RTRP, view simulations must be prepared for all considered alternatives.

The City notes that the SEIR cannot rely on the view simulations in the November 2016 "Aesthetics and Visual Resources Technical Report" prepared by Power Engineers, which was submitted to the CPUC in response to the Deficiency Notice Q3. The view simulations in this report are not adequate to evaluate the aesthetic impacts of the project because the report does not use appropriate viewpoints for view simulations along the overhead alignment.

## **6. Recreation**

Despite the RTRP's placement of massive transmission towers across and along the Santa Ana River, the Initial Study omits any reference to the RTRP's impacts on recreation along the Santa Ana River. This area includes public open space, trails, beaches, forests and stunning natural vistas. The Initial Study (p.2-1) even acknowledges that "[e]xtensive areas in the central portion of the proposed project area (Santa Ana River floodplain) are preserved open space set aside for recreation . . . ." Similarly, the U.S. National Park Service has offered its services to promote and enhance this resource as a sanctuary for wildlife and a regional recreational area. Significantly, however, the RTRP's transmission towers along and across the Santa Ana River are over 100-feet tall and can reach heights of 180-feet. The addition of these intrusive and massive structures would negatively impact recreation and open space along the Santa Ana River. Accordingly, the SEIR must evaluate the RTRP's potential degradation of recreation and open space across and along the Santa Ana River.

February 8, 2017  
Page 8

## 7. **Biological Resources**

The SEIR must analyze the RTRP's impacts on biological resources because the Project places overhead transmission lines within jurisdictional waters and riparian habitats. Specifically, the Hidden Valley Wildlife Refuge, which is administered by the State Department of Fish and Game and the County of Riverside, will be impacted by the Project's location of towers and components in the refuge. The SEIR must analyze the Project's impacts on the biological resources that would be harmed by the Project's construction; any potential tower or line failures; and the possible destruction of wildlife habitats. In order to provide a full analysis of this impact, the Army Corps of Engineers, U.S. Fish and Wildlife, State Fish and Wildlife, State Resources Agency, and the U.S. Environmental Protection Agency should be consulted, and the comments or actions of these agencies should be disclosed.

## 8. **Alternatives**

The SEIR must analyze alternatives that would: (1) alter the route of the RTRP; (2) provide for further undergrounding; or (3) implement some combination of route alteration and further undergrounding. The SEIR must consider these alternatives because they would reduce or eliminate many of the most significant impacts from the RTRP. (See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 [considering alternative project location]; see *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1183 [considering alternate project designs].)

Undergrounding further portions of the RTRP would be an environmentally superior alternative that would eliminate the aesthetic, recreation, land use, planning, biological resources, and environmental justice impacts from placing massive overhead transmission lines in residential, commercial, and open space areas. Significantly, however, the 2013 RTRP EIR cannot be used as a basis for rejecting further undergrounding because it does not analyze undergrounding other localized portions of the RTRP route. The 2013 RTRP EIR merely concludes that undergrounding the entire route is infeasible. This does not cover undergrounding localized portions of the line – especially near residential, commercial, and planned development uses. Indeed, SCE has finally acknowledged that it is economically and environmentally feasible and preferable to underground extensive portions of the RTRP route based on its modifications of the Project to underground 2-miles of 230 kV line. Thus, undergrounding further, localized portions of the line must be considered as an alternative.

February 8, 2017  
Page 9

The SEIR also must consider alternatives that would alter the route of the RTRP. As demonstrated by SCE's own route modifications that now form the basis for the SEIR, modifying the route of the RTRP is both a feasible and preferable component of the Project. Several alternative alignments should be considered, separately and in combination with further undergrounding, because they would serve the Project's objectives while potentially avoiding many of the worst environmental impacts from overhead transmission lines. The City notes that, under CEQA, project cost is not a criterion for determining or ignoring an environmentally superior alternative project. Here, among other route alignment alternatives, an Eastern alignment, alone and with further undergrounding, should be studied; this alternative avoids the aesthetic, land use, planning, biological resources, recreation, and environmental justice impacts of the Project as currently proposed.

The City looks forward to your full and fair analysis of the RTRP's many environmental impacts and the opportunity for the City's active participation in this review process. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Ginetta L. Giovinco

cc: Gary Thompson, City Manager  
George Wentz, Assistant City Manager  
Thomas G. Merrell, Planning Director  
Ernie Perea, CEQA Consultant  
Peter M. Thorson, City Attorney  
B. Tilden Kim, Esq.  
Stephen D. Lee, Esq.