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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

SUPPORTERS ALLIANCE FOR
ENVIRONMENTAL RESPONSIBILITY, a
California non-profit corporation,

Petitioner and Plaintiff,

v.

CITY OF CORONA, a municipality; CITY
COUNCIL OF THE CITY OF CORONA, a
municipal body; SAVAT KHAMPHOU, City
of Corona Director of Public Works, in his
official capacity; JOANNE COLETTA, City
of Corona Planning and Development
Director, in her official capacity; and ANNE
TURNER, City of Corona Community
Services Director, in her official capacity,

Respondents and Defendants,

OAKMONT INDUSTRIAL GROUP;
OAKMONT INDUSTRIAL GROUP IV, LLC,
a California limited liability company; HBI
CONSTRUCTION INCORPORATED, a
California corporation,

Real Parties in Interest and Defendants.

Civil Case No.: **CVRI 2200382**

Filed Under the California Environmental
Quality Act ("CEQA")

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

(CEQA, Pub. Res. Code § 21000, et seq.;
Code of Civil Procedure § 1085 (alternatively
§ 1094.5))

1 **INTRODUCTION**

2 Petitioner and Plaintiff Supporters Alliance for Environmental Responsibility (hereinafter
3 “Petitioner”) petitions this Court for writ of mandate and declaratory and injunctive relief directed to
4 Respondents and Defendants City of Corona and the City Council of the City of Corona, Savat
5 Khamphou, City of Corona Director of Public Works, in his official capacity; Joanne Coletta, City of
6 Corona Planning and Development Director, in her official capacity; and Anne Turner, City of
7 Corona Community Services Director, in her official capacity, (collectively “Respondents” or “City”) and
8 Real Parties in Interest, Oakmont Industrial Group, Oakmont Industrial Group IV, LLC and HBI
9 Construction Incorporated (collectively “Real Parties”), and by this verified petition and complaint,
10 alleges as follows:
11

12 1. This action is challenging the City’s December 13, 2021 issuance of Grading Permit
13 No. PWGP21-00024 to Oakmont Industrial Group IV, LLC and HBI Construction Incorporated, and
14 the October 3, 2019 approval of the Development Plan Review Permit 2019-0022 for a new industrial
15 warehouse in Corona, California, despite the failure to conduct any environmental review pursuant to
16 the California Environmental Quality Act (“CEQA”), Pub. Res. Code section 21000, et seq.

17 2. Petitioner files this Petition for Writ of Mandate and Complaint for Declaratory and
18 Injunctive Relief to require the City to conduct CEQA review for the Project, to set aside any and all
19 permits or approvals issued for the Project pending the completion of CEQA review, and to require
20 Respondents and Real Parties in Interest to cease any and all activities in furtherance of the Project
21 pending the completion of CEQA review.

22 3. The grading permit, development plan review permit, and any other permits issued by
23 the City that will allow construction of the Project are discretionary actions.

24 4. The approvals of these permits are for the construction of a 144,001 square foot
25 industrial building on a 7.18-acre property with 86,401 square feet of warehouse space, 47,600 square
26 feet of manufacturing space, 10,000 square feet of office space, 16 loading spaces, 227 auto parking
27 stalls and associated on-site and off-site infrastructure (“Project”).

28 5. The Project is proposed to be located at 210 Radio Road in Corona, at the terminus of

1 Radio Road, north of Samson Avenue and south of State Route 91. The Project is designated “Heavy
2 Manufacturing (M-3)” by the City of Corona Zoning Map, and according to the City, is considered a
3 use permitted by-right.

4 6. On October 3, 2019, Development Plan Review (DPR2019-0022) for the Project was
5 held by the City’s Community Development Department, which was a meeting closed to the public.

6 7. On November 4, 2020, the City Council approved a resolution to vacate the City
7 property that the Developer was interested in purchasing to facilitate Development of the Project.

8 8. On December 2, 2020, during a City Council meeting, an easement was granted for
9 the proposed Project. Since the easement was ministerial, there was no reason to challenge the
10 decision. The matter considered before the City Council on December 2, 2020 did not appear to be
11 the buildout of the full Project, but rather the sale of land that would facilitate construction of the
12 Project.

13 9. The Project was more fully described in the Notice of Exemption (“NOE”) which was
14 prepared by the City on December 9, 2021, and posted by the County of Riverside on December 23,
15 2021. The Notice of Exemption incorrectly stated that CEQA was not required because a ministerial
16 exemption applied to the Project. The City stated in its Notice of Exemption that the Project is
17 ministerial since it does not require issuance of any discretionary permits, and that the Project is
18 therefore exempt from CEQA. The posting of the NOE by the County started a 35-day statute of
19 limitations period. Pub. Res. Code §21167(d).

20 10. On December 13, 2021, a precise grading permit was issued to Real Parties in Interest
21 by the City’s Public Works Department.

22 11. Under the Corona Municipal Code, the City’s actions of issuing grading and
23 development plan review permits are discretionary actions.

24 12. The Corona Municipal Code also gives the Director of Public Works the ability to
25 “protect the public health, safety and welfare” in its issuance of grading permits, which is a
26 discretionary decision. (CMC § 15.36.090(D).)

27 13. The Corona Municipal Code provides the Planning Director, the authority to approve
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1 projects “in the interest of public health, safety and general welfare of the city.” (CMC § 17.102.010.)
2 For example, the Director of Public Works may impose conditions to reduce airborne pollution from
3 diesel construction equipment, measures to reduce particulate emissions released from soil movement
4 and grading, and other measures to protect public health, safety, and welfare.

5 14. Petitioner is informed and believes, and thereupon alleges, that there is no evidence
6 that the City ever analyzed the Project under the California Environmental Quality Act (“CEQA”),
7 Pub. Res. Code section 21000, et seq. This failure is likely because of the City’s faulty belief that
8 none of the permits issued for the Project were discretionary.

9 15. Because CEQA requires an agency to perform CEQA review for discretionary actions,
10 the City was required to prepare an initial study and appropriate CEQA document to analyze the
11 environmental impacts of the Project and to mitigate those impacts accordingly, and to provide the
12 public with proper notice and comment before issuing any and all permits that will allow construction
13 of the Project proposed to be located at 210 Radio Road, Corona, California 92879.

14 **PARTIES**

15 16. Petitioner and Plaintiff SUPPORTERS ALLIANCE FOR ENVIRONMENTAL
16 RESPONSIBILITY (“SAFER”) is a California not-for-profit corporation, with members who live,
17 work, and/or recreate near the Project site and in the City of Corona. SAFER is concerned about the
18 approval of the grading permit, development plan review permit, and any other permits that will
19 allow for the construction of the Project at 210 Radio Road. SAFER is interested in ensuring that the
20 City and Real Parties in Interest fully comply with CEQA to ensure that the City’s decisions are
21 properly noticed and made available for public comment and that all environmental impacts are
22 mitigated to the maximum extent feasible.

23 17. Petitioner submitted letters to the City explaining that the City has the power to
24 exercise its discretion to impose conditions on the Project that reduce environmental impacts making
25 the issuance of the grading and development plan review permits discretionary and the ministerial
26 exemption improper, and therefore CEQA review is required.

27 18. SAFER brings this action on behalf of itself, its adversely affected members, and the
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1 public at large.

2 19. Petitioner has a direct and beneficial interest in the City’s compliance with CEQA and
3 the CEQA Guidelines. Petitioner and its members are interested in making sure that the Project is
4 approved in a way that protects the environment and its resources. That interest has been and will
5 continue to be directly and adversely affected by the City’s actions challenged herein, which actions
6 violate provisions of law set forth in this Petition, precluded informed public participation, and would
7 cause substantial harm to the environment. Petitioner will suffer concrete, actual, and imminent
8 injury from the City’s prejudicial abuse of discretion as well as from implementation of the proposed
9 Project without full CEQA compliance.
10

11 20. Respondent and Defendant CITY OF CORONA is the “lead agency” for the Project
12 for purposes of Public Resources Code § 21067, and has principal responsibility for conducting
13 environmental review for the Project and taking other actions necessary to comply with CEQA.

14 21. Respondent and Defendant CITY COUNCIL OF THE CITY OF CORONA (“City
15 Council”) is the elected governing body of the City and is ultimately responsible for reviewing and
16 approving or denying the Project and the environmental review for the Project.

17 22. Respondent and Defendant, SAVAT KHAMPHOU, is the Director of Public Works of
18 the City of Corona. Mr. Khamphou is sued in his official capacity only. Mr. Khamphou exercised
19 discretion over certain Project approvals, or had the power to exercise such discretion and failed to do
20 so.

21 23. Respondent and Defendant JOANNE COLETTA, is the Planning and Development
22 Director of the City of Corona. Ms. Coletta is sued in her official capacity only. Ms. Coletta
23 exercised discretion over certain Project approvals, or had the power to exercise such discretion and
24 failed to do so.

25 24. Respondent and Defendant ANNE TURNER, is the Community Services Director of
26 the City of Corona. Ms. Turner is sued in her official capacity only. Ms. Turner exercised discretion
27 over certain Project approvals, or had the power to exercise such discretion and failed to do so.
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1 25. Real Party in Interest and Defendant OAKMONT INDUSTRIAL GROUP is the entity
2 listed on the City’s Notice of Exemption as the “person undertaking the project.” Pursuant to Pub.
3 Res. Code §21167.6.5, Petitioner must name this entity as a Real Party in Interest. Oakmont
4 Industrial Group appears to be Oakmont Industrial Group, LLC, which is a cancelled Delaware
5 Limited Liability Company located at 3520 Piedmont Road, Suite 100, Atlanta, Georgia, 30305, with
6 an agent for service of process identified as Timothy J. Howard at 155 N. Riverview Drive, Anaheim,
7 California, 92808. Oakmont Industrial Group filed a notice of cancellation with the California
8 Secretary of State on December 22, 2011. Petitioner is informed and believes that the City may have
9 improperly named Oakmont Industrial Group on the Notice of Exemption.
10

11 26. Real Party in Interest and Defendant OAKMONT INDUSTRIAL GROUP IV, LLC
12 (“Oakmont”) is a California limited liability company with its business headquarters located at 3520
13 Piedmont Road, Suite 100, Atlanta, Georgia 30305. Oakmont’s California branch is located at 23
14 Corozal, Foothill Ranch, California 92610. Oakmont is listed as the Property Owner of the Project’s
15 Grading Permit No. PWGP21-00024 dated December 13, 2021, and as the private entity undertaking
16 the Project in the City of Corona’s Preliminary Exemption Assessment and Notice of Exemption
17 dated December 9, 2021. Petitioner is informed and believes, and thereupon alleges, that Richard
18 Rider and Stephen Nelsen are the Managers of Oakmont. Petitioner is informed and believes, and
19 thereupon alleges, that John Atwell is the Senior Vice President of Oakmont and is the primary agent
20 of the California branch in Irvine, California, and is listed as the agent for service of process for
21 Oakmont’s California branch. Petitioner is informed and believes, and thereupon alleges, that Richard
22 Rider, Stephen Nelsen, John Atwell, Tom Cobb, Greg Posel, Vincent Agliatoro, and James H.
23 Stainback Jr. are acting or have acted as the agents of Oakmont for the Project.
24

25 27. Real Party in Interest and Defendant HBI CONSTRUCTION INCORPORATED
26 (“HBI”) is a California corporation. HBI is located at 4921 Birch Street, Suite One, Newport Beach,
27 California 92660. Petitioner is informed and believes, and thereupon alleges, that Peter James Last is
28 the President and Chief Executive Officer of HBI. Petitioner is informed and believes, and thereupon
alleges, that Justin Manus is the Project Manager, Jon DeMarie is the Superintendent, and Vice

1 President of Construction is Glenn Whitacre. Petitioner is informed and believes, and thereupon
2 alleges, that HBI is managing and directing the development of the Project.

3 **JURISDICTION AND VENUE**

4 28. Pursuant to California Code of Civil Procedure section 1085 (traditional mandate)
5 (alternatively section 1094.5 (administrative mandate)) and Public Resources Code sections 21168.5
6 (alternatively section 21168) and 21168.9, this Court has jurisdiction to issue a writ of mandate to set
7 aside Respondents' decisions approving the development plan permit, grading permit, and any other
8 permits and authorizations for the Project without proper CEQA review. The Court has jurisdiction to
9 issue declaratory relief pursuant to Code of Civil Procedure § 1060 and injunctive relief pursuant to
10 Code of Civil Procedure § 525 et seq.

11 29. Venue is proper in the California Superior Court for the County of Riverside pursuant
12 to Code of Civil Procedure section 395 because this action challenges acts done by a public agency,
13 and the causes of action alleged in this Petition and Complaint arose in Riverside County. Venue is
14 also proper in this Court because City of Corona is located within Riverside County and the Project
15 site is located in Riverside County.

16 30. Petitioner has complied with the requirements of Public Resources Code section
17 21167.5 by mailing a written notice of the commencement of this action to Respondents prior to
18 filing this petition. A copy of the prior written notice provided to Respondents, with proof of service
19 thereof, is attached hereto as **Exhibit 1**.

20 31. Petitioner has complied with Public Resources Code section 21167.6 by filing a
21 Notice of Intent to Prepare the Administrative Record at the time of filing this Petition. A copy of the
22 Notice is attached hereto as **Exhibit 2**.

23 32. Petitioner will comply with the requirements of Public Resources Code section
24 21167.7 and Code of Civil Procedure section 388 by mailing a copy of the Petition to the California
25 Attorney General within the required time period.

26 33. Petitioners have performed any and all conditions precedent to filing this instant action
27 and have exhausted any and all available administrative remedies to the extent required by law.
28

1 possible protection to the environment within the reasonable scope of the statutory language.”
2 (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 563-64.) An agency’s action
3 violates CEQA if it “thwarts the statutory goals” of “informed decisionmaking” and “informed public
4 participation.” (*Kings Co. Farm Bur. v. City of Hanford* (1990) 221 Cal.App.3d 692, 712.)

5
6 40. To achieve its objectives of environmental protection, CEQA has a three-tiered
7 structure. (14 CCR § 15002(k); *Comm. to Save Hollywoodland v. City of Los Angeles* (2008) 161
8 Cal.App.4th 1168, 1185-86.) First, if a project falls into an exempt category, no further agency
9 evaluation is required. (*Id.*) Second, if there is a possibility the project will have a significant effect
10 on the environment, the agency must perform a threshold initial study. (*Id.*; 14 Cal. Code Regs.
11 (“CCR”) § 15063(a).) If the study indicates that there is no substantial evidence that the project may
12 cause a significant effect on the environment the agency may issue a negative declaration. (*Id.*; 14
13 CCR §§ 15063(b)(2); 15070.) Finally, if the project will have a significant effect on the environment,
14 an environmental impact report (“EIR”) is required. (*Id.*)

15 41. Exemptions to CEQA are narrowly construed and “[e]xemption categories are not to
16 be expanded beyond the reasonable scope of their statutory language.” (*Mountain Lion Found. v.*
17 *Fish & Game Com.* (1997) 16 Cal.4th 105, 125). At issue here, is a “ministerial” exemption. (Pub.
18 Res. Code § 21080(b)(1); 14 CCR § 15268 [CEQA Guidelines].)

19 42. CEQA applies to “discretionary projects proposed to be carried out or approved by
20 public agencies.” (Pub. Res. Code § 21080(a).) Section 15357 of the CEQA Guidelines defines
21 “discretionary projects” as:

22 [A] project which requires the exercise of judgment or deliberation when the public agency or
23 body decides to approve or disapprove a particular activity, as distinguished from situations
24 where the public agency or body merely has to determine whether there has been conformity
25 with applicable statutes, ordinances, or regulations.

26 (14 CCR § 15357.) Section 15369 of the CEQA Guidelines defines “ministerial” as:

27 [D]escrib[ing] a governmental decision involving little or no personal judgment by the public
28 official as to the wisdom or manner of carrying out the project. The public official merely
applies the law to the facts as presented but uses no special discretion or judgment in reaching
a decision. A ministerial decision involves only the use of fixed standards or objective
measurements, and the public official cannot use personal, subjective judgment in deciding

1 whether or how the project should be carried out.
2 (14 CCR § 15369.) Common examples of ministerial permits include automobile registration, dog
3 licenses, and marriage licenses. (*Id.*) A building permit is ministerial if it “limits the public official to
4 determining whether the zoning allows the structure ... the structure would meet the strength
5 requirements ... and applicant has paid his fee.” (*Id.*)

6 43. The CEQA Guidelines further explain that “[w]hether an agency has discretionary or
7 ministerial controls over a project depends on the authority granted by the law providing the controls
8 over the activity. Similar projects may be subject to discretionary controls in one city or county and
9 only ministerial controls in another.” (14 CCR § 15002(i)(2).) “The statutory distinction between
10 discretionary and purely ministerial projects implicitly recognizes that unless a public agency can
11 shape the project in a way that would respond to concerns raised in an EIR, or its functional
12 equivalent, environmental review would be a meaningless exercise.” (*Mountain Lion Found.*, 16
13 Cal.4th at 117.)

14 44. The Courts apply a “functional” test for distinguishing ministerial from discretionary
15 decisions. (*Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal.App.3d 259, 272.) That
16 test examines whether the agency has the power to shape the project in ways that are responsive to
17 environmental concerns. (*Id.* at 267; *Mountain Lion Foundation*, 16 Cal.4th at 117.) Under this
18 functional test, a project qualifies as ministerial “when a private party can legally compel approval
19 without any changes in the design of its project which might alleviate adverse environmental
20 consequences.” (*Friends of Westwood*, 191 Cal.App.3d at 267; accord, *Miller v. City of Hermosa*
21 *Beach* (1993) 13 Cal. App. 4th 1118, 1141-42.) “Conversely, where the agency possesses enough
22 authority (that is, discretion) to deny or modify the proposed project on the basis of environment [sic]
23 consequences the EIR might conceivably uncover, the permit process is ‘discretionary’ within the
24 meaning of CEQA.” (*Friends of Westwood*, 191 Cal.App.3d at 272.) In short, discretion exists where
25 the approving agency can impose “reasonable conditions” based on “professional judgment.”
26 (*Natural Res. Def. Council v. Arcata* (1976) 59 Cal.App.3d 959, 971.)

27 45. It is sufficient that an agency possesses discretionary authority, even if it chooses not
28 to exercise that authority. “[W]here the agency possesses enough authority (that is, discretion) to

1 deny or modify the proposed project on the basis of environment consequences the EIR might
2 conceivably uncover, the permit process is ‘discretionary’ within the meaning of CEQA.” (*Friends of*
3 *Westwood*, 191 Cal.App.3d at 272.)

4 46. To determine whether the City has discretionary authority, the Court must look to the
5 plain language of the City’s Charter and municipal code. “Whether an agency has discretionary or
6 ministerial controls over a project depends on the authority granted by the law providing the controls
7 over the activity. Similar projects may be subject to discretionary controls in one city or county and
8 only ministerial controls in another.” (14 CCR § 15002(i)(2).) In construing a statute or an ordinance,
9 the courts look first to the language of the provision itself. (*Friends of Juana Briones House v. City of*
10 *Palo Alto* (2010) 190 Cal.App.4th 286, 304.) If the language “is clear and unambiguous our inquiry
11 ends. There is no need for judicial construction and a court may not indulge in it.” (*Id.*)
12

13 47. If a project involves an approval that contains elements of both discretionary and
14 ministerial actions, the project will be deemed to be discretionary and thus subject to CEQA. (14
15 CCR § 15268(d); *Friends of Westwood*, 191 Cal.App.3d at 270; *Day v. City of Glendale* (1975) 51
16 Cal.App.3d 817, 823.) To the contrary, approval of a project may be ministerial even where an
17 agency has some discretion if the agency does not have the authority to “mitigate potential
18 environmental impacts to any meaningful degree.” (*Sierra Club v. County of Sonoma* (2017) 11
19 Cal.App.5th 11, 30.)

20 48. Under CEQA, the term “project” refers to the whole of an action and to the underlying
21 activity being approved. (14 CCR §15378(a), (c)–(d); see e.g., *Poet, LLC v. State Air Resources Bd.*
22 (2017) 12 Cal.App.5th 52, 73.) A public agency may not divide a single project into smaller
23 individual subprojects to avoid responsibility for considering the environmental impact of the project
24 as a whole. (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209,
25 1223.)

26 49. Where, as here, no public hearing was held for the CEQA determination, legal
27 challenges are made pursuant to CCP §1085 (traditional mandamus) and Pub. Res. Code §21168.5.
28 (*San Lorenzo Valley Com. Advocates v. San Lorenzo Valley Unif. Sch. Dist.* (2006) 139 Cal.App.4th

1 1356, 1381.) The court must determine if there was a “prejudicial abuse of discretion” by the agency
2 including a failure to proceed “in a manner required by law.” (*Western States Petroleum Assn. v.*
3 *Super. Ct.* (1995) 9 Cal.4th 559, 568.) Courts owe no deference to agencies where the law has been
4 misapplied and “an agency’s use of an erroneous legal standard constitutes a failure to proceed in a
5 manner required by law. The interpretation and applicability of a statute is a question of law requiring
6 an independent determination by the reviewing court.” (*East Pen. Educ. Coun. v. Palos Verde Unif.*
7 *Sch. Dist.* (1989) 210 Cal.App.3d 155, 165.)

8 **City of Corona Municipal Code**

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10 50. Pursuant to the provisions of the Corona Municipal Code, the issuance of a grading
11 permit, development review plan permit, and any other permits issued by the City that will allow
12 construction of the Project are discretionary actions subject to CEQA review.

13 **Grading Permits**

14 51. Chapter 15.36 of the Corona Municipal Code (“CMC”) governs the City’s issuance of
15 grading permits. (See, CMC §§ 15.36.010, et seq.) The provisions in this chapter apply to those who
16 “conduct any grading or clearing, brushing and grubbing on natural or existing grade that is
17 preparatory to grading or land development.” (CMC § 15.36.030(A)(1).)

18 52. The CMC requires environmental review for projects applying for grading permits.
19 (CMC § 15.36.040(B).) Section 15.36.040(B) expressly requires CEQA compliance for grading
20 permits:

21 Any application for a grading permit shall comply with CEQA by demonstrating with
22 sufficient information that the proposed grading will not cause significant harm to the
23 environment or that the environmental mitigation measures imposed through a prior and
applicable CEQA review have been or will be completed as conditions to the grading permit.

24 (*Id.*) This provision provides the Director of Public works with authority to consider precisely the
25 type of environmental concerns that would be addressed by CEQA. (*Id.*; *Sierra Club*, 11 Cal.App.5th
26 at 30.)

27
28 53. If the issuer of a grading permit may exercise judgment, deliberation, and
decisionmaking, the permit issuer has discretionary authority and CEQA is therefore triggered. (*Day*,

1 (1975) 51 Cal.App.3d at 823.)

2 54. A public agency’s “discretion includes the power to determine whether a proposed
3 project will ‘affect the public health, safety or general welfare.’” (*Guinnane v. San Francisco City*
4 *Planning Com.* (1989) 209 Cal.App.3d 732, 739.) The CMC gives the Director of Public Works the
5 authority to issue grading permits, which “shall contain such terms, conditions and restrictions as are
6 necessary to implement the applicable provisions of this chapter and the code . . . to ensure the work
7 is performed in accordance with the approved plans and geotechnical reports **and to protect the**
8 **public health, safety and welfare.**” (CMC § 15.36.090(D) [emph. added].)

9
10 55. In Corona, the Director of Public Works is required to determine whether the grading
11 activity will protect the undefined “public health, safety and welfare.” (CMC § 15.36.090(D).) The
12 consideration of whether a project will “protect the public health, safety and welfare” does not—as
13 ministerial decisions do—rely upon “the use of fixed standards or objective measurements.” (14 CCR
14 § 15369; see e.g., *Day*, (1975) 51 Cal.App.3d at 823. [The “issuance of the grading permit” by the
15 City of Glendale was a “discretionary item[] without fixed standards or objective measurements and
16 require[s] the exercise of judgment, deliberation, and decision by the city....”].) Therefore, the
17 Director of Public Works may condition or deny a grading permit that does not protect the public
18 health, safety, or welfare, and this decision is not based on fixed standards or objective
19 measurements, but rather requires the exercise of judgment, deliberation, and decision. (See also,
20 *Desmond v. Cty. Of Contra Costa* (1993) 21 Cal.App.4th 330, 337-38 [“concept of public welfare
21 encompasses a broad range of factors”].)

22 56. The CMC requires that a grading permit include an erosion control plan, which is
23 intended to control “sediment discharge.” (CMC § 15.36.060.) Section 15.36.060 requires that the
24 erosion control plan contain measures “necessary to protect adjoining public or private property from
25 damage by erosion, flooding or mud and/or debris deposits which may originate from the site or
26 result from the grading work.” (CMC § 15.36.060(B)(1).)

27 57. If the grading permit fails to meet the above requirements, the Director of Public
28 Works may deny the permit entirely, or “issue a grading permit with the condition that such

1 mitigation measures be performed.” (CMC § 15.36.100.) The Director’s authority is therefore
2 discretionary and functionally distinct from a ministerial act under the functional test, and the City
3 must therefore conduct CEQA review for the Project.

4 58. On December 13, 2021, the City issued a Grading Permit No. PWGP21-00024 to
5 Oakmont Industrial Group IV, LLC and HBI Construction Incorporated, to allow construction of the
6 Project.

7 59. The CMC also provides discretion in the permitting of industrial facilities. Section
8 17.44.060 provides that, “Projects shall be designed for vehicular access, parking and loading so as to
9 prevent undue traffic congestion on adjacent streets or highways, particularly local streets.” (CMC
10 §17.44.060(A).) The City’s power to determine whether the Project has been designed to “prevent
11 undue traffic congestion,” is a discretionary decision under the functional test.
12

13 **Development Plan Review**

14 60. In the Development Plan Review process, the purpose of the review is to assure that a
15 projects conformity with the General Plan and the provisions of the CMC “in the interest of public
16 health, safety and general welfare of the city.” (CMC § 17.102.010.) Such types of considerations are
17 discretionary under the functional test because they are based on personal judgment rather than a
18 specific set of standards, (See *Day*, (1975) 51 Cal.App.3d at 823; *Guinnane*, 209 Cal.App.3d 732 at
19 739.)

20 61. The CMC also states that “[a]ny proposed revision to the project which, in the
21 judgment of the Planning Director, is likely to change requirements as imposed, shall be resubmitted
22 to development plan review as described herein.” (CMC § 17.102.050.) Section 17.102.050
23 demonstrates that the Planning Director is authorized to make judgment calls about aspects of
24 projects, which is a discretionary action according to the functional test.

25 62. The City has discretion to shape the Project in order to mitigate environmental harm
26 with its wide directive to approve projects in the interest of public health, safety, and the general
27 welfare. This type of shaping is precisely the type of project modification that renders the City’s
28 approval discretionary, not ministerial. This discretionary authority triggers CEQA review.

1 not merely ministerial, because it allowed them to make personal judgements.

2 71. On November 4, 2020, the City Council approved a resolution to vacate the City
3 property that the Developer at the time was interested in purchasing to facilitate Development of the
4 Project. (**Exhibit 6** at 4 [November 4, 2020 City Council Meeting Minutes].)

5 72. On November 19 and 29, 2021, Petitioner e-mailed the City's Planning and
6 Development Department seeking documents related to the status of the Project and information
7 related to its environmental review attached as **Exhibit 7**. In response to Petitioner's request,
8 Associate Planner Lupita Garcia stated that "the project is currently in plan-check with the Plan
9 Check & Inspections Division" and that "grading plans are also in plan-check with the Development
10 Services Division." (Exhibit 7 at 3 [E-mails from Planner on November 29, 2021 and December 1,
11 2021].) The Planning and Development Department also stated that "[t]he project site is located in
12 the M-3 (Heavy Manufacturing) zone, which requires a discretionary[sic] review and is not subject to
13 CEQA." (*Id.* [Petitioner believes this was a typo on the associate planner's part given that a project
14 requiring discretionary review is subject to CEQA.]) Petitioner was also informed by Ms. Garcia that
15 the Project already underwent Development Plan Review in October 2019. (Exhibit 7 at 2.)

16 73. On December 2, 2020, the City Council considered and approved an order for the
17 vacation of a portion of a public right-of-way which fronted the Project site, as well as a Purchase and
18 Sale agreement of that excess right-of-way to Rexco-Hayward, LLC and a General Fund revenue
19 increase of \$20,000. The City's report from the December 2, 2021 City Council meeting, included as
20 **Exhibit 8**, states that the action being considered:

21
22
23 "…simply approves the vacation of public right-of-way and transfers a small portion of excess
24 right-of-way to the adjacent property owner for incorporation into property currently owned
25 by such property owner, and there is no possibility that this action will have a significant
26 effect on the environment. Therefore, no environmental analysis is required."

27 (Exhibit 8 at 1 [December 2, 2021 City of Corona Agenda Report, Request for City Council Action].)

28 74. Petitioner is informed and believes, and thereupon alleges, that the City Council's
comments at the December 2, 2021 meeting stating that it is unlikely the Project would have a
significant effect on the environment because it is merely the approval of a right-of-way was a

1 mischaracterization of the extent of the Project since the obvious implication of granting the right-of-
2 way and allowing the purchase of the land is so that the developer can carry out a project on the site

3 75. On December 6, 2021, Petitioner's attorney Richard Drury sent letters to the City of
4 Corona's Planning and Development Department and Community Development Department,
5 Planning Division stating that the Project was not exempt from CEQA and that the Project
6 proponents were required to complete CEQA review. (**Exhibit 9** [December 6, 2021 Letters from
7 Petitioner to City].) The letters explained that according to the Corona Municipal Code (CMC),
8 grading and development plan review permits were discretionary actions, which triggered CEQA
9 review. (*Id.*) Petitioner received no response to this letter beyond confirmation of receipt.

10 76. On December 9, 2021, the City prepared a Notice of Exemption for the Project, which
11 was posted by the County on December 23, 2021. (**Exhibit 10** [copy of the NOE signed December 9,
12 2021, and posted on December 23, 2021].)

13 77. In the City's Notice of Exemption, it stated that the project is ministerial and does not
14 require issuance of any discretionary permits, and that the Project is therefore exempt from CEQA
15 review. (*Id.*)

16 78. On December 13, 2021, a precise grading permit, Grading Permit No. PWGP21-
17 00024, was issued for the Project by the City of Corona Public Works Department, Development
18 Services. (**Exhibit 11** [Grading Permit No. PWGP21-00024].) Grading Permit No. PWGP21-00024
19 listed the Owner of the Project as Real Party Oakmont, and the Applicant and Contractor as Real
20 Party HBI. (*Id.* at 1.) It appears that no notice of exemption was filed after the date of the issuance of
21 this grading permit.

22 79. Petitioner is informed and believes, and thereupon alleges, that Real Parties in Interest
23 have yet to begin construction of the new industrial warehouse on the Project site.

24 80. The City's power under the CMC to deny grading permits and to issue grading permits
25 with conditions that are in the interest of public health, safety, and the general welfare are
26 discretionary actions.

27 81. Because the Director of Public Works may condition or deny a grading permit that
28 does not protect the public health, safety, or general welfare, and because this decision is not based
on fixed standards or objective measurements, but rather requires the exercise of judgment,

1 deliberation, and decision, it constitutes discretionary review under the functional test, and therefore
2 triggers CEQA.

3 82. The City’s acts of issuing a grading permit and development review plan permit for
4 the construction of the Project are discretionary, rather than ministerial, and are therefore not exempt
5 from CEQA review.

6 **FIRST CAUSE OF ACTION**

7 **(Code of Civil Procedure § 1085 Writ of Mandate; CEQA § PRC §§ 21168.5 – abuse of
8 discretion by not conducting environmental review pursuant to CEQA)**

9 83. All of the above paragraphs are incorporated herein by reference as if set forth again in
10 full.

11 84. Respondents violated CEQA by failing to conduct any environmental review of Real
12 Parties in Interest’s proposal to construct and operate a new industrial building totaling 144,001
13 square feet with 86,401 square feet of warehouse space, 47,600 square feet of manufacturing space,
14 10,000 square feet of office space, 16 loading spaces, 227 auto parking stalls, and associated on-site
15 and off-site infrastructure located on 210 Radio Road in Corona, California, prior to approving a
16 Development Plan Review Permit and a precise grading permit, which allow Real Parties in Interest
17 to proceed with construction of the Project on the Project site.

18 85. Real Parties in Interest’s proposal to construct and operate the new industrial
19 warehouse totaling 144,001 square feet is a “project” as that term is defined by CEQA.

20 86. Petitioner alleges that the Respondents abused their discretion and failed to act in the
21 manner required by the law in violation of CEQA and the Code of Civil Procedure § 1085 (or in the
22 alternative CCP §1094.5) by granting a precise grading permit and development plan review permit,
23 and any related permits and approvals to authorize the construction and subsequent operation of the
24 Project. The granting of such permits and related approvals violated CEQA, inter alia, because:

- 25 a. Approval of the Project by the City required discretionary, non-ministerial
26 decisions by the City to issue Real Parties in Interest Grading Permit No.
27 PWGP21-00024 and Development Plan Review Permit 2019-0022 to permit
28 construction of the Project at 210 Radio Road in the City of Corona.

- 1 b. The City failed to consider the whole of the Project as required by CEQA by
2 approving a precise grading permit and development plan review permit allowing
3 for Project construction and operation prior to formal consideration and approval
4 of the Project.
5
6 c. The City erroneously completed no initial study and made no effort pursuant to
7 CEQA to characterize any potentially significant environmental impacts, including
8 traffic, air pollution, greenhouse gas, energy consumption, water quality,
9 hazardous materials, wildlife impacts, cumulative impacts, growth inducing
10 impacts, land use, and other impacts of the Project.

11 87. Respondents abused their discretion and failed to proceed in the manner required by
12 law by failing to conduct any environmental review under CEQA in conjunction with the Project.

13 **SECOND CAUSE OF ACTION**

14 **(Injunctive and Declaratory Relief Against Respondents and Real Parties in Interest)**

15 88. All of the above paragraphs are incorporated herein by reference as if set forth again in
16 full.

17 89. Petitioners have no plain, speedy, or adequate remedy at law. Unless enjoined,
18 Respondents and Real Parties in Interest will implement the Project despite Respondents' lack of
19 compliance with CEQA. Petitioners will suffer irreparable harm due to Respondents' failure to take
20 the required steps to protect the environment.

21 **PRAYER**

22 WHEREFORE, Petitioner and Plaintiff prays that the Court:

- 23 1. Issue a declaratory judgment declaring:
24 a. that Respondents' approval of the Project is null and void and contrary to law;
25 b. that the issuance by the City of the grading permit, development plan review
26 permit, and other permits that will allow construction of the Project are
27 discretionary actions subject to the requirements of CEQA, and;
28 c. that Respondents violated CEQA by failing to prepare and initial study and an

1 appropriate environmental review document for the Project.

2 2. Issue a peremptory writ of mandate directing Respondents to set aside any and all
3 approvals of the Project, including but not limited to Grading Permit No. PWGP21-00024, the
4 Development Plan Review Permit 2019-0022, and any other permits and decisions issued by the City
5 that allow the Project to proceed, unless and until Respondents have prepared, circulated, and
6 considered a legally adequate CEQA document prior to any subsequent approval action;

7
8 2. Issue a peremptory writ of mandate directing Respondents and Real Parties in Interest
9 to suspend all activity in furtherance of the Project and to refrain from taking or authorizing any
10 activities in furtherance of the Project, including the issuance of any grading, development plan
11 review, or other permits that allow the Project to proceed, unless and until Respondents comply fully
12 with CEQA.

13 3. Issue a stay, temporary restraining order, preliminary injunction, and a permanent
14 injunction restraining all Respondents and Real Parties and their agents, servants and employees, and
15 all others acting in concert with them or in their behalf, from undertaking any grading, construction,
16 development, improvements, issuing any construction, building or development approvals or permits,
17 or taking any other action to implement in any way the Project, pending full compliance with CEQA
18 and all other requirements of law;

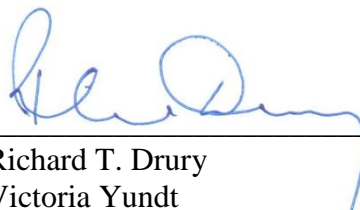
19 4. Award costs of the suit incurred herein;

20 5. Award attorneys' fees pursuant to section 1021.5 of the Code of Civil Procedure, the
21 common law private attorney general doctrine, and any other applicable provision of law; and

22 6. Grant such other and further relief as the Court deems just and proper.
23

24 DATED: January 27, 2022

LOZEAU DRURY LLP

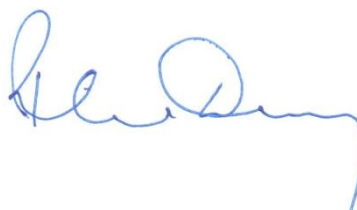
25
26
27 

28 Richard T. Drury
Victoria Yundt
Counsel for Petitioner

1
2 **VERIFICATION**

3 I, Richard Drury, am an attorney for Petitioner in this action. I am verifying this Petition
4 pursuant to California Code of Civil Procedure section 446. Petitioner is absent from the County of
5 Alameda, in which I have my office. I have read the foregoing petition and complaint. I am
6 informed and believe that the matters in it are true and on that ground allege that the matters stated
7 in the complaint are true.

8 I declare under penalty of perjury under the laws of the State of California that the foregoing
9 is true and correct.

10 

11
12 Date: January 27, 2022

13 _____
14 Richard T. Drury
15 Attorney for Petitioner
16
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27
28

EXHIBIT 1



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
michael@lozeaudrury.com

Via US Mail

January 27, 2022

Mayor Wes Speake and
Corona City Council
c/o City Manager
400 S. Vicentia Ave., Suite 315
Corona, CA 92882
Wes.Speake@CoronaCA.gov

Savat Khamphou
Director of Public Works
City of Corona
400 S. Vicentia Ave., Suite 115
Corona, CA 92882

Anne Turner
Community Services Director
City of Corona
400 S. Vicentia Ave., Suite 115
Corona, CA 92882

Lupita Garcia, Associate Planner
Planning and Development Dept.
City of Corona
400 S. Vicentia Ave.
Corona, CA 92882

City Clerk
City of Corona
400 S. Vicentia Ave., Suite 115
Corona, CA 92882
CityClerk@CoronaCA.gov

Joanne Coletta
Planning and Development Director
City of Corona
400 S. Vicentia Ave., Suite 115
Corona, CA 92882

Sandra Yang, Senior Planner
Community Development Dept.
Planning Division
City of Corona
400 S. Vicentia Ave.
Corona, CA 92880
Sandra.Yang@CoronaCA.gov

**Re: Notice of Intent to File Suit Under the California Environmental Quality Act
Regarding the Proposed Industrial Building at 210 Radio Road (Permit No.
PWGP21-00024; Development Plan Review 2019-0022 (DPR2019-0022))**

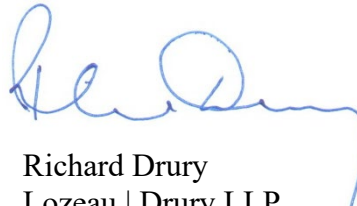
Dear Mayor Speake, City Council Members, City Manager, City Clerk, Mr. Khamphou, Ms. Coletta, Ms. Turner, Ms. Garcia and Ms. Yang:

Notice of Intent to File CEQA Suit re:
210 Radio Road (Permit No. PWGP21-00024; Development Plan Review 2019-0022
January 27, 2022
Page 2 of 3

Please take notice pursuant to PRC section 21167.5 that the Supporters Alliance for Environmental Responsibility (“SAFER”), a California non-profit organization, intends to file a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief (“Petition”) against Respondents City of Corona, and City Council of the City of Corona, SAVAT KHAMPHOU, City of Corona Director of Public Works, in his official capacity; JOANNE COLETTA, City of Corona Planning and Development Director, in her official capacity; and ANNE TURNER, City of Corona Community Services Director, in her official capacity, (“Respondents” or “City”) in the Superior Court for the County of Riverside, challenging Respondents’ December 13, 2021 issuance of Grading Permit No. PWGP21-00024, to Oakmont Industrial and HBI Construction Incorporated, and Development Plan Review 2019-0022, despite the failure to conduct environmental review pursuant to the California Environmental Quality Act (“CEQA”), Pub. Res. Code section 21000, et seq. The grading permit, development plan review permit and other permits issued by the City are discretionary actions that will allow construction of a 144,001 square foot industrial building on a 7.18 acre property with 86,401 square feet of warehouse space, 47,600 square feet of manufacturing space, 10,000 square feet of office space, 16 loading spaces, 227 auto parking stalls and associated on-site and off-site infrastructure. (“Project”). The Project is proposed to be located at 210 Radio Road in Corona, at the terminus of Radio Road, north of Samson Avenue and south of State Route 91. The Project is more fully described in the Notice of Exemption which was posted by the County of Riverside on December 23, 2021.

The City has determined that the Project is ministerial and therefore exempt from CEQA review. We have submitted letters to the City explaining that the City has the power to exercise its discretion to impose conditions on the Project to reduce environmental impacts and that the action is therefore discretionary and the ministerial exemption is therefore improper and CEQA review is required. SAFER intends to file a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief to require the City to conduct CEQA review for the Project, to set aside any and all permits issued for the Project pending the completion of CEQA review, and to require Respondents and Real Parties in Interest to cease any and all activities in furtherance of the Project pending the completion of CEQA review. SAFER will also seek recovery of its attorneys’ fees and costs as well as all other appropriate relief.

Sincerely,



Richard Drury
Lozeau | Drury LLP

PROOF OF SERVICE

I, Toyer Grear, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 1939 Harrison Street, Suite 150, Oakland, CA 94612. On January 27, 2022, I served a copy of the following documents:

**Notice of Intent to File Suit Under the California Environmental Quality Act
Regarding the Proposed Industrial Building at 210 Radio Road (Permit No.
PWGP21-00024; Development Plan Review 2019-0022 (DPR2019-0022))**

- By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California addressed as set forth below.

Mayor and Corona City Council
c/o City Manager
400 S. Vicentia Ave., Suite 315
Corona, CA 92882

City Clerk
City of Corona
400 S. Vicentia Ave., Suite 115
Corona, CA 92882
CityClerk@CoronaCA.gov

Savat Khamphou
Director of Public Works
City of Corona
400 S. Vicentia Ave., Suite 115
Corona, CA 92882


Joanne Coletta
Planning and Development Director
City of Corona
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Corona, CA 92882

Anne Turner
Community Services Director
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Sandra Yang, Senior Planner
Community Development Dept.
Planning Division
City of Corona
400 S, Vicentia Ave.
Corona, CA 92880
Sandra.Yang@CoronaCA.gov

Lupita Garcia, Associate Planner
Planning and Development Dept.
City of Corona
400 S. Vicentia Ave.
Corona, CA 92882

I declare under penalty of perjury (under the laws of the State of California) that the foregoing is true and correct, and that this declaration was executed January 27, 2022 at Pittsburg, California.



Toyer Grear

EXHIBIT 2

1
2 Richard Drury (CBN 163559)
3 Victoria Yundt (CBN 326186)
4 LOZEAU | DRURY LLP
5 1939 Harrison Street, Suite 150
6 Oakland CA 94612
7 Tel: (510) 836-4200
8 E-mail: richard@lozeaudrury.com
9 victoria@lozeaudrury.com

10 Attorneys for Petitioner SAFER

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

SUPPORTERS ALLIANCE FOR
ENVIRONMENTAL RESPONSIBILITY, a
California non-profit corporation,

Petitioner and Plaintiff,

v.

CITY OF CORONA, a municipality; CITY
COUNCIL OF THE CITY OF CORONA, a
municipal body; SAVAT KHAMPHOU, City
of Corona Director of Public Works, in his
official capacity; JOANNE COLETTA, City
of Corona Planning and Development
Director, in her official capacity; and ANNE
TURNER, City of Corona Community
Services Director, in her official capacity,

Respondents and Defendants,

OAKMONT INDUSTRIAL GROUP;
OAKMONT INDUSTRIAL GROUP IV, LLC,
a California limited liability company; HBI
CONSTRUCTION INCORPORATED, a
California corporation,

Real Parties in Interest and Defendants.

Civil Case No.:

**PETITIONER'S NOTICE OF INTENT
TO PREPARE ADMINISTRATIVE
RECORD**

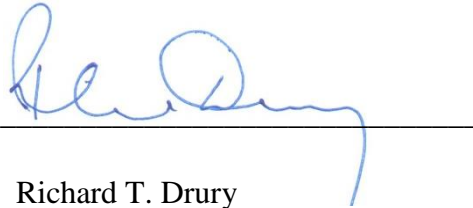
(CEQA, Pub. Res. Code § 21000, et seq.;
Code of Civil Procedure § 1085 (alternatively
§ 1094.5))

1
2 Pursuant to Public Resources Code § 21167.6(b)(2), Petitioner SUPPORTERS ALLIANCE
3 FOR ENVIRONMENTAL RESPONSIBILITY (“Petitioner”) hereby notifies all parties that
4 Petitioner elects to prepare the administrative record relating to the above-captioned action
5 challenging the City’s failure to conduct environmental review under the California Environmental
6 Quality Act in its decision to issue Development Review Permit 2019-0022 on October 3, 2019, and
7 Grading Permit No. PWGP21-00024 on December 13, 2021, for the construction of a new industrial
8 warehouse totaling approximately 144,001 square feet at 210 Radio Road, Corona, California 92879.
9 Respondents and Real Parties in Interest are directed not to prepare the administrative record for this
10 action and not to expend any resources to prepare the administrative record.
11

12 DATED: JANUARY 27, 2022

LOZEAU DRURY LLP

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Richard T. Drury
Attorneys for Petitioner

EXHIBIT 3



Home » Current Availabilities

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Corporate Terrace Plaza

Princeland Plaza

Norco Campus

Corona Spectrum

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CURRENT AVAILABILITIES



Available Now

Project: **1181 California Avenue**
 Location: **1181 California Avenue, Suites 230 - 240, Corona 92881**
 Offering: **Lease**
 Total SF: **0**
 Lease Rate: **\$2.35 PSF (FSG)**
 Downloads: [Flyer](#)

3,232 - 3,310 SF Available
Lease Separate or Together



Available Now

Project: **Corona West Plaza**
 Location: **1450 W. 6th Street, Corona 92882**
 Offering: **Lease**
 Total SF: **0**
 Lease Rate: **TBD**
 Downloads: [Flyer](#)

Available Call to Show
 1450 W. 6th Street, Suite 206 - **557 SF Office (MG)**
 1450 W. 6th Street, Suite 204 - **728 SF Office (MG)**



Available Now

Project: **Yucaipa Professional Center**
Location: **34675 Yucaipa Blvd, Yucaipa 92399**
Offering: **Lease**
Total SF: **0**
Lease Rate: **\$1.00 - \$1.35 PSF (NNN)**
Downloads: [Flyer](#)

Restrooms, Nurse Stations, Reception & Storage

Availabilities

34675 Yucaipa Blvd. Suite 100 - **930 SF** **\$1.35 PSF (NNN)**
34675 Yucaipa Blvd. Suite 112 - **1,285 SF** **\$1.35 PSF (NNN)**
34675 Yucaipa Blvd. Suite 113 - **6,000 SF** **\$1.00 PSF (NNN)**



Available Now

Project: **1181 California Avenue**
Location: **1181 California Avenue, Suite 160, Corona 92881**
Offering: **Lease**
Total SF: **2,092**
Lease Rate: **\$2.35 PSF (FSG)**
Downloads: [Flyer](#)

Available



Available Now

Project: **Griffin Residential**
Location: **110 N. Lincoln Avenue Ste 201, Corona 92882**
Offering: **Lease**
Total SF: **2,213**
Lease Rate: **1.35 PSF (FSG)**
Downloads: [Flyer](#)



Available Now

Project: **Norco Campus**
Location: **1761 Third Street Suite 204, Norco 92860**
Offering: **Lease**
Total SF: **2,613**
Lease Rate: **\$1.25 PSF (NNN)**
Downloads: [Flyer](#)

Available Upon 30 Day Notice



Available Now

Project: **Corporate Terrace Plaza**
Location: **311 Corporate Terrace Circle , Corona 92879**
Offering: **Lease**
Total SF: **3,064**
Lease Rate: **1.55 PSF (NNN)**
Downloads: [Flyer](#)

Available Upon 30 Day Notice



Available Now

Project: **Corona Spectrum Business Park**
Location: **1867 California Avenue Suite 102, Corona 92881**
Offering: **Lease**
Total SF: **3,678**
Lease Rate: **\$1.65 PSF (NNN)**
Downloads: [Flyer](#)

Available
Sublease Expires October 31, 2024
Owner Will Do a Direct Deal



Available Now

Project: **1181 California Avenue**
Location: **1181 California Avenue, Suite 215, Corona 92881**
Offering: **Lease**
Total SF: **4,054**

Current Availabilities | Strata Realty

Lease Rate: **2.35 PSF (FSG)**

Downloads: [Flyer](#)

Available Upon 30 Day Notice



Available Now

Project: **Corona Spectrum Business Park**
Location: **1365 Old Temescal Road Suite 102, Corona 92881**
Offering: **Lease**
Total SF: **5,512**
Lease Rate: **1.50 PSF (NET)**
Downloads: [Flyer](#)

- Professional Business Park Environment
- Four (4) Private Offices
- Break Room
- Conference Room
- Storage Room
- Janitor Room
- 100% Reserved Parking
- M-4 Zoning



Available Now

Project: **Norco Campus**
Location: **1771 Third Street, Norco 92860**
Offering: **Sale**
Total SF: **7,119**
Sale Price: **TBD**
Downloads: [Flyer](#)



Available Now

Project: **235 Citation Way**
Location: **235 Citation Circle , Corona**
Offering: **Lease**
Total SF: **14,031**
Lease Rate: **\$1.45 PSF (NNN)**
Downloads: [Flyer](#)



Available Now

Project: **Corona West Plaza**
 Location: **1450 W. 6th Street , Corona 92882**
 Offering: **Sale**
 Total SF: **21,800**
 Sale Price: **\$4,100,000**



Available Now

Project: **1801 California Avenue**
 Location: **1801 California Avenue, Corona 92881**
 Offering: **Lease**
 Total SF: **28,254**
 Lease Rate: **\$1.50 PSF (NET)**
 Downloads: [Flyer](#)

Available



Available Now

Project: **Oakmont / Corona**
 Location: **210 Radio Road, Corona 92879**
 Offering: **Lease**
 Total SF: **144,001**
 Lease Rate: **TBD**

Estimated Completion Q1 2022

- **Approximately 10,000 Square Feet of Two-Story Corporate Office Space**
- Sixteen (16) Dock High Doors**
- Four (4) Ground Level Doors**
- ESFR Sprinkler System**
- Freeway Visible**
- High Identity at the SEC of the 91 and I-15 Freeway Interchange**
- Concrete Loading Apron**
- 32' Clear Height**
- 2,000 Amps 277/480 Volts**
- M-2 Zoning**
- Easy Access to the I-15 and 91 Freeways**



EXHIBIT 4

144,001 SF

OAKMONT / CORONA

CLOSE PROXIMITY TO THE 15 AND 91 FREEWAYS



210 Radio Road | Corona, CA

Features

- Approximately 10,000 Square Feet of Two-Story Corporate Office Space
- Sixteen (16) Dock High Doors
- Four (4) Ground Level Doors
- ESMR Sprinkler System
- Freeway Visible
- High Identity at the SEC of the 91 and I-15 Freeway Interchange
- Concrete Loading Apron
- 32' Clear Height
- 2,000 Amps 277/480 Volts
- M-2 Zoning
- Easy Access to the I-15 and 91 Freeways



FOR MORE INFORMATION, CONTACT:

Timothy N. Hawke, SIOR
Owner/President Strata Realty
CA DRE #01043432
P: 951.280.1733 | M: 951.533.2513
thawke@stratarealty.com

Rick John, SIOR
Executive Vice President
CA DRE #01043432
P: 909.912.0001 | M: 949.378.4661
rj@daumcommercial.com



OAKMONT
INDUSTRIAL GROUP

OAKMONT / CORONA

210 Radio Road | Corona, CA



Oakmont Industrial Group has taken a forward-looking approach to the design of its speculative office improvements in an effort to enhance occupier health and safety through the implementation of the “Healthy Office Improvements” outlined below. These state-of-the-art features create an enhanced touch-less environment which helps promote a healthier workplace to the end-user.

Touchless Office

- Motion sensor faucets in restrooms
- Motion sensor soap dispensers in restrooms
- Motion sensor paper towel dispensers in restrooms
- Motion sensor toilets and urinals
- Motion sensor faucets in the breakroom
- Install foot pulls at high traffic doors
- Add water bottle filling stations to the water fountains
- Motion light switches in every room

Other Items

- Permanent hand sanitizing stations at all high traffic doors
- Plastic laminate counters and toilet partitions
- VCT flooring in high traffic breakrooms
- Sheet vinyl flooring in office restrooms
- Sheet vinyl flooring in warehouse restrooms
- During leasing provide weekly cleanings of the office area
- Provide masks at the entry during leasing period

FOR MORE INFORMATION, CONTACT:

Timothy N. Hawke, SIOR
Owner/President Strata Realty
CA DRE #01043432
P: 951.280.1733 | M: 951.533.2513
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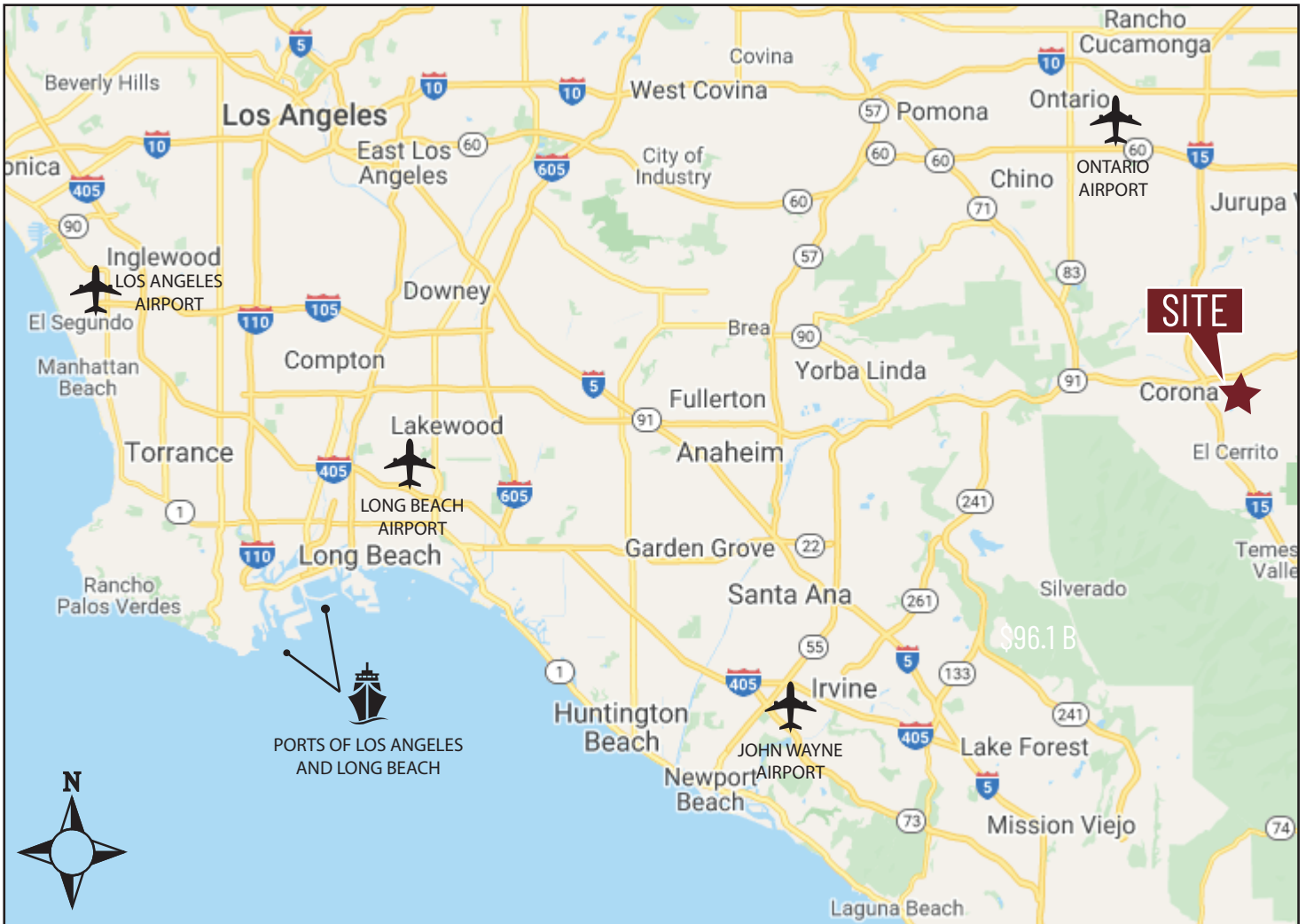


OAKMONT
INDUSTRIAL GROUP

OAKMONT / CORONA

210 Radio Road | Corona, CA

Regional Map



Interstate 15	1.3 miles	60 Freeway	12.2 miles	Port of Long Beach	51.1 miles
91 Freeway	2.4 miles	57 Freeway	21.3 miles	Port of Los Angeles	52.7 miles
Interstate 5	28.3 miles	55 Freeway	18 miles	Los Angeles International Airport	55.4 miles
Interstate 405	29.8 miles	71 Freeway	6.3 miles	Long Beach Airport	43.2 miles
Interstate 605	33.9 miles	Interstate 710	41.7 miles	John Wayne Airport	30.6 miles
Interstate 10	15.6 miles	241 Toll Road	11 miles	Ontario Airport	18.1 miles

FOR MORE INFORMATION, CONTACT:

Timothy N. Hawke, SIOR
Owner/President Strata Realty
CA DRE #01043432

P: 951.280.1733 | M: 951.533.2513
thawke@stratarealty.com

Rick John, SIOR
Executive Vice President
CA DRE #01043432

P: 909.912.0001 | M: 949.378.4661
rj@daumcommercial.com



EXHIBIT 5



COMMUNITY DEVELOPMENT DEPARTMENT
“Promoting and Sustaining Quality Development”

website - www.CoronaCA.gov

DEVELOPMENT PLAN REVIEW
DPR AGENDA
(THIS MEETING IS NOT OPEN TO THE PUBLIC)

October 3, 2019

Community Development Conference Room

PACKET DISTRIBUTION

R. Ureno, Public Works 2NDFL. **M. Hindersinn, Public Works 1ST FL.**
O. Davalos, Building **Ryan Cortez, Mgmt. Services**
C. Schmitz, Fire Department **Cpl. Daniel Matson, Police Dept.**

Waste Management
Corona /Norco Unified School District.

<u>TIME</u>	<u>CASE</u>	<u>PLANNER</u>
8:30 a.m.	DPR2019-0022	Lupita G.

A proposal to construct a 139,552 square foot industrial building in the M-3 (Heavy Manufacturing) zone on 7.18 acres located at the terminus of Radio Road, north of Sampson Avenue.

APN: 115-590-013

Applicant: Patrick Tritz
Rexco Hayward, LLC
2518 N. Santiago Blvd.
Orange, CA 92867

EXHIBIT 6

EXHIBIT 7

Stacey Osborne

From: Lupita Garcia <Lupita.Garcia@CoronaCA.gov>
Sent: Thursday, December 2, 2021 9:40 AM
To: Stacey Osborne
Cc: Sandra Yang; 'Molly Greene'
Subject: RE: 210 Radio Road

Hello Stacey,

That is correct it is Oakmont.

Thank you,



Lupita Garcia

Associate Planner, Planning & Development Department, City of Corona
400 S. Vicentia Ave., Corona, CA 92882
Office: 951-736-2293 | www.CoronaCA.gov



New City Hall business hours: Monday – Thursday from 7:00 a.m. to 6:00 p.m., closed on Fridays

From: Stacey Osborne <stacey@lozeaudrury.com>
Sent: Thursday, December 2, 2021 9:08 AM
To: Lupita Garcia <Lupita.Garcia@CoronaCA.gov>
Cc: Sandra Yang <Sandra.Yang@CoronaCA.gov>; 'Molly Greene' <molly@lozeaudrury.com>
Subject: RE: 210 Radio Road

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Thank you so much, Lupita, I really appreciate that. Is the current applicant Rexco Hayward? My understanding was that it was Oakmont. Thank you very much in advance!

Stacey Osborne
Senior Paralegal
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
510-836-4200 (Phone)
510-836-4205 (Fax)
stacey@lozeaudrury.com

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From: Lupita Garcia <Lupita.Garcia@CoronaCA.gov>
Sent: Thursday, December 2, 2021 7:32 AM
To: Stacey Osborne <stacey@lozeaudrury.com>
Cc: Sandra Yang <Sandra.Yang@CoronaCA.gov>; 'Molly Greene' <molly@lozeaudrury.com>
Subject: RE: 210 Radio Road

Good morning Stacey,

I hope this email finds you well. Please see my responses below in red.

Thank you,



Lupita Garcia

Associate Planner, Planning & Development Department, City of Corona
400 S. Vicentia Ave., Corona, CA 92882
Office: 951-736-2293 | www.CoronaCA.gov



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From: Stacey Osborne <stacey@lozeaudrury.com>
Sent: Wednesday, December 1, 2021 2:12 PM
To: Lupita Garcia <Lupita.Garcia@CoronaCA.gov>
Cc: Sandra Yang <Sandra.Yang@CoronaCA.gov>; 'Molly Greene' <molly@lozeaudrury.com>
Subject: FW: 210 Radio Road

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Good Afternoon Lupita,

I'm following up on the email I sent yesterday. I have a couple of questions:

- Has the grading permit for this project been issued yet? **No**
- Will the project go through Development Plan Review? **Yes, DPR2019-0022 was held on October 3, 2019.**
- Would you be able to email me any application materials or project plans for the project? **See attached plans.**

I'll give you a call to follow up. Thank you again very much in advance for your help.

Best Regards,
Stacey

Stacey Osborne
Senior Paralegal
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stacey@lozeaudrury.com

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From: Stacey Osborne <stacey@lozeaudrury.com>
Sent: Tuesday, November 30, 2021 9:49 AM
To: 'Lupita Garcia' <Lupita.Garcia@CoronaCA.gov>
Cc: 'Sandra Yang' <Sandra.Yang@CoronaCA.gov>; 'Molly Greene' <molly@lozeaudrury.com>
Subject: RE: 210 Radio Road

Good Morning Lupita,

Thank you very much for your response. I apologize for missing your voicemail. What permits are required for this project, and have any been issued yet? Also, will a Notice of Exemption be filed for the environmental review?

Thank you very much again,
Stacey

Stacey Osborne
Senior Paralegal
Lozeau | Drury LLP
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Oakland, CA 94612
510-836-4200 (Phone)
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From: Lupita Garcia <Lupita.Garcia@CoronaCA.gov>
Sent: Monday, November 29, 2021 5:53 PM
To: stacey@lozeaudrury.com
Cc: Sandra Yang <Sandra.Yang@CoronaCA.gov>
Subject: 210 Radio Road

Hello Stacey,

I hope this email finds you well my name is Lupita Garcia, Associate Planner for the City of Corona. Thank you for your email, I left a voice message for you on Tuesday November 23, 2021. In regards to your inquiry about the proposed industrial building at 210 Radio Road, please be advised the project is currently in plancheck with the Plan Check & Inspections Division. Additionally, the grading plans are also in plancheck with the Development Services Division. The project site is located in the M-3 (Heavy Manufacturing) zone, which requires a discretionary review and is not subject to CEQA. Feel free to contact me should you have any other questions.

Thank you,



Lupita Garcia

Associate Planner, Planning & Development Department, City of Corona
400 S. Vicentia Ave., Corona, CA 92882
Office: 951-736-2293 | www.CoronaCA.gov



New City Hall business hours: Monday – Thursday from 7:00 a.m. to 6:00 p.m., closed on Fridays

From: Stacey Osborne <stacey@lozeaudrury.com>
Sent: Monday, November 29, 2021 3:53 PM
To: Joanne Coletta <Joanne.Coletta@CoronaCA.gov>
Cc: 'Molly Greene' <molly@lozeaudrury.com>
Subject: FW: 210 Radio Road

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Good Afternoon Ms. Coletta,

I'm following up on the email I sent on November 19th. Thank you very much in advance for any information you can provide.

Stacey Osborne
Senior Paralegal
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
510-836-4200 (Phone)
510-836-4205 (Fax)
stacey@lozeaudrury.com

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From: Stacey Osborne <stacey@lozeaudrury.com>
Sent: Friday, November 19, 2021 11:31 AM
To: 'Joanne Coletta' <Joanne.Coletta@CoronaCA.gov>
Cc: 'Molly Greene' <molly@lozeaudrury.com>
Subject: 210 Radio Road

Good Morning Ms. Coletta,

I hope this finds you well. I was hoping to find out the status of a warehouse project located at 210 Radio Road. Is there a planner assigned to the project who might be able to help?

Thank you very much in advance,
Stacey

Stacey Osborne
Senior Paralegal
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
510-836-4200 (Phone)
510-836-4205 (Fax)
stacey@lozeaudrury.com

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EXHIBIT 8



Agenda Report

File #: 20-0969

**AGENDA REPORT
REQUEST FOR CITY COUNCIL ACTION**

DATE: 12/02/2020

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

SUBJECT:

Public Hearing for City Council consideration of Resolution No. 2020-141, ordering the vacation of a portion of public right-of-way fronting 210 Radio Road, south of the 91-freeway and north of the existing terminus of Radio Road; a Purchase and Sale Agreement with Rexco-Hayward, LLC, for the sale of excess right-of-way, and authorizing a General Fund revenue increase in the amount of \$20,000.

RECOMMENDED ACTION:

That the City Council:

- a. Adopt Resolution No. 2020-141, ordering the vacation of a portion of public right-of-way fronting 210 Radio Road, south of the 91-freeway and north of the existing terminus of Radio Road.
- b. Approve the Purchase and Sale Agreement with Rexco-Hayward, LLC, for the sale of approximately 9,975 square-feet of excess right-of-way to Rexco-Hayward, LLC, the City's acquisition of 460 square-feet of real property from Rexco-Hayward, LLC, the City's acceptance of a quitclaim deed to clear title, and the City's conveyance of a private storm drain easement to Rexco-Hayward, LLC.
- c. Authorize the City Manager to execute the Purchase and Sale Agreement and any amendments thereto and to take all related actions which are non-substantive or are otherwise in compliance with the City Council's actions hereunder.
- d. Authorize a General Fund revenue increase in the amount of \$20,000 for the Purchase and Sale Agreement.

ANALYSIS:
Street Vacation

Rexco-Hayward, LLC ("Developer") is the developer for the property located at 210 Radio Road, on the east side of Radio Road, immediately south and adjoining the 91 Freeway. The Developer proposes to construct a new industrial building that is approximately 144,001 square-feet on a total of 7.0 acres ("Development"). To facilitate the Development, the Developer wishes to purchase approximately 9,975 square-feet of land from the City within this area ("City Property"). Since the City Property consists of public right-of-way, it is also necessary to vacate it prior to sale. On November 4, 2020, the City Council approved a resolution declaring its intent to vacate the City Property. A depiction of the Development location, and the area to be vacated is shown on Exhibit "1." City staff is supportive of the vacation of the City Property because the existing cul-de-sac improvements at the existing terminus of Radio Road meets Public Works' requirements for terminating Radio Road, and the right-of-way extending to the north up to the 91-freeway is not needed for any future roadway improvements. The proposed vacation supports the Development and will also provide for an adequate path of travel for Caltrans and Riverside County Transportation Commission (RCTC) to access the 91-freeway right-of-way within this area.

A notice of the public hearing on the vacation was published in the Sentinel Weekly News on November 18, 2020, and on November 25, 2020, in accordance with the provisions of the California Streets and Highways Code Section 8322. On November 18, 2020, three separate vacation notices were conspicuously posted along the portion to be vacated in accordance with the requirements of the California Streets and Highways Code Section 8323.

Adoption of the recommended resolution would order the vacation of a portion of public right-of-way fronting 210 Radio Road, south of the 91-freeway and north of the existing terminus of Radio Road, as described in Resolution No. 2020-141, and facilitate the sale of the City Property to the Developer.

Purchase and Sale Agreement

The City Council previously approved a Purchase and Sale Agreement with the Developer, and a resolution for the intent to vacate existing right-of-way, on June 17, 2020. During the public noticing period, the Public Works Department was contacted and informed that a proposed easement intended to preserve the right for Caltrans and RCTC to use the City Property in order to access the 91-freeway right-of-way did not fully comply with their requirements. This prompted City staff to immediately begin working with Caltrans and the Developer on a solution beneficial to the parties involved.

All parties have now agreed on a plan that allows the Development to move forward, while satisfying the access requirements for Caltrans and RCTC. The attached Purchase and Sale Agreement proposes the following actions:

- City to vacate and sell to the Developer a smaller portion of public right-of-way adjacent to the Developer's property, leaving approximately 6,651 square-feet of right-of-way ("Remaining ROW") that will provide a 30-foot wide dedicated access path for Caltrans and

RCTC.

- Developer to convey approximately 460 square-feet of real property to the City, at no charge, which will be combined with the Remaining ROW ("Caltrans Access Property").
- Developer to construct certain improvements (grading, paving, driveway approach, fencing) on the Caltrans Access Property for the benefit of Caltrans within six (6) months of the close of escrow on the City Property, which will be guaranteed by security posted by the Developer pursuant to an Improvement Agreement between the City and Developer.
- City to grant an easement to Developer over a 613 square-foot portion of the Caltrans Access Property for the construction and maintenance of private storm drain facilities.
- Developer to grant a quitclaim deed to City for approximately 4,484 square-feet of property that consists of a portion of the Caltrans Access Property and other property within Radio Road ("Overlap Parcel"), which is necessary to clear title.
- Following the completion of the improvements on the Caltrans Access Property, fee title to the Caltrans Access Property is proposed to be conveyed to Caltrans at no charge, which will be subject to future City Council action.

Using money deposited by the Developer, the City commissioned an appraisal by Tucker Appraisal Service Corporation, which concluded that the City Property is worth approximately two dollars (\$2.00) per square-foot. The appraisal report determined that the property is in the M3 Zone, which requires a minimum site area of 1.0 acres. The report also concluded that the City Property is basically unbuildable, unless it is incorporated into a larger project, such as the one proposed by the Developer. The value of the land was determined through a sale comparison approach, which compares recent sales of similar properties. The full appraisal report is available for review upon request.

Public Works has reviewed the appraisal report and believes that the appraised amount of two dollars (\$2.00) per square-foot for the City Property is reasonably substantiated by the appraisal report. Staff also believes that selling the City Property will relieve the City of the liability and obligation to maintain excess right-of-way at the end of Radio Road.

Upon close of escrow, the City Property would be transferred to the Developer in the form of a grant deed, which will be merged with other property currently owned by the Developer via a lot line adjustment to facilitate the Development. Therefore, staff recommends the sale of the City Property under the following conditions:

1. The purchase price is \$20,000;
2. The Developer shall pay all title and escrow costs;
3. The Developer shall deposit funds to cover all City costs for the preparation and execution of the Purchase and Sales Agreement;
4. The close of escrow shall be conditioned upon the vacation of the public right-of-way on the City Property and the lot line adjustments to merge the City Property with property owned by the Developer;
5. The Developer shall pay all costs associated with the quitclaim of the Overlap Parcel;
6. Prior to the close of escrow, the Developer shall execute an Improvement Agreement and post sufficient bonds for completion of improvements on the Caltrans Access Property; and

7. The Developer shall agree to construct said improvements within six (6) months of close of escrow.

COMMITTEE ACTION:

Not applicable.

STRATEGIC PLAN:

Not applicable.

FISCAL IMPACT:

The Developer is responsible for the purchase price of \$20,000 and all other costs as noted in this Agenda Report. Approval of the recommended actions will result in a General Fund revenue increase of \$20,000.

GENERAL FUND	
Adopted Budget - FY 2021 Estimated Revenue Over Expenditures	\$ (9,795,360)
Use of Pension Obligation Reserve	2,530,492
Previously Approved/Revised Budget Adjustments (Net)* - Note 1	(780,067)
Current Estimated Revenue Over Expenditures - Note 1	(8,044,935)
Purchase and Sale Agreement - Revenue Increase	20,000
Revised Estimated Revenue Over Expenditures - Note 1	\$ (8,024,935)
Budget Balancing Measures Reserve - Estimated 06/30/20	31,788,549
Estimated FY 2021 Change in Budget Balancing Measures Reserve	(8,024,935)
Estimated Budget Balancing Measures Reserve - 06/30/21	\$ 23,763,614

* Approved through Council Action or other operational process.

Note 1: Includes other General Fund items on the December 2, 2020 agenda.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action simply approves the vacation of public right-of-way and transfers a small portion of excess right-of-way to the adjacent property owner for incorporation into property currently owned by such property owner, and there is no possibility that this action will have a significant effect on the environment. Therefore, no environmental analysis is required.

PREPARED BY: CHRISTOPHER HORN, P.E., SENIOR ENGINEER

REVIEWED BY: KIM SITTON, ACTING ADMINISTRATIVE SERVICES DIRECTOR

REVIEWED BY: ROGER BRADLEY, ASSISTANT CITY MANAGER

SUBMITTED BY: JACOB ELLIS, CITY MANAGER

Attachments:

1. Exhibit 1 - Location and Area Map
2. Exhibit 2 - Purchase and Sale Agreement
3. Exhibit 3 - Resolution No. 2020-141

EXHIBIT 9



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

December 6, 2021

Via E-Mail

Lupita Garcia, Associate Planner
Planning & Development Dept.
City of Corona
400 S. Vicentia Ave
Corona, CA 92882
Lupita.garcia@coronaca.gov

Sandra Yang, Senior Planner
Community Development Dept., Planning Division
City of Corona
400 S. Vicentia Ave.
Corona, CA 92880
Sandra.Yang@CoronaCA.gov

Re: CEQA Review Required for Proposed Industrial Building at 210 Radio Road

Dear Ms. Garcia and Ms. Yang:

We write on behalf of the Supporters Alliance for Environmental Responsibility (“SAFER”) and its members concerning the proposed 144,000 SF warehouse project proposed to be located at 210 Radio Road in the City of Corona (“Project”). SAFER is reaching out to the City to express its concerns over the City’s apparent intention to exempt the Project from environmental review under the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000, et seq. For the following reasons, SAFER requests that the City prepare a CEQA document prior to considering whether or not to approve the Project as it is not exempt from CEQA.

We e-mailed the City’s Planning & Development Department seeking documents related to the status of the Project and information related to its environmental review. In response to our request, we were told that “the project is currently in plan-check with the Plan Check & Inspections Division” and that “grading plans are also in plan-check with the Development Services Division.” E-mails from Planner on Nov. 29, 2021 and Dec. 1, 2021 (Exhibit A). The Planning & Development Department also stated that “[t]he project site is located in the M-3 (Heavy Manufacturing) zone, which requires a discretionary[sic] review and is not subject to CEQA.” *Id.* (We believe this may be a typo on the associate planner’s part. A project requiring discretionary review is subject to CEQA.)

Based on this communication, we are concerned that the City may issue the permits necessary for the Project without completing CEQA review. As discussed below, the Project is discretionary, therefore the City must complete CEQA review before approving the Project and cannot issue a Notice of Exemption.

Additionally, we were informed by the planner that the Project already underwent Development Plan Review in 2019. (Exhibit A). As discussed below, this approval is also discretionary, therefore CEQA review is required.

I. Discretionary vs. Ministerial Decisions Under CEQA

CEQA mandates that “the long-term protection of the environment . . . shall be the guiding criterion in public decisions” throughout California. Pub. Res. Code § 21001(d). The foremost principle under CEQA is that it is to be “interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 563–64. Exemptions to CEQA are narrowly construed and “[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.” *Mountain Lion Found. v. Fish & Game Com.* (1997) 16 Cal. 4th 105, 125. The “ministerial” exemption is at issue here. Pub. Res. Code § 21080(b)(1); 14 Cal. Code of Regs. (“CEQA Guidelines”) § 152698.

a. Generally

CEQA applies only to “discretionary projects proposed to be carried out or approved by public agencies.” Pub. Res. Code § 21080(a). Section 15357 of the CEQA Guidelines defines “discretionary projects” as:

[A] project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

CEQA Guidelines § 15357. Section 15369 of the CEQA Guidelines defines “ministerial” as:

[D]escrib[ing] a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official

cannot use personal, subjective judgment in deciding whether or how the project should be carried out.

Id. § 15369.

If a project's approval involves both discretionary and ministerial acts, the project is subject to CEQA review. *Id.* § 15258(d). The CEQA Guidelines further explain that "[w]hether an agency has discretionary or ministerial controls over a project depends on the authority granted by the law providing the controls over the activity. Similar projects may be subject to discretionary controls in one city or county and only ministerial controls in another." *Id.* § 15002(i)(2).

In *Day v. City of Glendale* (1975) 51 Cal.App.3d 817, the Court of Appeal addressed the exact issue before the City of Corona when it examined Glendale's municipal code to determine whether the issuance of a grading permit was a ministerial or discretionary project within the meaning of CEQA. In examining Glendale's municipal code, the Court noted that the code granted the city engineer the power of issuance of grading permits. *Id.* at 823. With this authority, the code imposed a combination of ministerial and discretionary requirements, including the following discretionary requirements: the authority to "require submission of geological and soil reports with recommendations," "impose regulations with respect to access routes to hillside grading projects 'as he shall determine are required in the interest of safety precautions involving pedestrian or vehicular traffic,'" "attach such conditions as may be necessary to prevent creation of hazard to public or private property," and the requirement that the city engineer deny the grading permit "if [they] determine[] that the land area for which grading is proposed is subject to geological or flood hazard." *Id.* at 822–23. The Court held that while the city's guidelines did not require preparation of an EIR for a grading permit, these requirements were clearly discretionary items because they did not have "fixed standards or objective measurements and require[d] the exercise of judgment, deliberation, and decision by the city engineer." *Id.* at 823. A project with a mix of both ministerial and discretionary requirements such as the grading permit at issue "should be treated as a discretionary project," and CEQA review was required. *Id.* at 823–24.

b. The functional test

In *Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal.App.3d 259, the Court of Appeal described and adopted a "functional distinction" between discretionary and ministerial acts:

[T]he question here is whether the city had the power to deny or condition this building permit or otherwise modify this project in ways which would have mitigated environmental problems an EIR might conceivably have identified. If not, the building permit process indeed is ‘ministerial’ within the meaning of CEQA. If it could, the process is ‘discretionary.’ . . . It is enough the city possesses discretion to require changes which would mitigate in whole or in part one or more of the environmental consequences an EIR might conceivably uncover.

Friends of Westwood, Inc., 191 Cal.App.3d at 273. This distinction between ministerial and discretionary described in *Friends of Westwood, Inc.* is known as the “functional test.” *Friends of Juana Briones House v. City of Palo Alto* (2010) 190 Cal.App.4th 286, 302 (“*Juana Briones House*”). The California Supreme Court embraced the ministerial versus discretionary distinction in *Friends of Westwood, Inc.*, explaining, “[t]he statutory distinction between discretionary and purely ministerial projects implicitly recognizes that unless a public agency can shape the project in a way that would respond to concerns raised in an EIR, or its functional equivalent, environmental review would be a meaningless exercise.” *Mountain Lion Found. v. Fish & Game Comm’n* (1997) 16 Cal.4th 105, 117. Under the functional test, approval of a project may be ministerial even where an agency has some discretion if the agency does not have the authority to “mitigate potential environmental impacts to any meaningful degree.” *Sierra Club v. County of Sonoma* (2017) 11 Cal.App.5th 11, 30.

II. City of Corona Municipal Code: Grading Permits

The issue here is whether there is any discretionary authority over the Project and its permits. Chapter 15.36 of the Corona Municipal Code (“CMC”) governs the City’s issuance of grading permits, the provisions of which apply to those who “conduct any grading or clearing, brushing and grubbing on natural or existing grade that is preparatory to grading or land development.” CMC § 15.36030(A)(1). According to the planner for this Project, grading plans are currently in plan-check with the Development Services Division, but a grading permit has yet to be issued. (Exhibit A).

CMC 15.36.040(b) expressly requires CEQA compliance for grading permits:

Environmental review. Any application for a grading permit shall comply with CEQA by demonstrating with sufficient information that the proposed grading will not cause significant harm to the environment or that the environmental mitigation measures imposed through a prior and applicable CEQA review have been or will be completed as conditions to the grading permit.

This provision provides the Director of Public Works with authority to consider precisely the type of environmental concerns that would be addressed by CEQA. *Sierra Club v. County of Sonoma* (2017) 11 Cal.App.5th 11, 30.

Following the Court in *Day v. City of Glendale* (1975) 51 Cal.App.3d 817, if the issuer of a grading permit may exercise judgment, deliberation, and decisionmaking, the permit issuer has discretionary authority and CEQA is therefore triggered. The CMC gives the Director of Public Works the authority to issue grading permits, which “shall contain such terms, conditions and restrictions as are necessary to implement the applicable provisions of this chapter and the code . . . to ensure the work is performed in accordance with the approved plans and geotechnical reports **and to protect the public health, safety and welfare.**” *Id.* § 15.36.090(D) (emphasis added). The consideration of whether a project will “protect the public health, safety and welfare” does not—as ministerial decisions do—rely upon “the use of fixed standards or objective measurements.” CEQA Guidelines § 15369. Instead, the Director of Public Works is required to determine whether the grading activity will protect the undefined “public health, safety and welfare.” This is plainly a discretionary decision because the Director of Public Works has the authority to condition or deny the permit based on their own judgment and not by a fixed list of standards. *See also Guinnane v. San Francisco City Planning Com.* (1989) 209 Cal.App.3d 732, 739 (noting city’s “discretion includes the power to determine whether a proposed project will “affect the public health, safety or general welfare”); *Desmond v. Cty. Of Contra Costa* (1993) 21 Cal.App.4th 330, 337–38 (“concept of public welfare encompasses a broad range of factors.”). Similar to the city engineer in *Day v. City of Glendale*, the Director of Public Works may condition or deny a grading permit that does not protect the public health, safety, or welfare, and this decision is not based on fixed standards or objective measurements, but rather requires the exercise of judgment, deliberation, and decision. For example, the Director may impose conditions to reduce airborne pollution from diesel construction equipment, measures to reduce particulate emissions released from soil movement and grading, and other measures to protect public health, safety and welfare. The Director’s authority is therefore discretionary and functionally distinct from a ministerial act, and the City must therefore conduct CEQA review for the Project.

The grading permit must include an erosion control plan, which is intended to control “sediment discharge.” CMC § 15.36.060. The erosion control plan must contain measures “necessary to protect adjoining public or private property from damage by erosion, flooding or mud and/or debris deposits which may originate from the site or result from the grading work.” CMC § 15.36.060(B)(1).

If the grading permit fails to meet the above requirements, the Director may deny the permit entirely, or “issue a grading permit with the condition that such mitigation measures be performed.” CMC § 15.36.100.

The CMC also provides discretion in the permitting of industrial facilities. For example, CMC section 17.44.060 provides that, “Projects shall be designed for vehicular access, parking and loading so as to prevent undue traffic congestion on adjacent streets or highways, particularly local streets.” Clearly, determining whether the Project has been designed to “prevent undue traffic congestion,” is a discretionary decision.

III. City of Corona Municipal Code: Development Plan Review

The planner for the Project stated that the project site underwent Development Plan Review (“DPR”) in 2019. (Exhibit A). As with the grading permit process, in the DPR process the purpose of review is to assure that projects conform with the General Plan and the provisions of the CMC “in the interest of public health, safety and general welfare of the city.” CMC § 17.102.010. As noted in the previous section, these types of considerations are discretionary because they are based on personal judgment rather than a specific set of standards. The CMC also states that “[a]ny proposed revision to the project which, in the judgment of the Planning Director, is likely to change requirements as imposed, shall be resubmitted to development plan review as described herein.” CMC § 17.102.050. This section demonstrates that the Planning Director is authorized to make judgment calls about aspects of projects, which is a discretionary action.

Here, the City has discretion to shape the Project in order to mitigate environmental harm with its wide directive to approve projects in the interest of public health, safety, and the general welfare. This type of shaping is precisely the type of project modification that renders the City’s approval discretionary, not ministerial. Since the Planning Director and city staff who reviewed and approved the DPR had the authority to modify the project, their approval was discretionary, not merely ministerial, because it allowed them to make personal judgements. This discretionary authority triggers CEQA review.

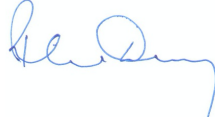
IV. Conclusion

The Project is not exempt from CEQA review. The municipal code provides the City with discretionary authority to consider and mitigate environmental impacts of the Project. SAFER therefore requests that the City prepare a CEQA document to analyze the Project’s

Proposed Industrial Project at 210 Radio Road, Corona
December 6, 2021
Page 7 of 7

environmental impacts and to propose feasible mitigation measures and alternatives to reduce those impacts.

Sincerely,



Richard T. Drury
LOZEAU DRURY LLP

EXHIBIT A

Stacey Osborne

From: Lupita Garcia <Lupita.Garcia@CoronaCA.gov>
Sent: Thursday, December 2, 2021 9:40 AM
To: Stacey Osborne
Cc: Sandra Yang; 'Molly Greene'
Subject: RE: 210 Radio Road

Hello Stacey,

That is correct it is Oakmont.

Thank you,



Lupita Garcia

Associate Planner, Planning & Development Department, City of Corona
400 S. Vicentia Ave., Corona, CA 92882
Office: 951-736-2293 | www.CoronaCA.gov



New City Hall business hours: Monday – Thursday from 7:00 a.m. to 6:00 p.m., closed on Fridays

From: Stacey Osborne <stacey@lozeaudrury.com>
Sent: Thursday, December 2, 2021 9:08 AM
To: Lupita Garcia <Lupita.Garcia@CoronaCA.gov>
Cc: Sandra Yang <Sandra.Yang@CoronaCA.gov>; 'Molly Greene' <molly@lozeaudrury.com>
Subject: RE: 210 Radio Road

[CAUTION] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you so much, Lupita, I really appreciate that. Is the current applicant Rexco Hayward? My understanding was that it was Oakmont. Thank you very much in advance!

Stacey Osborne
Senior Paralegal
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
510-836-4200 (Phone)
510-836-4205 (Fax)
stacey@lozeaudrury.com

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From: Lupita Garcia <Lupita.Garcia@CoronaCA.gov>
Sent: Thursday, December 2, 2021 7:32 AM
To: Stacey Osborne <stacey@lozeaudrury.com>
Cc: Sandra Yang <Sandra.Yang@CoronaCA.gov>; 'Molly Greene' <molly@lozeaudrury.com>
Subject: RE: 210 Radio Road

Good morning Stacey,

I hope this email finds you well. Please see my responses below in red.

Thank you,



Lupita Garcia

Associate Planner, Planning & Development Department, City of Corona
400 S. Vicentia Ave., Corona, CA 92882
Office: 951-736-2293 | www.CoronaCA.gov



New City Hall business hours: Monday – Thursday from 7:00 a.m. to 6:00 p.m., closed on Fridays

From: Stacey Osborne <stacey@lozeaudrury.com>
Sent: Wednesday, December 1, 2021 2:12 PM
To: Lupita Garcia <Lupita.Garcia@CoronaCA.gov>
Cc: Sandra Yang <Sandra.Yang@CoronaCA.gov>; 'Molly Greene' <molly@lozeaudrury.com>
Subject: FW: 210 Radio Road

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Good Afternoon Lupita,

I'm following up on the email I sent yesterday. I have a couple of questions:

- Has the grading permit for this project been issued yet? **No**
- Will the project go through Development Plan Review? **Yes, DPR2019-0022 was held on October 3, 2019.**
- Would you be able to email me any application materials or project plans for the project? **See attached plans.**

I'll give you a call to follow up. Thank you again very much in advance for your help.

Best Regards,
Stacey

Stacey Osborne
Senior Paralegal
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
510-836-4200 (Phone)
510-836-4205 (Fax)

stacey@lozeaudrury.com

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From: Stacey Osborne <stacey@lozeaudrury.com>
Sent: Tuesday, November 30, 2021 9:49 AM
To: 'Lupita Garcia' <Lupita.Garcia@CoronaCA.gov>
Cc: 'Sandra Yang' <Sandra.Yang@CoronaCA.gov>; 'Molly Greene' <molly@lozeaudrury.com>
Subject: RE: 210 Radio Road

Good Morning Lupita,

Thank you very much for your response. I apologize for missing your voicemail. What permits are required for this project, and have any been issued yet? Also, will a Notice of Exemption be filed for the environmental review?

Thank you very much again,
Stacey

Stacey Osborne
Senior Paralegal
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
510-836-4200 (Phone)
510-836-4205 (Fax)
stacey@lozeaudrury.com

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From: Lupita Garcia <Lupita.Garcia@CoronaCA.gov>
Sent: Monday, November 29, 2021 5:53 PM
To: stacey@lozeaudrury.com
Cc: Sandra Yang <Sandra.Yang@CoronaCA.gov>
Subject: 210 Radio Road

Hello Stacey,

I hope this email finds you well my name is Lupita Garcia, Associate Planner for the City of Corona. Thank you for your email, I left a voice message for you on Tuesday November 23, 2021. In regards to your inquiry about the proposed industrial building at 210 Radio Road, please be advised the project is currently in plancheck with the Plan Check & Inspections Division. Additionally, the grading plans are also in plancheck with the Development Services Division. The project site is located in the M-3 (Heavy Manufacturing) zone, which requires a discretionary review and is not subject to CEQA. Feel free to contact me should you have any other questions.

Thank you,



Lupita Garcia

Associate Planner, Planning & Development Department, City of Corona
400 S. Vicentia Ave., Corona, CA 92882
Office: 951-736-2293 | www.CoronaCA.gov



New City Hall business hours: Monday – Thursday from 7:00 a.m. to 6:00 p.m., closed on Fridays

From: Stacey Osborne <stacey@lozeaudrury.com>
Sent: Monday, November 29, 2021 3:53 PM
To: Joanne Coletta <Joanne.Coletta@CoronaCA.gov>
Cc: 'Molly Greene' <molly@lozeaudrury.com>
Subject: FW: 210 Radio Road

[CAUTION] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Afternoon Ms. Coletta,

I'm following up on the email I sent on November 19th. Thank you very much in advance for any information you can provide.

Stacey Osborne
Senior Paralegal
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
510-836-4200 (Phone)
510-836-4205 (Fax)
stacey@lozeaudrury.com

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From: Stacey Osborne <stacey@lozeaudrury.com>
Sent: Friday, November 19, 2021 11:31 AM
To: 'Joanne Coletta' <Joanne.Coletta@CoronaCA.gov>
Cc: 'Molly Greene' <molly@lozeaudrury.com>
Subject: 210 Radio Road

Good Morning Ms. Coletta,

I hope this finds you well. I was hoping to find out the status of a warehouse project located at 210 Radio Road. Is there a planner assigned to the project who might be able to help?

Thank you very much in advance,
Stacey

Stacey Osborne
Senior Paralegal
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
510-836-4200 (Phone)
510-836-4205 (Fax)
stacey@lozeaudrury.com

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EXHIBIT 10

Press Esc to exit full screen

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-202101384
12/23/2021 03:27 PM Fee: \$ 50.00
Page 1 of 2



CITY OF CORONA

PRELIMINARY EXEMPTION ASSESSMENT
(Certificate of Determination When attached to Notice of Exemption)

Name, Description and Location of Project:

Project Name: Development Plan Review 2019-0022 (DPR2019-0022)

Project Description: The Project is a proposal to construct a 144,001 square foot industrial building on a 7.18-acre property and would provide a total of 86,401 s.f. of warehouse space, 47,600 s.f. of manufacturing space, 5,000 s.f. of first floor office space, 5,000 s.f. of second floor office space, 16 loading spaces, 227 auto parking stalls, and associated on-site and off-site infrastructure. The project site is designated for "Heavy Manufacturing (M-3)" uses by the City of Corona Zoning Map and the project is considered a use permitted by-right by the City of Corona Zoning Code. The project is ministerial in that it does not require issuance of any discretionary permits by the City and thus is exempt from the requirements of CEQA.

Project Location: Located at the terminus of Radio Road, north of Sampson Avenue and south of State Route 91.

Entity or Person Undertaking Project:

- A. Public Agency:
- B. Other (private): Oakmont Industrial Group, 3520 Piedmont Avenue, Suite 100, Atlanta, GA, 30305.

Staff Determination:

The City's staff, having undertaken and completed a preliminary review of this project in accordance with the City's Resolution entitled, "Local Guidelines of the City of Corona Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:

- A. The proposed action does not constitute a project under CEQA.
- B. The project is a Ministerial Project. State CEQA Guidelines §15268
- C. The project is an Emergency Project.
- D. The project constitutes a feasibility or planning study.
- E. The project is categorically exempt:
- F. The project is a statutory exemption:
- G. The project is otherwise exempt on the following basis:
- H. The project involves another public agency which constitutes the lead agency. Name of Lead Agency:

Date: 12/9/21

Lupita Garcia
Lupita Garcia, Associate Planner
Lead Agency Representative



NOTICE OF EXEMPTION

TO: CLERK OF THE BOARD OF
SUPERVISORS COUNTY OF RIVERSIDE

FROM: CITY OF CORONA
PLANNING & DEVELOPMENT DEPT.
400 S. VICENTIA AVE, SUITE 120
CORONA, CA 92882

1. Project title: Development Plan Review 2019-0022 (DPR2019-0022)
2. Project location (specific): Located at the terminus of Radio Road, north of Sampson Avenue and south of State Route 91.
3. a. Project location - City of Corona
b. Project location - County of Riverside
4. Description of nature, purpose and beneficiaries of project:

The project is a proposal to construct a 144,001 square foot industrial building on a 7.18-acre property and would provide a total of 86,401 s.f. of warehouse space, 47,600 s.f. of manufacturing space, 5,000 s.f. of first floor office space, 5,000 s.f. of second floor office space, 16 loading spaces, 227 auto parking stalls, and associated on-site and off-site infrastructure. The project is designated for "Heavy Manufacturing (M-3)" uses by the City of Corona Zoning Map and the project is considered a use permitted by-right by the City of Corona Zoning Code. The project is ministerial in that it does not require issuance of any discretionary permits by the City and thus is exempt from the requirements of CEQA.
5. Name of public agency approving project: City of Corona
6. Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:

Oakmont Industrial Group
7. Exempt Status (check one):
a. Ministerial Project State: PRC Section 21080(b)(1); CEQA Guidelines Section 15268
b. Not a project.
c. Emergency project.
d. Categorical Exemption.
e. Declared Emergency
f. Statutory Exemption.
g. Other.
8. Reasons why the project is exempt: Exempt pursuant to California Environmental Quality Act (CEQA) Section 21080(b)(1) and CEQA Guidelines Section 15268, due to the certainty that the project is considered a "Ministerial Project" by the City of Corona Zoning Code.
9. Contact Person/Telephone No.: Lupita Garcia / (951) 736-2293
10. Attach Preliminary Exemption Assessment (Form "A") before filing.

Date received for filing: 12/9/21

Signature: Lupita Garcia

Lupita Garcia, Associate Planner

EXHIBIT 11



GRADING PERMIT

City of Corona

PUBLIC WORKS DEPARTMENT
400 S Vicentia Ave
Corona, CA 92882

Permit No:
PWGP21-00024
Permit Status:
ISSUED
(951) 736-2259

Permit Type: GRADING Permit Subtype: PRECISE Job Valuation: \$0.00	Applied Date: 10/06/2021 Issued Date: 12/13/2021 Expiration Date: 06/11/2022
Project Address: 210 RADIO RD Tract No: Lot No:	Project Description: 210 RADIO - NEW INDUSTRIAL BUILDING
Contractor: HBI CONSTRUCTION INCORPORATED Corona Business License No: AEC164 Contractor State License No:	Owner: OAKMONT INDUSTRIAL Applicant: HBI CONSTRUCTION INCORPORATED

Lots: 1
Disturbed Acreage: 7.01
Total Acreage: 7.01
Land Use: I-M Industrial/Manufacturing
WDID Number: 833c395412
Erosion Control Plan Included? Yes

Cut: 51440
Fill: 51440
Plan #: 21-009P
Dig Alert #: B2134300330
Cal-OSHA #:
Additional Notes: PERMIT FOR GRADING ONLY.
ALL/ANY WORK IN THE RIGHT OF WAY REQUIRES
ADDITIONAL PERMIT

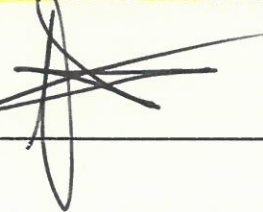
Applicant/Owner hereby requests permission to perform work as described below. It is expressly agreed that such work and all Traffic Control shall be performed in accordance with applicable ordinances, Standard Plans and Special Provisions of the City of Corona, approved plans and the latest edition of the Work Area Traffic Control Handbook (WATCH Manual). Only that person listed below is duly authorized by Applicant/Owner to obtain this permit.

INDEMNIFICATION

Applicant/Owner shall defend and hold the City, its officers, employees, and agents (Indemnities) free and harmless from any and all claims, demands, causes of injury arising out of or incident to any alleged acts, omissions or willful misconduct or Applicant/Owner, its officials, officers, employees, agents, consultants or contractors in connection with the performance of any work under this Permit, including, without limitation, the payment of all consequential damages, attorneys fees and other related costs and expenses. Applicant/Owner shall pay any judgement award or decree that may be rendered against the Indemnities for any and all legal expenses and costs incurred by any of them in connection therewith or in enforcing the indemnity herein provided. Applicant/Owner's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the Indemnities.

THIS PERMIT EXPIRES ONE YEAR FROM THE DATE OF ISSUANCE.

***CALL (951) 279-3511 48 HOURS PRIOR TO COMMENCING AND WORK DESCRIBED ON THIS PERMIT**

Permitee Signature: _____


Date: 12/13/21

PWGP21-00024

▼ Contractor's License Detail for License # 667057

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- ▶ CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure click on link that will appear below for more information. [Click here for a definition of disclosable actions.](#)
- ▶ Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17).
- ▶ Arbitrations are not listed unless the contractor fails to comply with the terms.
- ▶ Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 12/9/2021 5:32:57 PM

Business Information

HBI CONSTRUCTION INCORPORATED
4921 BIRCH STREET SUITE 1
NEWPORT BEACH, CA 92660
Business Phone Number:(949) 851-2211

Entity Corporation
Issue Date 03/12/1993
Expire Date 03/31/2023

License Status

This license is current and active.

All information below should be reviewed.

Classifications

B - GENERAL BUILDING

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

Bond Number: 8714556
Bond Amount: \$15,000
Effective Date: 01/01/2016
Contractor's Bond History

Bond of Qualifying Individual

The qualifying individual PETER JAMES LAST certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.
Effective Date: 09/05/2017

Workers' Compensation

This license has workers compensation insurance with the INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA (THE)

Policy Number: WC022298374
Effective Date: 09/01/2017
Expire Date: 09/01/2022
Workers' Compensation History

Other

- ▶ Personnel listed on this license (current or disassociated) are listed on other licenses.

This document is not a certified record of Underground Service Alert

MBRCOD 00000 USAS 12/09/21 10:52 B213430330-00B NORM NEW POLY

Ticket : B213430330 Rev: 00B Created: 12/09/21 10:52 User: DIRECT Chan: WEB
Work Start: 12/13/21 17:01 Legal Start: 12/13/21 17:01 Expires: 01/06/22 23:59
Response Required: Y Priority: NORM

Excavator Information

Company: HBI CONSTRUCTION INC
Co Addr: 4921 BIRCH STREET
City : NEWPORT BEACH State: CA Zip: 92660
Created By: JON DEMARIE Language: ENGLISH
Office Phone: 949-851-2211 SMS/Cell: 949-500-2399
Office Email: JON@HBICONSTRUCTION.COM

Site Contact: JON DEMARIE
Site Phone: 949-500-2399 SMS/Cell: 949-500-2399
Site Email: JON@HBICONSTRUCTION.COM

Excavation Area

State: CA County: RIVERSIDE Place: CORONA
Zip: 92879

Location: Address/Street : 210 RADIO ROAD
: X/ST 1 : SAMPSON AVE
: X/ST 2 :
: IN REAR OF ADDRESS

Delineated Method: WHITEPAINT

Work Type: ONSITE GRADING FOR BUILDING PAD

Work For : HBI CONSTRUCTION

Permit: PWGP21-00024

1 Year: N Boring: N Street/Sidewalk: N Vacuum: N Explosives: N

Lat/Long

Center Generated (NAD83): 33.883082/-117.543877 33.882053/-117.541816
: 33.879319/-117.543182 33.880349/-117.545243

Excavator Provided:

Members:

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ATTD SOUTH AT&T DISTRIBUTION

EMER - ATT DAMAGE PREVENTION HOTLINE 510-645-2929
VACU - AT&T DAMAGE PREVENT HOTLINE 510-645-2929
NRSP -

SCG1CO SC GAS

EMER - MARGARITO DOMINGUEZ 800-423-1391
VACU - ALLOWED BUT CAN BE REFUSED
NRSP - TREVOR STURGILL 213-231-6092 TSTURGILL@SOCALGAS.COM

UCOR19 UTILIQUEST FOR C/OF CORONA

EMER - RIVERSIDE MANAGER 951-682-0777
VACU - GENE SIVAS 951-279-3629
NRSP - RIVERSIDE MANAGER 951-736-2266

UCORDWP UTILIQUEST FOR CORONA DEPT OF WTR & PWR

EMER - EFREN MEJIA 951-736-2234
VACU - JERRY MCALLISTER 951-817-5732
NRSP - EFREN MEJIA 951-830-2395

UCORSWR CITY OF CORONA

EMER - GENE SILVAS 951-279-3629
VACU - GENE SILVAS 951-279-3629
NRSP - RIVERSIDE MANAGER 951-682-0777

USCEME SC EDISON DIST - METRO EAST REGION
EMER - SC EDISON PERSONNEL 800-611-1911
VACU - GILBERT ACEVES 909-548-7249 GILBERT.ACEVES@SCE.COM
NRSP -
WMMW01R WESTERN MUNICIPAL WTR
EMER - CALL TEAM 951-789-5109 LCHANES@MMWD.COM
VACU - TODD FIELDING 951-789-5109 WESTERNUSA@MMWD.COM
NRSP -
WMMW01S WESTERN MUNICIPAL WTR
EMER - CALL TEAM 951-789-5109 LCHANES@MMWD.COM
VACU - TODD FIELDING 951-789-5109 WESTERNUSA@MMWD.COM
NRSP -
WMMW01W WESTERN MUNICIPAL WTR
EMER - CALL TEAM 951-789-5109 LCHANES@MMWD.COM
VACU - TODD FIELDING 951-789-5109 WESTERNUSA@MMWD.COM
NRSP -



November 5, 2021

City of Corona
400 S. Vicente Avenue
Corona, CA 92882

Re: Permit Pick-up Radio Road

Location: 210 Radio Road
Corona, CA 92833

To Whom It May Concern:

Please be advised that I hereby authorize the following to act on behalf of HBI Construction, Inc. in regards to the issuance of all permits for the above referenced project:

Project Manager: Justin Manus
Superintendent: Jon DeMarie
VP of Construction: Glenn Whitacre

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew T. Last", written over a horizontal line.

Andrew T. Last
Executive Vice President
State of CA License Number: 667057

HBI Construction, Inc.
4921 Birch Street, Suite One
Newport Beach, California 92660
Tel: 949.851.2211
Fax: 949.851.2410

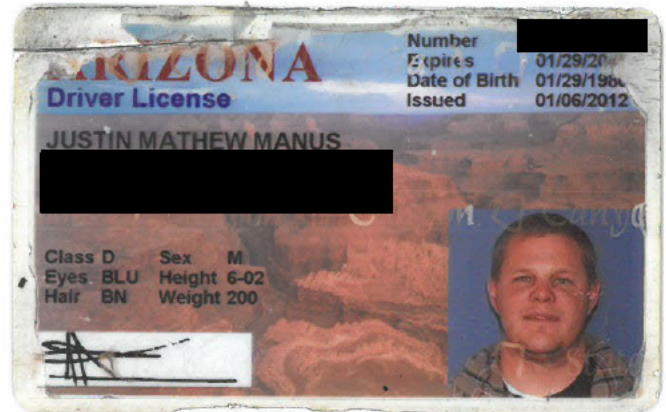


November 5, 2021

City of Corona
400 S. Vicente Avenue
Corona, CA 92882

Re: Permit Pick-up Radio Road

Location: 210 Radio Road
Corona, CA 92833



To Whom It May Concern:

Please be advised that I hereby authorize the following to act on behalf of HBI Construction, Inc. in regards to the issuance of all permits for the above referenced project:

Project Manager: Justin Manus
Superintendent: Jon DeMarie
VP of Construction: Glenn Whitacre

Sincerely,

Andrew T. Last
Executive Vice President
State of CA License Number: 667057

HBI Construction, Inc.
4921 Birch Street, Suite One
Newport Beach, California 92660
Tel: 949.851.2211
Fax: 949.851.2410