



Final Environmental Impact Report

Duke Warehouse at Patterson Avenue and Nance Street Project
SCH No. 2022010274

Prepared for:



April 2023

Final Environmental Impact Report

Duke Warehouse at Patterson Avenue and Nance Street

Perris, California

SCH No. 2022010274

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April 2023

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Section 1 – Introduction

The Final Environmental Impact Report (Final EIR or FEIR) for the proposed Duke Warehouse at Patterson Avenue and Nance Street Project (Project), as required pursuant to the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines) Sections 15089 and 15132, includes the Draft Environmental Impact Report (DEIR), a list of persons, organizations, and public agencies commenting on the DEIR, the comments received on the DEIR, and the responses of the lead agency, which is the City of Perris (City) for this Project, to significant environmental points raised in the review and consultation process. A Mitigation Monitoring and Reporting Program (MMRP) is also included to ensure compliance during Project implementation (Public Resources Code Section 21081.6, State CEQA Guidelines Section 15097).

1.1 Information Added Following Distribution of the Draft EIR

The information added following distribution of the DEIR does not constitute “significant new information” pursuant to State CEQA Guidelines Section 15088.5 because this information does not change the DEIR analysis and conclusions regarding Project impacts and/or mitigation measures such that new or more severe environmental impacts result from the Project. The information is added as a result of comments received from commenting parties, changes in the existing conditions at the site, revised public policies since the DEIR was written, and/or minor corrections or clarifications. The additional information merely “clarifies or amplifies or makes insignificant modifications” to the DEIR, as is permitted by State CEQA Guidelines Section 15088.5(b).

1.2 Relationship to the Draft EIR

Minor changes that clarify or correct minor inaccuracies in the DEIR appear as revised pages in the EIR Errata/Draft EIR Revisions section which follows herein. The DEIR considered by the City, as lead agency, has been edited to reflect corrections and responses to comments raised.

1.3 Public Review Summary

The EIR process for this Project consisted of three parts: the Notice of Preparation (NOP), DEIR, and Final EIR. The City distributed the NOP on January 19, 2022 to agencies, local governments, and interested parties from the general public. Pursuant to State CEQA Guidelines Section 15082, recipients of the NOP were requested to provide responses within 30 days upon receipt. The NOP and comments received are included in Appendix A to the DEIR.

The City circulated the DEIR for the Project for a 45-day public review period from November 4, 2022 through December 19, 2022 to Responsible Agencies and interested parties for review and comment. Notices of Completion and Availability of the DEIR were circulated to the State Clearinghouse, responsible agencies, trustee agencies, and other interested parties (including adjacent property owners).

General public Notice of Availability of the DEIR was also provided by publication in *The Perris Progress* newspaper on November 11, 2022. As required by Public Resources Code Section 21092.3, a copy of the public notice was posted with the Riverside County Clerk on November 3, 2022.

As provided in the public notice and in accordance with State CEQA Guidelines Section 21091(d), the City accepted written comments through December 19, 2022. During the public review period for the

Project, the City received one comment letter from a public agency and three letters from members of the general public.

The Responses to Comments, along with the comment letters, are included in Section 2 of this Final EIR. In accordance with the provisions of Public Resources Code Section 21092.5, the City has provided a written response to each commenting public agency no less than 10 days prior to the proposed certification date.

1.4 List of Persons, Organizations, and Agencies that Commented on the Draft EIR

Comment Letter	Name/Agency	Date
A	Lake Creek Industrial	November 4, 2022
B	Blum Collins & Ho, LLP	December 14, 2022
C	South Coast Air Quality Management District	December 19, 2022
D	Adams Broadwell Joseph & Cardozo	December 19, 2022

Section 2 – Responses to Comments

Pursuant to State CEQA Guidelines Section 15088, the responses to comments presented in this section address specific, relevant comments on environmental issues raised in the submitted comment letters.

All of the comment letters received by the City of Perris during the public review period for the DEIR are included in this section. Each comment letter is followed by the City's responses to each of its comments. Each comment letter is identified by the letter designated in Section 1.4 of this FEIR, and identifying information for each commenter is provided at the beginning of the corresponding responses. Specific comments are delineated and lettered as well. Corrections and additions resulting from comments on the DEIR are summarized in Section 3 of this FEIR.

Comment Letter A – Lake Creek Industrial

Comment letter A commences on the next page.

From: Christine Saunders <christine@csaundersassociates.com>
Date: Friday, November 4, 2022 at 1:48 PM
To: Mary Blais <mblais@cityofperris.org>
Cc: Kenneth Phung <kphung@cityofperris.org>, Michael Johnson <MJ@lakecreekindustrial.com>, Bob Kubichek <Bob@lakecreekindustrial.com>, Alfredo Garcia <algarcia@cityofperris.org>
Subject: Request for Information - Duke Warehouse at Patterson and Nance Street Project EIR

Good afternoon, Mary!

I am representing Lake Creek Industrial on two of their projects that are located on Nance Street between Nevada and Webster, immediately east of the Duke Warehouse project.

I have reviewed portions of the Duke Warehouse EIR that was released today related to the off-site sewer and recycled water improvements.

The Notice of Preparation project description included off-site improvements of a new sewer line and recycled water line in Nance Street between Nevada and Webster to the east.

The DEIR project description shows the new sewer line and recycled water lines to serve the site from Patterson. I also reviewed the Design Conditions Report appendix, which shows the same improvements in Patterson.

There is also a reference to recycled water line improvements being analyzed for CEQA and constructed by another developer under Case DPR22-00003, with no further details.

There is no discussion in the EIR as to why this portion of the project description changed from what was proposed in the Notice of Preparation.

Can you please provide:

1. Details on the recycled water line that is contemplated under Case DPR22-00003
2. Why the location of the recycled water line and sewer line changed between publication of the NOP and release of the DEIR.

Please let me know if you have any questions, Thank you!

Christine Saunders
christine@csaundersassociates.com
714-488-1529

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Response to Comment Letter A – Lake Creek Industrial

Response to Comment A-1:

The comment provided by a representative for Lake Creek Industrial is noted. Lake Creek Industrial requested an explanation why changes were made to the location of the proposed recycled water line and sewer line from when the NOP was released to when the DEIR was released and requested details regarding the recycled water line contemplated under DPR 22-00003.

The locations of the proposed recycled water line and sewer line changed during the Design Review process with the Eastern Municipal Water District (EMWD). As stated in DEIR, the recycled water line that will serve the proposed Project site will be constructed by another developer in Patterson Avenue under City Case No. DPR 22-00003, the location of which is shown on **Figure 3-13 - Off-Site Improvements** (DEIR, pp. 3-21, 3-23).

The proposed sewer line evaluated in the DEIR, shown in **Figure 3-13**, is within Nevada Avenue. Nevada Avenue was assumed to have roadway improvements. Subsequent to the release of the DEIR, and in consultation with the EMWD, the proposed off-site sewer line was relocated again because it was identified that the developer of an industrial site on the opposite side of Patterson Avenue (west side) north of California Street is currently installing an 8-inch diameter sewer line that the proposed Project can readily connect to and which has sufficient capacity. The DEIR Project Description has been clarified as shown below and Section 3.0 - Errata of this Final EIR clarifies the associated changes through the rest of the DEIR:

A new 8-inch diameter sewer line is being installed within Patterson Avenue, between Harley Knox Boulevard and north of California Street. The Project will connect to this line and no new off-site sewer line improvements are required. There are no existing sewer lines adjacent to the Project site. As such, off-site improvements are required to serve the Project. There is an existing 15-inch diameter gravity sewer line in Harley Knox Boulevard. A new off-site 8-inch diameter gravity sewer line is proposed to be constructed by the Project Applicant in Nevada Avenue between the Project site and the existing sewer line in Harley Knox Boulevard.

The changes in recycled water and sewer facility locations occurring after the release of the NOP and the DEIR, respectively, do not constitute significant new information pursuant to State CEQA Guidelines Section 15088.5 (a)(1) because no new areas were added to the Project footprint and no new potential environmental impacts would occur. As such, no new environmental issues are raised by this comment and no further analysis is required.

Comment Letter B – Blum Collins & Ho, LLP

Comment letter B commences on the next page.

BLUM COLLINS & HO, LLP

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December 14, 2022

Mary Blais, Contract Planner
City of Perris
Planning Division
135 North D Street
Perris, California 92570

VIA EMAIL TO:
mblais@cityofperris.org

Subject: Comments on Duke Warehouse at Patterson Ave. and Nance St. EIR (SCH NO. 2022010274)

Dear Ms. Blais:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Duke Warehouse at Patterson Ave. and Nance St. Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance (GSEJA). Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

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1.0 Summary

The project proposes the construction and operation of one 769,668 square foot (sf) industrial warehouse building on an approximately 35 acre site. The building includes 749,668 sf of high-cube, non-refrigerated warehouse distribution with the remaining 20,000 SF for supporting office uses. The building includes 64 truck/trailer dock doors on the east side and 49 truck/trailer dock doors on the west side for a total of 113 truck/trailer dock doors. The building includes 140 truck/trailer parking spaces and 366 passenger car parking spaces. The building will operate 24 hours a day, seven days a week.

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The following discretionary actions are necessary to implement the proposed project:

1. Specific Plan Amendment (SPA) (Case No. PLN21-05267) to amend the PVCCSP Circulation Plan to delete two planned streets: California Avenue and Nance Street between Patterson Avenue to the west and Nevada Avenue to the east;
2. Development Plan Review (DPR) (Case No. DPR21-00005) to allow the development of the approximately 35.7-net-acre site with a 769,668-square foot (sf) building with 749,668

sf for high-cube, non-refrigerated warehouse distribution uses and approximately 20,000 sf of supporting office space; and

3. Tentative Parcel Map (TPM) 38259 (Case No. PLN21-05086) to merge thirty-eight (38) existing parcels into one parcel, and vacate all or portions of the ROW of California Avenue and Nance Street and dedicate a portion of Patterson Avenue and Nevada Avenue ROW.

4.0 Environmental Effects Found Not Significant

Population and Housing

The EIR utilizes uncertain language and does not provide any meaningful analysis or supporting evidence to substantiate the conclusion that there will be no significant impacts to population and housing. For example, the EIR states that construction jobs generated by the proposed project are “short-term positions” that “would be filled by workers who, *for the most part*, would already reside in the local area.” There is no quantification of the construction employees needed to construct the project. Stating that these workers would “for the most part” already reside in the “local area” is misleading to the public and decision makers, particularly as the geographical boundaries of the “local area” are undefined.

The EIR concludes that impacts to population and housing will not be significant because “the extent to which the new jobs created by a Project are filled by existing residents is a factor that *tends* to reduce the growth-inducing effect of a Project.” The EIR does not provide any quantified analysis (such as a calculation of jobs generated by the proposed project) or meaningful evidence to support this claim. Further, the EIR states that the “employment growth that would occur from Project implementation is within the growth estimates analyzed by the PVCCSP EIR,” and “the Southern California Association of Governments (SCAG) estimates that the population of Perris is expected to increase to about 121,000 by the year 2045.” Again, the EIR has not provided any calculation of employees generated by the proposed project, the employment growth estimates of the PVCCSP EIR, or the employment growth estimates of SCAG.

This uncertain language is not supported by any information such as the current unemployment rates in the City or evidence that the unemployed population is qualified for or interested in work in the industrial sector. There is also no analysis of projects approved, proposed, or “in the pipeline” of the PVCCSP or the City to demonstrate that the combined workforce of all projects does not exceed the growth estimates analyzed by the PVCCSP EIR. Relying on the entire labor force within an undefined distance, potentially the greater SCAG region, to fill the project’s construction and operational jobs will increase VMT and emissions during all phases of construction and operations and a revised EIR must be prepared to account for longer worker trip distances. The EIR does not provide any demographic and geographic information on the location of qualified workers to fill these positions. A construction worker employment analysis must also

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be included in a revised EIR to adequately and accurately analyze all potentially significant environmental impacts.

The EIR does not provide any analysis of projects approved, proposed, or “in the pipeline” of the PVCCSP to demonstrate that the combined workforce of all projects does not exceed the growth estimates analyzed by the PVCCSP EIR. This is especially vital given the 12 amendments that have been approved in the PVCCSP, including seven amendments to increase the amount of light industrial uses than originally planned for in the PVCCSP and its EIR:

1. Amendment No. 3 (approved February 9, 2016) to rezone 68.99 acres from commercial and business professional to light industrial.
2. Amendment No. 4 (approved February 9, 2016) to rezone 16 acres from general industrial to light industrial.
3. Amendment No. 6 (approved February 14, 2017) to rezone 23.66 acres from commercial to light industrial.
4. Amendment No. 7 (approved June 13, 2017) to rezone 7.48 acres from commercial to light industrial.
5. Amendment No. 8 (approved April 10, 2018) to rezone 16.22 acres from business professional office to light industrial.
6. Amendment No. 9 (approved August 28, 2018) to rezone 35 acres from business professional office to light industrial.
7. Amendment No. 11 (approved October 26, 2021) to rezone 9.54 acres from business professional office to light industrial.
8. Amendment No. 13¹ (Pending) to rezone 16 acres from commercial to light industrial.
9. Ramona Gateway Project² (Pending) to rezone 42.22 acres from Business Professional Office and Commercial to Light Industrial.

Overall, the PVCCSP has been formally amended seven times in the past six years to increase the amount of light industrial uses and two known additional amendments are pending. The approved amendments have increased the amount of light industrial acreage, uses, and employees within the PVCCSP by a cumulative 176.9 acres. The approved amendments have increased the light industrial area within the 3,500 acre PVCCSP planning area by approximately

¹ PVCCSP Amendment No. 13 <https://ceqanet.opr.ca.gov/2021050021/2>

² Ramona Gateway Project <https://ceqanet.opr.ca.gov/2022040023/2>



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5%. Table 2.0-1, Land Use Comparison within the PVCCSP³ states that the original 2012 PVCCSP document planned for 1,866 acres of light industrial and it has increased to 2,040 acres through approval of the PVCCSP amendments. If the two other known pending amendments are approved, nine amendments to the PVCCSP will be approved to increase the amount of light industrial space in the planning area by a 235.12 cumulative acre increase resulting in a total of 2,101.12 acres of light industrial (12.6% cumulative increase). A revised EIR must be prepared with analysis of projects approved, proposed, or “in the pipeline” of the PVCCSP to demonstrate that the combined workforce of all projects does not exceed the growth estimates analyzed by the PVCCSP EIR.

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The EIR has not provided any quantified analysis of the employees generated by the proposed project during project construction or operations, or evidence that the City’s workforce population is qualified for or interested in work in the industrial sector. SCAG’s Employment Density Study⁴ provides the following applicable employment generation rates for Riverside County:

Warehouse: 1 employee per 581 square feet
Office: 1 employee per 481 square feet

Applying these ratios results in the following calculation:

Warehouse: $749,668 \text{ sf} / 581 \text{ sf} = 1,291$ employees
Office: $20,000 \text{ sf} / 481 \text{ sf} = 42$ employees

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Total: 1,333 employees

Utilizing SCAG’s Employment Density Study ratios, the proposed project will generate 1,333 employees. The EIR utilizes uncertain and misleading language which does not provide any meaningful analysis of the project’s population and employment generation. In order to comply with CEQA’s requirements for meaningful disclosure, a revised EIR must be prepared to provide an accurate estimate of employees generated by all uses of the proposed project. It must also provide demographic and geographic information on the location of qualified workers to fill these positions in order to provide an accurate environmental analysis.

SCAG’s Connect SoCal Demographics and Growth Forecast⁵ notes that the City will add 10,300 jobs between 2016 - 2045. Utilizing the SCAG Employment Density Study calculation of 1,333

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³ Perris Valley Commerce Center Specific Plan

<https://www.cityofperris.org/home/showpublisheddocument/2647/637799977032200000>

⁴ SCAG Employment Density Study

<http://www.mwcog.org/file.aspx?A=QTTITR24POOOUIw5mPNzK8F4d8djdJe4LF9Exj6IXOU%3D>

⁵ SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020

https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579

project employees, the project represents 12.9% of the City's employment growth from 2016 - 2045. A single project accounting for this amount of the projected employment and/or population over 29 years represents a significant amount of growth. The EIR must be revised to include this analysis and also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed SCAG's employment and/or population growth forecast for the City. For example, other recent industrial projects such as Harley Knox Commerce Center (152 employees), PVCCSP Amendment No. 13 (603 employees), Core 5 Rider Warehouse (432 employees), First Industrial Warehouse at Rider (562 employees), Perris and Morgan 3 Industrial Buildings (494 employees), First Industrial at Wilson 1 (526 employees), First Industrial at Wilson 2 (276 employees), IDI Rider Warehouses 2 and 4 (1,313 employees), Ramona-Indian Warehouse (440 employees), Redlands East Warehouse (442 employees), Redlands West Warehouse (592 employees), Ramona-Brennan Warehouse (287 employees), and Ramona Gateway (997 employees) combined with the proposed project will cumulatively generate 9,466 employees, which is 91.9% of the City's SCAG employment growth forecast over 29 years and 16.8% of the PVCC SP EIR employment forecast (56,087 employees). These totals increase exponentially when commercial development activity is added to the brief list of industrial activity above. The EIR must be revised to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project will exceed the employment/population growth forecasts by SCAG, the City's General Plan, and/or the PVCC SP EIR.

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5.2 Air Quality, 5.5 Energy, and 5.7 Greenhouse Gas Emissions

Please see attached document for SWAPE's comprehensive technical analysis. The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0⁶, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6065042620) experiences high rates of pollution burden. The surrounding community, including residences adjacent to the west and east, Val Verde High School, Val Verde Academy, and Val Verde Regional Academy (continuation middle and high school) to the south, bears the impact of multiple sources of pollution. For example, the project census tract ranks in the 98th percentile for ozone burden, the 53rd percentile for particulate matter (PM) 2.5 burden, the 48th percentile for diesel PM, and the 82nd percentile for traffic impacts. All of these environmental factors are typically attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure⁷. The very small particles of diesel PM can reach deep into the lung,

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⁶ CalEnviroScreen 4.0 <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

⁷ OEHHA Ozone <https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone>

where they can contribute to a range of health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer⁸.

The census tract also bears more impacts from cleanup sites than 69% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water⁹.

Further, the census tract is a diverse community including 69% Hispanic, 13% African-American and 7% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 75% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community also has a high rate of poverty, meaning 65% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care¹⁰. Poor communities are often located in areas with high levels of pollution¹¹. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution¹². Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 91st percentile for incidence of cardiovascular disease and 66th percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 53% of the census tract speaks little to no English and faces further inequities as a result.

Additionally, the proposed project's census tract (6065042620) and the census tracts adjacent to the project site (6065046700 (north), 6065048800 (north), 6065042904 (west), and 6065042010 (west) are identified as SB 535 Disadvantaged Communities¹³. This indicates that cumulative impacts of development and environmental impacts in the City are disproportionately impacting these communities. The EIR does not discuss that the project site and surrounding area are disadvantaged communities and does not utilize this information in its analysis. Due to errors in modeling and modeling without supporting evidence (as noted throughout this comment letter and attachments), the proposed project has significant potential to result in significant and unavoidable cumulatively considerable environmental impacts. The negative environmental, health, and quality of life impacts of the warehousing and logistics industry in Perris have become distinctly

⁸ OEHHA Diesel Particulate Matter <https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter>

⁹ OEHHA Cleanup Sites <https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites>

¹⁰ OEHHA Poverty <https://oehha.ca.gov/calenviroscreen/indicator/poverty>

¹¹ Ibid.

¹² Ibid.

¹³ OEHHA SB 535 Census Tracts <https://oehha.ca.gov/calenviroscreen/sb535>

inequitable. The severity of significant and unavoidable impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR.

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Each section of the EIR must be revised to include the specific analysis of each environmental impact on the Disadvantaged Communities, including cumulative analysis and irreversible environmental effects. The revised EIR must also specifically include in this analysis the significant and unavoidable impacts generated by the project. This is also notable as the project site is identified as a Disadvantaged Community in Figure 1 of the Environmental Justice Element of the General Plan.

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California's Building Energy Code Compliance Software (CBECC) is the State's only approved energy compliance modeling software for non-residential buildings in compliance with Title 24¹⁴. CalEEMod is not listed as an approved software. The CalEEMod-based modeling in the EIR and appendices does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. A revised EIR with modeling using the approved software (CBECC) must be circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not the approved software.

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5.8 Hazards and Hazardous Materials

The proposed Project site is within March Air Reserve Base (MARB)/Inland Port Airport Compatibility Zone B2. The EIR does not provide any information regarding required review by the Riverside County Airport Land Use Commission (RCALUC).

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Implementation Measures of the General Plan require MARB/RCALUC review and comment prior to making any land use decisions:

1. Land Use Element Implementation Measure V.C.I. Circulate all development plans within the Clear Zone and Accident Potential Zones of the March Air Reserve Base/Inland Port Plan to Department of the Air Force, MARCH Air Reserve Base to provide recommendations and guidance on land use compatibility in accordance with the policies of the most recent Air Force Instruction (AFI) 32-7063.

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¹⁴ California Energy Commission 2022 Energy Code Compliance Software
<https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1>

2. Safety Element Implementation Measure I.D.2 Continue to notify March Air Reserve Base of new development project applications and consider their input prior to making land use decisions.

The proposed project was on the March 10, 2022 RCALUC Meeting Agenda¹⁵. The project plans attached to the agenda depict the building at a maximum height of 45'0" overall on every side of the building. This is vastly different from Figure 3-10: Building Elevations within the EIR. Figure 3-10 depicts the proposed building with maximum heights ranging from 45'0" to 49'0". Specifically, the east and south elevations depict maximum building heights ranging from 47'0" to 49'0", the north elevation maximum heights are depicted as 45'0" to 47'0", and the west elevation depicts the maximum building height as 47'0". This does not comply with the RCALUC conditions of approval #11 and #12 that require the following:

“11. The proposed structures shall not exceed a height of 45 feet above ground level and a maximum elevation at top point of 1,539 feet above mean sea level.

12. The maximum height and top point elevation specified above shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission. The specific coordinates, frequencies, and power shall not be amended without further review by the Federal Aviation Administration.”

Based on conditions #11 and #12, the proposed building exceeds the maximum height of 45 feet and requires further review by the RCALUC to proceed. A revised EIR must be prepared that includes this information and analysis for review. The RCALUC must also review the project again for consistency with the MARB/IPA ALUCP. This is statutorily required as the project requires a legislative action (Specific Plan Amendment) to proceed. The EIR cannot conclude that the project has less than significant impacts until and unless the RCALUC reviews, comments, and takes action on the project and its height that exceeds 45'0".

5.10 Land Use and Planning

Figure 3-9: Development Plan Review No. 21-00005 (Site Plan) depicts that the project lot coverage is 51.7% while a maximum of 50% is permitted. This requires a Code Amendment/Specific Plan Amendment to change this development standard in order to accommodate the proposed project. The EIR must be revised to include this information for review and analysis by the public and decision makers in order to provide an adequate and accurate environmental analysis.

¹⁵ March 10, 2022 RCALUC Meeting Agenda and Attachments
https://www.rcaluc.org/Portals/13/aluc_agenda_03-10-22.pdf?ver=2022-02-18-073001-390

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The EIR must provide a quantified analysis of the project's growth within the PVCCSP and General Plan to determine if it exceeds the buildout scenario for its Planning Area within PVCC SP and the PVCC SP as a whole, in accordance with Table LU-28: Building Area by Land Use Designation, Table LU-29: General Plan Population Projections, and Table LU-30: General Plan Employment Projections of the City's General Plan Land Use Element, including all cumulative development and projects "in the pipeline."

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Further, the EIR does not provide a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project has significant potential to conflict with many of these items, including but not limited to the following from the General Plan:

1. Policy HC 1.5 On an ongoing basis, identify and address health inequities in Perris (i.e. unjust barriers that result in differences in environmental conditions and health outcomes) and strive to provide a high quality of life for all residents, regardless of income, age or ethnicity.
2. Policy HC 1.6 Encourage the attraction and retention of high quality grocery stores and other healthy food purveyors as an economic development strategy for the City. Healthy food outlets include full-service grocery stores, regularly-held farmer's markets, fruit and vegetable markets, and convenience stores or corner stores that sell a significant proportion of healthy food.
3. Policy HC 2.4 Promote development patterns and policies that: Reduce commute times.
4. Policy HC 2.6 Encourage land use and urban design to promote physical activity, provide access to nutritious foods, and reduce air pollution.
5. Goal HC-5: Healthy Economy – Encourage businesses to provide meaningful employment opportunities to residents.
6. Policy HC 5.1 Develop programs to attract and retain industries that can provide a living wage, provide health insurance benefits, and meet existing levels of workforce education.
7. Safety Element Implementation Measure I.D.2 Continue to notify March Air Reserve Base of new development project applications and consider their input prior to making land use decisions.
8. Environmental Justice Goal 3.1 A community that reduces the negative impacts of land use changes, environmental hazards and climate change on disadvantaged communities.

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9. Environmental Justice Goal 3.2: A community that actively works to reduce the impacts of poor air quality.
10. Environmental Justice Goal 6.2 Policy 2: Discourage development in proximity to sensitive land uses (e.g., schools, hospitals, homes, and long-term care facilities) near source point pollution sources that impact health, including freeways and hazardous waste sites.

A revised EIR must be prepared to include an analysis of the project’s potential inconsistency with these goals and policies. The revised EIR must also include information and analysis regarding the fact that the project site is identified as a Disadvantaged Community in Figure 1 of the Environmental Justice Element of the General Plan.

The EIR also does not discuss the potentially significant cumulative impacts of the proposed PVCCSP Specific Plan Amendment to remove California Avenue and Nance Street between Patterson Avenue to the west and Nevada Avenue to the east from the PVCCSP that is required to implement the proposed project. This is especially vital given the 12 amendments that have been approved in the PVCCSP, including 2 amendments to amend the Circulation Plan that differs from the circulation originally planned for and analyzed in the PVCCSP and its EIR:

1. Amendment No. 3 (approved February 9, 2016) to rezone 68.99 acres from commercial and business professional to light industrial and to update all graphics to reflect the street vacation of Nance and Markham Streets between Redlands Avenue and the Perris Valley Storm Channel. This amendment also reflects the street vacation and general plan amendment (GPA 12-02-0001) to the circulation element for the removal of Harley Knox Blvd. from Redland Avenue to Perris Valley Storm Channel.
2. Amendment No. 12 (approved: January 11, 2022) to modify Circulation Plan Map pg.3.0-1, Truck Route Plan map pg. 3.0-7, and last sentence of pg 3.0-6 to update the PVCC SP truck routes.

Two other PVCCSP Amendments are proposed to amend the Circulation Plan that differs from the circulation originally planned for and analyzed in the PVCCSP and its EIR:

1. Redlands West Industrial (Pending) to modify the Circulation Plan Map to remove Russell Way.
2. Ramona Gateway Industrial (Pending) to modify the Circulation Plan Map to remove Dawes Street.

A revised EIR must be prepared to address and analyze these potentially significant impacts and in a cumulative setting.

Table 5.10-B: Proposed Project Consistency with Connect SoCal Goal provides a misleading and erroneous consistency analysis with SCAG’s 2020-2045 Connect SoCal RTP/SCS. Due to errors

B-15
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B-16

B-17

in modeling, modeling without supporting evidence (as noted throughout this comment letter and attachments), the proposed project is has significant potential for inconsistency with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and equitable communities, and Goal 7 to adapt to a changing climate. The EIR must be revised to include revised, accurate modeling and a consistency analysis with all goals of SCAG's 2020-2045 Connect SoCal RTP/SCS.

B-17
Cont'd

5.13 Transportation

The EIR presents unduly low vehicle trips generated by the proposed project that are not supported by evidence in the EIR. The EIR chooses to model the project as a high-cube transload short-term warehouse (ITE land use code 154) because the ITE defines this type of warehouse as the lowest trip generation per 1,000 sf of all industrial land uses (0.10 trips per 1,000 sf)¹⁶. Modeling the proposed project as high-cube transload short-term warehouse serves to skew analysis downward and present unduly low emissions estimates and VMT generated by the proposed project. The Project Description and site plan includes operational and characteristic information about the project that indicate it is likely to be used as a fulfillment center based on SCAQMD's High-Cube Warehouse Vehicle Trip Generation Analysis¹⁷. The proposed project encompasses more characteristics of these two warehouse types which generate higher emissions and VMT, such as ceiling heights of 40 feet or higher. The EIR must be revised to model the project accurately as ITE Land Use 155 High-cube Fulfillment Center Warehouse in accordance with operations as detailed in the Project Description in order for the EIR to be a reliable informational document.

B-18

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. The EIR has not provided any exhibits depicting the available truck/trailer turning radius at the intersection of the project driveways to determine if there is enough space available to accommodate heavy truck maneuvering. There are also no exhibits depicting emergency vehicle access. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared for the proposed project with this analysis in order to provide an adequate and accurate environmental analysis.

B-19

¹⁶ Institute of Transportation Engineers Common Trip Generation Rates (PM Peak Hour)
https://www.troutdaleoregon.gov/sites/default/files/fileattachments/public_works/page/966/ite_land_use_list_10th_edition.pdf

¹⁷ SCAQMD High-Cube Warehouse Vehicle Trip Generation Analysis
<https://www.ite.org/pub/?id=a3e6679a%2De3a8%2Dbf38%2D7f29%2D2961becdd498>

Appendix K.2: Traffic Impact Analysis excludes all attachments to this technical appendix for public review, which does not comply with CEQA’s requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the attachments to the technical Traffic Impact Analysis Appendix such as the Scoping Agreement and LOS Analysis Worksheets, contribute directly to analysis of the problem at hand. A revised EIR must be prepared to include these items for public review in order to provide an adequate and accurate environmental analysis.

B-20

Additionally, the VMT Analysis excludes the City of Perris VMT Scoping Form and modeling input parameters and output screens generated by the RIVCOM v3.0 model. Utilizing the recommended input parameters based on Fehr and Peer’s WRCOG SB 743 Implementation Pathway Document Package¹⁸ (PA VMT per worker, baseline year of IS publish date - 2022, threshold reduction 15% below City baseline VMT), the output results of the WRCOG VMT Tool are vastly different. Utilizing the appropriate input parameters results in the project site not qualifying to be screened out from a complete VMT analysis. The EIR concludes that the project will generate 15,412 VMT. However, there is no source for this calculation of project generated VMT. The EIR states that the project has a service population (employees) of 512 and there is also no source for this calculation. The EIR does not provide a quantified analysis of employees generated by the proposed project anywhere throughout the document. Notably, Table 4.2 of the Air Quality Appendix CalEEMod output sheets concludes that the project will generate 7,951,847 VMT annually (21,786 VMT per day). Based on the EIR’s calculation of 512 employees, the VMT per service population is 42.5 miles. This is a 31% increase over the City’s VMT per worker of 32.44 miles. Fehr and Peer’s WRCOG SB 743 Implementation Pathway Document Package¹⁹ states that “a per employee VMT that is fifteen percent below that of existing development” is a reasonable threshold to determine that a project would have a less than significant VMT impact. The EIR must be revised to include a finding of significance due to the project’s significant increase in VMT over the City’s VMT per service population.

B-21

Further, the operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed fulfillment center, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a fulfillment center, which will drastically increase project-generated VMT. The project’s truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers

B-22

¹⁸ WRCOG SB 743 Implementation Pathway Document Package <https://www.fehrandpeers.com/wp-content/uploads/2019/12/WRCOG-SB743-Document-Package.pdf>

¹⁹ WRCOG SB 743 Implementation Pathway Document Package <https://www.fehrandpeers.com/wp-content/uploads/2019/12/WRCOG-SB743-Document-Package.pdf>

to exclude this activity from VMT analysis. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

B-22
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The EIR also does not discuss the potentially significant cumulative impacts of the proposed PVCCSP Specific Plan Amendment to remove California Avenue and Nance Street between Patterson Avenue to the west and Nevada Avenue to the east from the PVCCSP that is required to implement the proposed project. This is especially vital given the 12 amendments that have been approved in the PVCCSP, including 2 amendments to amend the Circulation Plan that differs from the circulation originally planned for and analyzed in the PVCCSP and its EIR:

1. Amendment No. 3 (approved February 9, 2016) to rezone 68.99 acres from commercial and business professional to light industrial and to update all graphics to reflect the street vacation of Nance and Markham Streets between Redlands Avenue and the Perris Valley Storm Channel. This amendment also reflects the street vacation and general plan amendment (GPA 12-02-0001) to the circulation element for the removal of Harley Knox Blvd. from Redland Avenue to Perris Valley Storm Channel.
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Two other PVCCSP Amendments are proposed to amend the Circulation Plan that differs from the circulation originally planned for and analyzed in the PVCCSP and its EIR:

1. Redlands West Industrial (Pending) to modify the Circulation Plan Map to remove Russell Way.
2. Ramona Gateway Industrial (Pending) to modify the Circulation Plan Map to remove Dawes Street.

A revised EIR must be prepared to address and analyze these potentially significant impacts and in a cumulative setting.

6.0 Other CEQA Topics

6.2 Growth Inducing Impacts and 6.3 Significant Irreversible Environmental Effects

The EIR does not meaningfully discuss or analyze the project's proposed PVCCSP Specific Plan Amendment to remove California Avenue and Nance Street between Patterson Avenue to the west and Nevada Avenue to the east from the PVCCSP that is required to implement the proposed project. The PVCCSP did not envision construction of a building on the areas that were planned for public streets. This increases the developable area of the PVCCSP without providing any information or analysis on the buildout conditions of the PVCCSP area. Further, Figure 3-9: Development Plan Review No. 21-00005 (Site Plan) depicts that the project lot coverage is 51.7% while a maximum of 50% is permitted. This does not comply with the requirements of the

B-24

PVCCSP and the EIR must be revised to include this information for analysis. Additionally, the EIR must be revised to include discussion and analysis of the proposed project's inconsistency with the RCALUC conditions #11 and #12 limiting building heights to 45 feet while the proposed building features heights ranging from 45 feet to 49 feet.

B-24
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Excluding this information from the EIR's analysis is misleading to the public and decision makers. The EIR must be revised to include the required changes to the PVCCSP for discussion and analysis and include a finding of significance as the project will contribute to growth that was not included as part of growth forecasts in Connect SoCal, the PVCCSP EIR, and/or the General Plan. The EIR must also include discussion for the precedence setting action that approval of the required PVCCSP Amendments set for future changes in the area (development standards and amendments to the Circulation plan).

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7.0 Cumulative Impact Analysis

The EIR has not provided an adequate or accurate cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. For example, other recent industrial projects such as Harley Knox Commerce Center (152 employees), PVCCSP Amendment No. 13 (603 employees), Core 5 Rider Warehouse (432 employees), First Industrial Warehouse at Rider (562 employees), Perris and Morgan 3 Industrial Buildings (494 employees), First Industrial at Wilson 1 (526 employees), First Industrial at Wilson 2 (276 employees), IDI Rider Warehouses 2 and 4 (1,313 employees), Ramona-Indian Warehouse (440 employees), Redlands East Warehouse (442 employees), Redlands West Warehouse (592 employees), Ramona-Brennan Warehouse (287 employees), and Ramona Gateway (997 employees) combined with the proposed project will cumulatively generate 9,466 employees, which is 91.9% of the City's SCAG employment growth forecast over 29 years and 16.8% of the PVCC SP EIR employment forecast (56,087 employees). These totals increase exponentially when commercial development activity is added to the brief list of industrial activity above. The EIR must be revised to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project will exceed the employment/population growth forecasts by SCAG, the City's General Plan, and/or the PVCC SP EIR.

B-26

The EIR also does not discuss the potentially significant cumulative impacts of the proposed PVCCSP Specific Plan Amendment to remove California Avenue and Nance Street between Patterson Avenue to the west and Nevada Avenue to the east from the PVCCSP that is required to implement the proposed project. This is especially vital given the 12 amendments that have been approved in the PVCCSP, including 2 amendments to amend the Circulation Plan that differs from the circulation originally planned for and analyzed in the PVCCSP and its EIR:

B-27

1. Amendment No. 3 (approved February 9, 2016) to rezone 68.99 acres from commercial and business professional to light industrial and to update all graphics to reflect the street vacation of Nance and Markham Streets between Redlands Avenue and the Perris Valley Storm Channel. This amendment also reflects the street vacation and general plan amendment (GPA 12-02-0001) to the circulation element for the removal of Harley Knox Blvd. from Redland Avenue to Perris Valley Storm Channel.
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2. Ramona Gateway Industrial (Pending) to modify the Circulation Plan Map to remove Dawes Street.

A revised EIR must be prepared to address and analyze these potentially significant impacts and in a cumulative setting.

8.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The only alternative chosen for analysis is the CEQA required “No Project” alternative. The EIR does not evaluate a reasonable range of alternatives as only the CEQA required “No Project Alternative” is analyzed. No other alternatives are considered or analyzed. The EIR must be revised to include analysis of a reasonable range of alternatives, including at least four alternative projects, and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a mixed-use project that provides affordable housing and local-serving commercial uses that may reduce VMT, GHG emissions, and improve Air Quality.

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

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Cont'd

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Mary Blais
December 14, 2022
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Sincerely,

A handwritten signature in black ink, appearing to be 'Gary Ho', with a stylized, overlapping loop structure.

Gary Ho
Blum Collins & Ho, LLP

Attachments:

1. SWAPE Technical Analysis



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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December 14, 2022

Gary Ho
Blum Collins LLP
707 Wilshire Blvd, Ste. 4880
Los Angeles, CA 90017

**Subject: Comments on the Duke Warehouse at Patterson Avenue and Nance Street Project
(SCH No. 2022010274)**

Dear Mr. Ho,

We have reviewed the October 2022 Draft Environmental Impact Report (“DEIR”) for the Duke Warehouse at Patterson Avenue and Nance Street Project (“Project”) located in the City of Perris (“City”). The Project proposes to construct 749,668-square-feet (“SF”) of warehouse space, 20,000-SF of office space, and 506 parking spaces, on the 35.7-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project’s air quality and health risk impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. A revised EIR should be prepared to adequately assess and mitigate the potential air quality and health risk impacts that the project may have on the environment.

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR’s air quality analysis relies on emissions calculated with California Emissions Estimator Model (“CalEEMod”) Version 2020.4.0 (p. 4.1-5).¹ CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality

¹ “CalEEMod Version 2020.4.0.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <http://www.aqmd.gov/caleemod/download-model>.

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B1-2

Act (“CEQA”) requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project’s construction and operational emissions are calculated, and “output files” are generated. These output files disclose to the reader what parameters are utilized in calculating the Project’s air pollutant emissions and make known which default values are changed as well as provide justification for the values selected.

When reviewing the Project’s CalEEMod output files, provided in the Air Quality / Greenhouse Gas Analysis (“AQ & GHG Analysis”) as Appendix B.1 to the DEIR, we found that several model inputs are not consistent with information disclosed in the DEIR. As a result, the Project’s construction and operational emissions may be underestimated. A revised EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the “Duke Warehouse at Patterson Ave and Nance St” and “Duke Warehouse at Patterson Ave and Nance St VOC Mit.” models include several changes to the default individual construction phase lengths (see excerpt below) (Appendix B.1, pp. 15, 40, 65, 113, 129).

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	55.00	43.00
tblConstructionPhase	NumDays	740.00	195.00
tblConstructionPhase	NumDays	75.00	43.00
tblConstructionPhase	NumDays	55.00	21.00

As a result of these changes, the models include the following construction schedule (see excerpt below) (Appendix B.1, pp. 20, 45, 70, 116, 132).

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days
1	Grading	Grading	9/1/2022	10/31/2022	5	43
2	Building Construction	Building Construction	11/1/2022	7/31/2023	5	195
3	Paving	Paving	7/1/2023	7/31/2023	5	21
4	Architectural Coating	Architectural Coating	6/1/2023	7/31/2023	5	43

As demonstrated above, the grading phase is decreased by 43%, from the default value of 75 to 43 days; the building construction phase is decreased by 74%, from the default value of 740 to 195 days; the paving phase is decreased by 62%, from the default value of 55 to 21 days; and the architectural coating phase is decreased by 22%, from the default value of 55 to 43 days. As previously mentioned, the

B1-2
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CalEEMod User's Guide requires any changes to model defaults be justified.² According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is:

"Per Applicant" (Appendix B.1, pp. 14, 39, 64, 112, 127).

Furthermore, regarding the Project's anticipated construction schedule, the DEIR states:

"The total construction period is expected to require approximately eleven months beginning no earlier than September 2022" (p. 5.2-34).

However, these changes remain unsupported. While the DEIR indicates the total construction duration, the DEIR fails to mention or justify the *individual* construction phase lengths. This is incorrect, as according to the CalEEMod User's Guide:

"CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA."³

Here, as the DEIR only justifies the total construction duration of 11 months, the DEIR fails to provide substantial evidence to support the revised individual construction phase lengths. As such, we cannot verify the changes.

These unsubstantiated changes present an issue, as the construction emissions are improperly spread out over a longer period of time for some phases, but not for others. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).⁴

Demolition involves removing buildings or structures.

Site Preparation involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.

Grading involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.

Building Construction involves the construction of the foundation, structures and buildings.

Architectural Coating involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.

Paving involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

² "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user's-guide>, p. 1, 14.

³ "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user's-guide>, p. 13, 14.

⁴ "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user's-guide>, p. 32.

Thus, by disproportionately altering and extending some of the individual construction phase lengths without proper justification, the model assumes there are a greater number of days to complete the construction activities required by the prolonged phases. As a result, there will be less construction activities required per day and, consequently, less pollutants emitted per day. Therefore, the model may underestimate the peak daily emissions associated with some phases of construction and should not be relied upon to determine Project significance. As such, the model should have proportionately altered all phase lengths to match the proposed construction duration of 11 months.

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Disproportionate Health Risk Impacts of Warehouses on Surrounding Communities

Upon review of the DEIR, we have determined that the development of the proposed Project would result in disproportionate health risk impacts on community members living, working, and going to school within the immediate area of the Project site. According to the SCAQMD:

“Those living within a half mile of warehouses are more likely to include communities of color, have health impacts such as higher rates of asthma and heart attacks, and a greater environmental burden.”⁵

In particular, the SCAQMD found that more than 2.4 million people live within a half mile radius of at least one warehouse, and that those areas not only experience increased rates of asthma and heart attacks, but are also disproportionately Black and Latino communities below the poverty line.⁶ Another study similarly indicates that “neighborhoods with lower household income levels and higher percentages of minorities are expected to have higher probabilities of containing warehousing facilities.”⁷ Additionally, a report authored by the Inland Empire-based People’s Collective for Environmental Justice and University of Redlands states:

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“As the warehouse and logistics industry continues to grow and net exponential profits at record rates, more warehouse projects are being approved and constructed in low-income communities of color and serving as a massive source of pollution by attracting thousands of polluting truck trips daily. Diesel trucks emit dangerous levels of nitrogen oxide and particulate matter that cause devastating health impacts including asthma, chronic obstructive pulmonary disease (COPD), cancer, and premature death. As a result, physicians consider these pollution-burdened areas ‘diesel death zones.’”⁸

⁵ “South Coast AQMD Governing Board Adopts Warehouse Indirect Source Rule.” SCAQMD, May 2021, *available at*: <http://www.aqmd.gov/docs/default-source/news-archive/2021/board-adopts-waisr-may7-2021.pdf?sfvrsn=9>.

⁶ “Southern California warehouse boom a huge source of pollution. Regulators are fighting back.” Los Angeles Times, May 2021, *available at*: <https://www.latimes.com/california/story/2021-05-05/air-quality-officials-target-warehouses-bid-to-curb-health-damaging-truck-pollution>.

⁷ “Location of warehouses and environmental justice: Evidence from four metros in California.” Metro Freight Center of Excellence, January 2018, *available at*: https://www.metrotrans.org/assets/research/MF%201.1g_Location%20of%20warehouses%20and%20environmental%20justice_Final%20Report_021618.pdf, p. 21.

⁸ “Warehouses, Pollution, and Social Disparities: An analytical view of the logistics industry’s impacts

It is evident that the continued development of industrial warehouses within these communities poses a significant environmental justice challenge. However, the acceleration of warehouse development is only increasing despite the consequences on public health. The Inland Empire alone is adding 10 to 25 million SF of new industrial space each year.⁹ Riverside County, the setting of the proposed Project, has long borne a disproportionately high pollution burden compared to the rest of California. In April 2022, the American Lung Association ranked San Bernadino and Riverside Counties as the worst for ozone pollution in the nation.¹⁰ Riverside County specifically has seen the second highest recorded Air Quality Index (“AQI”) values for ground-level ozone in the state.¹¹ The U.S. Environmental Protection Agency (“EPA”) indicates that ozone, the main ingredient in “smog,” can cause several health problems, which includes aggravating lung diseases and increasing the frequency of asthma attacks. The U.S. EPA states:

“Children are at greatest risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, which increases their exposure. Children are also more likely than adults to have asthma.”¹²

Furthermore, regarding the increased sensitivity of early-life exposures to inhaled pollutants, the California Air Resources Board (“CARB”) states:

“Children are often at greater risk from inhaled pollutants, due to the following reasons:

- Children have unique activity patterns and behavior. For example, they crawl and play on the ground, amidst dirt and dust that may carry a wide variety of toxicants. They often put their hands, toys, and other items into their mouths, ingesting harmful substances. Compared to adults, children typically spend more time outdoors and are more physically active. Time outdoors coupled with faster breathing during exercise increases children’s relative exposure to air pollution.
- Children are physiologically unique. Relative to body size, children eat, breathe, and drink more than adults, and their natural biological defenses are less developed. The protective barrier surrounding the brain is not fully developed, and children’s nasal passages aren’t as effective at filtering out pollutants. Developing lungs, immune, and metabolic systems are also at risk.

on environmental justice communities across Southern California.” People’s Collective for Environmental Justice, April 2021, *available at*:

https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf, p. 4.

⁹ “2020 North America Industrial Big Box Review & Outlook.” CBRE, 2020, *available at*: <https://www.cbre.com/-/media/project/cbre/shared-site/insights/local-responses/industrial-big-box-report-inland-empire/local-response-2020-ibb-inland-empire-overview.pdf>, p. 2.

¹⁰ “State of the Air 2022.” American Lung Association, 2022, *available at*:

<https://www.lung.org/getmedia/74b3d3d3-88d1-4335-95d8-c4e47d0282c1/sota-2022.pdf>, p. 19.

¹¹ “High Ozone Days.” American Lung Association, 2022, *available at*:

<https://www.lung.org/research/sota/city-rankings/states/california>.

¹² “Health Effects of Ozone Pollution.” U.S. EPA, May 2021, *available at*: <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution>.

- Children are particularly susceptible during development. Environmental exposures during fetal development, the first few years of life, and puberty have the greatest potential to influence later growth and development.”¹³

A Stanford-led study also reveals that children exposed to high levels of air pollution are more susceptible to respiratory and cardiovascular diseases in adulthood.¹⁴ Thus, given children’s higher propensity to succumb to the negative health impacts of air pollutants, and as warehouses release more smog-forming pollution than any other sector, it is necessary to evaluate the specific health risk that warehouses pose to children in the nearby community.

According to the above-mentioned study by the People’s Collective for Environmental Justice and University of Redlands, there are 640 schools in the South Coast Air Basin that are located within half a mile of a large warehouse, most of them in socio-economically disadvantaged areas.¹⁵ Regarding the proposed Project itself, the DEIR states:

“The closest school is Val Verde Academy, located approximately 2 miles south of the Project site.” (p. 5.8-17).

This poses a significant threat because, as outlined above, children are a vulnerable population that are more susceptible to the damaging side effects of air pollution. As such, the Project would have detrimental short-term and long-term health impacts on local residents and children if approved.

A revised EIR should be prepared to evaluate the disproportionate impacts of the proposed warehouse on the community adjacent to the Project, including an analysis of the impact on children and people of color who live and attend school in the surrounding area. Finally, in order to evaluate the cumulative air quality impact from the several warehouse projects proposed or built in a one-mile radius of the Project site, the revised EIR should prepare a cumulative health risk assessment (“HRA”) to quantify the adverse health outcome from the effects of exposure to multiple warehouses in the immediate area in conjunction with the poor ambient air quality in the Project’s census tract.

Diesel Particulate Matter Emissions Inadequately Evaluated

The DEIR conducts a health risk assessment (“HRA”) evaluating the impacts from exposure to toxic air contaminant (“TAC”) emissions from diesel-powered trucks during Project operation. Specifically, the DEIR estimates that the maximum cancer risk posed to nearby, existing residential sensitive receptors as a result of Project operation would be 3.2 in one million, which would not exceed the South Coast Air

¹³ “Children and Air Pollution.” California Air Resources Board (CARB), *available at:*

<https://ww2.arb.ca.gov/resources/documents/children-and-air-pollution>.

¹⁴ “Air pollution puts children at higher risk of disease in adulthood, according to Stanford researchers and others.” Stanford, February 2021, *available at:* <https://news.stanford.edu/2021/02/22/air-pollution-impacts-childrens-health/>.

¹⁵ “Warehouses, Pollution, and Social Disparities: An analytical view of the logistics industry’s impacts on environmental justice communities across Southern California.” People’s Collective for Environmental Justice, April 2021, *available at:*

https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf, p. 4.



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B1-5

Quality Management District (“SCAQMD”) significance threshold of 10 in one million (see excerpt below) (p. 5.2-45, Table 5.2-L).

Table 5.2-L – Project-Generated Cancer Risk (2023) at Discrete Receptors

Receptor	Cancer Risk (per million)
Sensitive Receptors	
1	2.4
2	3.2
3	2.0
Off-site Worker Receptors	
4	0.2
5	0.2
6	0.2
7	0.3
8	0.2

Source: HRA, Table 4

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However, the DEIR fails to mention or evaluate the Project’s health risk impacts associated with Project construction. As such, the DEIR’s evaluation of the Project’s potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for three reasons.

First, by failing to prepare a quantified construction HRA, the DEIR is inconsistent with CEQA’s requirement to correlate the increase in emissions that the Project would generate to the adverse impacts on human health caused by those emissions.¹⁶ This is incorrect, as construction of the proposed Project will produce DPM emissions through the exhaust stacks of construction equipment over a total construction duration of 11 months (p. 5.2-34). However, the DEIR fails to evaluate the potential Project-generated TACs or indicate the concentrations at which such pollutants would trigger adverse health effects. Thus, without making a reasonable effort to connect the Project’s construction-related TAC emissions to the potential health risks posed to nearby receptors, the DEIR is inconsistent with CEQA’s requirement to correlate the increase in emissions generated by the Project with the potential adverse impacts on human health.

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Second, the State of California Department of Justice recommends that warehouse projects prepare a quantitative HRA pursuant to the Office of Environmental Health Hazard Assessment (“OEHHA”), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines.¹⁷ OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* in February 2015, as referenced by the DEIR (p. 5.2-45). This guidance document describes the types of projects that warrant the preparation of an HRA. Specifically,

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¹⁶ “Sierra Club v. County of Fresno.” Supreme Court of California, December 2018, available at: <https://ceqaportal.org/decisions/1907/Sierra%20Club%20v.%20County%20of%20Fresno.pdf>.

¹⁷ “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act.” State of California Department of Justice, available at: <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>, p. 6.

OEHHA recommends that all short-term projects lasting at least 2 months assess cancer risks.¹⁸ Furthermore, according to OEHHA:

“Exposure from projects lasting more than 6 months should be evaluated for the duration of the project. In all cases, for assessing risk to residential receptors, the exposure should be assumed to start in the third trimester to allow for the use of the ASFs (OEHHA, 2009).”¹⁹

Thus, as the Project’s anticipated construction duration exceeds the 2-month and 6-month requirements set forth by OEHHA, construction of the Project meets the threshold warranting a quantified HRA under OEHHA guidance and should be evaluated for the entire 11-month construction period. These recommendations reflect the most recent state health risk policies, and as such, a revised EIR should be prepared to include an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated DPM emissions.

Third, while the DEIR includes a HRA evaluating the health risk impacts to nearby, existing receptors as a result of Project operation, the HRA fails to evaluate the combined lifetime cancer risk to nearby, existing receptors as a result of Project construction and operation together. According to OEHHA guidance “the excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk at the receptor location.”²⁰ However, the Project’s HRA fails to sum each age bin to evaluate the total cancer risk over the course of the Project’s total construction and operation. This is incorrect and thus, an updated analysis should quantify the entirety of the Project’s construction and operational health risks together and sum them to compare to the SCAQMD threshold of 10 in one million, as referenced by the DEIR (p. 5.2-52).

Screening-Level Analysis Demonstrates Potentially Significant Health Risk Impact

In order to conduct our screening-level risk assessment we relied upon AERSCREEN, which is a screening level air quality dispersion model.²¹ The model replaced SCREEN3, and AERSCREEN is included in the OEHHA and the California Air Pollution Control Officers Associated (“CAPCOA”) guidance as the appropriate air dispersion model for Level 2 health risk screening assessments (“HRSAs”).^{22, 23} A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an

¹⁸ “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>, p. 8-18.

¹⁹ “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>, p. 8-18.

²⁰ “Guidance Manual for preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf> p. 8-4

²¹ “AERSCREEN Released as the EPA Recommended Screening Model,” U.S. EPA, April 2011, available at: http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

²² “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>.

²³ “Health Risk Assessments for Proposed Land Use Projects.” CAPCOA, July 2009, available at: http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf.

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unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach should be conducted prior to approval of the Project.

We prepared a preliminary HRA of the Project’s construction-related health risk impact to residential sensitive receptors using the annual PM₁₀ exhaust estimates from the DEIR’s CalEEMod output files. Consistent with recommendations set forth by OEHHA, we assumed residential exposure begins during the third trimester stage of life.²⁴ The DEIR’s CalEEMod model indicates that construction activities will generate approximately 154 pounds of DPM over the 333-day construction period.²⁵ The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}} \right) = \frac{153.9 \text{ lbs}}{333 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = 0.00243 \text{ g/s}$$

Using this equation, we estimated a construction emission rate of 0.00243 grams per second (“g/s”). Construction was simulated as a 35.7-acre rectangular area source in AERSCREEN, with approximate dimensions of 538- by 269-meters. A release height of three meters was selected to represent the height of stacks of operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution. The population of Perris was obtained from U.S. 2020 Census data.²⁶

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project Site. The United States Environmental Protection Agency (“U.S. EPA”) suggests that the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10% in screening procedures.²⁷ According to the DEIR the nearest sensitive receptors are residences located immediately adjacent to the Project site (p. 5.2-14). However, review of the AERSCREEN output files demonstrates that the MEIR is located approximately 275 meters from the Project site. Thus, the single-hour concentration estimated by AERSCREEN for Project construction is approximately 0.9007 µg/m³ DPM at approximately 275 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.09007 µg/m³ for Project construction at the MEIR.²⁸

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²⁴ “Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>, p. 8-18.

²⁵ See Attachment B for health risk calculations.

²⁶ “Riverside.” U.S. Census Bureau, 2020, available at: <https://datacommons.org/place/geold/0662000>.

²⁷ “Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised.” U.S. EPA, October 1992, available at: http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf.

²⁸ See Attachment B for AERSCREEN output files.

We calculated the excess cancer risk to the MEIR using applicable HRA methodologies prescribed by OEHHA, as recommended by SCAQMD.²⁹ Specifically, guidance from OEHHA and the California Air Resources Board (“CARB”) recommends the use of a standard point estimate approach, including high-point estimate (i.e. 95th percentile) breathing rates and age sensitivity factors (“ASF”) in order to account for the increased sensitivity to carcinogens during early-in-life exposure and accurately assess risk for susceptible subpopulations such as children. The residential exposure parameters, such as the daily breathing rates (“BR/BW”), exposure duration (“ED”), age sensitivity factors (“ASF”), fraction of time at home (“FAH”), and exposure frequency (“EF”) utilized for the various age groups in our screening-level HRA are as follows:

Exposure Assumptions for Residential Individual Cancer Risk						
Age Group	Breathing Rate (L/kg-day) ³⁰	Age Sensitivity Factor ³¹	Exposure Duration (years)	Fraction of Time at Home ³²	Exposure Frequency (days/year) ³³	Exposure Time (hours/day)
3rd Trimester	361	10	0.25	1	350	24
Infant (0 - 2)	1090	10	2	1	350	24
Child (2 - 16)	572	3	14	1	350	24
Adult (16 - 30)	261	1	14	0.73	350	24

For the inhalation pathway, the procedure requires the incorporation of several discrete variates to effectively quantify dose for each age group. Once determined, contaminant dose is multiplied by the cancer potency factor (“CPF”) in units of inverse dose expressed in milligrams per kilogram per day (mg/kg/day⁻¹) to derive the cancer risk estimate. Therefore, to assess exposures, we utilized the following dose algorithm:

²⁹ “AB 2588 and Rule 1402 Supplemental Guidelines.” SCAQMD, October 2020, available at: <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab-2588-supplemental-guidelines.pdf?sfvrsn=19>, p. 2.

³⁰ “Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics ‘Hot Spots’ Information and Assessment Act.” SCAQMD, October 2020, available at: <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab-2588-supplemental-guidelines.pdf?sfvrsn=19>, p. 19; see also “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>.

³¹ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>, p. 8-5 Table 8.3.

³² “Risk Assessment Procedures.” SCAQMD, August 2017, available at: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7.

³³ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>, p. 5-24.

$$Dose_{AIR,per\ age\ group} = C_{air} \times EF \times \left[\frac{BR}{BW} \right] \times A \times CF$$

where:

- Dose_{AIR} = dose by inhalation (mg/kg/day), per age group
- C_{air} = concentration of contaminant in air (µg/m³)
- EF = exposure frequency (number of days/365 days)
- BR/BW = daily breathing rate normalized to body weight (L/kg/day)
- A = inhalation absorption factor (default = 1)
- CF = conversion factor (1x10⁻⁶, µg to mg, L to m³)

To calculate the overall cancer risk, we used the following equation for each appropriate age group:

$$Cancer\ Risk_{AIR} = Dose_{AIR} \times CPF \times ASF \times FAH \times \frac{ED}{AT}$$

where:

- Dose_{AIR} = dose by inhalation (mg/kg/day), per age group
- CPF = cancer potency factor, chemical-specific (mg/kg/day)⁻¹
- ASF = age sensitivity factor, per age group
- FAH = fraction of time at home, per age group (for residential receptors only)
- ED = exposure duration (years)
- AT = averaging time period over which exposure duration is averaged (always 70 years)

Consistent with the 333-day construction schedule, the annualized average concentration for construction was used for the entire third trimester of pregnancy (0.25 years) and first 0.66 years of the infantile stage of life (0 – 2 years). The results of our calculations are shown in the table below.

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The Maximally Exposed Individual at an Existing Residential Receptor				
Age Group	Emissions Source	Duration (years)	Concentration (ug/m3)	Cancer Risk
3rd Trimester	Construction	0.25	0.0901	1.22E-06
	<i>Construction</i>	<i>0.66</i>	<i>0.0901</i>	<i>9.80E-06</i>
	<i>Operation</i>	<i>1.34</i>	*	*
Infant (0 - 2)	Total	2		9.80E-06
Child (2 - 16)	Operation	14	*	*
Adult (16 - 30)	Operation	14	*	*
Lifetime		30		1.10E-05

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As demonstrated in the table above, the excess cancer risks to the 3rd trimester of pregnancy and infant receptors at the MEIR located approximately 275 meters away, over the course of Project construction, are approximately 1.22 and 9.8 in one million, respectively. The total excess cancer risk associated with Project construction is approximately 11.0 in one million. When summing the Project's construction-related cancer risk, as estimated by SWAPE, with the DEIR's operational cancer risk of 3.2 in one million, we estimate an excess cancer risk of approximately 14.2 in one million over the course of a 30-year residential lifetime (p. 5.2-45, Table 5.2-L).³⁴ As such, the lifetime cancer risk exceeds the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR.

An agency must include an analysis of health risks that connects the Project's emissions with the health risk posed by those emissions. Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection. The purpose of the screening-level HRA is to demonstrate the link between Project-generated emissions and potential adverse health risk impacts. According to the U.S. EPA:

"EPA's Exposure Assessment Guidelines recommend completing exposure assessments iteratively using a tiered approach to 'strike a balance between the costs of adding detail and refinement to an assessment and the benefits associated with that additional refinement' (U.S. EPA, 1992).

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³⁴ Calculated: 11.0 in one million + 3.2 in one million = 14.2 in one million.

In other words, an assessment using basic tools (e.g., simple exposure calculations, default values, rules of thumb, conservative assumptions) can be conducted as the first phase (or tier) of the overall assessment (i.e., a screening-level assessment).

The exposure assessor or risk manager can then determine whether the results of the screening-level assessment warrant further evaluation through refinements of the input data and exposure assumptions or by using more advanced models.”³⁵

As demonstrated above, screening-level analyses warrant further evaluation in a refined modeling approach. Thus, as our screening-level HRA demonstrates that construction and operation of the Project could result in a potentially significant health risk impact, a revised EIR should be prepared to include a refined health risk analysis which adequately and accurately evaluates health risk impacts associated with both Project construction and operation. If the refined analysis similarly concludes that the Project would result in a significant health risk impact, then additional mitigation measures should be incorporated to reduce the Project’s potential impacts as described below.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

The DEIR’s analysis demonstrates that the Project may have potentially significant health risk impacts that should be mitigated further. As such, in an effort to reduce the Project’s emissions, we identified several mitigation measures that are applicable to the proposed Project. Feasible mitigation measures can be found in the California Department of Justice Warehouse Project Best Practices document.³⁶ Therefore, to reduce the Project’s emissions, consideration of the following measures should be made:

- Requiring off-road construction equipment to be hybrid electric-diesel or zero emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- Limiting the amount of daily grading disturbance area.

³⁵ “Exposure Assessment Tools by Tiers and Types - Screening-Level and Refined.” U.S. EPA, *available at*: <https://www.epa.gov/expobox/exposure-assessment-tools-tiers-and-types-screening-level-and-refined>.

³⁶ “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act.” State of California Department of Justice, September 2022, *available at*: <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>, p. 8 – 10.

- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.
- Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zero-emission beginning in 2030.
- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.

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- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Designing to LEED green building certification standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency’s SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation.

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Furthermore, as it is policy of the State that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045, we emphasize the applicability of incorporating solar power system into the Project design. Until the feasibility of incorporating on-site renewable energy production is considered, the Project should not be approved.

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A revised EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality and health risk analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

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Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

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Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

- Attachment A: Health Risk Calculations
- Attachment B: AERSCREEN Output Files
- Attachment C: Matt Hagemann CV
- Attachment D: Paul Rosenfeld CV

Letter B Attachment 2

Construction	
2022	
Annual Emissions (tons/year)	0.1039
Daily Emissions (lbs/day)	0.569315068
Construction Duration (days)	122
Total DPM (lbs)	69.45643836
Total DPM (g)	31505.44044
Start Date	9/1/2022
End Date	1/1/2023
Construction Days	122
2023	
Annual Emissions (tons/year)	0.073
Daily Emissions (lbs/day)	0.4
Construction Duration (days)	211
Total DPM (lbs)	84.4
Total DPM (g)	38283.84
Start Date	1/1/2023
End Date	7/31/2023
Construction Days	211
Total	
Total DPM (lbs)	153.8564384
Total DPM (g)	69789.28044
Emission Rate (g/s)	0.002425665
Release Height (meters)	3
Total Acreage	35.7
Max Horizontal (meters)	537.54
Min Horizontal (meters)	268.77
Initial Vertical Dimension (meters)	1.5
Setting	Urban
Population	79,835
Start Date	9/1/2022
End Date	7/31/2023
Total Construction Days	333
Total Years of Construction	0.91
Total Years of Operation	29.09

AERSCREEN 21112 / AERMOD 21112

11/30/22
09:57:27

TITLE: Duke Warehouse at Patterson Avenue and Nance Street, Constru

***** AREA PARAMETERS *****

SOURCE EMISSION RATE:	0.243E-02 g/s	0.193E-01 lb/hr
AREA EMISSION RATE:	0.168E-07 g/(s-m2)	0.133E-06 lb/(hr-m2)
AREA HEIGHT:	3.00 meters	9.84 feet
AREA SOURCE LONG SIDE:	537.54 meters	1763.58 feet
AREA SOURCE SHORT SIDE:	268.77 meters	881.79 feet
INITIAL VERTICAL DIMENSION:	1.50 meters	4.92 feet
RURAL OR URBAN:	URBAN	
POPULATION:	79835	
INITIAL PROBE DISTANCE =	5000. meters	16404. feet

***** BUILDING DOWNWASH PARAMETERS *****

BUILDING DOWNWASH NOT USED FOR NON-POINT SOURCES

***** FLOW SECTOR ANALYSIS *****
25 meter receptor spacing: 1. meters - 5000. meters

MAXIMUM IMPACT RECEPTOR

Zo	SURFACE	1-HR CONC	RADIAL	DIST	TEMPORAL
SECTOR	ROUGHNESS	(ug/m3)	(deg)	(m)	PERIOD
1*	1.000	0.9007	15	275.0	WIN

* = worst case diagonal

***** MAKEMET METEOROLOGY PARAMETERS *****

MIN/MAX TEMPERATURE: 250.0 / 310.0 (K)

MINIMUM WIND SPEED: 0.5 m/s

ANEMOMETER HEIGHT: 10.000 meters

SURFACE CHARACTERISTICS INPUT: AERMET SEASONAL TABLES

DOMINANT SURFACE PROFILE: Urban
 DOMINANT CLIMATE TYPE: Average Moisture
 DOMINANT SEASON: Winter

ALBEDO: 0.35
 BOWEN RATIO: 1.50
 ROUGHNESS LENGTH: 1.000 (meters)

SURFACE FRICTION VELOCITY (U*) NOT ADJUSTED

METEOROLOGY CONDITIONS USED TO PREDICT OVERALL MAXIMUM IMPACT

YR MO DY JDY HR
 -- -- -- -- --
 10 01 10 10 01

H0	U*	W*	DT/DZ	ZICNV	ZIMCH	M-O	LEN	Z0	BOWEN	ALBEDO	REF WS
-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	

HT	REF TA	HT
10.0	310.0	2.0

***** AERSCREEN AUTOMATED DISTANCES *****
 OVERALL MAXIMUM CONCENTRATIONS BY DISTANCE

DIST (m)	MAXIMUM 1-HR CONC (ug/m3)	DIST (m)	MAXIMUM 1-HR CONC (ug/m3)
1.00	0.6899	2525.00	0.5186E-01

Letter B, Attachment 3

25.00	0.7149	2550.00	0.5119E-01
50.00	0.7393	2575.00	0.5053E-01
75.00	0.7622	2600.00	0.4989E-01
100.00	0.7837	2625.00	0.4926E-01
125.00	0.8039	2650.00	0.4865E-01
150.00	0.8231	2675.00	0.4805E-01
175.00	0.8412	2700.00	0.4746E-01
200.00	0.8584	2725.00	0.4689E-01
225.00	0.8746	2750.00	0.4633E-01
250.00	0.8902	2775.00	0.4578E-01
275.00	0.9007	2800.00	0.4524E-01
300.00	0.8760	2825.00	0.4471E-01
325.00	0.6770	2850.00	0.4420E-01
350.00	0.5774	2875.00	0.4368E-01
375.00	0.5220	2900.00	0.4318E-01
400.00	0.4801	2925.00	0.4269E-01
425.00	0.4440	2950.00	0.4221E-01
450.00	0.4139	2975.00	0.4174E-01
475.00	0.3914	3000.00	0.4127E-01
500.00	0.3709	3025.00	0.4082E-01
525.00	0.3525	3050.00	0.4038E-01
550.00	0.3353	3075.00	0.3994E-01
575.00	0.3196	3100.00	0.3951E-01
600.00	0.3052	3125.00	0.3909E-01
625.00	0.2919	3150.00	0.3868E-01
650.00	0.2793	3175.00	0.3828E-01
675.00	0.2678	3200.00	0.3788E-01
700.00	0.2571	3225.00	0.3749E-01
725.00	0.2470	3250.00	0.3711E-01
750.00	0.2375	3275.00	0.3673E-01
775.00	0.2287	3300.00	0.3636E-01
800.00	0.2204	3325.00	0.3600E-01
825.00	0.2127	3350.00	0.3564E-01
850.00	0.2053	3375.00	0.3529E-01
875.00	0.1983	3400.00	0.3495E-01
900.00	0.1918	3425.00	0.3461E-01
925.00	0.1857	3450.00	0.3428E-01
950.00	0.1798	3475.00	0.3395E-01
975.00	0.1742	3500.00	0.3363E-01
1000.00	0.1690	3525.00	0.3332E-01
1025.00	0.1640	3550.00	0.3300E-01
1050.00	0.1592	3575.00	0.3270E-01
1075.00	0.1546	3600.00	0.3239E-01
1100.00	0.1503	3625.00	0.3210E-01
1125.00	0.1463	3650.00	0.3180E-01
1150.00	0.1424	3675.00	0.3151E-01
1175.00	0.1386	3700.00	0.3123E-01
1200.00	0.1350	3725.00	0.3095E-01
1225.00	0.1316	3750.00	0.3067E-01
1250.00	0.1283	3775.00	0.3040E-01

Letter B, Attachment 3

1275.00	0.1252	3800.00	0.3014E-01
1300.00	0.1222	3825.00	0.2987E-01
1325.00	0.1193	3850.00	0.2962E-01
1350.00	0.1165	3875.00	0.2936E-01
1375.00	0.1138	3900.00	0.2910E-01
1400.00	0.1112	3925.00	0.2885E-01
1425.00	0.1088	3950.00	0.2861E-01
1450.00	0.1064	3975.00	0.2837E-01
1475.00	0.1041	4000.00	0.2813E-01
1500.00	0.1020	4025.00	0.2789E-01
1525.00	0.9986E-01	4050.00	0.2766E-01
1550.00	0.9778E-01	4075.00	0.2743E-01
1575.00	0.9578E-01	4100.00	0.2721E-01
1600.00	0.9385E-01	4125.00	0.2698E-01
1625.00	0.9200E-01	4150.00	0.2677E-01
1650.00	0.9021E-01	4175.00	0.2655E-01
1675.00	0.8848E-01	4200.00	0.2634E-01
1700.00	0.8681E-01	4225.00	0.2613E-01
1725.00	0.8520E-01	4250.00	0.2592E-01
1750.00	0.8365E-01	4275.00	0.2572E-01
1775.00	0.8214E-01	4300.00	0.2552E-01
1800.00	0.8069E-01	4325.00	0.2532E-01
1825.00	0.7927E-01	4350.00	0.2512E-01
1850.00	0.7788E-01	4375.00	0.2493E-01
1875.00	0.7654E-01	4400.00	0.2474E-01
1900.00	0.7524E-01	4425.00	0.2455E-01
1925.00	0.7397E-01	4450.00	0.2437E-01
1950.00	0.7273E-01	4475.00	0.2418E-01
1975.00	0.7153E-01	4500.00	0.2400E-01
2000.00	0.7036E-01	4525.00	0.2383E-01
2025.00	0.6923E-01	4550.00	0.2365E-01
2050.00	0.6813E-01	4575.00	0.2348E-01
2075.00	0.6706E-01	4600.00	0.2330E-01
2100.00	0.6603E-01	4625.00	0.2313E-01
2125.00	0.6502E-01	4650.00	0.2297E-01
2150.00	0.6404E-01	4675.00	0.2280E-01
2175.00	0.6308E-01	4700.00	0.2264E-01
2200.00	0.6215E-01	4725.00	0.2248E-01
2225.00	0.6125E-01	4750.00	0.2232E-01
2250.00	0.6035E-01	4775.00	0.2216E-01
2275.00	0.5948E-01	4800.00	0.2201E-01
2300.00	0.5863E-01	4825.00	0.2185E-01
2325.00	0.5780E-01	4850.00	0.2170E-01
2350.00	0.5699E-01	4875.00	0.2155E-01
2375.00	0.5620E-01	4900.00	0.2140E-01
2400.00	0.5543E-01	4925.00	0.2126E-01
2425.00	0.5468E-01	4950.00	0.2111E-01
2450.00	0.5395E-01	4975.00	0.2133E-01
2475.00	0.5324E-01	5000.00	0.2118E-01
2500.00	0.5254E-01		

 ***** AERSCREEN MAXIMUM IMPACT SUMMARY *****

3-hour, 8-hour, and 24-hour scaled concentrations are equal to the 1-hour concentration as referenced in SCREENING PROCEDURES FOR ESTIMATING THE AIR QUALITY IMPACT OF STATIONARY SOURCES, REVISED (Section 4.5.4)
 Report number EPA-454/R-92-019
http://www.epa.gov/scram001/guidance_permit.htm
 under Screening Guidance

CALCULATION PROCEDURE	MAXIMUM 1-HOUR CONC (ug/m3)	SCALED 3-HOUR CONC (ug/m3)	SCALED 8-HOUR CONC (ug/m3)	SCALED 24-HOUR CONC (ug/m3)	SCALED ANNUAL CONC (ug/m3)
FLAT TERRAIN	0.9025	0.9025	0.9025	0.9025	N/A
DISTANCE FROM SOURCE	278.00 meters				
IMPACT AT THE AMBIENT BOUNDARY	0.6899	0.6899	0.6899	0.6899	N/A
DISTANCE FROM SOURCE	1.00 meters				



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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.

- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Clean up at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.



Technical Consultation, Data Analysis and
Litigation Support for the Environment

Letter B, Attachment 5

SOIL WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
Santa Monica, California 90405
Attn: Paul Rosenfeld, Ph.D.
Mobil: (310) 795-2335
Office: (310) 452-5555
Fax: (310) 452-5550
Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Principal Environmental Chemist

Chemical Fate and Transport & Air Dispersion Modeling

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
 UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
 UCLA School of Public Health; 2003 to 2006; Adjunct Professor
 UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
 UCLA Institute of the Environment, 2001-2002; Research Associate
 Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
 National Groundwater Association, 2002-2004; Lecturer
 San Diego State University, 1999-2001; Adjunct Professor
 Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
 Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
 Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
 King County, Seattle, 1996 – 1999; Scientist
 James River Corp., Washington, 1995-96; Scientist
 Big Creek Lumber, Davenport, California, 1995; Scientist
 Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
 Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermოდ and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.
- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.
- Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.
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Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

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Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International*

Conferences on Soils Sediment and Water. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The 23rd *Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference Orlando, FL*.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

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Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

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Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 5-14-2021
Trial, October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty, Plaintiff vs. Consolidated Rail Corporation and National Railroad Passenger Corporation
d/b/a AMTRAK,
Case No.: No. 18-L-6845
Rosenfeld Deposition, 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe, Plaintiff vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA
Rail, Defendants
Case No.: No. 17-cv-8517
Rosenfeld Deposition, 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al., Plaintiff vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case Number CV20127-094749
Rosenfeld Deposition: 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al *Plaintiffs*, vs. CNA Insurance Company et al.
Case Number 1:17-cv-000508
Rosenfeld Deposition: 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, *Plaintiff*, vs. Marathon Petroleum, LP, *Defendant*.
Case No.: 1716-CV10006
Rosenfeld Deposition. 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”
Defendant.
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case No.: 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No.: 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 019-L-2295
Rosenfeld Deposition, 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case: No 1:19-cv-00315-RHW
Rosenfeld Deposition, 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilbert, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action NO. 14-C-30000
Rosenfeld Deposition, June 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant*.
Civil Action Number 2:09-cv-232-WHA-TFM
Rosenfeld Deposition: July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeonette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*
Civil Action No. CV 2008-2076
Rosenfeld Deposition: September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.
Case Number 2:07CV1052
Rosenfeld Deposition: July 2009

Response to Comment Letter B – Blum Collins & Ho, LLP

Response to Comment B-1:

The comments provided by Blum Collins & Ho, LLP Attorneys at Law on behalf of Golden State Environmental Justice Alliance (GSEJA) have been accepted and considered. Golden State Environmental Justice Alliance will be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notifications of determination for the Project.

This comment does not question the content or conclusions of the DEIR.

Response to Comment B-2:

This summary of the Project presented in this comment is largely consistent with the Project as described in the DEIR with one exception regarding hours of operation. Section 3.3.4 of the Draft EIR states *It is anticipated that the building could operate 24 hours a day, seven days a week.* (DEIR, p. 3-15.) This is slightly different than the commenter's assertion that the building will operate 24 hours a day, seven days a week.

This comment does not question the content or conclusions of the DEIR.

Response to Comment B-3:

This comment does not provide substantial evidence concerning the existence of a significant environmental impact. Further, the commenter's assertion that the DEIR does not include a discussion regarding population or employment is incorrect. The Notice of Completion, which is a part of the administrative record of the DEIR and is available to the public, at the State Clearinghouse Office of Planning and Research (OPR) website at <https://ceqanet.opr.ca.gov/2022010274/2>, indicates the Project will have 747 employees. **Table 5.13-C – Project Generated VMT**, identifies a service population of 512 for the proposed Project. (DEIR, p. 5.13-29.) Finally, the potential for the Project to result in substantial unplanned population growth is discussed in the DEIR in Section 6.2 Growth Inducing Impacts, which concluded that, because the Project's Specific Plan Amendment is related to circulation and not to a change in land use, any potential increases in population as a consequence of the proposed Project would have been accounted for by the Southern California Association of Governments (SCAG) when they developed their regional growth predictions. (DEIR, p. 6-2.)

Since no user has been identified for the proposed warehouse building and the number of employees is a function of the ultimate user, **Table B-A – Employment Estimates** provides a range of employment estimates from different sources.

Table B-A – Employment Estimates

Source	Employment Factor (employees/SF)	Employment Estimate¹
<i>Perris Valley Specific Plan EIR, November 2011²</i>	1,030	747
<i>Logistics Trends and Specific Industries that Will Drive Warehouse and Distribution Growth and Demand for Space, March 2010³</i>	1,598	482

Table B-A – Employment Estimates

Source	Employment Factor (employees/SF)	Employment Estimate ¹
<i>Employment Density Study, Summary Report</i> (prepared for Southern California Association of Governments), Regional Average, October 31, 2001 ⁴	814	946
<i>Employment Density Study, Summary Report</i> (prepared for Southern California Association of Governments), Regional Median, October 31, 2001 ⁵	1,225	628

Notes:

¹ Employment Estimate calculated as follows: 769,688 SF (proposed building size) divided by Employment Factor

² Employment factor for the Light Industrial (LI) land use from *Perris Valley Specific Plan EIR* Table 4.8-E

³ Mean Square Foot per Worker for Logistics Buildings for the West Region as shown on Figure 3 (page 12)

⁴ Average Employees per Acre for the SCAG Region per Table II-B. The regional factor was used based on the following statement on page 3 of the *Employment Density Study Summary Report*: *For general application purposes, it is the consultant's opinion that the most appropriate factors are the regional employment density factors.*

⁵ Median Employees per Acre for the SCAG Region per *Employment Density Study Summary Report* Table II-A.

As indicated in the above table, without a known user, the employment estimate for any project can vary depending upon which employment generating factors are used.

Regarding employment estimates within the PVCCSP, refer to the [Response to Comment B-4](#).

The most recent (December 2022) data from the California Employment Development Department indicates a 4.60% unemployment rate for the City of Perris and 3.7% for Riverside County. Project jobs are not anticipated to require a specialized workforce and are expected to be filled by City of Perris residents or residents of nearby cities within Riverside County. Therefore, with regard to the commenter's assertion that Project jobs would increase VMT and that a revised EIR must be prepared to account for longer worker trip distances, there is no evidence to suggest that the baseline project VMT per service population of 30.1 miles or the year 2045 project VMT per service population of 29.0 miles are inaccurate or understated (see DEIR Appendix K).

With regard to construction workers, the proposed Project would be constructed by licensed contractors with staff that are assigned to construction projects on a rotating basis, depending on the nature of the construction phase and the required worker skillsets. The Project's construction labor needs would be met by a pool of existing construction workers in the region. The Project does not involve any specialized construction methods that would require specialized construction workers to be sourced from outside of the region. As such, it was reasonably assumed that employment from construction activities related to the Project would be filled by workers that reside in the Project vicinity as discussed in the DEIR. (DEIR, p. 4-2.) Moreover, it is unlikely that the construction of the Project would attract a significant number of potential construction employees who would permanently relocate to the Project vicinity, particularly for short-term employment that would last approximately 11 months. For these reasons, a construction worker employment analysis is not warranted.

The above amplification of the employment discussion in the DEIR does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5 because there are no significant impacts identified.

No new environmental issues are raised by this comment; thus, no further analysis is required.

Response to Comment B-4:

The comment does not provide substantial evidence concerning the existence of a significant environmental impact. Employment projections for the PVCCSP are presented in PVCCSP EIR Table 4.8-E, Development Intensity and Employee Projections. As shown in this table, the PVCCSP Draft EIR disclosed that implementation of the PVCCSP is projected to generate approximately 56,087 new jobs. (PVCCSP EIR, p. 4.8-46.)

During the 45-day public review period for the PVCCSP Draft EIR, requests were received by the City to revise the proposed land use designations for certain parcels. (PVCCSP EIR, p. 9.0-3.) The majority of these requests were to change the land use designation from Business Park/Professional Office (BPO) and Public/Semi-Public (P) to Commercial (C). The net result of these changes was an approximately 40-acre increase to the Commercial land use designation with decreases in the BPO and Public/Semi-Public Facility (P) designations. No changes to the Light Industrial (LI) land use designation were made between circulation of the PVCCSP Draft EIR and approval of the PVCCSP. As shown below in **Table B-B**, using the density and intensity factors from PVCCSP EIR Table 4-8-E, the land use changes approved subsequent to public review of the PVCCSP Draft EIR are projected to generate approximately 57,161 new jobs, which is an approximately 1.9 percent increase from what was disclosed in the PVCCSP Draft EIR.

Table B-B – Employment Projections for the PVCCSP As Originally Approved

Development Type	Acres	Employee/SQ. FT. factor ¹	Floor Area Ratio ²	Building Square Footages	Employment Potentials per Development Ratios
			Typical Allowable	Typical Allowable	Full Buildout of Specific Plan
Business Park/Professional Office	343	600	0.35:1	5,229,378	8,716
Commercial	349	500	0.25:1	3,800	7,601
General Industrial	408	1,500	0.45:1	7,997,616	5,332
Light Industrial	1,866	1,030	0.45:1	36,577,332	35,512
Public/Semi-Public Facility ³	194	n/a	0.50:1	0	0

Table B-B – Employment Projections for the PVCCSP As Originally Approved

Development Type	Acres	Employee/SQ. FT. factor ¹	Floor Area Ratio ²	Building Square Footages	Employment Potentials per Development Ratios
			Typical Allowable	Typical Allowable	Full Buildout of Specific Plan
Other (rights-of-way) ³	341	n/a	n/a	0	
Residential ⁴	82	n/a	n/a	0	
Totals	3,583			49,808,126	57,161

¹ The square feet per employee factor used in the PVCCSP EIR is from page 12 of the County of Riverside General Plan EIR Appendix E Socioeconomic Build-Out Projections Assumptions & Methodology, October 2003.

² Floor Area Ratio is the gross building area of all floors divided by the lot area, from City of Perris General Plan June 14, 2005.

³ Typical building square footage is zero as no buildings will be located in Public or Open Spaces or within rights-of-way.

⁴ No employees are projected to be generated from residential land uses.

The Notice of Preparation (NOP) for the proposed Project was distributed on January 19, 2022. (DEIR, p. 2-3.) As of that time, the City had approved 12 amendments to the PVCCSP, of which eight amendments resulted in changes to land use designations and zoning. Seven of the specific plan amendments/rezonings (PVCCSP Amendment Nos. 3, 4, 6, 7, 8, 9, and 11) changed land use designations/zoning from Commercial (C), Business Park/Professional Office (BPO), and General Industrial (GI) to Light Industrial. PVCCSP Amendment No. 10 resulted in a change in land use designation and zoning from Business Park/Professional Office (BPO) to Commercial (C).

As shown below in **Table B-C**, applying the same density and intensity factors from PVCCSP EIR Table 4-8-E to the land use designations per PVCCSP Amendment No. 12, approximately 56,531 jobs are estimated within the PVCCSP planning area, which is approximately 1.1 percent (629 employees) less than the projected employment for the PVCCSP as approved in 2011 (57,161 employees) and less than a one percent increase (444 employees) from what was projected in the PVCCSP Draft EIR.

Table B-C – Employment Projections for the PVCCSP through Amendment No. 12

Development Type	Acres	Employee/SQ. FT. factor ¹	Floor Area Ratio ²	Building Square Footages	Employment Potentials per Development Ratios
			Typical Allowable	Typical Allowable	Full Buildout per PVCCSP Amendment No. 12
Business Park/Professional Office	263	600	0.35:1	4,009,698	6,683
Commercial	271	500	0.25:1	2,951,190	5,902
General Industrial	392	1,500	0.45:1	7,683,984	5,123
Light Industrial	2,040	1,030	0.45:1	39,988,080	38,823
Public/Semi-Public Facility ³	194	n/a	0.50:1	0	0
Other (rights-of-way) ³	341	n/a	n/a	0	0
Residential ⁴	82	n/a	n/a	0	0
Totals	3,583			54,632,952	56,531

¹ The square feet per employee factor used in the PVCCSP EIR is from page 12 of the County of Riverside General Plan EIR Appendix E Socioeconomic Build-Out Projections Assumptions & Methodology, October 2003.

² Floor Area Ratio is the gross building area of all floors divided by the lot area, from City of Perris General Plan June 14, 2005.

³ Typical building square footage is zero as no buildings will be located in Public or Open Spaces or within rights-of-way.

⁴ No employees are projected to be generated from residential land uses.

The reduction in projected employment is to be expected given that all of the land use/zoning changes approved in the various PVCCSP Amendments have been to lower employment generating uses. Therefore, none of the approved PVCCSP Amendments have resulted in a significant increase in projected employment from what was evaluated in the PVCCSP EIR.

The two pending amendments to the PVCCSP identified in this comment, Amendment No. 13 and the Ramona Gateway Project, propose to change the land use designation/rezone a total of approximately 58 acres from Business Park/Professional and Commercial to Light Industrial. As expected and shown below in **Table B-D – Employment Projections for the PVCCSP through Amendment No. 12, Assuming Amendment No. 13 and the Ramona Gateway Project is Approved**, this change to lower employment generating uses results in approximately 56,302 projected jobs, which is approximately 1.5 percent (859 employees) less than the projected employment for the PVCCSP as approved in 2011

(57,161 employees) and less than a one-half percent increase (215 employees) from what was reported in the PVCCSP Draft EIR.

Table B-D – Employment Projections for the PVCCSP through Amendment No. 12, Assuming Amendment No. 13 and the Ramona Gateway Project is Approved

Development Type	Acres	Employee/SQ. FT. factor ¹	Floor Area Ratio ²	Building Square Footages	Employment Potentials per Development Ratios
			Typical Allowable	Typical Allowable	Full Buildout per PVCCSP Amendment No. 12 plus two pending amendments
Business Park/Professional Office	243.77	600	0.35:1	3,716,517	6,194
Commercial	232.15	500	0.25:1	2,528,114	5,056
General Industrial	392	1,500	0.45:1	7,683,984	5,123
Light Industrial	2,098.08	1,030	0.45:1	41,126,564	39,929
Public/Semi-Public Facility ³	194	n/a	0.50:1	0	0
Other (rights-of-way) ³	341	n/a	n/a	0	0
Residential ⁴	82	n/a	n/a	0	0
Totals	3,583			55,055,179	56,302

¹ The square feet per employee factor used in the PVCCSP EIR is from page 12 of the County of Riverside General Plan EIR Appendix E Socioeconomic Build-Out Projections Assumptions & Methodology, October 2003.

² Floor Area Ratio is the gross building area of all floors divided by the lot area, from City of Perris General Plan June 14, 2005.

³ Typical building square footage is zero as no buildings will be located in Public or Open Spaces or within rights-of-way.

⁴ No employees are projected to be generated from residential land uses.

As indicated in the foregoing discussion, none of the approved or proposed amendments to the PVCCSP has resulted in a substantial increase in the number of projected jobs. This is due to the changes in land use from more employment-intensive uses to less employment-intensive uses.

The above amplification of projected employment within the PVCCSP planning area does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA

Guidelines Section 15088.5, because there are no significant impacts identified. No new environmental issues are raised by this comment; thus, no further analysis is required.

Response to Comment B-5:

This commenter does not provide substantial evidence concerning the existence of a significant environmental impact; rather, the commenter uses outdated, statistically-questionable employment generation rates from the *Employment Density Study, Summary Report*, which was prepared for SCAG in 2001 to assert the Project will generate a significant number of new employees. The use of this data for the proposed Project is inappropriate because (i) the data is from research conducted prior to the current prevalence of automation in warehousing buildings, (ii) Riverside County-specific employment density factors were used instead of regional employment density factors, and (iii) the Riverside County-specific factors are based on an extremely small sample. Regarding the use of the employment density factors identified in the *Employment Density Study, Summary Report*, the second paragraph in that report's executive summary states: *For general application purposes, it is the consultant's opinion that the most appropriate factors are the regional employment density factors. (Employment Density Study, Summary Report, p. 3.)* Regarding the basis of the data in the *Employment Density Study, Summary Report*, according to Table 9A and Table 10A, the derivation of the Riverside County-specific square feet per employee factor (SF/employee) for the warehouse land use category is based on 10 records. (*Employment Density Study, Summary Report, p. 23.*)

As stated in [Response to Comment B-3](#) above and shown in shown in **Table B-A – Employment Estimates**, employment projections vary depending upon the data used. The commenter used outdated SF/employee data from the 2001 *Employment Density Study, Summary Report* in a manner inconsistent with the opinion of the consultant that prepared said study. Had the commenter used the regional average or regional median SF/employee factors of 814 or 1,225, respectively, the projected number of employees associated with the proposed Project would be 948 or 628 (refer to **Table B-A**). Using the SF/employee factor from the PVCCSP EIR, the projected number of employees associated with the proposed Project would be 747 (refer to **Table B-A**), which is consistent with this range. This is substantially lower than the 1,333 projected employees asserted in the comment. It is important to note the SF/employee factor used in the PVCCSP EIR is based on a Riverside County factor from 2003.

A more recent study in 2010 by NAIOP entitled, *Logistics Trends and Specific Industries that Will Drive Warehouse and Distribution Growth and Demand for Space*, indicated that the mean SF/employee factor for logistics buildings in the western United States is 1,598. Applying this factor to the Project, the proposed Project is projected to generate approximately 482 employees (refer to **Table B-A**). Using the NAIOP date, which is almost 10 years newer, would be more representative of the proposed Project, because the NAIOP study captures the current condition of warehouse automation.

Regarding a quantified analysis of employees generated by the proposed Project, refer to [Response to Comment B-4](#).

No new environmental issues are raised by this comment; thus, no further analysis is required.

Response to Comment B-6:

This commenter does not provide substantial evidence concerning the existence of a significant environmental impact. In fact, as explained in [Response to Comment B-5](#), the commenter's assertion of the Project representing a significant amount of growth is based on the inappropriate use of outdated employment generation factors from 2001. The commenter continues the inappropriate application of

the 2001 outdated employment generation factors to a number of projects within Perris to grossly overstate cumulative employment generation in an effort to confuse and mislead the public and decision makers with the assertion that the proposed Project combined with other development in Perris will exceed SCAG's employment/population growth forecasts. As discussed in detail in [Response to Comment B-4](#) and shown in **Table B-D – Employment Projections for the PVCCSP through Amendment No. 12, Assuming Amendment No. 13 and the Ramona Gateway Project is Approved**, implementation of the PVCCSP is expected to generate 56,302 new jobs, which is approximately 1.5 percent less than the projected employment for the PVCCSP as approved in 2011, and less than a one-half percent increase from what was reported in the PVCCSP Draft EIR.

The Project's consistency with SCAG's growth forecasts are discussed in the DEIR Section 6.2, Growth Inducing Impacts (DEIR, pp. 6-1-6-2) and in **Table 5.10-B – Proposed Project Consistency with Connect SoCal Goals** (DEIR, pp. 5.10-16-5.10-19).

No new environmental issues are raised by this comment; thus, no further analysis is required.

Response to Comment B-7:

See [Response to Comment B1-1](#) to [Response to Comment B1-14](#) for detailed responses to SWAPE's comments. Pursuant to CEQA, the Project's physical impacts on the environment were evaluated in the DEIR using State CEQA Guidelines Appendix G thresholds as well as thresholds of significance adopted by other agencies with authority over affected resources (i.e., the SCAQMD). Neither the City of Perris, the SCAQMD, nor the State CEQA Guidelines include thresholds of significance for environmental justice.

Notwithstanding, the DEIR disclosed recent ambient air quality data for the Project area in **Table 5.2 C– Air Quality Monitoring Summary from 2018–2020 (SRA 24)** and summarized the most recent cancer risk from air toxics, per the SCAQMD *Multiple Air Toxics Exposure Study (MATES-V)*. (DEIR, pp. 5.2-10 – 5.2-11, 5.2-13.) The MATES V (published in August 2021) is the most recent monitoring and evaluation study conducted in the South Coast Air Basin (Basin) as a follow-up to previous air toxics studies in the Basin. The MATES-V interactive map results indicate that the existing cancer risk attributable to air toxics in the Project site vicinity is approximately 365 in one million (DEIR, p. 5.2-10). In comparison, the previous MATES-IV (published in May 2015) interactive map reported that the cancer risk in the Project site vicinity was much higher, at approximately 497 in one million.¹ This indicates a significant downward trend in cancer risk attributable to air toxics and indicates that air quality in the Basin is actually improving, due to mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles.

Additionally, as shown in the City's Environmental Justice Element on Figure 1: Disadvantaged Communities in Perris, the Project site is not within a disadvantaged community. With regard to the Project site being located within an SB 535 disadvantaged community, please refer to [Response to Comment B-8](#). SB 535 does not include project-specific requirements or prohibit developments in proximity to the designated communities.

¹ <https://scaqmd-online.maps.arcgis.com/apps/webappviewer/index.html?id=470c30bc6daf4ef6a43f0082973ff45f>

Regarding air quality impacts, the Project's regional and localized construction-related and operational emissions would not exceed the numerical thresholds of significance established by the SCAQMD for any criteria pollutant nor would the estimated health risk exceed the SCAQMD cancer and non-cancer risk thresholds. (DEIR, pp. 5.2-37, 5.2-46). The comment provides no evidence that the conclusions of the DEIR are incorrect. As such, air quality impacts related to Project activities are considered to be less than significant and no additional mitigation is required beyond those required by the PVC CSP EIR.

The determination that the proposed project will not result in cumulatively considerable air quality impacts is based on SCAQMD guidance in the *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*. As stated on page 5.2-33 of the DEIR:

The SCAQMD considers the thresholds for project-specific impacts and cumulative impacts to be the same. Therefore, projects that exceed project-specific significance thresholds are considered by SCAQMD to be cumulatively considerable. (SCAQMD 2003b) Based on SCAQMD's regulatory jurisdiction over regional air quality, it is reasonable to rely on its thresholds to determine whether there is a cumulative air quality impact.

No new environmental issues are raised by this comment; thus, no further analysis is required.

Response to Comment B-8:

The Project's consistency with the City's Environmental Justice goals are discussed in the DEIR in Section 5.10, Land Use and Planning in **Table 5.10-A – Consistency with Perris GP 2030 Goals and Policies**. (DEIR, pp. 5.10-8 – 5.10-9.) However, to clarify the Project site in relation to a designated disadvantaged community, the following text will be added to Section 5.2.2, Related Regulations under the State Regulations subheading.

California Environmental Protection Agency (CalEPA)

The mission of the California Environmental Protection Agency (CalEPA) is to restore, protect and enhance the environment, to ensure public health, environmental quality, and economic vitality. This is accomplished by developing, implementing, and enforcing environmental laws that regulate air, water and soil quality, pesticide use and waste recycling and reduction. Relevant to air quality, the CalEPA consists of the California Air Resources Board (CARB) and the Office Environmental Health Hazard Assessment (OEHHA).

In 2012, the Legislature passed Senate Bill (SB) 535, which targets disadvantaged communities in California for investment of proceeds from the State's cap-and-trade program to improve public health, quality of life, and economic opportunity in California's most burdened communities, while also reducing pollution. SB 535 directed that 25 percent of the proceeds from the Greenhouse Gas Reduction Fund go to projects that provide a benefit to disadvantaged communities. The legislation gave CalEPA responsibility for identifying those communities. In 2016, the Legislature passed Assembly Bill (AB) 1550, which now requires that 25 percent of proceeds from the fund be spent on projects located in disadvantaged communities. CalEPA has prepared a list of disadvantaged communities for the purpose of SB 535 and CalEnviroScreen is a general mapping tool developed by OEHHA to help identify California communities that are most affected by sources of pollution.

According to the City's Environmental Justice Element,² the only census tracts in the City identified as disadvantaged communities using CalEnviroScreen 4.0 are 428, 429.01, and 429.04. (Environmental Justice Element, p. 12.) As shown on Environmental Justice Element Figure 1: Disadvantaged Communities in Perris, the Project site is located within census tract 426.20. (Environmental Justice Element, p. 11.)

To amplify the analysis of *Threshold C: Would the Project expose sensitive receptors to substantial pollutant concentrations* in Section 5.2.5, Environmental Impacts before Mitigation, the following text will be added before the conclusion on page 5.2-46 of the DEIR.

Disadvantaged Communities

With regard to the Community Air Protection Program (CAPP) (AB 617), each year CARB's governing board (Board) is required to consider selecting communities for participation in the CAPP. Communities are selected for developing community air monitoring systems, emissions reduction programs, or both in order to improve air quality in their community. Over the first four years of the Program, the Board selected 17 communities where these focused actions are underway (CARB 2022a). The City of Perris is not one of the selected communities and to date has not been nominated to participate in the CAPP (CARB 2022b).

As previously discussed, CalEnviroScreen is a general mapping tool developed by the OEHHA to help identify California communities that are most affected by sources of pollution. The Project site and its immediately surrounding area are designated by CalEPA as being part of a disadvantaged community for the purpose of SB 535.³ SB 535 targets disadvantaged communities in California for investment of proceeds from the State's cap-and-trade program to improve public health, quality of life, and economic opportunity in California's most burdened communities, while also reducing pollution. The Project entails the development of one industrial warehouse building, which would bring jobs and other economic opportunities to the local area without State assistance. The environmental effects of the Project are fully evaluated in this DEIR, and feasible mitigation measures are identified for significant impacts that are within the City's jurisdictional authority to impose and enforce as required by the State CEQA Statute and Guidelines. This DEIR provides a disclosure of localized impacts which may affect this CalEPA-designated disadvantaged community. As indicated in the preceding analysis, the Project's construction and operational localized emissions would not exceed the SCAQMD LST thresholds, and the Project would not result in significant health impacts due to DPM emissions. The Project would not cause or contribute to any CO "hot spots." SB 535 does not include project-specific requirements or prohibit developments in proximity to the designated communities.

² The Perris General Plan Environmental Justice Element is available for review at <https://www.cityofperris.org/home/showpublisheddocument/15026/637807115505230000>

³ CalEPA formally designated four categories of geographic areas as disadvantaged. The Project site and surrounding area falls under category 3: Census tracts identified in the 2017 DAC designation as disadvantaged, regardless of their scores in CalEnviroScreen 4.0.

The following references will be added to Section 9, References under the Air Quality subheading and to Section 5.2, Air Quality.

- California Air Resources Board, *Community Air Protection Program Recommendation Process*. (Available at <https://ww2.arb.ca.gov/capp-selection>, accessed February 21, 2023.) [Cited as CARB 2022a]
- California Air Resources Board, *Community Nominations*. (Available at <https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program/community-selection/community-nominations>, accessed February 21, 2023.) [Cited as CARB 2022b]
- City of Perris, *City of Perris General Plan, Conservation Element*, adopted July 12, 2005, Sustainable Community Amendment adopted February 18, 2008. (Available at <https://www.cityofperris.org/home/showpublisheddocument/15026/637807115505230000>, accessed February 21, 2023.) [Cited as Environmental Justice Element]

The commenter's assertion that each section of the EIR must be modified to include a separate discussion regarding disadvantaged communities is unsubstantiated opinion. There is no such requirement in the CEQA statute or State State Guidelines. According to the City's Environmental Justice Element, the Pollution Burden indicators are: exposure to ozone, PM-2.5, Children's Lead Risk from Housing, diesel particulate matter, drinking water contaminants, high hazard, high volatility pesticide use, toxic releases from facilities and traffic impacts. Pollution Burden environmental effect indicators are: toxic cleanup sites, groundwater threats from leaking underground storage sites and cleanups, hazardous waste generators and facilities, impaired water bodies, and solid waste sites and facilities. (Environmental Justice Element, p. 10.) With the above clarification and amplification to the Air Quality section of the DEIR, the Project's DEIR addresses each of these issues and concluded impacts would be less than significant. Thus, implementation of the proposed Project will not adversely impact a disadvantaged community.

The above clarification and amplification of the air quality discussion in the DEIR does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5 because there are no significant impacts identified.

Response to Comment B-9:

The energy models cited in the comment are not applicable to the CEQA process and are, in fact, used to demonstrate compliance with the Title 24 building energy efficiency standards, which is conducted prior to issuance of building permits. CalEEMod is a statewide land use emissions computer model, developed in partnership with the SCAQMD, designed to provide a uniform platform to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects. The model quantifies indirect emissions from energy use, which incorporates Title 24 standards (www.caleemod.com, <http://www.aqmd.gov/home/rulescompliance/ceqa/air-quality-modeling>). As such, the DEIR appropriately quantified and disclosed the energy-related impacts and no further analysis is required.

No new environmental issues are raised by this comment; thus, recirculation of the DEIR is not required.

Response to Comment B-10:

This comment is factually incorrect. The DEIR discusses the Riverside County Airport Land Use Commission (ALUC) review of the proposed Project in the following sections: 1.3.3 MARB/IPA Airport Overlay Zone, 3.2.3 MARB/IPA Airport Overlay Zone, 5.8 Hazards and Hazardous Materials, 5.10 Land Use and Planning, and 5.11 Noise. As stated in these sections of the DEIR, the Riverside County ALUC found the Project consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan and included several conditions of approval. (DEIR, pp. 1-7-1-8, 3-9-3-10, 5.8-9, 5.8-17-5.8-21, 5.10-3, 5.10-15, 5.11-15.) Because the required ALUC review occurred prior to release of the DEIR for public review, this review was not included in the list of responsible agency actions.

No new environmental issues are raised by this comment; therefore, no further analysis is required.

Response to Comment B-11:

As discussed in Response to Comment B-10, the required ALUC review has been completed and on March 10, 2022, the Riverside County ALUC determined the Project is consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan subject to conditions identified in the DEIR and included in DEIR Appendix G.2. (DEIR, p. 5.8-18-5.8-21.)

Regarding review by March Air Reserve Base (MARB), Land Use Element Implementation Measure V.C.I. requires that the City circulate all development plans within the Clear Zone and Accident Potential Zones of the MARB/Inland Port Airport Land Use Compatibility Plan to the Department of the Air Force, March Air Reserve Base to provide recommendations and guidance on land use compatibility in accordance with the policies of the most recent Air Force Instruction (AFI) 32-7063. The procedures identified on page 93 of the City's Land Use Element clarify that *proposed General Plan land use amendments, Zoning Code amendments, and Specific Plan amendments that impact density or intensity of development within the AOZ (Airport Overlay Zones) shall be referred to the RCALUC for a determination of compatibility with the adopted March ARB/IP ALUCP*. The Project site is not within the Clear Zone or an Accident Potential Zone for MARB/IPA. Nonetheless, as discussed in Response to Comment B-10, the Project was reviewed by ALUC and determined to be consistent. Further, the Project's proposed Specific Plan Amendment (Case No, 21-05267) will not impact density or intensity of development within because this proposed PVCCSP Amendment is to amend the PVCCSP Circulation Plan to eliminate two planned streets (California Avenue and Nance Street) between Patterson Avenue and Nevada Avenue. (DEIR, p. 3-12.)

The Project is in compliance with Safety Element Implementation Measure I.D.2 as the Notice of Preparation (NOP) was sent to March Air Reserve Base (MARB) for review during the NOP public comment period (January 19, 2022 through February 17, 2022.). The NOP was received by MARB on January 19, 2022. MARB did not provide written comments in response to the NOP nor did any representative of MARB provide comments during the Project's February 2, 2022 public scoping meeting. The Project's Notice of Availability (NOA) for the DEIR was sent to MARB during the 45-day public review period (November 4, 2022 through December 19, 2022). The NOA was received by MARB on November 3, 2022. Upon completion of the public review period, no comments were received by the City on the Project or the DEIR from MARB.

No new environmental issues are raised by this comment; thus, no further analysis is required.

Response to Comment B-12:

The comment correctly states that the Project was reviewed by Riverside County ALUC on March 10, 2022 and determined to be consistent with the MARB/IPA ALUCP. Subsequent to the March 10, 2022 ALUC review, the Project was modified to increase the first floor office area from 8,000 SF to 10,000 SF and reduce the warehouse area from 751,688 SF to 749,668 SF, with no change in the total square footage. This minor change in the site plan required review and approval by ALUC's Director. That approval was received on August 23, 2022. (DEIR, p. 5.8-20.)⁴ Thus, no further review by the Riverside County ALUC is required.

No new environmental issues are raised by this comment; thus, recirculation of the DEIR is not required.

Response to Comment B-13:

Coverage is calculated by dividing the net site area by the building footprint. The comment identifies a typographical error on the site plan for DPR 21-00005, which is included in the DEIR as **Figures 1-9** and **Figure 3-9**, and identifies the lot coverage as 51.7%). As shown on DEIR **Figure 1-9** and **Figure 3-9**, the net area for the Project site is 1,522,833 SF and the building footprint is 759,668 SF,⁵ which results in a proposed lot coverage of 48.9%,⁶ which is less than 50% as required by the PVCCSP. Thus, no amendments are required to the Perris Municipal Code or PVCCSP. A revised site plan correcting this typographical error has been submitted to the City.

The correction of a typographical error on the site plan for DPR-21-0005 does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5, because there are no significant impacts identified. No new environmental issues are raised by this comment; thus, no further analysis is required.

Response to Comment B-14:

Refer to [Response to Comment B-4](#) and [Response to Comment B-5](#) for a quantified analysis of the Project's growth combined with the approved and pending projects that include amendments to the PVCCSP that changed or proposed to change land use designations.

No new environmental issues are raised by this comment; thus, further analysis or recirculation of the DEIR is not required.

Response to Comment B-15:

This comment does not provide substantial evidence concerning the existence of a significant environmental impact. Of the 10 general plan policies or goals identified in this comment, each are policies or goals that are the responsibility of the City to implement, not the responsibility of an individual development project. Further, nine of the identified policies or goals do not relate to a potential environmental impact. Only Environmental Justice Goal 6.2 Policy 2, which states (emphasis added), *Discourage development in proximity to sensitive land uses (e.g., schools, hospitals, homes, and long-term care facilities) near source point pollution sources that impact health, including freeways and hazardous waste sites*, is related to a potential environmental impact. As with the other nine policies or

⁴ A copy of the ALUC Director's August 23, 2022 determination is included as Attachment 1 to this response.

⁵ The proposed building footprint is the sum of the warehouse and office uses (749,668 SF + 5,000 SF + 5,000 SF) and equals 759,668. The mezzanine office areas are used in calculating the building footprint.

⁶ Lot coverage is calculated as follows: $(759,668/1,552,833) \times 100 = 48.9\%$

goals identified in Comment B-15, Environmental Justice Goal 6.2 Policy 2 is the responsibility of the City to implement. Further, the language states “discourage”, not “prohibit”. CEQA case law recognizes that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable [general] plan.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.)

The Project site and surrounding area is in close proximity to the I-215 freeway and is designated for industrial uses in the PVCCSP. Refer to [Response to Comment B-7](#), above, for discussion of disadvantaged communities. Finally, and most importantly, as identified in the analysis in the DEIR, implementation of the proposed Project will not result in any significant unavoidable adverse impacts including impacts to air quality or greenhouse gas emissions. (DEIR, pp. 5.2-47, 5.7-56, 6-1.).

No new environmental issues are raised by this comment; thus, further analysis or recirculation of the DEIR is not required.

Response to Comment B-16:

The Circulation Plan of the PVCCSP as adopted included seven (7) different classifications of roadways: Freeways, CETAP Corridors, Expressways, Arterials, Secondary Arterials, Collectors, and Locals. Of the PVCCSP Amendments approved when the Project’s NOP was issued, Amendment Nos. 2, 3, and 9 entailed street vacations or the removal of streets from the City’s General Plan Circulation Elements. The portions of Nance Street, Markham Street, Perry Street, Goldenvue Drive, Johnson Avenue, and Via Verona Street that were vacated in Amendment Nos. 2, 3 and 9 are classified as Locals. As described in the PVCCSP, *A local street is a road that is primarily used to gain access to the property bordering it.* (PVCCSP Amendment No. 12, Section 3.0-5.) These local streets were vacated to accommodate larger buildings proposed by prior projects; thus, they were no longer needed for access.

PVCCSP Amendment No. 2 also reflected the street vacation and General Plan Amendment (GPA 12-02-001) to remove Harley Knox Boulevard from Redlands Avenue to the Perris Valley Storm Channel (PVSC). The PVSC is the easterly boundary of the PVCCSP area and constitutes a barrier between industrial development in the PVCCSP and residential development to the west of the PVSC. Harley Knox Boulevard is designated as an Arterial in the PVCCSP. As described in the PVCCSP, *An arterial serves major traffic movements or major traffic corridors within 128-foot right-of-way. While they may provide access to abutting land, their primary function is to serve traffic moving through the area.* (PVCCSP Amendment No. 12, Section 3.0-4.) Harley Knox Boulevard is described in the PVCCSP as follows, *An east-west roadway located on the north side of the Perris Valley Commerce Center Specific Plan. Harley Knox Boulevard provides direct access to Interstate-215.* (PVCC SPA 12, Section 3.0-4.) The removal of Harley Knox Boulevard approved in PVCCSP Amendment No. 2 does not eliminate or alter access to Interstate-215.

PVCCSP Amendment No. 3 also reflected the removal of Patterson Avenue between Perry Street and Ramona Expressway. Patterson Avenue is designated as a Collector in the PVCCSP. As described in the PVCCSP, *A collector road is a low or moderate-capacity road that tends to lead traffic from local roads or sections of neighborhoods to activity areas within communities, arterial roads or occasionally, directly to expressways or freeways.* (PVCCSP Amendment No. 12, Section 3.0-5.) Ordinance No. 1324 approving PVCCSP Amendment No. 3 found that the loss of Patterson Avenue connection to Ramona Expressway will be insignificant due to the relatively low volume of existing traffic volumes with alternative roadways to travel north and south along Webster Avenue and Indian Avenue.

PVCCSP Amendment No. 12 eliminated Perris Boulevard as a designated truck route within the PVCCSP area. This is consistent with prior actions by the City to prohibit the truck traffic of implementing projects within the PVCCSP area from using Perris Boulevard. The City adopted a negative declaration for changes to its designated truck routes, including what was identified in Amendment No. 12.

Regarding the Project's proposed changes to the PVCCSP Circulation Plan, California Avenue and Nance Street are designated as Locals, which are primarily used to gain access to property bordering it. (PVCC SPA 12, Section 3.0-5.) The City accepted the right-of-way for Nance Street, but not for California Avenue within the Project site. No improvements have been made to these planned roadways. (DEIR, p. 3-6.)

Regarding the PVCCSP Amendment associated with the Redlands Avenue West Industrial Project (DPR 20-00020, SPA 22-05052, and TPM 22-05029), the commenter submitted a letter on the IS/MND prepared for the Redlands West Industrial Project on December 2, 2023 that included nearly identical comments questioning the conclusions of the IS/MND and asserting, without substantial evidence, that an EIR was required for that project. On December 14, 2022, the commenter submitted a second letter withdrawing the first letter with the vague explanation that the applicant had addressed GSEJA's environmental concerns. However, the City approved the Redlands West Industrial project as proposed so it is unclear how GSEJA's alleged environmental concerns were addressed. Nonetheless, the SPA 22-05052 included an amendment to the PVCCSP to remove Russell Way from the PVCCSP Circulation Plan. Russell Way is designated a Local and was a cul-de-sac providing access to eight (8) parcels. (Refer to Figure 2: Site Location-Aerial View of the *Redlands Avenue West Industrial Project Initial study/Mitigated Negative Declaration*, September 2022.)⁷ Since the TPM 22-5029 consolidated those eight parcels, access is no longer needed. Therefore, vacation of Russell Way does not contribute to a potential traffic impact.

Regarding the PVCCSP Amendment associated with the Ramona Gateway Project (DPR 21-00013, PLN 21-05218) to remove Dawes Street from the PVCCSP Circulation Plan, the segment of Dawes Street proposed for removal is a designated Local street on the PVCCSP Circulation Plan and exists only as a "paper street." (Ramona Gateway Project, Draft Environmental Impact Report, p. 3-56.)⁸ Therefore, vacation of the segment of Dawes Street between Nevada Avenue and Webster Avenue does not contribute to a potential traffic impact.

The above amplification of the function of a Local street in the PVCCSP and the discussion regarding the various amendments to the PVCCSP Circulation Plan does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5 because there are no significant impacts identified.

No new environmental issues are raised by this comment; thus, no further analysis is required.

⁷ This document is available for review at www.cityofperris.org/home/showpublisheddocument/15672/638030871243100000.

⁸ This document is available for review at www.cityofperris.org/home/showpublisheddocument/15534/638024750837900000.

Response to Comment B-17:

As stated in [Response to Comment B-7](#), above, [Response to Comment B1-1](#) to [Response to Comment B1-14](#) provide detailed responses to SWAPE’s comments regarding the modeling prepared and the unsubstantiated claims of modeling errors and lack of evidence to support it. No changes to the DEIR’s conclusions regarding air quality impacts were identified and as such, no modification of the Project’s consistency with SCAG’s ConnectSoCal discussed in the DEIR **Table 5.10-B – Proposed Project Consistency with Connect SoCal Goals** is required (DEIR, pp. 5.10-16–5.10-19).

No new environmental issues are raised by this comment; thus, no further analysis or recirculation of a revised DEIR is required.

Response to Comment B-18:

The commenter does not provide any evidence to support the unsubstantiated and false allegation that the Project-generated vehicle trips used in the analysis are not appropriate and were selected to “...skew the analysis.” The commenter asserts “the Project Description and site plan includes operational and characteristic information about the project that indicate it is likely to be used as a fulfillment center (ITE Land Use Code 155) based on SCAQMD’s High-Cube Warehouse Vehicle Trip Generation Analysis.” However, the only Project-characteristic identified in this comment is “...ceiling heights of 40 feet or higher.”

As described in the DEIR, the proposed Project is the construction and operation of a 769,668 SF high-cube, non-refrigerated warehouse building and supporting on- and off-site infrastructure. The proposed Project is being constructed as a “spec” building. A specific tenant has not been identified and it is anticipated the building could operate 24 hours a day, seven days a week. (DEIR, pp. 3-12, 3-15.)

The ITE Description for Land Use Codes 154 (High-Cube Warehouse and Short-Term Storage Warehouse) and 155 (High-Cube Fulfillment Center Warehouse) are essentially identical, which is to be expected given that both land uses refer to a high-cube warehouse (HCW). The *High-Cube Warehouse Vehicle Trip Generation Analysis*, October 2016, prepared for the South Coast Air Quality Management District (hereinafter the 2016 Trip Generation Analysis) referenced in this comment defines an HCW as *... a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. A typical HCW has a high level of on-site automation and logistics management. The automation and logistics enable highly-efficient processing of goods through the HCW. For the purpose of this trip generation analysis, HCWs are grouped into five types: fulfillment center, parcel hub, cold storage facility, transload facility, and short-term storage facility.* (2016 SCAQMD Trip Generation Analysis, pp. 1, 3.) The 2016 SCAQMD Trip Generation Analysis generally describes the five different types of HCWs as follows (2016 SCAQMD Trip Generation Analysis, pp. 1, 3.):

- *Transload – usually pallet loads or larger handling products of manufacturers, wholesalers/distributors, or retailers with little or no storage durations*
- *Short-Term Storage – products held on-site for a short time*
- *Cold Storage – HCW with permanent cold storage in at least part of the building*
- *Fulfillment Center – storage and direct distribution of e-commerce product to end users*
- *Parcel Hub – transload function for a parcel delivery company*

Table 2 in the 2016 Trip Generation Analysis identifies the typical functions and other distinctive characteristics between a standard warehouse/storage facility and the five different types of HCWs.

In selecting the appropriate ITE Land Use Code for any given HCW, the critical factor is the key function that will occur within the HCW. As previously stated, there is nothing in the DEIR's Project Description or on the Project site plan would be indicative of the Project functioning as a fulfillment center. Further, the SCAQMD reviewed the DEIR and did not question the appropriateness of analyzing the Project as an HCW and short-term storage warehouse.

For the reasons set forth above, no new environmental issues are raised by this comment; thus, no further analysis or recirculation of a revised DEIR is required.

Response to Comment B-19:

The commenter's statement that the DEIR does not provide exhibits depicting the truck/trailer turning radius at the intersection of the Project driveways or emergency vehicle access is incorrect. Truck and trailer turning radii at the Project's proposed driveways on Patterson Avenue and Nance Street are shown on DEIR **Figure 3-12 – Conceptual Landscape Plan**. As shown on this figure, the site has been designed to accommodate truck maneuvering. Emergency vehicle access is shown on two separate figures in the DEIR. **Figure 3-9 – Development Plan Review No. 21-00005** uses a series of boxes to identify the location of the fire access lane and **Figure 3-12 – Conceptual Landscape Plan** identifies a 30-foot fire access lane. Nonetheless, the discussion under *Threshold C: Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections or incompatible uses (e.g., farm equipment))* in Section 5.13.5, Environmental Impacts before Mitigation, will be amplified to direct the reader to **Figure 3.9** and **Figure 3-12**. The second paragraph under Threshold C commencing on page 5.13-29 of the DEIR will be revised as follows:

Regional access to the Project area is provided via I-215 approximately 0.60 miles to the northwest of the Project site. Local access is provided via Patterson Avenue and Nevada Avenue. The Project site will be accessed through five driveways: three full-access driveways and one right in/right out only access driveway off of Patterson Avenue, and one full-access driveways off Nevada Avenue that will be designated as a truck emergency/secondary access only. The Project will be reviewed by City staff to ensure that adequate turn radii and sight distance, pursuant to PVCCSP EIR mitigation measure **MM Trans 2**, are provided at each driveway location. (Refer to **Figure 3-12 – Conceptual Landscape Plan** for truck and trailer turning radii at the Project driveways on Patterson Avenue, Nance Street, and internal fire access lanes.) All Project-related truck trips will be restricted to using existing City truck routes (Harley Knox Boulevard). Offsite improvements, as described in Section 3.3.5, On- and Off-Site Infrastructure, will be designed pursuant to PVCCSP EIR mitigation measure **MM Trans 1**.

To amplify the discussion regarding turning radii and emergency access under *Threshold D: Would the Project result in inadequate emergency access* in Section 5.13.5, Environmental Impacts before Mitigation, the discussion of this threshold on page 5.13-30 of the DEIR will be revised as follows:

As discussed above under Threshold C, construction activities that may temporarily restrict vehicular traffic flow would be required to implement adequate measures to facilitate the passage of vehicles through/around any required lane or road closures (refer to PVCCSP EIR mitigation measure **MM Air 2** in Section 5.2, Air Quality, which

requires that a traffic control plan be provided to the City). Site-specific activities such as temporary construction activities are finalized on a project-by-project basis by the City and are required to ensure adequate emergency access. The Project site has been designed to comply with all applicable fire codes requirements for construction and access to the site and has been reviewed by Riverside County Fire Department to determine the specific fire requirements applicable to the Project and has been designed in compliance with these requirements. The Project's site plan includes 30-foot-wide fire access lanes as shown on **Figure 3-9 – Development Plan Review No. 21-00005** and **Figure 3-12 –Conceptual Landscape Plan**. The Project driveways have been designed to accommodate large trucks with trailers that would be used for the distribution of goods to and from the site. As discussed above (and shown on **Figure 3-12**), adequate turn radii and sight distance would be provided. Thus, the Project would provide ample vehicular access for emergency vehicles to and from the site. Therefore, impacts are less than significant and no mitigation is required.

The amplification of the discussion in the DEIR to direct the reader to figures that show the turning radii and fire access lanes does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5.

Response to Comment B-20:

The appendices to the *Patterson-Nance Warehouse Project Traffic Impact Analysis (DPR 21-00005)*, which is Appendix K.2 to the DEIR (hereinafter referred to as the TIA), were inadvertently omitted from the copy of Appendix K.2 posted on the City's website. These appendices are part of the TIA provided to, reviewed, and approved by the City's Public Works Department and as such are part of the Project's administrative record. Nonetheless, the appendices will be included as part of the Final EIR. This inadvertent omission does not change the analysis or conclusions of the DEIR or deprive the public of meaningful disclosure because these documents were available upon request to the City.

Regarding compliance with State CEQA Guidelines section 15121 and Public Resource Code section 21003(b), there is nothing in the text of either of these sections to imply that the inadvertent omission of technical appendices from a supporting technical study deprives the public of meaningful review. Further, the TIA itself was included as an appendix to the DEIR and information contained within the body of the TIA (not its appendices) was used in the DEIR's Transportation section, in the setting, related regulations, and design considerations discussions (Section 5.13.1, 5.13.2, and 5.13.3, respectively). DEIR Section 5.13.5 references the TIA as being prepared to comply with PVCCSP EIR mitigation measure **MM Trans 7**. (DEIR, p. 5.13-27.)

The Scoping Agreement and LOS Analysis Worksheets do not contribute to the analysis of transportation impacts, because level of service (LOS) is no longer a significance threshold for transportation impacts. (DEIR, pp. 5.13-9, 5.13-27.) As discussed in DEIR Sections 5.13.2 and 5.13.5 (under Threshold B), Senate Bill 743 (SB 743) and State CEQA Guidelines Section 15064.3 made vehicle miles traveled (VMT) the significance threshold for transportation impacts. Automobile delay (often called LOS) is no longer considered to be an environmental impact under CEQA. (DEIR, pp. 5.13-9, 5.13-27.) The technical appendices to Appendix K.2 inadvertently omitted from the TIA posted on the City's website, contained technical information regarding determining the Project's LOS, which is no longer considered a transportation impact under CEQA. The TIA appendices also included a copy of the Project's site plan, which is included elsewhere in the DEIR as **Figure 3-9 – Development Plan Review No. 21-00005**. The relevant technical study regarding the determination of transportation impacts is the

Patterson Nance Warehouse – VMT Analysis Case Number DPR 21-0005, DEIR Appendix K.1, which is available on the City’s website and was included within the DEIR made available for public review on the City’s website.

Regarding incorporation by reference, it is unclear why this is raised in the comment. The TIA was not identified as being incorporated by reference. The documents incorporated by reference in the DEIR are identified in the References section on page 9-26 and are: *Perris Comprehensive General Plan 2030*, *Perris General Plan 2030 Draft Environmental Impact Report*, *Perris Valley Commerce Center Specific Plan Amendment No. 12*, *Perris Valley Commerce Center Final Environmental Impact Report*, *Perris Valley Master Drainage Plan Initial Study and Negative Declaration*, and *1991 Perris Valley Master Drainage Plan*.

No new environmental issues are raised by this comment; thus, no further analysis or recirculation of a revised DEIR is required.

Response to Comment B-21:

The VMT scoping form is part of the technical appendices to the TIA (DEIR Appendix K.1), which as indicated in [Response to Comment B-20](#), was provided to the City but inadvertently omitted from the copy of Appendix K.1 that was posted on the City’s website. The VMT Scoping Form (part of Appendix A of the TIA) indicated that additional VMT modeling was required for the Project.⁹ Therefore, the project was not screened out from further VMT analysis, as incorrectly alleged in this comment.

The Project’s VMT analysis is contained in DEIR Appendix K.2, the *Patterson Nance Warehouse – VMT Analysis Case Number DPR 21-0005*, which was included in its entirety on the City’s website.

The Project’s baseline VMT is identified in DEIR **Table 5.13-5 – Project Generated VMT**. This table identified the data source as Appendix K.1, Table A. Therefore, the commenter’s allegation that the DEIR did not identify the source of the Project’s baseline VMT is incorrect.

The VMT data used for the Project’s air quality modeling is different than the VMT used for the transportation analysis.

Vehicle miles traveled for the transportation analysis was calculated, per the City’s VMT guidelines, using a travel demand model using the origin-destination trip matrix. This method does not provide the necessary data points to enter into CalEEMod to estimate vehicle emissions. Therefore, it is more appropriate for the air quality analysis to rely on the trip rates from the TIA and the associated trip lengths established by the SCAQMD.

Regarding the estimated number of employees refer to [Response to Comment B-3](#) and [Response to Comment B-4](#).

⁹ *City of Perris VMT Scoping Form for Land Use Projects for DPR 21-00005*, page 2. The VMT scoping form is included in Appendix A of the TIA.

Because the Project's VMT analysis was conducted consistent with the City's May 2020 *Transportation Impact Analysis Guidelines for CEQA*, which requires use of the RIVTAM or RIVCOM model and neither of the City-adopted VMT significance thresholds were exceeded, no further VMT analysis is required.

No new environmental issues are raised by this comment; thus, no further analysis or recirculation of a revised DEIR is required.

Response to Comment B-22:

As discussed in [Response to Comment B-18](#), the Project is not proposed to function as a fulfillment center as asserted in this comment. Further, the commenter's assertion that the DEIR did not include a quantified truck/trailer VMT analysis is incorrect. As stated on page 5.13-27 of the DEIR:

Updates to the State CEQA Guidelines approved in December 2018 included the addition of State CEQA Guidelines Section 15064.3, of which Subdivision (a), states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." Here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks (i.e., no heavy-duty trucks). Subdivision (b) establishes criteria for evaluating a project's transportation impacts based on project type and using automobile VMT as the metric.

Although not required, the VMT analysis in the DEIR included both automobile and truck VMT. (DEIR, p. 5.13-29.)

No new environmental issues are raised by this comment; thus, no further analysis or recirculation of a revised DEIR is required.

Response to Comment B-23:

This comment is identical to Comment B-16; refer to [Response to Comment B-16](#).

No new environmental issues are raised by this comment; thus, no further analysis or recirculation of the DEIR is required.

Response to Comment B-24:

Regarding the analysis of the Project's proposed amendment to the PVCCSP Circulation Plan to remove California Avenue and Nance Street between Patterson Avenue to the west and Nevada Avenue to the east, refer to the [Response to Comment B-16](#).

The buildout conditions of the PVCCSP as originally approved, through Amendment No. 12, and through Amendment No. 12 assuming Amendment No. 13 and the Ramona Gateway Project is approved is presented in [Response to Comment B-4](#) in **Table B-B**, **Table B-C**, and **Table B-D**, respectively. As originally approved, the PVCCSP was expected to be developed with 49,808,126 SF of buildings. As shown in **Table B-D**, assuming Amendment No. 13 and the Ramona Gateway Project are approved, buildout of the PVCCSP is expected to be developed with 55,055,179 SF of buildings. This constitutes an approximately 10.5 percent increase above what was originally approved. However, as discussed in the [Response to Comment B-4](#), the land use changes in the PVCCSP have been from the Commercial (C), Business Park/Professional Office (BPO) and General Industrial (GI) land use designations to the Light Industrial (LI) land use designation, which is a less intensive land use with a lower employment generation factor and reduced parking requirements. This amplification of the buildout of the PVCCSP

does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5.

Regarding the lot coverage shown on Development Plan Review No. 21-0005, as discussed in [Response to Comment B-13](#), this is a typographical error. The actual coverage is 48.9% and a revised site plan will be submitted to the City. The correction of a typographical error on the site plan for DPR-21-0005 does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5.

Regarding the Project's consistency with the requirements of the Riverside County ALUC, refer to the [Response to Comment B-12](#).

As indicated in the preceding paragraphs, no new environmental issues are raised by this comment.

Response to Comment B-25:

This commenter does not provide substantial evidence concerning the existence of a significant environmental impact. As evidenced in [Response to Comments B-1 through Response to Comment B-24](#), no new environmental issues are raised in this comment letter. The clarifications and amplifications to the DEIR identified in prior responses do not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5.

Response to Comment B-26:

This commenter does not provide substantial evidence concerning the existence of a significant environmental impact. As evidenced in [Response to Comment B-4](#), above, none of the approved or proposed amendments to the PVCCSP has resulted in a significant increase in the number of projected jobs. This is due to the changes in land use being from more employment-intensive uses to less employment intensive uses.

No new environmental issues are raised by this comment; thus, no further analysis or recirculation of the DEIR is required.

Response to Comment B-27:

This comment is identical to Comment B-16 and Comment B-23; refer to [Response to Comment B-16](#).

No new environmental issues are raised by this comment; thus, no further analysis or recirculation of the DEIR is required.

Response to Comment B-28:

Contrary to the commenter's assertion, CEQA does not specify the number or details of alternatives for an EIR. As required by State CEQA Guidelines Section 15126.6, alternatives must focus on those that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project. The DEIR analysis determined that there are no significant unavoidable impacts associated with the implementation of the proposed Project (DEIR, p. 8-1.).

In addition to analyzing Alternative 1 – No Project/No Build, the DEIR considered two additional alternatives (Alternative Location and No Project/No Specific Plan Amendment Alternative) that were rejected from further consideration because they did not substantially lessen impacts and meet the

CEQA definition of an alternative (DEIR pp. 8-2 – 8-4.). Evaluation of additional alternatives would not provide a meaningful analysis.

For these reasons, the evaluation of additional alternatives is not required. No new environmental issues are raised by this comment; thus, no further analysis or recirculation of the DEIR is required.

Response to Comment B-29:

As demonstrated in the responses above, the DEIR's analysis is not flawed nor is recirculation required. No new environmental issues are raised by this comment.

The contact information for Golden State Environmental Justice Alliance is noted.

Response to Comment Letter B, Attachment 1 – SWAPE, Technical Consultation, Data Analysis and Litigation Support for the Environment

Response to Comment B1-1

The SWAPE analysis contends that the Project’s air quality and health risk impacts were inaccurately analyzed and underestimated and that the DEIR should be revised. The following [Response to Comment B1-1](#) to [Response to Comment B1-14](#) address these comments. No additional analysis is warranted and the preparation of a recirculated DEIR is not required.

Response to Comment B1-2:

The commenter does not provide substantial evidence concerning the existence of a significant environmental impact. This comment is introductory in nature. The comment correctly points out that the CalEEMod model, version 2020.4.0, was used to quantify the Project’s air quality emissions and that those emissions calculations were used in the air quality analysis in the DEIR. The comment also correctly points out that the model allows the user to change the default values and that these changes are shown in the “output files” after the model run. These output files are included as part of Air Quality/Greenhouse Gas Analysis, Appendix B.1. As the commenter indicated, the CalEEMod users guide for version 2020.4.0, was designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence. Substantial evidence is defined in the State CEQA Guidelines (Section 15384(b)) “facts, reasonable assumptions predicated on facts, and expert opinion supported by facts.” The model provides several opportunities for the user to change the defaults in the model; and those changes require users to provide justification for all changes made to the default settings (e.g., reference more appropriate data sources). The assumptions outlined in the Air Quality/Greenhouse Gas Analysis, and output files in Appendix B.1 constitute substantial evidence under CEQA that can be used to more accurately estimate project-generated emissions.

The commenter indicates that several model inputs are not consistent with information disclosed in the DEIR and because of that the construction and operational emission are underestimated. This comment is vague and does not provide detailed information as to what specific data input is “not consistent” with the DEIR. Therefore, a more detailed response cannot be provided. No additional analysis is warranted and the preparation of a revised EIR is not required.

Response to Comment B1-3:

The commenter does not provide substantial evidence concerning the existence of a significant environmental impact. As discussed in the CalEEMod User’s Guide pages 30 through 31, the construction tab contains default information obtained from a limited survey conducted by South Coast Air Quality Management District (SCAQMD) of construction sites with a range of project types and sizes and provides default construction equipment list and phase length data based on the total lot acreage of a project. The User’s Guide states: “If the user has more detailed site-specific equipment and phase information, the user should override the default values.” This is precisely what was done for the DEIR in the Air Quality/Greenhouse Gas Analysis (the Air Quality analysis), which cited “Per Applicant” for the construction schedule and was based on the construction schedule provided by the Project Applicant. The Project Applicant’s estimated construction schedule of one phase with a length of 11 months is based on their experience with building similarly sized projects. The commenter fails to provide

substantial evidence that this adjustment was improper. The commenter seems to suggest that all construction projects of a specific acreage should all require the same individual construction phase lengths (e.g., demolition, grading, building construction) without any site-specific consideration of how much demolition might be required, depth of excavation, type of construction (i.e., industrial vs. multi-family residential) and building square footage constructed. The analysis properly relied on Project-specific construction phases which accurately reflect the required construction activities necessary for Project buildout. The commenter has not provided any supporting documentation as to why the construction assumptions used in the Air Quality analysis would not be representative of the Project's construction. The Project Applicant has expertise in estimating construction activities for the proposed Project based on their experience with similar projects and their need to plan and estimate construction activities. These assumptions constitute substantial evidence under CEQA that can be used to more accurately estimate Project-generated emissions. Likewise, the City of Perris (as a CEQA lead agency) is familiar with typical construction schedules in connection with its issuance of demolition, grading and building permits for projects within its jurisdiction. The City reviewed the estimated construction schedule presented in the DEIR and found it to be reasonable. Thus, the Air Quality's analysis summarized in the DEIR is adequate as presented.

No additional analysis is required and the preparation of a revised EIR is not required.

Response to Comment B1-4:

This comment does not provide substantial evidence concerning the existence of a significant environmental impact. Further, the commenter's assertion that the DEIR does not include an analysis of the health risk impacts is incorrect. As discussed in Section 5.2 Air Quality, a Health Risk Assessment (HRA) was prepared according to SCAQMD's 2003 *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Analysis* and the 2017 *Risk Assessment Procedures for Rules 1401, 1401.1 and 212 Version 8.1*, which is based on the Office of Environmental Health Hazard Assessment (OEHHA) *The Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments*. (DEIR, p. 5.2-41). Health risk assessments (HRAs) are commonly used to estimate the health risks to the surrounding community from projects that significantly increase the number of diesel vehicles and hence increase the amount of diesel particulate matter (DPM) in the area. The estimation of health risks (both cancer and non-cancer) from DPM was performed according to the guidelines established by the SCAQMD for assessments of health risk from known DPM. Eight separate discrete receptors which included three sensitive receptors and five off-site worker receptors near the Project site were modeled. (DEIR, p. 5.2-41). The sensitive receptors within the proposed Project site are either adjacent or within half a mile as shown in Figure 5.2-1 -HRA Discrete Sensitive Receptor Location. The results of the analysis concluded that excess cancer and non-cancer risks to sensitive and off-site worker receptors was considered less than significant and no mitigation was required. (DEIR, pp. 5.2-45, 5.2-46). As mentioned by the commenter, and described in the DEIR, the closest school to the Project site is Val Verde Academy, approximately 2 miles south of the Project site. (DEIR, p. 5.8-17). Accordingly, impacts to children at Val Verde Academy would also be less than significant.

Additionally, there is currently no methodology to quantify the cumulative areawide or localized health risks from multiple facilities within a community-wide area. This is because the SCAQMD's recommended thresholds of significance (utilized by the City of Perris to evaluate air quality impacts of proposed projects) apply to individual development projects and are meant to evaluate the incremental increase in emissions from a proposed source. These thresholds do not apply to the emissions generated by a group of related or cumulative projects. Lastly, the City understands that the SCAQMD is

initiating a public process for the development of additional guidance for public agencies to evaluate cumulative air quality impacts from increased concentrations of air toxics for projects subject to the requirements of the CEQA. However, to date, no new guidance has been approved.

Therefore, for the reasons outlined above, no revisions to the Air Quality analysis or to the DEIR are required.

Response to Comment B1-5:

This comment accurately states the Project's estimated cancer risk impacts from operations and does not raise new environmental issues. No additional response is warranted.

Response to Comment B1-6:

The commenter does not provide substantial evidence concerning the existence of a significant environmental impact. Project construction would result in emissions of DPM from heavy construction equipment and trucks accessing the site. The OEHHA has identified carcinogenic and chronic noncarcinogenic effects from long-term exposure but has not identified health effects due to short-term exposure to diesel exhaust, such as from temporary construction activities. According to the OEHHA, health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 30-year exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period/duration of activities associated with the project. Thus, the duration of the proposed construction activities would only constitute a small percentage of the total 30-year exposure period.

Due to this relatively short period of exposure (11 months) and minimal particulate emissions on site, TACs generated by the Project construction activities would not be expected to result in concentrations causing significant health risks. Nonetheless, in response to this comment, a subsequent HRA analysis was conducted to estimate the health risks to the surrounding community as a result of the proposed warehouse construction. The Construction HRA concluded that none of the sensitive receptors within the Project vicinity would be exposed to cancer risks from the Project's construction DPM emissions that exceed the SCAQMD threshold of 10 excess cancer cases per one million people. Likewise, non-cancer risks would not exceed the SCAQMD threshold of 1.0. The highest estimated excess cancer risk to sensitive receptors is 7.44 in one million, located at Receptor 1, the property boundary of a sensitive receptor. The area of highest risk to modeled off-site worker receptors, at a level of 0.32 per million, is at Receptor 7. (DEIR Appendix B.3, p. 14). As such, the Project will not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity. This analysis is included as Appendix B.3 Construction HRA (see Attachment 3 of this FEIR). Section 5.2, Air Quality, of the DEIR has been revised to include the results of the analysis, as shown below, and Section 3.0 - Errata of this Final EIR clarifies the associated changes throughout the rest of the DEIR.

Page 5.2-3 of the DEIR will be revised as follows:

- Urban Crossroads, Duke Warehouse at Patterson Avenue and Nance Street (DPR No. 21-00005) Construction Health Risk Assessment City of Perris. February 14, 2023. (Included as Appendix B.3 to this DEIR) [Cited as Construction HRA]

Page 5.2-41 of the DEIR will be clarified as follows:

Project construction would result in emissions of DPM from heavy construction equipment and trucks accessing the site. The Office of Environmental Health Hazard Assessment (OEHHA) has identified carcinogenic and chronic noncarcinogenic effects from long-term exposure but has not identified health effects due to short-term exposure to diesel exhaust. According to OEHHA health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 30-year exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period/duration of activities associated with the project. Thus, the duration of the proposed construction activities would only constitute a small percentage of the total 30-year exposure period. Due to this relatively short period of exposure (11 months) and minimal particulate emissions on site, TACs generated by the Project construction activities would not result in concentrations causing significant health risks. Nonetheless, a construction HRA (Construction HRA) was prepared for the Project by Urban Crossroads to assess the potential health risk to the surrounding land uses as a result of the proposed warehouse construction and is included in Appendix B.3.

Page 5.2-41 of the DEIR will be clarified to add a new heading, as follows:

Operation HRA

Page 5.2-46 of the DEIR will be clarified, as follows:

Construction HRA

The Construction HRA was prepared for the Project and provided in Appendix B.3. The emissions calculations for the Construction HRA are based on an assumed equipment list and hauling activity presented in the AQ Study (Appendix B.1). The analysis was conducted in accordance with the guidelines in the Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis using the AERMOD model, as recommended by SCAQMD. Health risks were evaluated at the same receptor locations shown in **Figure 5.2-1** and the cancer and non-cancer risks were calculated consistent with SCAQMD methodology.

The Construction HRA estimates the land use with the greatest potential exposure to Project construction DPM source emissions is Receptor 1 (a sensitive receptor). At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to Project construction DPM source emissions is estimated at 7.44 in one million, which is less than the SCAQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable threshold of 1.0. All other modeled receptors during construction activity would experience less risk than what is identified for this location. A summary of risk estimates at all eight discrete receptor locations is summarized on Table 2-5 of the Construction HRA in Appendix B.3. Therefore, cancer and non-cancer risks resulting from the Project's construction activity are considered less than significant and no mitigation measures are required.

Conclusion

None of the cancer or non-cancer thresholds are exceeded as a result of Project construction or operation for workers or sensitive uses within the proposed Project vicinity. Additionally, the

proposed Project will not form any CO hot spots in the Project area and will not exceed SCAQMD's applicable LST. Therefore, the Project will not result in the exposure of sensitive receptors to substantial pollutant concentrations ~~during Project operation~~, and impacts are considered less than significant. No mitigation is required.

Therefore, as discussed above, health risk impacts from Project construction and operation were adequately disclosed and no additional revision is required.

Response to Comment B1-7:

While the comment correctly identifies that the OEHHA adopted a new version of the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (Guidance Manual) in March of 2015, this guidance is not applicable to the construction of the proposed Project. The Guidance Manual was developed by the OEHHA, in conjunction with CARB, for use in implementing the Air Toxics "Hot Spots" Program (Health and Safety Code Section 44360 et. seq.). The Air Toxics "Hot Spots" Program requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

The 2015 Guidance Manual provides recommendations related to cancer risk evaluation for certain short-term projects. As discussed in Section 8.2.10 of the Guidance Manual, "[t]he local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation." Short-term projects that would require a permitting decision by the SCAQMD typically would be limited to site remediation (e.g., stationary soil vapor extractors). As such, the guidance in the 2015 Guidance Manual would not be applicable to the proposed Project. Additionally, the new Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment). This comment misrepresents the OEHHA's guidance in Section 8.2.10 (page 8-18) that "the OEHHA document recommends that all short-term projects [in the Hot Spots program] lasting at least two months be evaluated for cancer risks to nearby sensitive receptors." There is also no other requirement or guidance for preparing a construction HRA by the SCAQMD. Nevertheless, as discussed in [Response to Comment B1-7](#), a Construction HRA was prepared for the proposed Project and concluded that the Project will not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity. This analysis is included as Appendix B.3 Construction HRA. Section 5.2, Air Quality, of the DEIR has been revised to include the results of the analysis and Section 3.0 - Errata of this Final EIR clarifies the associated changes throughout the rest of the DEIR.

Therefore, as discussed above, health risk impacts from Project construction and operation were adequately disclosed and no additional revision is required.

Response to Comment B1-8:

The commenter incorrectly interpreted the OEHHA's guidance. As indicated in [Response to Comment B1-7](#), the guidance in the 2015 Guidance Manual would not be applicable to the proposed Project. The SCAQMD's 10 in one million threshold is an incremental threshold and it is, therefore, inappropriate to combine construction and operational risk levels and compare to the SCAQMD's threshold as presented in the comment. Additionally, combining the construction health risks on top of the operational health risk impacts, as stated in the comment, is not appropriate since the concentrations vary by location and the operational risk assessment is based on a separate 30-year exposure scenario consistent with

applicable guidance. Unlike larger “phased” development projects, the Project’s construction and operational activities will not overlap and thus receptors would not be exposed to combined construction and operational DPM emissions at any point in time.

Therefore, as discussed above, health risk impacts from Project construction and operation were adequately disclosed and no additional revision is required.

Response to Comment B1-9:

SWAPEs screening-level HRA has several critical flaws. Most importantly, SWAPE utilizes the AERSCREEN model which is not the most appropriate model for determining concentrations from construction activity for risk calculation. AERSCREEN is limited in that it only produces a 1-hour ground level concentration – risk assessments should be based on an annual average concentration.¹⁰ SWAPE attempts to adjust for this by applying a 10 percent conversion factor that is based on model documentation from 1992 which is less refined and not representative of the Project’s actual annual emissions concentration. Because the AERSCREEN model will produce estimates of “worst-case” 1-hour concentrations and also includes conversion factors to estimate “worst-case” annual concentrations, it overstates the results. If the analysis was conducted with the U.S EPA-preferred refined dispersion model, AERMOD, the annual emissions concentration would be more accurate.

Consequently, the coarser AERSCREEN evaluation provides an inaccurate assessment of Project health risks and provides misleading information to the public and decision makers. If the commenter’s analysis accounted for the guidance and data discussed above, then the results would have been substantially less. Despite the differing opinion offered by commenter’s air quality expert, the existence of disagreement among experts concerning the conclusions of an EIR or the propriety of the analytical methods employed in an EIR are not indicative of any deficiency. The City, as CEQA lead agency, is entitled to choose among conflicting expert opinions. (State CEQA Guidelines § 15151; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 409; *Greenbaum v. City of Los Angeles* (1984) 153 Cal.App.3d at 412, 413; *Browning-Ferris v. City Council* (1986) 181 Cal.App.3d 852 at 863). Likewise, “argument, speculation, unsubstantiated opinion or narrative or evidence which is clearly erroneous or inaccurate” is not substantial evidence for purposes of CEQA. (State CEQA Guidelines § 15384).

As stated Response to Comment B1-7, above, although a construction HRA is not warranted by the Project, one was prepared. The Construction HRA concluded that the Project will not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity due to the nature of proposed activities and the relative distance to sensitive receptors. As stated in Response to Comment B1-8, above, the SCAQMD’s 10 in one million threshold is an incremental threshold and it is, therefore, inappropriate to combine construction and operational risk levels for comparison to the SCAQMD’s threshold as presented in the comment. As such, the construction and operation health risk impacts were not summed.

¹⁰ SCAQMD, *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Emissions*, 2003. (Available at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis/>)

Therefore, as discussed above, health risk impacts from Project construction and operation were adequately disclosed and no additional revision is required.

Response to Comment B1-10:

See Response to Comment B1-7 to Response to Comment B1-9. Health risk impacts from Project construction and operation were adequately disclosed and no additional revision is required.

Response to Comment B1-11:

As discussed in the preceding responses, the Project was properly modeled and analyzed and the DEIR appropriately determined that the Project would not generate significant air quality or health risk impacts. CEQA does not require mitigation measures for less than significant impacts. Therefore, since no mitigation is required, the mitigation listed by the commenter is noted, but is not required to be implemented. No new environmental issues are raised by this comment.

Response to Comment B1-12:

The commenter is correct in stating that the State of California is requiring that renewable energy resources and zero-carbon resources supply 100 percent of retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. This policy is required by Senate Bill 100 (SB 100) and every utility company must comply with this target. The Project will obtain electricity through Southern California Edison which is subject to the requirements of SB 100. Additionally, as described in Section 5.5 Energy of the DEIR, the Project Applicant will adhere to existing regulations, incorporate energy-efficient and conserving project design features, and will incorporate applicable PVCCSP EIR mitigation measures. Impacts to energy would be less than significant. (DEIR, p. 5.5-27). As such, the Project Applicant is not required to incorporate onsite renewable energy production. No new environmental issues are raised by this comment.

Response to Comment B1-13:

As discussed throughout the responses above, the Project was properly modeled and analyzed and the DEIR appropriately determined that the Project would not generate significant air quality or health risk impacts, and CEQA does not require mitigation measures for insignificant impacts. Therefore, since no mitigation is required, then the mitigation listed by the commenter is noted, but is not required to be implemented. The DEIR's analysis is adequate as provided and impacts related to air quality and health risks would remain unchanged. Additionally, the Construction HRA prepared for the Project concluded that the Project will not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity, due to the nature of proposed activities and the relative distance to sensitive receptors. As such, no additional analysis is warranted.

Response to Comment B1-14:

This comment, which includes a disclaimer and various attachments (Attachment A through Attachment D) is noted. No new environmental issues were raised.

Comment Letter C – South Coast Air Quality Management District (SCAQMD)

Comment letter C commences on the next page.



South Coast Air Quality Management District

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SENT VIA E-MAIL:

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Mary Blais, Planning Consultant
City of Perris, Planning Division
11 South D Street
Perris, California 92570

December 19, 2022

**Draft Environmental Impact Report (Draft EIR) for the Proposed
Duke Warehouse at Patterson Avenue and Nance Street Project (Proposed Project)
(SCH Number.: 2022010274)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Perris is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments recommended revisions to the cumulative impacts during operation, CEQA air quality analyses for construction and operation, health risk assessment during operation, California Emissions Estimator Model (CalEEMod) fleet mix, vehicle miles travel (VMT), and the information about South Coast AQMD permits that the Lead Agency should include in the Final EIR.

C-1

South Coast AQMD Staff's Summary of Project Information in the Draft EIR

Based on the Draft EIR¹, the Lead Agency proposes to construct and operate of approximately 769,668 square feet (SF) of high-cube, non-refrigerated, warehouse building which includes approximately 20,000 SF of office space. The warehouse building will be constructed as a "spec" building with no specific tenant identified at this time. It is anticipated that the building could operate 24 hours a day, seven days a week. The building includes 64 dock doors on the east side and 49 dock doors on the west side. The proposed Project site will also provide 366 automobile parking stalls, consisting of 326 standard stalls, 10 American Disabilities Act-compliant (ADA) parking stalls, and 30 Electric Vehicle (EV)/Clean Air/Vanpool stalls and 140 trailer parking stalls. Automobile parking is provided in three locations: one across from each office area on the northwest and southwest corners of the building and a third area along the north side of the building. The Project site will also include two shaded outdoor patio areas for break areas as employee amenities. These outdoor amenity areas are adjacent to the offices proposed at the northwest and southwest corner of the building. The approximate 35.7-net-acre Proposed Project site is located at the northeastern corner of Patterson Avenue and Nance Street, within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area of the City of Perris, Riverside County, California. The Proposed Project's construction is anticipated to require approximately eleven months.²

C-2

¹ Draft EIR. Page 1-15.

² Ibid. Page 5.2-34.

South Coast AQMD Staff's Comments on the Draft EIR

Cumulative Impacts during Operation

As mentioned in the Draft EIR, the Proposed Project is located within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area.³ The PVCCSP was adopted by the City of Perris pursuant to a certified Environmental Impact Report (EIR) on 1/10/2012.⁴ Prior to certification of the PVCCSP, a Draft EIR was released for public review and comment between 7/20/2011 – 9/6/2011.⁵ During this public review period, the South Coast AQMD submitted a comment recommending that the Lead Agency include a more robust analysis of cumulative impacts in the Final EIR. Specifically, the South Coast AQMD asked that the lead agency revisit the estimated number of trucks projected to serve the site, provide additional analysis demonstrating that the project will not significantly impact sensitive receptors during operation and that it will not cause a significant air quality and air toxics impact, and to evaluate additional mitigation measures to further reducing any significant air quality and air toxics impacts. The PVCCSP has been revised and amended many times since 2012, the most recent Perris Valley Commerce Center Specific Plan Amendment No. 12, was approved on January 11, 2022.⁶ However, the cumulative impacts from the revised projects in PVCCSP are not updated, and robust analysis of cumulative air quality and air toxics impacts from all the projects in PVCCSP is not included in the PVCCSP or this EIR.

C-3

According to the City of Perris webpage under Planning – Environmental Documents for Public Review,⁷ other development projects are located from 1000 feet to 1 mile from the Proposed Project, based on the ariel photographs. These projects are First Harley Knox - DPR20-00014 Industrial Project (Final Initial Study/Mitigated Negative Declaration No. 2369 was prepared in February 2022), Ramona Expressway and Brennan Avenue Warehouse Project (the Draft Initial Study/Mitigated Negative Declaration (IS/MND) was revised on October 13, 2022), Ramona-Indian Warehouse Project (the Draft IS/MND was prepared on November 2022), and OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project (Notice of Preparation of a Draft EIR was released on July 8, 2022). Per CEQA Guidelines Section 15065(a)(3), South Coast AQMD staff is primarily concerned with the cumulative air quality impacts from increased concentrations of air toxics especially from the increased heavy duty diesel mobile sources in the PVCCSP region. Therefore, South Coast AQMD staff recommends that, at minimum, the Lead Agency perform a qualitative analysis to provide the potential cumulative impacts from air toxics in consideration and listing of all surrounding past, present, and probable future projects. The Lead Agency may also perform a more detailed and robust quantitative analysis of cumulative air toxic and potential health risk implications to be included in the Final EIR.

C-4

³ *Ibid.* Page 1-15.

⁴ ORDINANCE NUMBER 1284.

Accessed at: <https://www.cityofperris.org/home/showpublisheddocument/2923/637250482796800000>

⁵ Perris Valley Commerce Center Specific Plan Final EIR. 9.0 Introduction, Public Review Summary. Page 9.0-1

Accessed at: <https://www.cityofperris.org/home/showpublisheddocument/2645/637455522835370000>

⁶ Perris Valley Commerce Center Specific Plan Amendment No. 12, approved January 11, 2022, available at <https://www.cityofperris.org/home/showpublisheddocument/2647/637799977032200000>

⁷ City of Perris. Planning – Environmental Documents. Access at: <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review>.

Air Quality Analyses and Health Risk Assessment (HRA) during Operation

In the Draft EIR Air Quality Section and Appendix B.1 and B.2, the Lead Agency utilizes the CalEEMod version 2020.4.0 to estimate the construction and operation emissions. The CalEEMod output file in Appendix B.1 shows the information regarding the truck fleet mix for the warehouse land use. The fleet mix from the CalEEMod output file appears to not match with the truck percentages under Project Trip Generation in Appendix K.2. For instance, the heavy-heavy duty (HHD) truck percentage in the CalEEMod output file shows 9.8%, while Appendix K.2 shows 15.6%. The CalEEMod output file in Appendix B.1 also include the model default numbers for mobile homes, urban buses, school buses and other vehicle types which are not expected to be used in the Proposed Project. In addition, the VMT from the CalEEMod output file appears to not match with those in Appendix K.1, VMT Analysis. For example, the daily VMT in the Appendix B.1 is 1,077.54 from the CalEEMod default but the estimated daily VMT shows 15,412 in the Appendix K.1 generated from the Proposed Project. Therefore, the total operational emissions estimated and used in the air quality analyses and the associated impacts from HRA are underestimated. South Coast AQMD staff recommends that the Lead Agency review and revise the fleet mix and VMT information in the CalEEMod, re-calculate the emissions, and include them in the Final EIR reflecting the correct truck fleet mix percentages and VMT. If the revision is not included in the Final EIR, the Lead Agency should provide reasons for not re-calculating it supported by substantial evidence in the record.

C-5

Dispersion Modeling in HRA during Operation

The Lead Agency utilizes AERMOD/HARP dispersion model to analyze the health risks from the Proposed Project.⁸ Based on the South Coast AQMD staff’s review, the warehouse building is not included in the building downwash option of the modeling during operation. The ground-level pollutant concentrations near the building would be underestimated if the downwash effects were absent in the dispersion modeling. Therefore, building downwash should be considered for the Proposed Project operation in order to predict more accurate ground-level concentrations. In addition, based on the project description in the Draft EIR, the truck idling emissions would need to be estimated separately and included in the dispersion modeling analysis and HRA as point sources. However, the HRA modeling file does not indicate to include those emissions.

C-6

In addition, it is not clear in the Draft EIR if the stationary combustion engines (e.g. diesel firewater pump, diesel emergency generator, and etc.) or off-road combustion mobile source (e.g. diesel forklift) will be used onsite during operation. If any of these will be used when implementing the Proposed Project, they will need to be added as additional sources to the health risk assessment and dispersion modeling files.

C-7

Therefore, South Coast AQMD staff recommend that the Lead Agency revise the operational HRA modeling by incorporating the above recommendations and including the HRA results in the Final EIR. If the HRA modeling is not revised and included in the Final EIR, the Lead Agency should provide reasons supported by substantial evidence in the record to explain why the revision is not included.

C-8

⁸ *Ibid.* Appendix B.2

South Coast AQMD Permits and Responsible Agency

If the implementation of the Proposed Project would require the use of new stationary equipment, such as boilers, heaters, ovens, etc., permits from South Coast AQMD are required. The Final EIR should include a discussion on stationary equipment requiring South Coast AQMD permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project. Any assumptions used for the stationary sources in the Final EIR will also be used as the basis for the permit conditions and limits for the Proposed Project. Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions on permits. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

C-9

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, when the Lead Agency's position is at variance with recommendations raised in the comments, the issues raised in the comments should be addressed in detail, giving reasons why specific comments and suggestions are not accepted. There should be good faith and reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision-makers and to the public who are interested in the Proposed Project.

C-10

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Evelyn Aguilar, Air Quality Specialist, at eaguilar@aqmd.gov or myself, should you have any questions or wish to discuss the comments.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA-IGR

Planning, Rule Development & Implementation

SW:EA

RVC221108-10

Control Number

Response to Comment Letter C – South Coast Air Quality Management District (SCAQMD)

Response to Comment C-1:

This is an introductory comment acknowledging that SCAQMD reviewed the DEIR and provides a brief summary of their comments and recommended revisions, which are then detailed in the subsequent comments and are responded to herein. No new environmental issues are raised by this comment.

Response to Comment C-2:

This is an introductory comment that accurately describes the SCAQMD's understanding of the proposed Project. To clarify, the City of Perris (City) is not proposing to construct and operate the proposed Project; the Project is proposed by a private developer and the City, as the Lead Agency under CEQA, is tasked with the responsibility of deciding whether to approve or deny the Project. No new environmental issues are raised by this comment.

Response to Comment C-3:

This comment addresses the cumulative air quality and health risk analysis presented in the Perris Valley Commerce Center Specific Plan (PVCCSP) EIR and suggests that additional analysis of cumulative impacts is required for the proposed Project. The City acknowledges that the SCAQMD provided comments on the PVCCSP Draft EIR in 2011. The City responded to these comments in the PVCCSP Final EIR and those responses were provided to the SCAQMD prior to certification of the PVCCSP Final EIR, as required by CEQA. The City certified the PVCCSP Final EIR in January 2012.

As described in Section 2 Introduction of this DEIR, and as discussed in the City's response to the SCAQMD's comments on the PVCCSP EIR (Response to Comment L-4), the PVCCSP was analyzed using a "programmatic" approach (PVCCSP EIR, p. 3.0-7) and the PVCCSP EIR is a programmatic document as defined in Section 15168 of the State CEQA Guidelines. When a programmatic EIR is prepared, later activities such as implementing development and infrastructure projects within the PVCCSP, must be examined to determine whether an additional environmental document is required (State CEQA Guidelines Section 15168(c)). This evaluation takes place as part of the City's standard development review process.

Because at the programmatic level, there were no specific implementing development projects proposed or truck trip data available, a meaningful analysis of health risk impacts could not be performed at that stage of master planning (Specific Plan). Therefore, the PVCCSP EIR concluded that any such analysis would be, at best, speculative (PVCCSP EIR, p. 4.2-49) and did not discuss the issue further as allowed per Section 15145 of the State CEQA Guidelines. Thus, the PVCCSP EIR's conclusions related to the potential for individual PVCCSP implementing development and infrastructure projects to expose sensitive receptors to substantial pollutant concentrations were based on the health risks from previously evaluated industrial projects within the PVCCSP vicinity (PVCCSP Draft EIR Table 4.2-M) and the determination from the General Plan EIR. However, PVCCSP EIR mitigation measure MM Air 15 specifically requires a health risk assessment (HRA) to identify project-specific impacts resulting from the use of diesel trucks by potential implementing development projects, based on the number of dock doors and truck trips.

Additionally, there is no methodology to quantify the cumulative areawide or localized health risks from multiple facilities within a community-wide area. This is because the SCAQMD's recommended

thresholds of significance (utilized by the City of Perris to evaluate air quality impacts of proposed projects) apply to individual development projects and are meant to evaluate the incremental increase in emissions from a proposed source. These thresholds do not apply to the emissions generated by a group of related or cumulative projects. Therefore, a community-wide health risk assessment (HRA) was not required for the PVCCSP.

Furthermore, the City uses the SCAQMD's recommended methodology to evaluate cumulative air quality and health risk impacts, which is to conclude that an impact that is considered to be significant on a project-specific basis would also cause a significant cumulative impact. Individual HRAs have been prepared for nearly every individual light industrial project proposed within the PVCCSP planning area, including those projects that previously required amendments to the PVCCSP, as well as the proposed Project. The HRA for the proposed Project is included in Appendix B.2 of the DEIR. As part of its standard development review process, the City will continue to require project-specific air quality analyses and HRAs for future development projects in the City, including those proposed within the PVCCSP area.

Therefore, for the reasons outlined above, no revisions to the Air Quality analysis or to the DEIR are required.

Response to Comment C-4:

The City is aware of the toxic air contaminant and health risk conditions within its jurisdiction and surrounding areas. In the northern part of the City of Perris (zip code 92571), the SCAQMD's Multiple Air Toxics Exposure Study (MATES) V identifies a cancer risk of 308 per million. Of this risk, 68.8% is associated with diesel particulate matter (DPM). The air toxics cancer risk in this area is lower than 85 percent of areas within the South Coast Air Basin (Basin) population. The cancer risk in the southern part of the City (zip code 92585) is even lower at 288 per million. In comparison, the greatest cancer risk in Riverside County is 469 per million within the 92501 zip code of the City of Riverside. The greatest cancer risk within the Basin is 791 per million in downtown Los Angeles. It is not the responsibility of any one individual development project to evaluate the potential health risks associated with the existing and future development of all properties within a community planning area. Instead, as per the State CEQA Guidelines, the HRA provides an analysis to determine whether the proposed Project would expose sensitive receptors to substantial DPM pollutant concentrations utilizing the methodologies and thresholds of significance recommended for individual development projects by the SCAQMD.

As discussed in the DEIR, there has been significant regional air quality improvement despite the increased industrial development that has occurred; the estimated Basin-wide cancer risk decreased 54% since MATES-IV was published in 2015 (DEIR, p. 5.2-10). This is evidence that the SCAQMD's single threshold of significance has in fact "worked" in conjunction with recent and continued efforts by the SCAQMD, California Air Resources Board and the U.S. Environmental Protection Agency to reduce DPM emissions and other air toxics.

Lastly, the City understands that the SCAQMD is initiating a public process for the development of additional guidance for public agencies to evaluate cumulative air quality impacts from increased concentrations of air toxics for projects subject to the requirements of the CEQA. However, to date, no new guidance has been approved.

Therefore, the Project's cumulative impacts from air toxics were analyzed according to the most recent guidance and no additional analysis or revisions to the Air Quality analysis or to the DEIR are required.

Response to Comment C-5:

The comment regarding truck trips rates shown in DEIR Appendix K.2 is unclear. Appendix K.2 does not indicate the Project's heavy-heavy duty (HHD) or 4-axle truck's mix is 15.6 percent. Table 3: Trip Generation Rates, in Appendix K.2, shows the Project's trip generation rates and, for example, the 4-axle truck trip rate is 0.138 whereas the total trip rate is 1.40. Thus, the 4-axle truck trip rate is approximately 9.8 percent of the total trip rate (0.138/1.40). Similarly, Appendix K.2 Table 4: Project Trip Generation, shows the Project's 4-axle truck trips total 106 out of the Project's total trip generation of 1,077 trips, which is also approximately 9.8 percent (106/1,077).

As stated in the DEIR's Air Quality Analysis, the CalEEMod's default fleet mix was adjusted based on the rates and ratios found in the Project-specific TIA. (Appendix A, p. 10.) As noted in the comment, the CalEEMod defaults were adjusted to include HHD truck's fleet mix of 9.80% (106 HHD truck trips / 1,077 total Project trips). Likewise, the MHD fleet mix of 3.25% (35 MHD truck trips / 1,077 total Project trips), and the LHD2 truck's fleet mix of 2.60% (28 LHD2 truck trips / 1,077 total Project trips). The remaining vehicle fleet mix, including motor homes, urban buses, and school buses which represent less than one percent of the total fleet, was adjusted proportionally to the CalEEMod defaults for the statewide fleet.

The commenter incorrectly states the Project's daily vehicle miles traveled (VMT) is 1,077.54 and that this value is a CalEEMod default. The value of 1,077.54 is not VMT but is instead total daily trips generated by the proposed Project. As stated above, the total trip rate of 1.40 was utilized in CalEEMod based on the TIA and based on the Project's proposed building size, which results in the Project's average daily trips of 1,077.54; this data is located in Section 4.2 Trip Summary Information of the CalEEMod output included in Appendix B.2. The Project's 15,412 VMT in Appendix K.1 is average VMT per day and was not used because the VMT, which was calculated per the City's VMT guidelines, was calculated using a travel demand model using the origin-destination trip matrix. This method does not provide the necessary data points to enter into the CalEEMod model to estimate vehicle emissions. Therefore, it is more appropriate for the air quality analysis to rely on the trip rates from the TIA and the associated trip lengths established by the SCAQMD.

Therefore, for the reasons outlined above, no revisions to the Air Quality analysis or to the DEIR are required.

Response to Comment C-6:

Building downwash only applies to point sources which are not appropriate for truck idling and movement. Thus, building downwash is not applicable to the Project.

The HRA was prepared according to the SCAQMD's 2003 *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*, which indicates that volume or area source options are most appropriate for the DPM sources associated with truck idling and movement. (SCAQMD 2003, p. 6.) Moreover, past comments from the SCAQMD on other projects recommend using line volume sources for truck loading areas. For these reasons, the HRA modeled emissions sources (including truck idling) appropriately and no additional analysis or revisions to the HRA are required.

Response to Comment C-7:

The Project does not propose diesel forklifts or emergency generators. Service equipment like yard trucks and forklifts used by the Project shall be electric or powered by other alternative fuels. (DEIR, p. 3-26). Per Section 3.0 Project Description, a fire flow pump will be used for fire flow demands during fire

emergencies. (DEIR, p. 3-21). Section 3.0, Project Description, and 5.2, Air Quality, of the DEIR have been clarified to indicate that the fire flow pump is expected to be diesel fueled and Section 3.0 - Errata of this Final EIR clarifies the associated changes throughout the rest of the DEIR.

Page 3-21 of the DEIR will be clarified as follows:

No off-site water line improvements are proposed. Project site improvements consist of a looped 10-inch diameter water line around the proposed building which would include two connections to the existing 12-inch diameter waterline in Patterson Avenue. There will also be a diesel-powered fire flow pump for fire flow demands and routine testing.

And page 3-29 will be clarified as follows:

- b) Compliance with the South Coast Air Quality Management District Indirect Source Rule (Rule 2305) for warehouse owners and operators and a permit to operate a diesel fueled fire flow pump;

Page 5.2-39 of the DEIR will be clarified as follows:

According to the LST methodology, LSTs only apply to the operational phase if a project includes stationary sources or attracts mobile sources that may spend long periods of time idling at the site, such as warehouse/transfer facilities. The Project includes a diesel-powered fire flow pump. Because the fire flow pump will only be used during fire emergencies and routine testing, emissions would be negligible. The Project applicant will be required to obtain an SCAQMD permit. The SCAQMD permitting process would ensure that the Project meets regulatory requirements through the application review process and by placing specific operating conditions on the permit such as operating hour limits. As such, no further analysis of the fire pump was prepared. Therefore, b) Because the proposed Project will operate as a logistics center and has the potential to attract mobile sources that can reasonably be assumed will idle at the site, a long-term LST analysis was prepared for this Project. Although the Project exceeds five acres, per SCAQMD, the LST lookup tables can be used as a screening tool to determine if dispersion modeling would be necessary. Therefore, the Project's on-site emissions from CalEEMod and LST Look-Up Tables for the 5-acre site were utilized as a screening-level analysis.

Therefore, for the reasons outlined above, no additional analysis or revisions to the HRA are required.

Response to Comment C-8:

Refer to Response to Comment C-6 and C-7. The HRA was prepared in accordance with SCAQMD guidance and appropriately evaluated the cancer and non-cancer risks from the Project's long-term sources of diesel emissions. The DEIR has clarified the use of a diesel-powered fire water pump during fire emergencies and routine testing. Therefore, no additional analysis or revisions to the HRA are required.

Response to Comment C-9:

As described in Response to Comment C-7, the revisions to the DEIR were made to clarify the intended use of diesel-powered fire flow pump and the associated need for SCAQMD permitting. No further response is required because the comment does not raise an environmental issue.

Response to Comment C-10:

The City will send responses to these comments to the SCAQMD pursuant to State CEQA Guidelines Section 15088(b) and Public Resources Code Section 21092.5 at least 10 days prior to certification of the Final EIR.

This comment does not question the content or conclusions of the DEIR.

Comment Letter D – Adams Broadwell Joseph & Cardozo

Comment letter D commences on the next page.

ADAMS BROADWELL JOSEPH & CARDOZO

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Re: Comments on Duke Warehouse at Patterson Avenue and Nance Street Project – Draft Environmental Impact Report (SCH No. 2022010274)

Dear Ms. Blais, Ms. Brenes, and Mr. Phung:

On behalf of Californians Allied for a Responsible Economy ("CARE CA"), we submit these comments on the Draft Environmental Impact Report ("DEIR") (SCH No. 2022010274) prepared by the City of Perris for the Duke Warehouse at Patterson Avenue and Nance Street Project ("Project") pursuant to the California Environmental Quality Act ("CEQA").¹ The Project is proposed by Prologis and Duke Realty Limited Partnership (collectively, "Applicant"). The Applicant proposes to develop 769,668 square feet ("SF") of high-cube, non-refrigerated, warehouse building which includes approximately 20,000 SF of office space.² The

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¹ Pub. Res. Code §§ 21000 et seq.

² City of Perris, Draft Environmental Impact Report Duke Warehouse at Patterson Avenue and Nance Street Perris, California SCH No. 2022010274 (October 2022), <https://www.cityofperris.org/home/showpublisheddocument/15668/638030851862270000>.

warehouse building is proposed to be constructed with no specific tenant identified at this time.³ The building may operate 24 hours a day, seven days a week.⁴

The Applicant requests a Specific Plan Amendment Case No. 21-05267 to amend the Perris Valley Commerce Center Specific Plan (“PVCCSP”) Circulation Plan to delete two planned streets: California Avenue and Nance Street between Patterson Avenue to the west and Nevada Avenue to the east; Tentative Parcel Map TPM 38259 (Case No. 21-05086) to merge thirty-eight (38) existing parcels into one parcel, and vacate all or portions of the Right of Way (“ROW”) of California Avenue and Nance Street and dedicate a portion of Patterson Avenue and Nevada Avenue ROW; and Development Plan Review DPR 21-00005 to allow the development of the approximately 35.7-net-acre site with a 769,668 SF building with 749,668 SF for high-cube, non-refrigerated warehouse distribution uses and approximately 20,000 SF of supporting office space.⁵

The Project would be located at the northeastern corner of Patterson Avenue and Nance Street, in the City of Perris, California 92571 Assessor Parcel Numbers (APNs) 314- 153-015 through -040, 314-153-042, 314-153-044, 314-153-046, 314-153-048, 314-160-005 through -012, and 314-160-033.⁶ The Project site is within the PVCCSP planning area, and Planning Area 1 (PA 1), North Commercial/Industrial, of the Perris General Plan 2030. The total construction period is expected to require approximately eleven months beginning no earlier than September 2022.⁷

We have reviewed the DEIR, its technical appendices, and reference documents with assistance of Commenters’ expert consultants, whose comments and qualifications are attached. We prepared our comments on air quality, public health, GHG emissions, and hazardous materials with the assistance of air quality and GHG expert James Clark, whose comments (“Clark Comments”) and curriculum vitae (“CV”) are attached hereto as **Exhibit A**. We have prepared our comments on noise and vibration with the assistance of acoustics, noise, and vibration expert Jack Meighan of Wilson Ihrig. Mr. Meighan’s Comments (“Meighan Comments”) and Mr. Meighan’s CV are attached hereto as **Exhibit B**.

³ DEIR, p. 3-15.

⁴ DEIR, p. 3-15.

⁵ DEIR, p. 1-28.

⁶ *Id.* at 1-4.

⁷ *Id.* at 5.2-34.



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Based upon our review of the DEIR and supporting documentation, we conclude that the DEIR fails to comply with the requirements of CEQA. As explained more fully below, the DEIR fails to provide an accurate Project description and environmental baseline upon which to measure the whole Project's reasonably foreseeable impacts. The consequences of these defects are far-reaching and require the revision of the DEIR. The DEIR does not accurately disclose potentially significant air quality, GHG, health risk, noise, and transportation impacts. As a result of its shortcomings, the DEIR lacks substantial evidence to support its conclusions and fails to properly mitigate the Project's significant environmental impacts. Further, the City cannot make the required findings to support the approval of the Development Plan Review, Tentative Parcel Map, or Specific Plan Amendment until the Project's significant environmental impacts are mitigated to the greatest extent feasible. The City cannot approve the Project until the errors and omissions in the DEIR are remedied, and a revised DEIR is recirculated for public review and comment which fully discloses and mitigates the Project's potentially significant environmental and public health impacts.

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I. STATEMENT OF INTEREST

CARECA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental impacts of the Project. The coalition includes Riverside residents Brett Sanchez, Alejandro Villalobos and Jorge Suarez, Southern California Pipe Trades District Council 16 and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Perris and Riverside County.

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CARECA advocates for protecting the environment and the health of their communities' workforces. CARECA seeks to ensure a sustainable construction industry over the long-term by supporting projects that offer genuine economic and employment benefits, and which minimize adverse environmental and other impacts on local communities. CARECA members live, work, recreate, and raise their families in the City of Perris and Riverside County and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

In addition, CARECA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

II. LEGAL BACKGROUND

CEQA has two basic purposes, neither of which the DEIR satisfies. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.⁸ CEQA requires that an agency analyze potentially significant environmental impacts in an EIR.⁹ The EIR should not rely on scientifically outdated information to assess the significance of impacts, and should result from “extensive research and information gathering,” including consultation with state and federal agencies, local officials, and the interested public.¹⁰ To be adequate, the EIR should evidence the lead agency’s good faith effort at full disclosure.¹¹ The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.”¹² “Thus, the EIR protects not only the environment but also informed self-government.”¹³

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures.¹⁴ The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly

⁸ CEQA Guidelines, § 15002, subd. (a)(1).

⁹ See Pub. Resources Code, § 21000; CEQA Guidelines, § 15002.

¹⁰ *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm.* (“*Berkeley Jets*”) (2001) 91 Cal.App.4th 1344, 1367.; *Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal.App.3d 612, 620.

¹¹ CEQA Guidelines, § 15151; see also *Laurel Heights Improvement Assn. v. Regents of University of California* (“*Laurel Heights I*”) (1988) 47 Cal.3d 376, 406.

¹² *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

¹³ *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564 (citations omitted).

¹⁴ CEQA Guidelines, § 15002, subd. (a)(2)-(3); *Berkeley Jets*, *supra*, 91 Cal.App.4th at 1354.

reduced.”¹⁵ If a project has a significant effect on the environment, the agency may approve the project only upon a finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible,” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081.¹⁶

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. *A clearly inadequate or unsupported study is entitled to no judicial deference.*”¹⁷ As the courts have explained, “a prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.”¹⁸ “The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail ‘to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’”¹⁹

As these comments will demonstrate, the DEIR fails to comply with the requirements of CEQA and may not be used as the basis for approving the Project. It fails in significant aspects to perform its function as an informational document that is meant “to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment” and “to list ways in which the significant effects of such a project might be minimized.”²⁰

The use of inaccurate and flawed information on which the DEIR bases its conclusions results in underestimated Project impacts. This, in turn, leads to a failure to comply with CEQA’s requirement that an agency mitigate “all significant environmental impacts to the greatest extent feasible, and that any remaining

¹⁵ CEQA Guidelines, § 15002, subd. (a)(2).

¹⁶ *Id.*, subd. (b)(2)(A)-(B).

¹⁷ *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.

¹⁸ *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.

¹⁹ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, quoting *Laurel Heights*, 47 Cal.3d at 405.

²⁰ *Laurel Heights I, supra*, 47 Cal.3d at p. 391.



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significant environmental impacts are acceptable due to overriding considerations.”²¹ Mitigation of impacts to the fullest extent feasible requires an agency to accurately quantify the severity of Project impacts. Because the DEIR’s analyses underestimate the severity of the Project’s impacts, the City has failed to comply with CEQA and thus cannot approve the Project based upon the DEIR’s unsupported analyses and conclusions.

III. THE PROJECT DESCRIPTION IS INADEQUATE

The DEIR does not meet CEQA’s requirements because it fails to include an accurate and complete Project description, rendering the entire analysis inadequate. California courts have repeatedly held that “an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.”²² CEQA requires that a project be described with enough particularity that its impacts can be assessed.²³ Without a complete project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project’s impacts and undermining meaningful public review.²⁴ Accordingly, a lead agency may not hide behind its failure to obtain a complete and accurate project description.²⁵

CEQA Guidelines section 15378 defines “project” to mean “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.”²⁶ “The term “project” refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term project does not mean each separate governmental approval.”²⁷ Courts have explained that a complete description of a project must “address not only the immediate environmental consequences of going forward with the project, but also all “*reasonably foreseeable* consequence[s] of the initial project.”²⁸ “If

²¹ CEQA Guidelines, §§ 15090, 15091.

²² *Stoepthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* (“*CBE v. Richmond*”) (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.

²³ 14 CCR § 15124; see, *Laurel Heights I, supra*, 47 Cal.3d 376, 192-193.

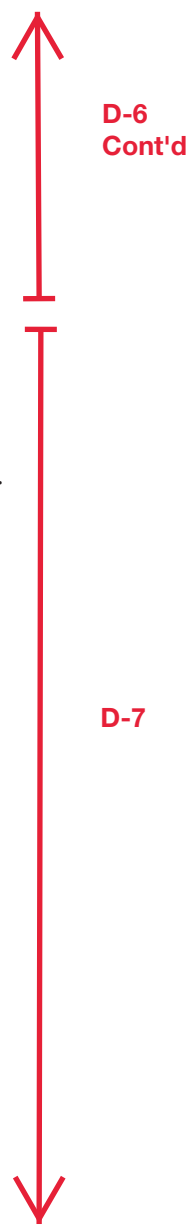
²⁴ *Id.*

²⁵ *Sundstrom v. County of Mendocino* (“*Sundstrom*”) (1988) 202 Cal.App.3d 296, 311.

²⁶ CEQA Guidelines § 15378.

²⁷ *Id.*, § 15378(c).

²⁸ *Laurel Heights I*, 47 Cal. 3d 376, 398 (emphasis added); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.



a[n]...EIR...does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and the final EIR is inadequate as a matter of law.”²⁹

A. The DEIR Fails to Identify Reasonably Foreseeable Uses of the Project Site

CEQA is concerned with a project’s environmental impacts, regardless of who ultimately uses or operates a project.³⁰ However, courts have held that where the tenant or type of business is foreseeable and there is evidence that an impact unique to that tenant or type of business will result, an EIR must disclose that information.³¹ An EIR must include an analysis of the environmental effects of a proposed future use or action at a project site if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.³² A failure to describe anticipated project operations can result in a flawed impact analysis, in violation of CEQA.³³ An EIR is required to “adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project,” otherwise, informed decisionmaking is precluded and the EIR may be deemed inadequate as a matter of law.³⁴

Here, the Project is being developed for unknown future tenants, but for reasonably foreseeable future uses. The DEIR admits that “[t]here is the potential for routine use, storage, or transport of other hazardous materials; however, the precise materials are not known, as the tenants of the proposed warehouses are not yet known.”³⁵ The transport of hazardous materials may result in potentially significant impacts. Additionally, the DEIR fails to include whether the use of Transport Refrigeration Units or TRUs is anticipated for the Project. The DEIR’s omission of information about the reasonably foreseeable operations at the Project site that could have significant impacts is similar to the EIR’s omission of critical

²⁹ *Riverwatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal. App. 4th 1186, 1201.

³⁰ *Maintain Our Desert Env’t v. Town of Apple Valley* (2004) 124 CA4th 430.

³¹ *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 CA4th 1184, 1213.

³² *Laurel Heights I*, 47 Cal. 3d 376, 396.

³³ See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722.

³⁴ *Id.*; *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454-1455.

³⁵ DEIR, p. 5.8-15.



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operational analysis in *Bakersfield Citizens for Local Control v. City of Bakersfield*. In *Bakersfield*, the court found that an EIR’s simple statement that “no stores have been identified” for the subject shopping center “without disclosing the type of retailers envisioned for the proposed project is not only misleading and inaccurate, but it hints at mendacity.”³⁶ Since the Project is being designed to be capable of supporting warehouse, distribution, and hazardous materials transport uses at the Project site, the DEIR must be revised to include specific use information and to analyze the impacts of the most intensive reasonably foreseeable uses of the Project site. The DEIR must also include all known information about the types of future users at the Project site. The DEIR’s failure to provide information about the reasonably foreseeable use causes the DEIR to fail as an informational document.

IV. THE DEIR FAILS TO ADEQUATELY ANALYZE THE PROJECT’S ENVIRONMENTAL SETTING

CEQA requires that a lead agency include a description of the physical environmental conditions in the vicinity of the Project as they exist at the time environmental review commences.³⁷ As numerous courts have held, the impacts of a project must be measured against the “real conditions on the ground.”³⁸ The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project’s impacts.³⁹ Use of the proper baseline is critical to a meaningful assessment of a project’s environmental impacts.⁴⁰ An agency’s failure to adequately describe the existing setting contravenes the fundamental purpose of the environmental review process, which is to determine whether there is a potentially substantial, adverse change compared to the existing setting.

Baseline information on which a lead agency relies must be supported by substantial evidence.⁴¹ The CEQA Guidelines define “substantial evidence” as

³⁶ *Bakersfield Citizens for Local Control v. City of Bakersfield* (“*Bakersfield*”) (2004) 124 Cal.App.4th 1184, 1213.

³⁷ CEQA Guidelines, § 15125, subd. (a).

³⁸ *Save Our Peninsula Com. v. Monterey Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121-22; *City of Carmel-by-the Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 246.

³⁹ CEQA Guidelines, § 15125, subd. (a).

⁴⁰ *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Ca.4th 310, 320.

⁴¹ *CBE v. SCAQMD*, *supra*, 48 Ca.4th at 321 (stating “an agency enjoys the discretion to decide [...] exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence”); *see*

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“enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion.”⁴² “Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts ... [U]nsubstantiated opinion or narrative [and] evidence which is clearly inaccurate or erroneous ... is not substantial evidence.”⁴³

CEQA requires that an EIR “shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.”⁴⁴ Further, “where a proposed project is compared with an adopted plan, the analysis shall examine the existing conditions at the time the notice of preparation is published, or... at the time environmental analysis is commenced.”⁴⁵

Here, the DEIR fails to discuss inconsistencies between the Project and the Perris Comprehensive General Plan 2030 (“General Plan”). First, the Project contravenes the General Plan which requires that “for all private and public projects involving new construction, substantial grading, or demolition, including infrastructure and other public service facilities, staff shall require appropriate surveys and necessary site investigations in conjunction with the earliest environmental document prepared for a project.”⁴⁶ The biological resources study conducted on the Project site failed to identify the presence, in particular, of the Horned Lark (*Eremophila aepstris actia*), even though the Horned Lark has been identified at or near the Project site.⁴⁷ It is clear from the City’s failure to identify biological species on the Project site that the appropriate surveys and site investigations were not conducted.

Second, the Project contravenes the General Plan Noise Element, which provides that sound levels that exceed 40 to 45 dBA are excessive for sleeping areas within a residence.⁴⁸ The Project is anticipated to operate 24 hours a day, seven days a week. As discussed below, Commenters’ expert noise consultant found that

Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 435.

⁴² CEQA Guidelines §15384.

⁴³ Pub. Resources Code § 21082.2(c).

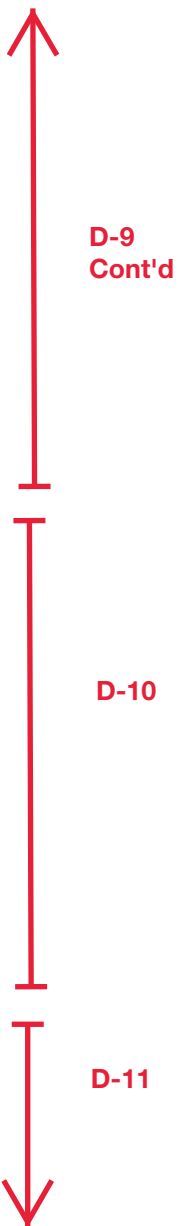
⁴⁴ 14 CCR 15125(d).

⁴⁵ *Id.* at 15125 (e).

⁴⁶ General Plan Conservation Element p. 47, <https://www.cityofperris.org/home/showpublisheddocument/449/637203139693370000>.

⁴⁷ eBird, Horned Lark, <https://ebird.org/species/horlar/L1333143>.

⁴⁸ General Plan Noise Element, p. 3, <https://www.cityofperris.org/home/showpublisheddocument/461/637203139725000000>.



Project operational noise would exceed 52 dBA assuming some shielding from the edge of the roof.⁴⁹ Mr. Meighan’s comments provide substantial evidence that operation of the Project, in particular the HVAC unit will result in an exceedance of the General Plan Noise Element’s threshold and results in a significant impact under CEQA.

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The DEIR fails to discuss these inconsistencies, as required by CEQA.”⁵⁰ Therefore, the DEIR must be revised and recirculated to adequately discuss the Project’s nonconformance with the General Plan.

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V. THE DEIR FAILS TO ACCURATELY ANALYZE, QUANTIFY, AND MITIGATE POTENTIALLY SIGNIFICANT IMPACTS TO AIR QUALITY

An EIR must fully disclose all potentially significant impacts of a Project and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead agency’s significance determination with regard to each impact must be supported by accurate scientific and factual data.⁵¹ An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.⁵²

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Moreover, the failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.⁵³ Challenges to an agency’s failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project’s environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency’s factual conclusions.⁵⁴ In reviewing challenges to an agency’s approval of an EIR based on a lack of substantial evidence, the court will “determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements.”⁵⁵

⁴⁹ Meighan Comments, p. 4.

⁵⁰ 14 CCR 15125(d).

⁵¹ 14 CCR § 15064(b).

⁵² *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.

⁵³ *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.

⁵⁴ *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.

⁵⁵ *Id.*, *Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.’”⁵⁶

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Cont'd

A. The DEIR Fails to Adequately Analyze Air Quality Impacts by Underestimating Truck Trip Lengths

The DEIR’s air quality modeling relies on an average truck trip length of approximately 40 miles.⁵⁷ The 40-mile average underestimates the reasonably foreseeable truck trip lengths and results in underestimation of Project air quality impacts. One of the Project Objectives is to:

Maximize efficient goods movement throughout the region by locating a logistics center in close proximity to the Ports of Los Angeles and Long Beach, enabling trucks servicing the site to achieve a minimum of two roundtrips per day.⁵⁸

D-14

A one-way trip from the Project site to the Port of Los Angeles would be 77 miles⁵⁹, and a one-way trip from the Project site to the Port of Long Beach would be 76 miles.⁶⁰ These figures would be quadrupled to reach the Project Objective of a minimum of two roundtrips per day.

⁵⁶ *Berkeley Jets*, 91 Cal.App.4th at 1355.

⁵⁷ DEIR, p. 5.2-35.

⁵⁸ DEIR, p. 1-28.

⁵⁹ Google Maps, Directions from Port of Los Angeles to W Nance St & Patterson Ave, Perris, CA 92571,

<https://www.google.com/maps/dir/Port+of+Los+Angeles,+Los+Angeles,+CA/Patterson+Ave+%26+Nance+St.+Perris,+CA+92571/@33.8846387,-118.3214838,9z/data=!3m1!4b1!4m14!4m13!1m5!1m1!1s0x80dd37ae652ef523:0xd88f6472b07283a5!2m2!1d-118.264982!2d33.7365401!1m5!1m1!1s0x80dca14ce72b2a69:0xb59d36b720f505c5!2m2!1d-117.2525461!2d33.8554885!3e0.>

⁶⁰ Google Maps, Directions from Port of Long Beach to W Nance St & Patterson Ave, Perris, CA 92571,

<https://www.google.com/maps/dir/Port+of+Long+Beach,+Long+Beach,+CA/Patterson+Ave+%26+Nance+St.+Perris,+CA+92571/@33.8922137,-118.3083308,9z/data=!3m1!4b1!4m14!4m13!1m5!1m1!1s0x80dd36d0617ea633:0x4f2f123f5acab771!2m2!1d-118.216458!2d33.754185!1m5!1m1!1s0x80dca14ce72b2a69:0xb59d36b720f505c5!2m2!1d-117.2525461!2d33.8554885!3e0.>

Dr. Clark estimated that using an 80-mile a day truck trip average would nearly double the daily emissions of pollutants associated with the Project, and would result in a potentially significant impact.⁶¹ The DEIR's failure to analyze the accurate truck trip lengths results in an underestimation of Project air quality and greenhouse gas emissions. The DEIR must be revised and recirculated to accurately reflect the Project's proposed truck trips between the Port of Los Angeles and the Port of Long Beach and the warehouse and resultant emissions before the Project can be approved.



D-14
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B. The DEIR Fails to Adequately Analyze and Mitigate Fugitive Dust Which Poses a Potentially Significant Risk to Human Health from Valley Fever

Valley Fever is caused by microscopic fungus known as *Coccidioides immitis* ("CF"), which lives in the top 2 to 12 inches of soil in many parts of the state of California.⁶² When soil is disturbed by activities such as digging, grading, or driving, or is disturbed by environmental conditions such as high winds, fungal spores can become airborne and can potentially be inhaled. The infectious dose is very low, typically less than 10 spores.⁶³ The Centers for Disease Control determined that "as little as one spore may transmit disease."⁶⁴



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The Project may result in potentially significant impacts from Valley Fever. But the DEIR makes no mention of Valley Fever, and the Health Risk Assessment fails to analyze health risk impacts from Valley Fever. Riverside University Health System, in their *Coccidioidomycosis Yearly Summary Report 2015* found that half (52.3%) of reported Valley Fever *Coccidioidomycosis* cases were reported among residents living in Western Riverside County.⁶⁵ And 5.6% of cases occurred in the City of Perris.⁶⁶ The incidence of Valley Fever in the area is significant, but the DEIR fails to make any mention of the potentially significant risk from Project construction and resultant disturbance of soil.



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⁶¹ Clark Comments, p. 10.

⁶² Cal. Lab. Code § 6709(a).

⁶³ Jennifer McNary and Mary Deems, *Preventing Valley Fever in Construction Workers*, March 4, 2020, pdf 10; <https://www.safetybayarea.com/media/2020-3A.pdf>.

⁶⁴ Centers for Disease Control and Prevention

⁶⁵ Riverside University Health System, *Coccidioidomycosis Yearly Summary Report 2015* Riverside University Health System – Public Health Disease Control Epidemiology & Program Evaluation, https://www.ruhealth.org/sites/default/files/2020-08/Cocci_Report_for_Publish_FINAL.pdf.

⁶⁶ *Id.*

Dr. James Clark found that Project construction may result in significant fugitive dust emissions which may pose a potentially significant health risk by exposing people to Valley Fever. Dr. Clark concludes that desert winds can raise significant amounts of dust, even when conventional dust control methods are used, often prompting alerts from air pollution control districts. If these winds occurred during grading, cut and fill, or soil movement, or from bare graded soil surfaces (even if periodically wetted), significant amounts of PM₁₀, PM_{2.5}, and associated Valley Fever spores as well as silica dust would be released.

D-17

The Project is adjacent to sensitive receptors, including residential areas, schools, and parks, which may result in significant public health impacts from Valley Fever. Valley fever spores can be carried on the winds into surrounding areas which may expose workers, students at nearby schools, and residents to CI spores. Valley Fever spores, for example, have been documented to travel as much as 500 miles⁶⁷ and, thus, dust raised during construction could potentially expose a large number of people hundreds of miles away.

Dr. Clark finds that implementation of conventional dust control measures like those in MM Air 3,⁶⁸ will not provide sufficient protection for both on-site workers and the general public. Dr. Clark concludes that the conventional dust control measures proposed in MM Air 3 would not sufficiently prevent the spread of CI and are not effective at controlling Valley Fever because they largely focus on visible dust or larger dust particles, not the very fine particles where the Valley Fever spores are found.⁶⁹ Dr. Clark concludes that standard Air Quality Mitigation Measures like those proposed in MM Air 3 such as watering of soils would not provide sufficient protection to on-site workers nor would they prevent the spread of *Coccidioides immitis* from the site to receptors farther away.

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Dr. Clark proposes the following feasible mitigation measures to reduce impacts associated with Valley Fever from Project construction.

1. A site-specific Valley Fever Dust Management Plan should be prepared that includes a site-specific work plan (SWP) as well as a sampling and analysis plan (SAP) to measure the amount of *Coccidioides immitis* present in soils at the Site prior to any soil disturbance on site. The SWP and SAP should detail the goals of the investigation(s), the

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⁶⁷ David Filip and Sharon Filip, Valley Fever Epidemic, Golden Phoenix Books, 2008, p. 24.

⁶⁸ DEIR, p. 1-34.

⁶⁹ Clark Comments, p. 6.

- collection methods, the number of samples to be collected, and the minimum detection requirements. The results of the investigation should be presented to the South Coast Air Quality Management District (SCAQMD) to ensure compliance with the goals of the SAP and approval of the investigation results.
2. Include specific requirements in the Project's Injury and Illness Prevention Program (as required by Title 8, Section 3203) regarding safeguards to prevent Valley Fever.
 3. Control dust exposure:
 - Apply chemical stabilizers at least 24-hours prior to high wind event;
 - Apply water to all disturbed areas a minimum of three times per day. Watering frequency should be increased to a minimum of four times per day if there is any evidence of visible wind-driven fugitive dust;
 - Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
 - Half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.
 - Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.
 - Avoid outdoor construction operations during unusually windy conditions or in dust storms.
 - Consider limiting outdoor construction during the fall to essential jobs only, as the risk of cocci infection is higher during this season.
 5. Prevent transport of cocci outside endemic areas:
 - Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations.
 - Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate;
 - Load all haul trucks such that the freeboard is not less than six inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable cover.

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- Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
 - Clothing should be changed after work every day, preferably at the work site.
 - Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.
 - Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.
6. Improve medical surveillance for employees:
- Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
 - Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.
 - Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
 - Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.
 - Skin testing is not recommended for evaluation of Valley Fever.
 - If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.⁷⁰

In order to reduce the Project’s potentially significant Valley Fever impacts to the greatest extent feasible these measures must be implemented in a revised and recirculated EIR.

Additionally, the United States Department of Labor Occupational Safety and Health Administration (“OSHA”) requires that a respirator “shall be provided to each employee when such equipment is necessary to protect the health of such employee. The employer shall provide respirators which are applicable and suitable for the purpose intended. The employer shall be responsible for the establishment

⁷⁰ Clark Comments, p. 6-8.



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and maintenance of a respiratory protection program, which shall include the requirements outlined in paragraph (c) of this section. The program shall cover each employee required by this section to use a respirator.”⁷¹

The Project should implement a mandatory respiratory protection program that requires National Institute for Occupational Safety and Health (“NIOSH”)-approved respirators be worn while performing or in the near vicinity of job activities that create airborne dust. NIOSH approved respirators are necessary because “[h]ousehold materials such as washcloths, bandanas, and handkerchiefs do not protect workers from breathing in dust and spores.”⁷²

The DEIR must be revised and recirculated to adequately analyze and mitigate potentially significant impacts from Valley Fever.

C. The DEIR Fails to Analyze the Impacts Associated with TRUs

The DEIR fails to analyze the Project’s impacts associated with Transport Refrigeration Units (“TRUs”). Although the Project description states that the Project will be a non-refrigerated warehouse, local zoning does not prohibit the use of TRUs onsite nor does it prohibit the use of refrigeration.⁷³ Therefore, without a mitigation measure prohibiting the Project from using refrigeration, the warehouse’s ability to be used as a refrigerated warehouse must be analyzed.

The California Air Resources Board has stated, “[f]reight facilities, such as warehouse and distribution facilities, can result in high daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.”⁷⁴ The impacts generated by the particular operations of different users within this broad category can also result in significant impacts. The adverse impacts generated by cold storage warehouses, for example, are far more severe than those from a high-cube warehouse without cold storage.⁷⁵ Warehouses with cold storage capabilities and the ability to accommodate



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⁷¹ 29 C.F.R. § 1910.134(a)(2) (2006).

⁷² CDPH Preventing Work-Related Coccidioidomycosis (Valley Fever) Preventing Valley Fever Exposure, available at: [http://elcosh.org/document/3684/d001224/preventing+work-related+coccidioidomycosis+\(valley+fever\).html](http://elcosh.org/document/3684/d001224/preventing+work-related+coccidioidomycosis+(valley+fever).html).

⁷³ DEIR, p. 1-12.

⁷⁴ CARB Comments re: Rubidoux Commerce Park Notice of Preparation of DEIR, December 17, 2020, p. 1; CARB NOP Comments regarding the Mariposa Industrial Park DEIR.

⁷⁵ *Id.*

refrigerated trucks, or TRUs, require more truck trips per square foot and have higher energy demands due to the low temperatures required by the trucks, whose refrigeration units are most often powered by diesel internal combustion engines.⁷⁶

Dr. Clark concludes that the DEIR's failure to analyze emissions from TRUs underestimates the health risk impacts to the community, as well as the associated GHG emissions from operation of the TRUs. The DEIR must be revised and recirculated to adequately analyze impacts from TRUs in the DEIR and in the health risk assessment before the Project can lawfully be approved.

VI. THE DEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE THE POTENTIALLY SIGNIFICANT NOISE IMPACTS OF THE PROJECT

A. Construction of the Project Will Result in Significant Noise and Vibration Impacts

CEQA was enacted to promote the goal of providing Californians with "freedom from excessive noise."⁷⁷ The Project will result in potentially significant impacts from excessive construction noise that the DEIR fails to adequately quantify and analyze. The DEIR overestimates the distance from the source of construction noise to the nearest sensitive receptor by approximately 200 feet, resulting in an underestimation of the significance of the noise impacts. The nearest sensitive receptor R3 is 30 feet, as shown in Table 8-2 of Appendix I, below.

⁷⁶ See, e.g., CARB Transport Refrigeration Unit Regulations, <http://ww2.arb.ca.gov/sites/default/files/truckstop/trus/trus.html>; CARB Technology Assessment for Transport Refrigerators, August 2015, <https://ww2.arb.ca.gov/sites/default/files/2020-06/TRU%20Tech%20Assessment%20Report%20ada.pdf>; CARB Comments on Mariposa Industrial Park DEIR, October 8, 2021.

⁷⁷ PRC § 21001(b).



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Table 8-2. Project Only Operational Noise levels (dBA L_{eq}) & CNEL

Receiver Location ²	Distance from the Project site to receiving property line (ft)	Combined Project Only Operational Noise Level (dBA L _{eq}) ¹	CNEL	60 CNEL Standard Exceeded
R1 ²	52	46	47	No
R2	52	46	47	No
R3	30	48	48	No
R4	302	43	43	No

¹ Figure 8 shows the receiver locations.
² Identified as a potential residential land use.

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Commenters' noise and acoustical consultant, Jack Meighan, found that if the DEIR had accurately calculated the noise impacts to R3 receptors at 30 feet, sound levels from construction could be higher by as much as 27 decibels.⁷⁹ Mr. Meighan concludes that adding 27 dBA to the levels presented in Table 10-3 below would create a significant impact for all 8 scenarios modeled.⁸⁰ At 30 feet, all 8 scenarios modeled below would exceed the Perris Municipal Code exterior noise level standards of 80 dBA L_{max} daytime and 60 dBA L_{max} nighttime and the Perris GP 2030 Standard of 60 CNEL.⁸¹

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Table 10-3. Construction Noise Levels by Construction Phase

Location	Phase	Construction Noise Level ¹ , dBA L _{max}		Exceeds Standard, dBA L _{max} (80)
		Daytime	Nighttime ²	
R1(West)	Grade	68	None	No
	Build	62	57	
	Pave	63	None	
	Arch Coat	54	None	
R3 (East)	Grade	72	None	
	Build	66	61	
	Pave	67	None	
	Arch Coat	58	None	

Notes:
1. Construction noise projected from center of project site to nearest adjacent use (structure).
2. Concrete pours with cement pump trucks and mixers occur during the building construction phase at nighttime only.

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The DEIR's conclusion that "the Project would not exceed the noise standard identified in Perris Municipal Code Section 7.34.060 and noise impacts would be less than significant" is therefore not supported by substantial evidence. The DEIR

⁷⁸ DEIR Appendix I, Table 8-2, p. 28.

⁷⁹ Meighan Comments, p. 3.

⁸⁰ Meighan Comments, p. 3.

⁸¹ Meighan Comments, p. 3.

⁸² DEIR Appendix I, Table 10-3, p. 28.

must be revised and recirculated to accurately quantify construction noise impacts to nearby sensitive receptors and to mitigate those impacts, before the Project can be approved.

The DEIR's vibration impact analysis relies on the same flawed calculations. Commenters' noise and acoustical consultant, Jack Meighan, found that the DEIR fails to accurately analyze the impacts to the nearest sensitive receptors from construction vibration. The DEIR's reliance on an inaccurate distance between the source of construction vibration and the nearest sensitive receptor results in inaccurate impact assessment. The vibration impacts from construction may be significant, if calculated correctly. The DEIR must be revised and recirculated to accurately analyze the Project's impacts from construction vibration before the Project can be approved.

B. Operation of the Project Will Result in Significant Noise Impacts

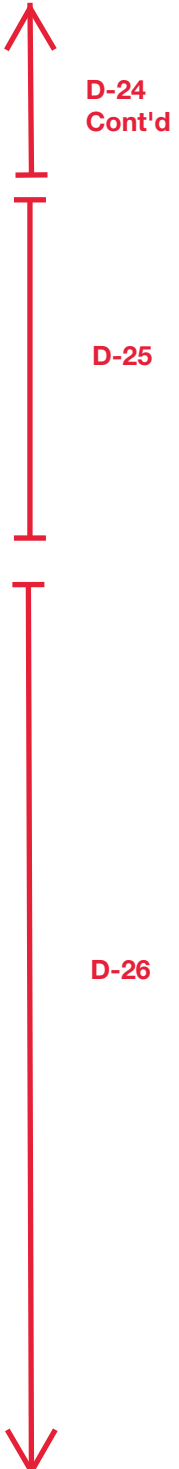
The DEIR fails to analyze the Project's significant impact associated with its generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in local general plan or noise ordinance, or applicable standards of other agencies.⁸³ The DEIR recognizes that the ambient noise level for single family residences that Receptor 3 ("R3") is 48.4 dBA.⁸⁴ Mr. Meighan determined that given the existing ambient noise level is 48 dBA, the increase in noise from the Project's HVAC noise at residences at R3 of 52 dBA, the overall noise level would be 54 dBA, more than 5 dBA over the ambient/limit and thus a significant impact.⁸⁵ This increase in the ambient noise level by more than 5 dBA directly contravenes Perris Municipal Code Section 7.34.050 which provides that:

It is unlawful for any person to willfully make, cause or suffer, or permit to be made or caused, any loud excessive or offensive noises or sounds which unreasonably disturb the peace and quiet of any residential neighborhood or which are physically annoying to persons of ordinary sensitivity or which are so harsh, prolonged or unnatural or unusual in their use, time or place as to occasion physical discomfort to the inhabitants of the city, or any section thereof... ***To the extent that the noise created causes the noise level at the property line to exceed the ambient noise level by more than 1.0***

⁸³ DEIR, p. 1-62.

⁸⁴ DEIR, p. 5.11-26.

⁸⁵ Meighan Comments, p. 4.



decibels, it shall be presumed that the noise being created also is in violation of this section.⁸⁶

The DEIR estimates that the Project will increase the ambient noise level by 2.8 dBA for sensitive receptors at R3 which in itself is a violation of the Municipal Code. Additionally, substantial evidence presented by Mr. Meighan shows that the increase will exceed 5 dBA for residential receptors at R3 and violate the City's Municipal Code. The DEIR's conclusion that noise impacts are less than significant is not supported by substantial evidence. In fact, substantial evidence suggests that stationary operational noise, particularly from the Project's HVAC system, results in a permanent increase in ambient noise levels in excess of the City of Perris's Municipal Code Section 7.34.050, and results in a significant impact under CEQA.

C. The City Must Include All Feasible Measures to Reduce the Project's Significant Noise and Vibration Impacts in a Revised EIR

The DEIR fails to implement all feasible mitigation to reduce noise and vibration impacts to less than significant levels. As shown above, noise impacts from construction and operation are significant, and unmitigated. The DEIR fails to include noise buffers or sound walls, as proposed by Mr. Meighan in comments, to feasibly reduce construction noise and vibration impacts. The DEIR fails to implement noise buffers even though the Environmental Justice Element of the General Plan requires that noise barriers, and sound buffers be implemented where incompatible uses cannot possibly be separated.⁸⁷ The Environmental Justice Element provides:

Goal 3.1 A community that reduces the negative impacts of land use changes, environmental hazards and climate change on disadvantaged communities. Continue to ensure new development is compatible with the surrounding uses by collocating compatible uses and using physical barriers, geographic features, roadways or other infrastructure to separate less compatible uses. When this is not possible, impacts may be mitigated using: noise barriers, building insulation, sound buffers, traffic diversion.⁸⁸

⁸⁶ City of Perris Municipal Code Section 7.34.050 (a), https://library.municode.com/ca/perris/codes/code_of_ordinances?nodeId=COOR_TIT7HEWE_CH7.34_NOCO_S7.34.020DE.

⁸⁷ DEIR, p. 5.10-8.

⁸⁸ Perris General Plan Environmental Justice Element, p. 39, <https://www.cityofperris.org/home/showpublisheddocument/14502/637677498851330000>.

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The DEIR's failure to provide sufficient mitigation in the form of noise barriers and sound buffers not only violates CEQA, but violates the City's Environmental Justice Element, as well. Further, implementing the measures identified in the FTA Transit Noise and Vibration Assessment Manual could feasibly lessen the duration and magnitude of vibration. The DEIR should be revised and recirculated to provide a vibration control and monitoring plan that identifies on-site layout, truck access and speed limits for vibration control, buffer distances and other measures to reduce vibration such as phasing and scheduling.⁸⁹ This plan should also include a description of the process by which complaints will be documented and resolved.⁹⁰ Construction noise and vibration must be mitigated to a less than significant level through feasible measures, including limiting heavy trucks in the immediate vicinity of neighbors, and reducing truck and vehicle speeds.⁹¹ A revised DEIR should include a vibration control and monitoring plan that requires specified off-site truck access routes, speed limits, and other measures to reduce vibration such as phasing and scheduling.⁹² The DEIR must be revised and recirculated to adequately mitigate the Project's impacts from noise and vibration.

For these reasons, the DEIR fails to adequately identify and analyze construction and operational Project noise and vibration impacts and fails to identify and require feasible mitigation for the Project's potentially significant noise and vibration impacts.

VII. THE DEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE THE POTENTIALLY SIGNIFICANT IMPACTS TO BIOLOGICAL RESOURCES

The protection of biological resources is a fundamental policy incorporated in CEQA. CEQA provides that it is the policy of the state to "[p]revent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities."⁹³ A lead agency is permitted to conduct reconnaissance-level surveys of species, as long as the

⁸⁹ Meighan Comments, p. 3.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ PRC § 21001(c).



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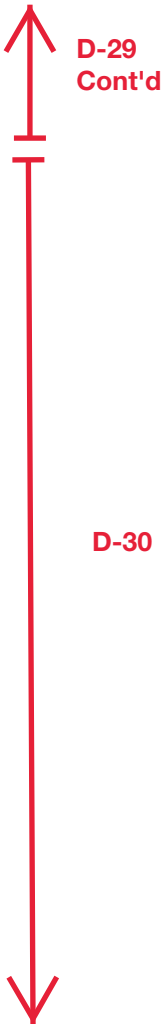
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supporting biological studies or analysis are sufficiently credible to support the EIR conclusions.⁹⁴

A. The DEIR Fails to Adequately Analyze Project Impacts to Biological Resources

Here, the City’s surveys for biological resources were not supported by substantial evidence because they failed to conduct surveys which accurately reflect conditions of biological resources on the ground. The DEIR failed to conduct adequate burrowing owl surveys, because the burrowing owl surveys occurred in July, which was after burrowing owls have finished breeding in southern California.⁹⁵ Further, the burrowing owl surveys did not meet the standards of the California Department of Fish and Wildlife’s (2012) survey guidelines, for accurately determining existence of burrowing owls.⁹⁶ The biological resources study conducted on the Project site failed to identify the presence, in particular, of the Horned Lark (*Eremophila aepstris actia*), even though the Horned Lark has been identified at and near the Project site.⁹⁷ The Horned Lark is not listed under the California Department of Fish and Wildlife Bird Species of Special Concern.⁹⁸ “A species that is not listed must be considered endangered if the species meets specified criteria.”⁹⁹ A species is considered endangered if its survival and reproduction in the wild are in immediate jeopardy as a result of loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors.¹⁰⁰ The Horned lark has been referred to as a “Common bird in steep decline” due to loss of habitat due to agricultural pesticides, disturbed sites the



⁹⁴ *Save Round Valley Alliance v. County of Inyo* (2007) 149 CA4th 645,671.

⁹⁵ DEIR Appendix C.2, Cadre Environmental, MSHCP Focused Burrowing Owl Surveys for the 35.65-Acre Duke Patterson & Nance Warehouse Project Site, City of Perris, California, July 16l, 2022; California State University Stanislaus, Endangered Species Recovery Program, Western burrowing owl *Athene cunicularia hypugaea*, <https://esrp.csustan.edu/speciesprofiles/profile.php?sp=spcu>. (Burrowing owl “nesting season begins in late March or April...The young leave the nest at about 44 days and begin chasing living insects when 49-56 days old.”)

⁹⁶ CDFW (California Department of Fish and Wildlife), Staff report on burrowing owl mitigation. Sacramento, California (2012).

⁹⁷ eBird, Horned Lark, <https://ebird.org/species/horlar/L1333143>.

⁹⁸ California Department of Fish and Game, California Bird Species of Special Concern (April 10, 2008), <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=84247&inline>.

⁹⁹ 14 CCR § 15380(d).

¹⁰⁰ 14 CCR § 15380(b)(1).

birds prefer reverting to forested lands through reforestation efforts, urbanization and human encroachment as well as collisions with wind turbines.¹⁰¹

The DEIR's failure to adequately analyze the presence of burrowing owls and Horned larks is a violation of CEQA's requirement that agencies must analyze potentially significant impacts to biological resources, and mitigate such impacts to the greatest extent feasible. The DEIR must be revised and recirculated to adequately analyze and mitigate impacts to biological resources before the Project can be approved.

B. The DEIR Fails to Adequately Mitigate Project Impacts to Biological Resources

The DEIR fails to adequately mitigate impacts to biological resources by impermissibly deferring analysis and mitigation until after project approval, in violation of CEQA. The courts have held that where an EIR improperly defers formulation of significant aspects of mitigation, the EIR fails to comply with CEQA's informational requirements. CEQA Guidelines, section 15126.4, subdivision (a)(1)(B) specifies that "[f]ormulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way."¹⁰² Here, Mitigation Measure Bio 1 does not provide performance standards by which impacts to nesting birds will be mitigated. The measure provides vaguely that "[i]f the survey identifies the presence of active nests, then the qualified biologist shall implement avoidance measures..."¹⁰³ The DEIR neither defines avoidance measures, nor provides any performance standards by which impacts to nesting birds will be sufficiently mitigated. Mitigation Measure Bio 1 therefore constitutes impermissibly deferred mitigation.

Further, the DEIR does not provide substantial evidence that "avoidance measures" will feasibly reduce impacts to nesting birds. An EIR must describe feasible measures which could minimize significant adverse impacts and which "must be fully enforceable through permit conditions, agreements, or other legally binding instruments."¹⁰⁴ CEQA defines "feasible" as "capable of being accomplished

¹⁰¹ American Bird Conservancy, Horned Lark, <https://abcbirds.org/bird/horned-lark/>.

¹⁰² 14 CCR § 15126.4(a)(1)(B).

¹⁰³ DEIR, p. 1-42.

¹⁰⁴ CEQA Guidelines, § 15126.4(a)(1), (2).



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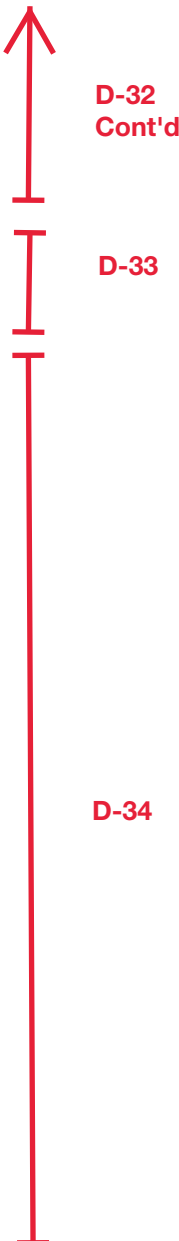
in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”¹⁰⁵ The DEIR does not provide substantial evidence that Mitigation Measure Bio 1 will feasibly reduce impacts to nesting birds.

The DEIR must be revised and recirculated to adequately mitigate impacts to biological resources before the Project can be approved.

VIII. THE CITY CANNOT MAKE THE REQUIRED FINDINGS TO SUPPORT APPROVAL OF THE LAND USE ENTITLEMENTS

A. The City Cannot Make the Required Findings to Support the Approval of the Development Plan Review

The Perris Municipal Code provides that “development plan review is required to protect the health, safety and welfare of the citizens of the city and to ensure that all development proposed within the city is consistent with the city's general plan, applicable specific plans, and zoning.”¹⁰⁶ “The purpose of the development plan review is to protect the health, safety, and welfare of the citizens of the city; to ensure that all development proposed within the city is consistent with the city's general plan, zoning, any applicable specific plan, and city requirements to protect and enhance the built and natural environment of the city, identifying and mitigating potential impacts that could be generated by the proposed use, such as traffic, noise, smoke, dust, fumes, vibration, odors, other hazards, or community impacts.”¹⁰⁷ The Project’s significant impacts from air pollution, dust, noise, hazards and community impacts, as described below, contravenes the purpose of the development plan review. The Planning Commission cannot approve the development plan review absent substantial additional mitigation.



¹⁰⁵ Pub. Resources Code § 21060.1; CEQA Guidelines § 15364.

¹⁰⁶ City of Perris Municipal Code Sec. 19.50.010.

¹⁰⁷ City of Perris Municipal Code Sec. 19.54.040(f)

https://library.municode.com/ca/perris/codes/code_of_ordinances?nodeId=COOR_TIT19ZO_CH19.54A_UREPR_S19.54.030REAUPRPR.

B. The City Cannot Make the Required Findings to Support the Approval of the Tentative Parcel Map

The Perris Municipal Code provides that “No parcel map shall be considered filed until all provisions of CEQA have been complied with.”¹⁰⁸ Given that “all provisions of CEQA” have not been complied with, due to the City’s failure to analyze and mitigate the Project’s potentially significant impacts, as shown herein, the City cannot make the required findings to approve the tentative parcel map.

D-35

C. The City Cannot Make the Required Findings to Support the Approval of the Specific Plan Amendment

The Perris Municipal Code provides that “No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the city's general plan.”¹⁰⁹ The Project contravenes the Perris Comprehensive General Plan 2030 which requires that “[f]or all private and public projects involving new construction, substantial grading, or demolition, including infrastructure and other public service facilities, staff shall require appropriate surveys and necessary site investigations in conjunction with the earliest environmental document prepared for a project.”¹¹⁰ First, the biological resources study conducted on the Project site failed to identify the presence, in particular, of the Horned Lark (*Eremophila alpestris actia*), even though the Horned Lark has been identified at or near the Project site.¹¹¹ It is clear from the City’s failure to identify biological species on the Project site that the appropriate surveys and site investigations were not conducted.

D-36

Second, the General Plan Noise Element provides that sound levels that exceed 40 to 45 dBA are excessive for sleeping areas within a residence.¹¹² The Project is anticipated to operate 24 hours a day, seven days a week. Commenters’ expert noise consultant found that Project operational noise would exceed 52 dBA

D-37

¹⁰⁸ City of Perris Municipal Code Sec. 18.16.020, https://library.municode.com/ca/perris/codes/code_of_ordinances?nodeId=COOR_TIT18SU_CH18.16P_AMAPR_S18.16.010TEPAMA.

¹⁰⁹ City of Perris Municipal Code Sec. 19.49.090, https://library.municode.com/ca/perris/codes/code_of_ordinances?nodeId=COOR_TIT19ZO_CH19.49A_DPRSPPL_S19.49.080AMRESPPL.

¹¹⁰ General Plan Conservation Element p. 47.

¹¹¹ eBird, Horned Lark, <https://ebird.org/species/horlar/L1333143>.

¹¹² General Plan Noise Element, p. 3, <https://www.cityofperris.org/home/showpublisheddocument/461/637203139725000000>.

assuming some shielding from the edge of the roof.¹¹³ Mr. Meighan's comments provide substantial evidence that operation of the Project, in particular the HVAC unit will result in an exceedance of the General Plan Noise Element's threshold and results in a significant impact under CEQA. The Project's nonconformance with the General Plan precludes the City from making the necessary findings to support approval of the Specific Plan Amendment, without first revising and recirculating the DEIR to adequately analyze the Project's potentially significant impacts.

IX. CONCLUSION

For the foregoing reasons, the City must fulfill its responsibilities under CEQA by preparing a legally adequate EIR to address the significant omissions and deficiencies described in this comment letter and the attached expert comments. The DEIR must be revised and recirculated to adequately inform the decision-makers and public of the Project's significant environmental impacts and feasible mitigation measures. The DEIR must also be revised and recirculated to enable the City to make the necessary findings for approval of the Development Plan Review, Tentative Parcel Map, and Specific Plan Amendment.

Thank you for your attention to these comments.

Sincerely,



Kelilah D. Federman

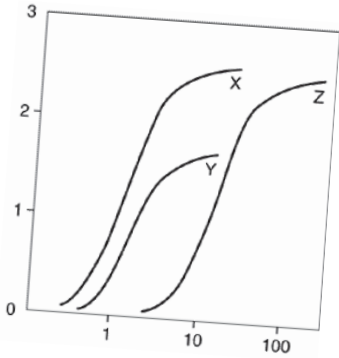
Attachments
KDF:acp

¹¹³ Meighan Comments, p. 4.

D-37
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D-38

EXHIBIT A



December 19, 2022

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Attn: Ms. Kelilah Federman

Subject: Comment Letter on Duke Warehouse At Patterson Avenue and Nance Street, Perris, California, Draft Environmental Impact Report SCH No. 2022010274

Clark & Associates
Environmental Consulting, Inc.

OFFICE
12405 Venice Blvd
Suite 331
Los Angeles, CA 90066

PHONE
310-907-6165

FAX
310-398-7626

EMAIL
jclark.assoc@gmail.com

Dear Ms. Federman:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the above referenced project.

Clark’s review of the materials in no way constitutes a validation of the conclusions or materials contained within the DEIR. If we do not comment on a specific item, this does not constitute acceptance of the item.

Project Description:

The proposed Project includes construction and operation of a high-cube, non-refrigerated warehouse building and supporting on- and off-site infrastructure. The proposed Project involves the construction and operation of a 769,668-square-foot (SF) building on the approximate 35.7-net acre Project site. The building is proposed to accommodate 749,668 SF of high-cube, non-refrigerated warehouse distribution uses with the remaining 20,000 SF for supporting office uses. The building includes 64 dock doors on the east side and 49 dock doors on the west side. The proposed Project would be constructed as a “spec” building; that is, there is not a specific tenant identified at this time. It

DI-1

DI-2

is anticipated that the building could operate 24 hours a day, seven days a week.

The Project will include a total of 366 automobile parking stalls, consisting of 326 standard stalls, 10 American Disabilities Act-compliant (ADA) stalls, and 30 Electric Vehicle (EV)/Clean Air/Vanpool stalls. Automobile parking is provided in three locations: one across from each office area on the northwest and southwest corners of the building and a third area along the north side of the building. ADA path of travel is provided between passenger vehicle parking areas and the office areas. Raised planter islands are proposed at the automobile parking lot entrances along Patterson Avenue and a five (5)-foot-wide landscaped curb is proposed between the automobile parking area and the truck drive aisle along the north side of the building to provide separation of the cars and trucks. The Project also includes 140 trailer parking stalls. Bike racks will also be provided at the Project site for employee use, per City standards.

The Project site is located within the northwest portion of the Perris Valley Commerce Center Specific Plan (PVCCSP) which encompasses more than five square miles and over 3,500 acres in the northern end of the City. The PVCCSP planning area is relatively flat, sloping in a southeasterly direction with elevations ranging from 1,430 to 1,500 feet above mean sea level. The Project site is located approximately 0.1 mile to the southwest of March Air Reserve Base/Inland Port Airport (MARB/IPA) and approximately 0.20 mile east of the Interstate 215 (I-215) freeway. The major road



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that currently provides access to the Project site is Patterson Avenue. The freeway interchange closest to the Project site is at Harley Knox Boulevard, which is a designated truck route,

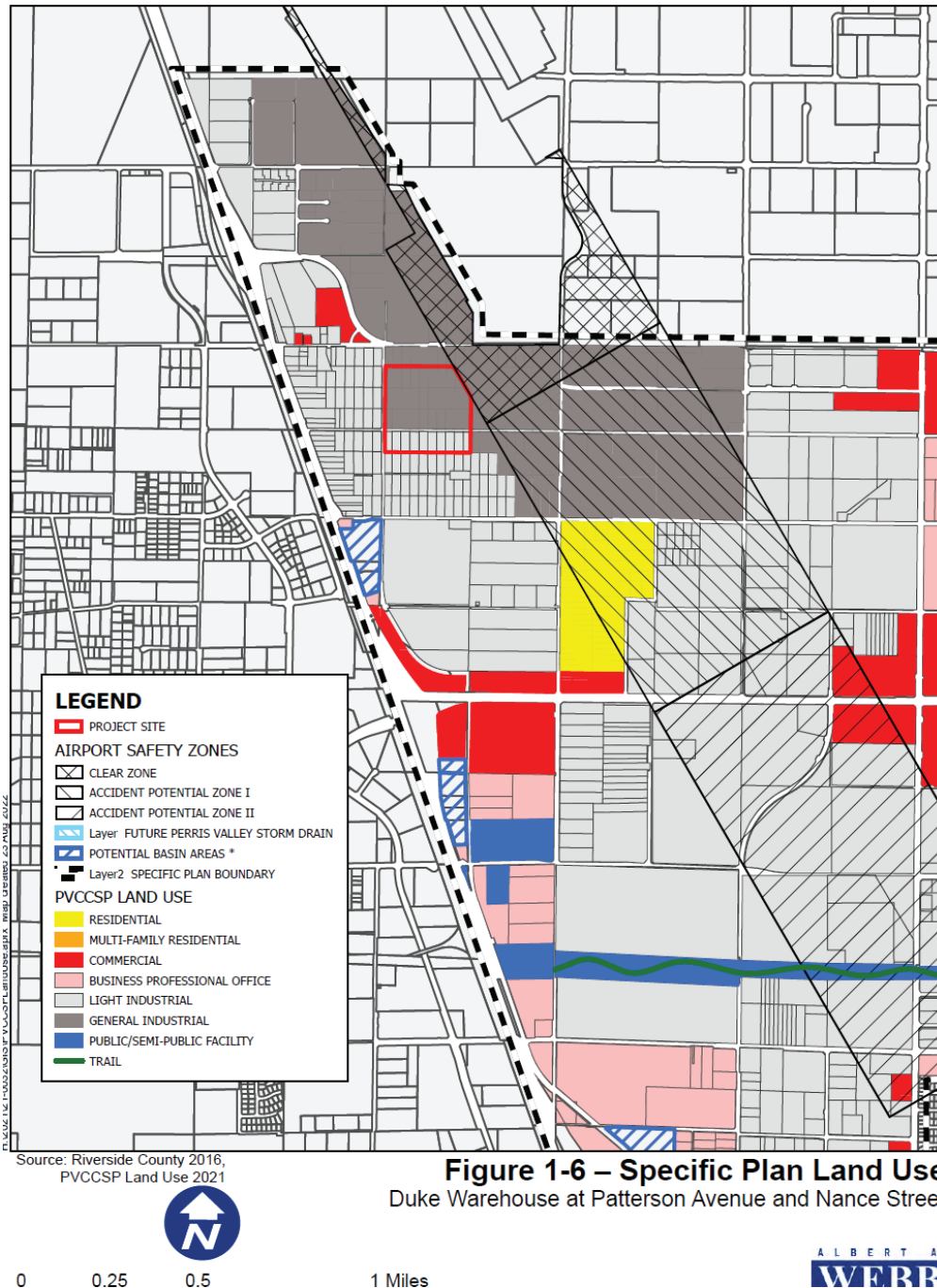


Figure 1: Project Site Location Map

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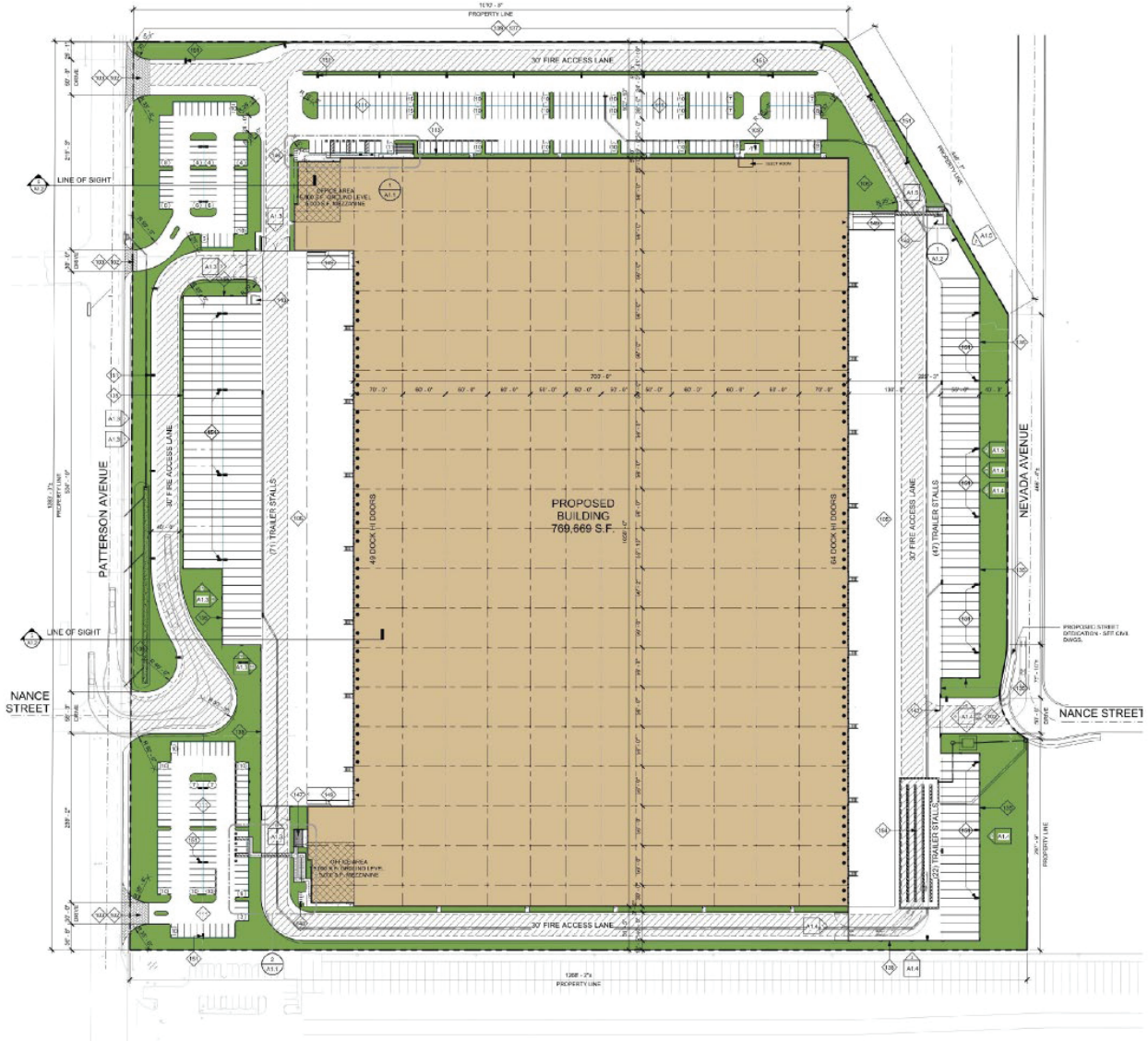


Figure 2: Project Site Plan

Specific Comments:

1. The DEIR Fails To Consider The Known Issue of *Coccidioides Immitis* (Valley Fever Cocco) Transport From The Project Site To The Nearest Sensitive Receptor.

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DI-3

The DEIR fails to adequately address the known presence/issue of *Coccidioides Immitis* (Valley Fever Cocci) in the Southern California. The spores of *Coccidioides immitis*, (*cocci*), cause Valley Fever (VF) in workers involved in soil disturbing work (i.e, grading and demolition activities) and residents downwind of those disturbed soils. Since the spores of *Coccidioides immitis* reside in soils and are not subject to degradation, entrainment of the potentially impacted soils may cause additional issues to further development of the site.

Windblown dust from Project-disturbed soils is a particular concern at this site due to desert winds, which occur in the area. Desert winds can raise significant amounts of dust, even when conventional dust control methods are used, often prompting alerts from air pollution control districts. If these winds occurred during grading, cut and fill, or soil movement, or from bare graded soil surfaces (even if periodically wetted), significant amounts of PM₁₀, PM_{2.5}, and associated Valley Fever spores as well as silica dust would be released.

According to research on VF, outbreaks in populations with intense exposure to aerosolized arthroconidia are at greater risk for infection. These groups include agricultural or construction workers, or persons who participate in outdoor activities such as hunting or digging in the soil. Outbreaks of coccidioidomycosis have been linked to a variety of activities involving disturbance of impacted soils.^{1,2,3}

The City must prepare a revised DEIR to disclose the impacts of the Project's ground disturbing construction activities on the closest receptors, and to incorporate effective VF mitigation for off-site receptors to ensure that public health will be protected adequately in a revised DEIR. Prior

DI-3
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DI-4

¹ Brown. Et al. 2013. Coccidioidomycosis: epidemiology. *Clinical Epidemiology*. 5:185-197.

² Rafael Laniado-Laborin, Expanding Understanding of Epidemiology of Coccidioidomycosis in the Western Hemisphere, *Annals of the New York Academy of Sciences*, v. 111, 2007, pp. 20–22, available at <https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.004>; Frederick S. Fisher, Mark

W. Bultman, Suzanne M. Johnson, Demosthenes Pappagianis, and Erik Zaborsky, *Coccidioides* Niches and Habitat Parameters in the Southwestern United States, a Matter of Scale, *Annals of the New York Academy of Sciences*, v. 111, 2007, pp. 47–72 (“All of the examined soil locations are noteworthy as generally 50% of the individuals who were exposed to the dust or were excavating dirt at the sites were infected.”), available at <https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.031>.

³ Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation's Health*, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1>.

to any soil disturbance and well in advance of construction, the Project construction site should also be tested to determine if VF spores are present.

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2. The DEIR Fails To Propose Any Mitigation Measures To Address Impacts from Exposure to *Coccidioides Immitis* (Valley Fever Cocci) From Particulate Matter Released From Site.

Conventional dust control measures do nothing to prevent the spread of *Coccidioides immitis*, (*cocci*) and are not effective at controlling Valley Fever⁴ because they largely focus on visible dust or larger dust particles—the PM₁₀ fraction—not the very fine particles where the Valley Fever spores are found. The use of PM₁₀ and visible dust as a measure of the potential exposure to *Coccidioides immitis*, (*cocci*) fails to consider the size of the spores (5 times smaller than the visible dust). The larger PM₁₀ particles will settle out of the air column much quicker than the very fine spores. This fact allows the spores to spread in over a much greater area than the dust particles. Therefore standard Air Quality Mitigation Measures (e.g., those recommended in Mitigation Measure Air-3) such as watering of soils would not provide sufficient protection to on-site workers nor would they prevent the spread of *Coccidioides immitis* from the site to receptors farther away. Compliance with SCAQMD Rule 403 (the basis of Mitigation Measure Air-3) would still fail to prevent the exposure of workers on- and off-site to *Coccidioides immitis* impacted soils. Sampling for and removal of impacted soils is the best solution to *Coccidioides immitis* spores. Since *Coccidioides immitis* resides in soils and are not subject to degradation, entrainment of the potentially impacted soils may cause additional issues to further development of the site.

DI-5

The City should require measures from the Proponent to actively suppress the spread of VF by:

1. A site specific Valley Fever Dust Management Plan should be prepared that includes a site-specific work plan (SWP) as well as a sampling and analysis plan (SAP) to measure the amount of *Coccidioides immitis* present in soils at the Site prior to any soil disturbance on site. The SWP and SAP should detail the goals of the investigation(s), the collection methods, the number of samples to be collected, and the minimum detection requirements. The results of the investigation should be presented to the


DI-6

⁴ See, e.g., Cummings and others, 2010, p. 509; Schneider et al., 1997, p. 908 (“Primary prevention strategies (e.g., dust-control measures) for coccidioidomycosis in endemic areas have limited effectiveness.”).

South Coast Air Quality Management District (SCAQMD) to ensure compliance with the goals of the SAP and approval of the investigation results.

2. Include specific requirements in the Project's Injury and Illness Prevention Program (as required by Title 8, Section 3203) regarding safeguards to prevent Valley Fever.
3. Control dust exposure:
 - Apply chemical stabilizers at least 24-hours prior to high wind event;
 - Apply water to all disturbed areas a minimum of three times per day. Watering frequency should be increased to a minimum of four times per day if there is any evidence of visible wind-driven fugitive dust;
 - Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
 - Half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.
 - Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.
 - Avoid outdoor construction operations during unusually windy conditions or in dust storms.
 - Consider limiting outdoor construction during the fall to essential jobs only, as the risk of cocci infection is higher during this season.
5. Prevent transport of cocci outside endemic areas:
 - Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations.
 - Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate;
 - Load all haul trucks such that the freeboard is not less than six inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable cover.

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- 
- Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
- Clothing should be changed after work every day, preferably at the work site.
- Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.
- Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.
6. Improve medical surveillance for employees:
- Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
 - Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.
 - Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
 - Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.
 - Skin testing is not recommended for evaluation of Valley Fever.⁵
 - If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

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The mitigation measures identified in this comment, based on actual experience during construction of solar and wind projects in endemic areas, should be required for the Project.

⁵ Short-term skin tests that produce results within 48 hours are now available. See Kerry Klein, NPR for Central California, New Valley Fever Skin Test Shows Promise, But Obstacles Remain, November 21, 2016; available at <http://kvpr.org/post/new-valley-fever-skin-test-shows-promise-obstacles-remain>.

3. The Average Truck Trip Length Of 40 Miles Used In The Air Quality Analysis Does Not Match The Length(s) Used To Support Other Duke Warehouses.

According to the operations air quality analysis of Project,⁶ SCAQMD requires that truck trip length should be set to 40 miles in CalEEMod. This statement does not comport with the reality of where warehoused materials will ship from in the region. The 40-mile distance is insufficient to allow vehicles to travel to the major ports in the Southern California region – Los Angeles and Long Beach.

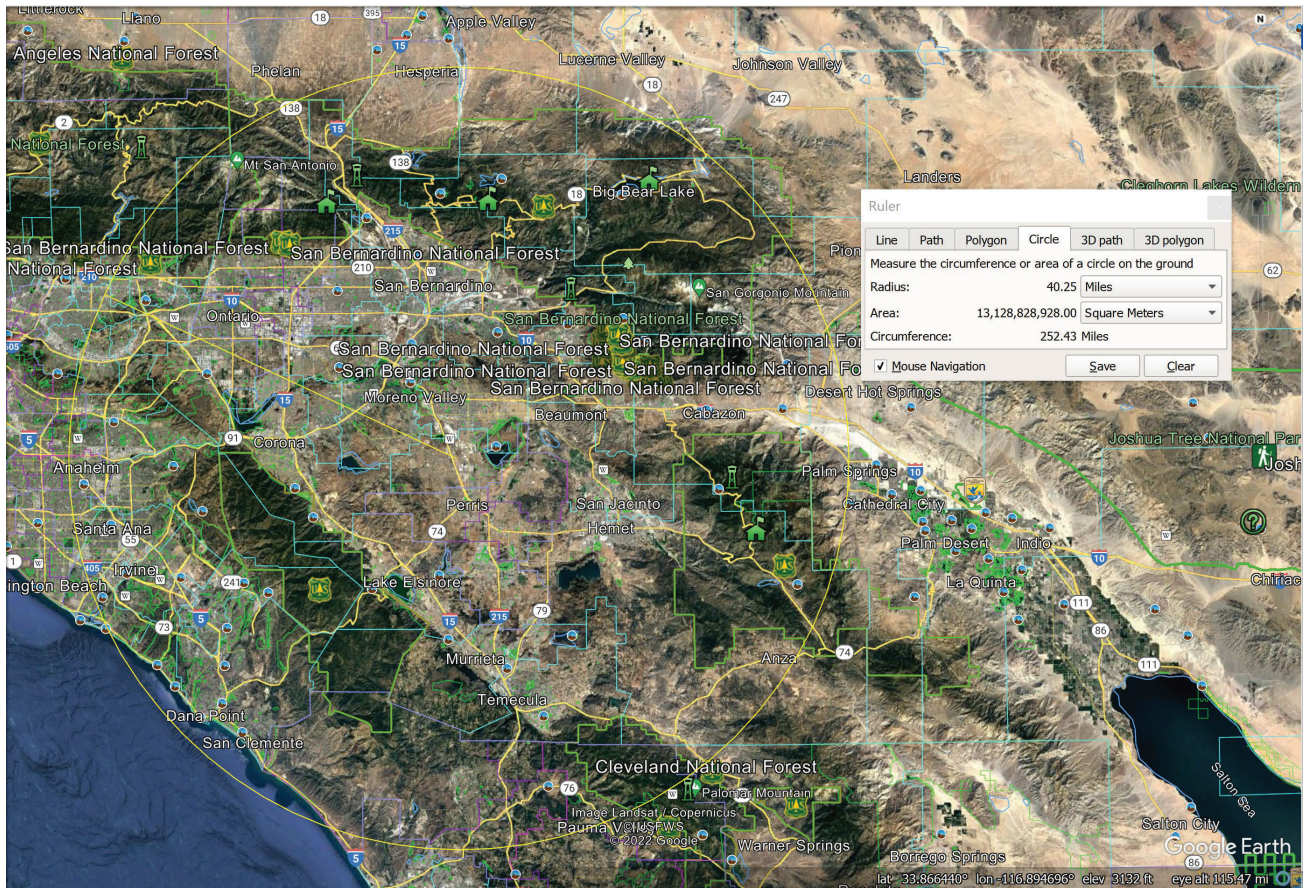
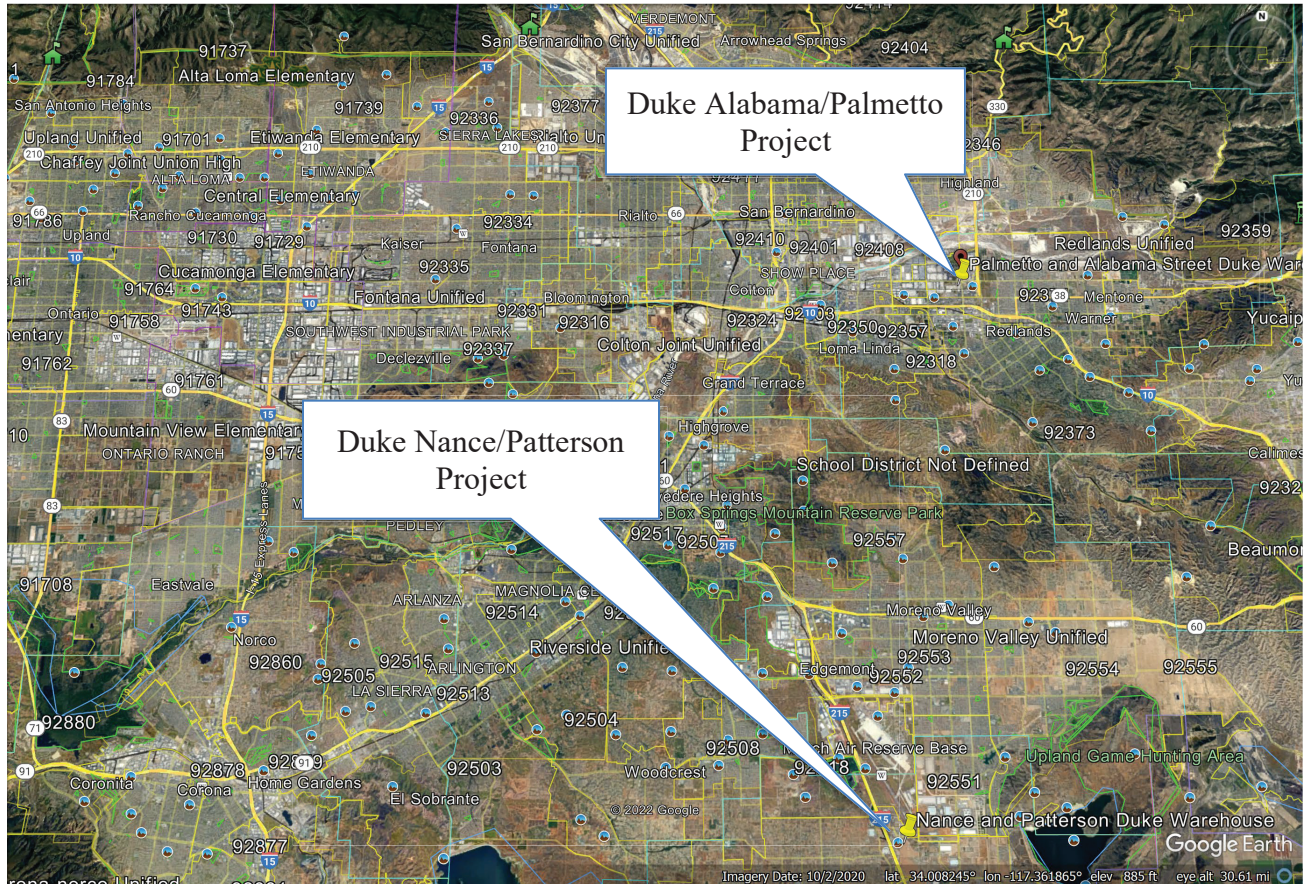


Figure 3: 40 Mile Radius From Duke Warehouse Project Site

In its 2019 DEIR of the Duke Realty Alabama and Palmetto Warehouse Project, SCH 2019029078, submitted to the County of San Bernardino, an average truck trip length of approximately

⁶ Webb. 2022. Air Quality/Greenhouse Gas Analysis for Duke Warehouse at Patterson Avenue and Nance Street (DPR No. 21 00005), City of Perris. Prepared Albert A. Webb Associates for Duke Realty Corporation. Pg 4

77 miles was assumed, which is the distance to the Ports of Los Angeles/Long Beach.⁷ The Alabama/Palmetto Warehouse is located approximately 15 miles north of the Nance/Patterson Project.



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Figure 4: Locations of Duke Nance/Patterson and Alabama/Palmetto Projects

The air quality analysis of the Nance/Patterson Project must be updated to reflect the actual distance of the average daily truck trip, approximately 80 miles (the distance to the Port of Los Angeles). Using the 80-mile daily truck trip will nearly double the daily emissions of pollutants associated with the Project, increasing the Regional burden and resulting in a potentially significant impact. The City must address the impact of this issue in a revised DEIR.

4. The Air Quality Analysis Of Operational Emissions Is Incomplete And Fails To Include Emissions From The Fire Pump System That Will Be Installed Onsite.

DI-8

⁷ MIG. 2019. Duke Alabama and Palmetto Warehouse Draft Environmental Impact Report. Prepared for Count of San Bernardino. Appendix B Air Quality Analysis Technical Memorandum. Pg 3

According to the Air Quality Analysis prepared by Webb⁸ for the Project, operational emissions were calculated using the CalEEMOD (Version 2020.4.0) software. Included in the analysis are area source emissions and mobile source emissions. Not included in the analysis are emissions from the fire flow pump system that will be installed. According to the DEIR,⁹ there will be a fire flow pump for the fire flow needs.

In the CalEEMOD outputs provided in the Air Quality, Greenhouse Gas, and Energy Impact Study prepared by Webb¹⁰, no fire pump system is included in the analyses.

10.0 Stationary Equipment

Fire Pumps and Emergency Generators						
Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Figure 5: CalEEMOD Output

The City’s analysis is therefore incomplete and must be corrected in an environmental impact report for the Project.

5. The City’s Air Quality Analysis Fails To Include A Quantitative Health Risk Analysis Of All Of The Toxic Air Contaminants From The Construction Phase And The Operational Phase Of The Project For The Nearest Sensitive Receptor(s)

Diesel exhaust, in particular DPM, is classified by the State of California as a TAC. TACs, including DPM¹¹, contribute to a host of respiratory impacts and may lead to the development of

⁸ Webb. 2022. Air Quality/Greenhouse Gas Analysis for Duke Warehouse at Patterson Avenue and Nance Street (DPR No. 21 00005), City of Perris. Prepared Albert A. Webb Associates for Duke Realty Corporation. Pg 4

⁹ Webb. 2022. DEIR for Duke Warehouse at Patterson Avenue and Nance Street (DPR No. 21 00005), City of Perris. Prepared Albert A. Webb Associates for City of Perris.

¹⁰ Webb. 2022. Air Quality/Greenhouse Gas Analysis for Duke Warehouse at Patterson Avenue and Nance Street (DPR No. 21 00005), City of Perris. Prepared Albert A. Webb Associates for Duke Realty Corporation. Pg 4

¹¹ Because DPM is a TAC, it is a different air pollutant than criteria particulate matter (PM) emissions such as PM10, PM2.5, and fugitive dust. DPM exposure causes acute health effects that are different from the effects of exposure to PM alone.



various cancers. Failing to quantify those impacts places the community at risk for unwanted adverse health impacts. *Even brief exposures to the TACs could lead to the development of adverse health impacts over the life of an individual.*

Diesel exhaust contains nearly 40 toxic substances, including TACs, and may pose a serious public health risk for residents in the vicinity of the facility. TACs are airborne substances that are capable of causing short-term (acute) and/or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. The current California list of TACs includes approximately 200 compounds, including particulate emissions from diesel-fueled engines.

Diesel exhaust has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death.^{12,13,14} Fine DPM is deposited deep in the lungs in the smallest airways and can result in increased respiratory symptoms and disease; decreased lung function, particularly in children and individuals with asthma; alterations in lung tissue and respiratory tract defense mechanisms; and premature death.¹⁵ Exposure to DPM increases the risk of lung cancer. It also causes non-cancer effects including chronic bronchitis, inflammation of lung tissue, thickening of the alveolar walls, immunological allergic reactions, and airway constriction.¹⁶ DPM is a TAC that is recognized by state and federal agencies as causing severe health risk because it contains toxic materials, unlike PM_{2.5} and PM₁₀.¹⁷

¹² California Air Resources Board, Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998; see also California Air Resources Board, Overview: Diesel Exhaust & Health, <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health#:~:text=Diesel%20Particulate%20Matter%20and%20Health&text=In%201998%2C%20CARB%20identified%20DPM.and%20other%20adverse%20health%20effects>.

¹³ U.S. EPA, Health Assessment Document for Diesel Engine Exhaust, Report EPA/600/8-90/057F, May 2002.

¹⁴ Environmental Defense Fund, Cleaner Diesel Handbook, Bring Cleaner Fuel and Diesel Retrofits into Your Neighborhood, April 2005; http://www.edf.org/documents/4941_cleanerdieselhandbook.pdf, accessed July 5, 2020.

¹⁵ California Air Resources Board, Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998.

¹⁶ Findings of the Scientific Review Panel on The Report on Diesel Exhaust as adopted at the Panel's April 22, 1998 Meeting.

¹⁷ Health & Safety Code § 39655(a) (defining "toxic air contaminant" as air pollutants "which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. A substance that is listed as a hazardous air pollutant pursuant to subsection (b) of Section 112 of the federal act (42 U.S.C. Sec. 7412 (b)) is a toxic air contaminant.")

The inherent toxicity of TACs requires the City to first quantify the concentration released into the environment at each of the sensitive receptor locations through air dispersion modeling, calculate the dose of each TAC at that location, and quantify the cancer risk and hazard index for each of the chemicals of concern. Following that analysis, then the City can make a determination of the relative significance of the emissions.

These receptors would be exposed to TACs released during Project construction and operation, including DPM. No effort is made in the DEIR to quantify the potential health impacts from DPM generated by construction activities or operational activities from the Project on these sensitive receptors. The City therefore lacks supporting evidence for its conclusion that the Project would not result in significant health effects. The City’s failure to perform such an analysis is clearly a major flaw in the DEIR and may be placing the residents of the adjacent structures at risk from the construction phase of the Project.

The City must assess the air quality impacts for all TACs that will be released during the construction and operational phases of the project. CARB¹⁸ defines diesel exhaust as a complex mixture of inorganic and organic compounds that exists in gaseous, liquid, and solid phases. CARB and U.S. EPA identify 40 components of the exhaust as suspected human carcinogens, including formaldehyde, 1,3-butadiene, and benzo[a]pyrene. The inhalation unit risk factor identified by OEHHA for use in risk assessments is for the particulate matter (DPM) fraction of diesel exhaust and not the vapor phase components identified by CARB and U.S. EPA.

There is notable precedent requiring a quantitative analysis of TACs from diesel exhaust in CEQA documents. Moreover, the absence of this analysis renders the DEIR’s Air Quality Analysis incomplete. In a 2017 Notice of Preparation of a CEQA Document For the Los Robles Apartments Project, SCAQMD¹⁹ noted that:

“In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment (“Health Risk

¹⁸ CARB. 1998. Report to the Air Resources Board on the Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Part A, Public Exposure To, Sources and Emissions of Diesel Exhaust In California. April 22, 1998. Pg A-1.

¹⁹ SCAQMD. 2017. Comment Letter To David Sanchez, Senior Planner City of Pasadena from Jillian Wong, Planning and Rules Manager, SCAQMD.

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DI-11

Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis”) can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysisishandbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included.” This is a common and feasible analysis that is routinely performed for development projects like the Stoddard Wells Warehouse Project.

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Here, the City’s analysis ignores the presence of TACs being emitted with diesel exhaust during the construction and operational phases of the project without making any attempt to quantify all of the impacts. This omission is a continuing flaw that must be addressed by the City. The results should then be presented in a revised DEIR prior to approving any agreements with the Proponent or issuing any permits for the Project.

6. The Project’s Analysis Fails To Adequately Consider The Use of TRU’s Onsite

According to the DEIR, the warehouse and mezzanine areas of the building will be constructed as a “spec” building whereby tenant(s) would perform the final improvements, while the proposed project would fully build the office spaces. The analysis performed of the Project fails to consider the use of Transport Refrigeration Units (TRUs). Transport Refrigeration Units (TRU) are refrigeration systems powered by diesel internal combustion engines designed to refrigerate or heat perishable products that are transported in various containers, including truck vans, semi-truck trailers, shipping containers, and railcars. CARB²⁰ defines diesel exhaust as a complex mixture of inorganic and organic compounds that exists in gaseous, liquid, and solid phases. CARB and U.S. EPA identify 40 components of the exhaust as suspected human carcinogens, including formaldehyde, 1,3-butadiene, and benzo[a]pyrene. While acrolein is one of the most TAC in diesel exhaust it is not the only TAC. The inhalation unit risk factor identified by OEHHA for use in risk assessments is for the particulate matter (DPM) fraction of diesel exhaust and not the vapor phase components identified by CARB and U.S. EPA.

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²⁰ CARB. 1998. Report to the Air Resources Board on the Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Part A, Public Exposure To, Sources and Emissions of Diesel Exhaust In California. April 22, 1998. Pg A-1.

Given the lack of a clear project description of the use of the Project Site, it is therefore reasonable to conclude that TRUs are a foreseeable project component. The TRU emissions have not been quantified in the DEIR, intentionally underestimating the foreseeable health risk to the community as well as the associated GHG emissions from the operation of the TRUs. The City must assess the impacts since they are allowing for the potential future use of TRUs onsite in an EIR.

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7. **The Underlying Assumptions Regarding The Number of Vehicles Associated With Each Square Foot of Building Utilized In The Air Quality Analysis Reflects Only The Low End Of The ITE Guidance On High Cube Warehouses And Does Not Reflect The Range Of Values Reported By ITE .**

The choice of the daily trip rate has a profound impact on the calculated emissions for operational associated with the Project. The City's choice for the trip rate is at the lowest end of the values reported in the literature. The ITE manual includes a variety of average daily vehicle trips for HCWs which range from a low of 1.4 per 1,000 square feet for transload and short-term storage warehouses to a high of 6.44 trips per square feet for fulfillment center warehouses.²¹ An averaged value of all the warehouse HCW types reported in the ITE manual would be 3.28 trips per 1,000 square feet.

DI-13

²¹ Institute of Transportation Engineers (2020).

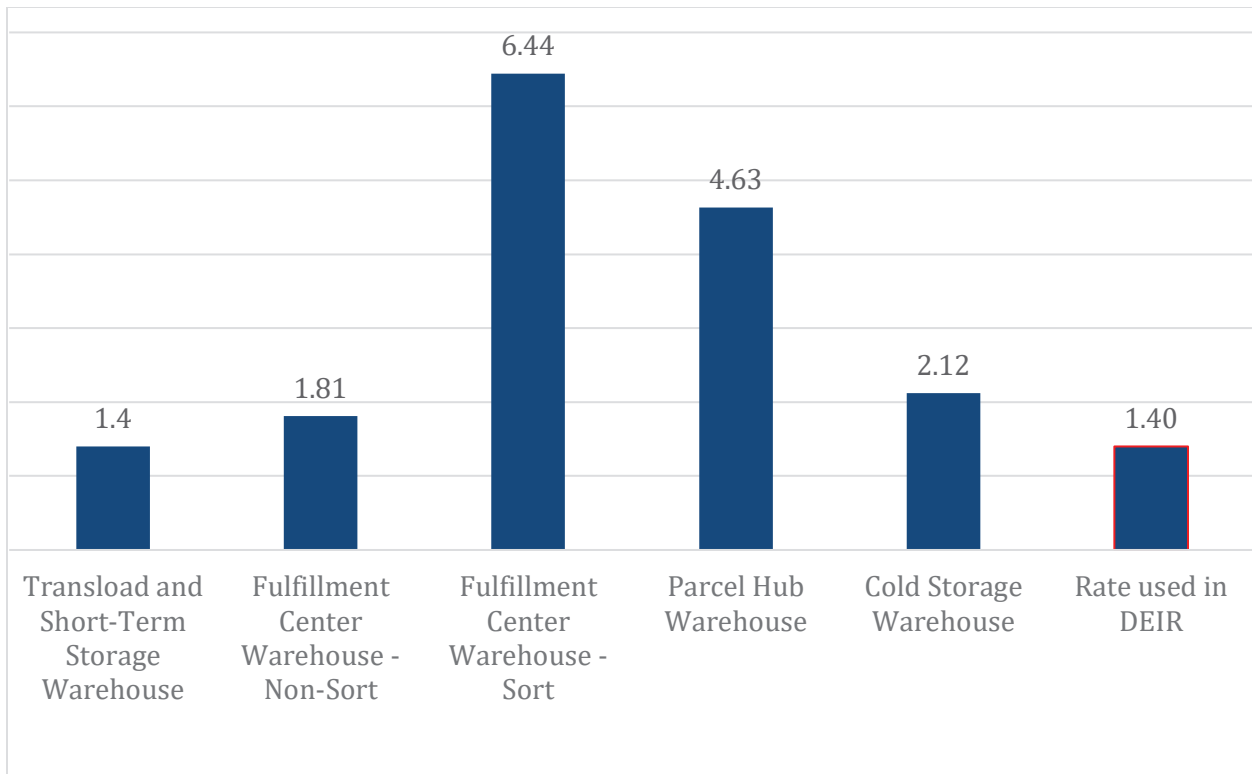


Figure 6: Trip rates per 1,000 square feet as reported in ITE manual

Using the ITE manual rates above, the proposed 749,668 square foot HCW Project could result in 1,050 to 4,828 trips daily.

In the 2016 SCAQMD study, a value of 1.432 daily vehicle trips per 1,000 GSF is calculated for Transload and Short-term Storage HCWs. The study further states that, while the dataset for Transload and Short-term Storage HCWs is larger than those for Cold Storage HCWs, Fulfillment Center HCWs, and Parcel Hub HCWs, the relationship between building gross square footage and vehicle trips for Transload and Short-term HCWs *does not produce an acceptable level of correlation to develop a fitted curve equation (emphasis added)*. In a 2019 study of warehouse trip generation performed by WSP for the Western Riverside Council of Governments (WR-COG), the average daily trip rate was substantially higher (50% higher) than the SCAQMD study. WSP performed traffic counts at 16 warehouses, segmented between 11 fulfillment centers and 5 parcel hubs. The average

DI-13
Cont'd

daily trip rate across the 11 fulfillment centers was 2.13 per 1000 square feet.

These studies suggest that the value used to justify the number of vehicle trips per day utilized by the City are not supportable, and the DEIR lacks any supporting evidence to justify its reliance on a 1.4 daily trip rate. Based on the evidence and reasonable calculations provided in the SCAQMD and WR-COG studies, the City should, at a minimum, re-evaluate the Project's operational emissions based on the recommended SCAQMD rate (1.68) or the newer WR-COG rate (2.13) in a revised DEIR.

DI-13
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Conclusion

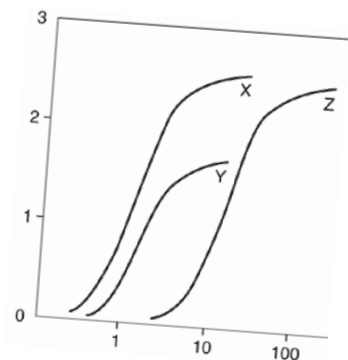
The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed. An environmental impact report should be prepared to address these substantial concerns.

DI-14

Sincerely,



Exhibit A:
Curriculum Vitae



Clark & Associates
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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well-recognized toxicologist, air modeler, and health scientist. He has 30 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling, RESRAD, GENII); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client(s) - Confidential

Dr. Clark performed a historical dose reconstruction for community members from an active 700 acre petroleum refinery in Los Angeles. The analysis included a multi-year dispersion model was performed in general accordance with the methods outlined by the U.S. EPA and the SCAQMD for assessing the health impacts in Torrance, California. The results of the analysis are being used as the basis for injunctive relief for the communities surrounding the refinery.

Client(s) – Multiple

Indoor Air Evaluations, California: Performed multiple indoor air screening evaluations and risk characterizations consistent with California Environmental Protection Agency's (Cal/EPA) Department of Toxic Substances Control (DTSC) and Regional Water Quality Control Board (RWQCB) methodologies. Characterizations included the use of DTSC's

modified Johnson & Ettinger Model and USEPA models, as well as the attenuation factor model currently advocated by Cal/EPA's Office of Environmental Health and Hazard Assessment (OEHHA).

Client – Adams, Broadwell, Joseph Cardozo, P.C.

Dr. Clark has performed numerous air quality analyses and risk assessments of criteria pollutants, air toxins, and particulate matter emissions for sites undergoing evaluation via the California Environmental Quality Act (CEQA) process. The analyses include the evaluation of Initial Study (IS) and Environmental Impacts Reports (EIR) for each project to determine the significance of air quality, green house gas (GHG), and hazardous waste components of the projects. The analyses were compiled as comment letters for submittal to oversight agencies.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model were used to estimate acute and chronic exposure concentrations to multiple contaminants and were be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

PUBLIC HEALTH/TOXICOLOGY

Client: Confidential

Dr. Clark performed a historical dose reconstruction for community members from radiologically impacted material (RIM) releases from an adjacent landfill. The analysis was performed in general accordance with the methods outlined by the Agency for Toxic Substances Control (ATSDR) for assessing radiation doses from historical source areas in North St. Louis County, Missouri.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark managed the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa

Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Imminent and Substantial Endangerment Order. Dr. Clark assisted the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential

Dr. Clark performed a historical dose reconstruction for community members exposed to radioactive waste released into the environment from legacy storage facilities. The releases resulted in impacts to soils, sediments, surface waters, and groundwater in the vicinity of the sites. The analysis was performed in general accordance with the methods outlined by the Agency for Toxic Substances Control (ATSDR) for assessing radiation doses from historical source areas in the community.

Client: Confidential

Dr. Clark performed a dose assessment of an individual occupationally exposed to metals and silica from fly ash who later developed cancer. A review of the individual's medical and occupational history was performed to prepare opinions regarding his exposure and later development of cancer.

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to hexavalent chromium who later developed cancer. A review of the individual's medical and occupational history was performed to prepare opinions regarding her exposure and later development of cancer.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)

Association for Environmental Health and Sciences (AEHS)

American Chemical Society (ACS)

International Society of Environmental Forensics (ISEF)

Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

- Sullivan, P., **J.J. J. Clark**, F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.
- Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.
- Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.
- Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions*. Trafford Publishing, Victoria B.C.
- Clark, J.J.J.** 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment*. Art Diaz, Ed.. Oxford University Press: New York.
- Clark, J.J.J.** 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment*. Edward Urbansky, Ed. Kluwer/Plenum: New York.
- Clark, J.J.J.** 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.
- Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, Volume 70 (2008) page 002254.
- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, Volume 70 (2008) page 000527
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research*. 105:194-199.
- Rosenfeld, P.E., **Clark, J. J.**, Hensley, A.R., and Suffet, I.H. 2007. "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" *Water Science & Technology*. 55(5): 345-357.
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 2006. "Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." The 26th International Symposium on Halogenated Persistent Organic Pollutants –

- DIOXIN2006, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. “The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations” The U.S. Composting Council’s 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. “The Value Of An Odor Quality Classification Scheme For Urban Odor” WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.
- Clark, J.J.J.** 2003. “Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophenoxyacetic Acid (2,4-D) in California Drinking Water Supplies.” National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.
- Rosenfeld, P. and **J.J.J. Clark.** 2003. “Understanding Historical Use, Chemical Properties, Toxicity, and Regulatory Guidance” National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Phoenix, AZ. February 21, 2003.
- Clark, J.J.J.,** Brown A. 1999. Perchlorate Contamination: Fate in the Environment and Treatment Options. In Situ and On-Site Bioremediation, Fifth International Symposium. San Diego, CA, April, 1999.
- Clark, J.J.J.** 1998. Health Effects of Perchlorate and the New Reference Dose (RfD). Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.
- Browne, T., **Clark, J.J.J.** 1998. Treatment Options For Perchlorate In Drinking Water. Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.
- Clark, J.J.J.,** Brown, A., Rodriguez, R. 1998. The Public Health Implications of MtBE and Perchlorate in Water: Risk Management Decisions for Water Purveyors. Proceedings of the National Ground Water Association, Anaheim, CA, June 3-4, 1998.
- Clark J.J.J.,** Brown, A., Ulrey, A. 1997. Impacts of Perchlorate On Drinking Water In The Western United States. U.S. EPA Symposium on Biological and Chemical Reduction of Chlorate and Perchlorate, Cincinnati, OH, December 5, 1997.
- Clark, J.J.J.;** Corbett, G.E.; Kerger, B.D.; Finley, B.L.; Paustenbach, D.J. 1996. Dermal Uptake of Hexavalent Chromium In Human Volunteers: Measures of Systemic Uptake From Immersion in Water At 22 PPM. Toxicologist. 30(1):14.

- Dodge, D.G.; **Clark, J.J.J.**; Kerger, B.D.; Richter, R.O.; Finley, B.L.; Paustenbach, D.J. 1996. Assessment of Airborne Hexavalent Chromium In The Home Following Use of Contaminated Tapwater. *Toxicologist*. 30(1):117-118.
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- Harber, P.H.; Gong, H., Jr.; Lachenbruch, A.; **Clark, J.**; Hsu, P. (1992). Respiratory Pattern Effect of Acute Sulfur Dioxide Exposure in Asthmatics. *American Review of Respiratory Disease*. 145(4):A88.
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- Gong, H., Jr.; Simmons, M.S.; McManus, M.S.; Tashkin, D.P.; Clark, V.A.; Detels, R.; **Clark, J.J.** (1990). Relationship Between Responses to Chronic Oxidant and Acute Ozone Exposures in Residents of Los Angeles County. *American Review of Respiratory Disease*. 141(4):A70.
- Tierney, D.F. and **J.J.J. Clark**. (1990). Lung Polyamine Content Can Be Increased By Spermidine Infusions Into Hyperoxic Rats. *American Review of Respiratory Disease*. 139(4):A41.

EXHIBIT B



WI #22-005.39

December 16, 2022

Kelilah D. Federman
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

SUBJECT: Comments on Duke Warehouse Project Noise Analysis

Dear Ms. Federman,

Per your request, I have reviewed the subject matter document for *Duke Warehouse at Patterson Avenue & Nance Street* Environmental Impact Report (EIR) in Perris, California. The EIR's Project Description states that the proposed project involves the construction, use and maintenance of a non-refrigerated warehouse building, approximately 769,668 square feet in size with approximately 20,000 SF of supporting office space. The Noise Impact Analysis is contained in Appendix I of the EIR.

DIII-1

The Project is surrounded by other warehouses and vacant land, but there are 4 noise-sensitive residences near the project, two to the east and two to the west. Three of the four receivers directly border the project.

Wilson, Ihrig & Associates, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 56 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Traffic Noise Model (TNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

DIII-2

Adverse Effects of Noise¹

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

DIII-3

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and

¹ More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (<https://www.who.int/docstore/peh/noise/Comnoise-1.pdf>)

Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result. The problems and irritation that are associated with speech disturbance have become more pronounced during the COVID-19 pandemic because many people find themselves and the people they live with trying to work and learn simultaneously in spaces that were not designed for speech privacy.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

Thresholds of Significance are Not Properly Developed

Improperly Cited Vibration Criteria

The 'Construction Noise and Vibration' section under heading 4.2 defines the criteria used for construction vibration levels. The EIR states "If short-term project-generated construction source vibration levels exceed the FTA maximum acceptable vibration standard of 80 vibration decibels (VdB) at noise-sensitive receiver locations, noise levels will exceed the vibration CEQA threshold." The FTA levels in question are from the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual.² First, the EIR states that the 'noise levels will exceed the vibration CEQA threshold,' which is a statement that doesn't make sense, as these are two different kinds of phenomena. Second, the 80 VdB threshold cited is for infrequent events, under 30 per day (FTA, Page 125-126). While the 80 VdB limit could be used for construction vibration impacts, it is intended for operational impacts (train passbys in this case). The same FTA guidance explicitly provides different

² https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

DIII-3
Cont'd

DIII-4

thresholds for a construction vibration analysis that may be more appropriate to consider (FTA, Page 184) . Finally, Table 10-4 cites the reference vibration levels for a large bulldozer at 25 feet. It is cited as PPVref (VdB). This is a statement that makes no sense, as PPV -peak particle velocity- is typically defined in inches per second. The 87 VdB cited is in RMS velocity in decibels, referenced to 1 micro-in/sec, which is an entire different metric than PPV, with an entirely different source reference value (in this case .089 in/sec).

Impact Analyses are Incomplete

Construction Noise

The construction noise analysis in the EIR uses a distance of 650 feet, which is the geometric center of the project site to the nearest residences. This methodology is not an appropriate method to determine potentially significant impacts from this particular site, due to the extremely large scale. The project site is almost a quarter of a mile across, meaning using the center of the site will substantially underestimate construction noise. For example, the closest distance between a sensitive receiver and the edge of the project is 30 feet as listed in Table 8-2 in the EIR. At these distances, the sound levels from construction could be higher by as much as 27 decibels using a distance of 30 feet (cited in Table 8-2) compared to the 650 feet distance used in the analysis. Adding 27 dBA to the levels presented in Table 10-3 would create a significant impact for all 8 scenarios modeled. The analysis shown in the EIR and Table 10-3 dramatically underestimates the construction noise,, and a more conservate method should be used to determine potentially significant impacts and comply with the CEQA requirements. The construction noise would be significant and would require mitigation. At these levels, a temporary sound wall at sections of the property that face sensitive receivers should be considered to help mitigate levels.

Construction Vibration

The damage assessment figure included in the Construction Vibration section in the Noise and Vibration Calculations Appendix in the EIR is calculated for only one receiver, R3 to the northwest. First, as is the case for the construction analysis, the analysis is conducted between the sensitive receiver and geometric center of the site. Again, the large footprint of the site means that conducting an analysis based on the distance to the center of the site could severally underestimate vibration levels. Additionally, the building footprint for receiver R3 is 160 feet away from the edge of the project site. However, the building footprint for receivers R1 and R2 to the east are around 100 feet from the project site, representing a worst-case scenario. As such, the analysis should also be conducted with these worst-case distances. A more appropriate method would be to analyze the distance between the closest footprint of the proposed building to the nearest sensitive receiver, as that is the worst-case scenario that would happen during construction. If impacts are found, buffer distances are one way to limit vibration impacts.

Traffic Noise Analysis uses Uncited Numbers

The analysis used the Federal Highway Administration's (FHWA) FHWA-RD-77-108 program. Parts of the traffic noise analysis are not cited correctly. In order to find a CNEL, there needs to be a known percentage of day, evening, and night traffic, since CNEL is a statistic that depends on time of day. While these percentages are shown in the Appendix B of the EIR Noise Appendix, there is no indication where these values come from. Without a known or accepted split, it's possible a higher percentage of traffic occurs at night, which would increase the CNEL.



Stationary Operational Noise

Table 6-2 in the Noise Appendix cites several inputs used in the operational noise model, developed using SoundPLAN® software. The software relies on the user to provide the correct noise source inputs to propagate those sounds through the modeled environment; an input level that is low or high can provide erroneous or skewed results. The rooftop HVAC units were input with a sound pressure level of 68 dBA at 3 feet. This corresponds to a sound power level of 79 dBA. Based on our experience, this seems like an unusually low estimate. For example, a Trane air handler unit, used commonly for large spaces like a warehouse, exceeds a sound power level of 85 dBA³The results in Table 5 shows a project level of 48 dBA at receiver R3, leading to a 3 dBA increase over the ambient. Since the EIR defines 5 dBA as a significant impact, it is possible that a louder noise source could exceed this limit

For example, the reference distance used in the analysis between receiver R3 and the project is 30 feet, (cited in Table 8-2). If an HVAC unit with a sound power level of 85 dBA is used as noted above, a single unit would propagate to a sound pressure level of 58 dBA at the property line without any shielding, and 52 dBA assuming some shielding from the edge of the roof. The EIR shows a sound level of 48 dBA at receiver R3. If the existing ambient of 48 dBA is combined with the HVAC noise at this location of 52 dBA, the overall noise level is 54 dBA, more than 5 dBA over the ambient/limit and thus a significant impact. A parapet at the end of the building should be studied at a way to shield this rooftop noise source. Also note, this is before adding project traffic noise, which should be included in project analysis. Table 7-5 in the EIR noise Appendix cites this at 1 dBA. The total project noise should be evaluated in its entirety, not just the parts.

Conclusions

There are several errors and omissions in the EIR noise analysis. Correcting these would potentially identify several significant impacts which require mitigation.

Please feel free to contact me with any questions on this information.

Very truly yours,

WILSON IHRIG



Jack Meighan
Associate

DRAFT Comments on Duke Warehouse Project Noise Analysis. docx

³ Figure 30. https://www.trane.com/content/dam/Trane/Commercial/global/products-systems/equipment/air-handling/semi-custom/CLCH-PRC022H-EN_04102020.pdf



JACK MEIGHAN

Associate

Jack joined Wilson Ihrig in 2021 and is an experienced acoustics engineer with expertise in projects involving rail transit systems, highways, CEQA analysis, environmental noise reduction, mechanical drawing reviews, and construction noise and vibration mitigation. He has hands-on experience with project management, including client coordination and presentations, as well as in designing, developing, and testing MATLAB code used in acoustics applications. Additionally, his expertise includes taking field measurements, developing test plans and specifying, purchasing, setting up and repairing acoustic measurement equipment. He has experience in using Traffic Noise Model (TNM), CadnaA, EASE, Visual Basic, LabView, and CAD software.

Education

- B.S. in Mechanical Engineering, University of Southern California, Los Angeles, CA
-

Project Experience

Metro Regional Connector, Los Angeles CA

Planned, took, and processed measurements as part of a team to determine the effectiveness of floating slab trackwork for a new subway in downtown Los Angeles that travels below the Walt Disney Concert Hall and the Colburn School of Music.

Rodeo Credit Enterprise CEQA Analysis for New Construction, Palmdale, CA

Wrote an accepted proposal and executed it for a noise study project to determine noise mitigation requirements on a new housing development. Led all aspects of the project and managed the budget during all phases of project completion. Completed 5 separate projects of this type for this developer.

Blackhall Studios, Santa Clarita, CA

Led the vibration measurement effort for a new soundstage directly adjacent to an existing freight and commuter rail line. Tested equipment, processed data, and analyzed results to determine the vibration propagation through the soil to the proposed soundstage locations, and was part of the team that developed mitigation techniques for the office spaces directly next to the rail line.

Octavia Residential Condos CEQA Study, San Francisco, CA

Calculated the STC ratings for the proposed windows to meet Title 24 requirements, modeled the acoustic performance of floor and ceiling structures, researched noise codes, helped with a mechanical design review, and wrote a report summarizing the results for a new Condominium project being developed in San Francisco.

San Diego International Airport Terminal I Replacement, CA

Conducted interior noise and vibration measurements, analyzed measurement data to help determine project criteria, modeled the existing and future terminals in CadnaA, and was part of a team that did a complete HVAC analysis of the entire terminal, as part of a CEQA analysis where a new terminal for the airport is being designed.

Five Points Apartments Noise Study, Whittier, CA

Took measurements, researched sound data and solutions, and recommended mitigation for a new apartment complex that was located next to an existing car wash, as part of a CEQA review.

USC Ellison Vibration Survey, Los Angeles, CA

Conducted vibration measurements as part of a survey to determine the effectiveness of vibration isolation platforms that are used to insulate cell growth in a cancer research facility. Determined the effectiveness and presented this information to the client. Researched and recommended a permanent monitoring system so the client could view data in real time.

TEN50 Condos 'Popping' Noise Investigation, Los Angeles, CA

Was part of a team that investigated the noise source of an unwanted popping noise in luxury condos in Downtown Los Angeles. Helped isolate the noise source location with accelerometers to determine where vibrations were occurring first and used an acoustic camera to determine where in the condo the noise was coming from.

2000 University Project, Berkely, CA

Wrote a construction noise monitoring plan based on environmental noise calculations, wrote a report summarizing the results, and attending a meeting with the client to discuss options.

Bay Area Rapid Transit (BART) On-Track, CA, San Francisco Bay Area, CA*

Day to day project manager, responsible for meetings, presentations, and coordination with the client for an ongoing noise study on the BART system. Developed MATLAB code to process measurements and determine areas where high corrugation was present, contributing to excessively high in-car noise levels. Performed noise measurements inside both the right of way and the vehicle cabin, in addition to rail corrugation measurements.

California I-605/SR-60 Interchange Improvement, Los Angeles, CA*

Developed a noise model of the area that predicted sound levels for abatement design, in addition to conducting noise measurements and analysis. Led the Team in use of the FHWA Traffic Noise Model Software for the project, involving three major highways and two busy interchanges extending over 17 miles in southern California.

Sound Transit On-Track, Seattle, WA*

Took measurements, fixed equipment, and developed software in MATLAB to process Corrugation Analysis Trolley measurements as part of an ongoing noise study on the Sound Transit Link system. Tested vibration data to determine the best measurement and processing techniques to store the data in an online database for in-car measurements.

LA Metro CRRC Railcar Testing, Los Angeles, CA*

Led the effort to plan the measurements, determine measurement locations and finalize the test plan. Formulated a method to capture speed data directly from legacy train vehicles. Executed noise and vibration specification measurements for new rail cars delivered by CRRC.

City of Los Angeles, Pershing Square Station Rehabilitation Noise Monitoring, CA*

Built noise models, wrote a construction noise plan, and assisted in on-site construction noise issues as they arose for a renovation of the Pershing Square metro station in downtown Los

Angeles. Trained construction personnel in techniques for noise reduction and how to conduct noise monitoring measurements to meet project specifications.

City of Orange Metrolink Parking Garage Construction Monitoring, CA*

Wrote an adaptive management vibration monitoring plan, set up equipment to monitor live vibration levels, and generated weekly reports as part of an effort to build a new parking garage. Designed, planned, and completed measurements to predict and mitigate pile driving construction impacts at three historic building locations adjacent to the construction site. Coordinated with the client whenever an on-site problem arose.

LA Metro Westside Subway Construction, Los Angeles, CA*

Planned, organized, and processed noise measurements for the Purple Line extension construction. Implemented both long term microphones to measure noise levels and accelerometers to measure vibration levels in existing subway tunnels. Oversaw noise monitoring at sensitive construction sites for the project and worked with the contractor to find ways to reduce construction noise levels by approximately 10dB.

Montreal Réseau Express Métropolitain, Canada*

Conducted vibration propagation measurements used to create models to predict operational vibration levels for an under-construction transit line. Managed equipment, solved problems in the field, and wrote parts of the report summarizing the findings of the acoustic study.

NHCRP Barrier*

Took on-highway measurements and wrote, designed, developed, and tested MATLAB code to identify specific spectrograms to use for analyses for a project evaluating barrier reflected highway traffic noise differences in the presence of a single absorptive or reflective noise barrier.

Siemens Railcar Testing for Sound Transit, Seattle, WA*

Measured in-car noise and vibration for new rail cars delivered by Siemens. Developed new internal techniques for measurements based on the written specifications. Contributed to the team that helped identify issues that new cars had in meeting the Sound Transit specifications for noise and vibration. Participated in developing the test plan and specified then acquired new equipment for the measurement.

Toronto/Ontario Eglinton Crosstown Light Rail, Final Design, Canada*

Assisted in vibration propagation measurements, analysis, and recommendations for mitigation for a 12-mile light-rail line both on and under Eglinton Avenue. Set up and ran equipment for at-grade measurements with an impact hammer for underground measurements with an impact load cell that was used during pre-construction borehole drilling.

Response to Comment Letter D – Adams Broadwell Joseph & Cardozo

Response to Comment D-1:

This summary of the Project presented in this comment is consistent with the Project as described in the DEIR.

Response to Comment D-2:

This comment is noted and does not question the content or conclusions of the DEIR.

Response to Comment D-3:

This comment generally describes concerns with the DEIR and its technical appendices, including the conclusions reached in the DEIR regarding impacts to air quality, greenhouse gas (GHG) emissions, health risk, noise, and transportation. Responses to the specifically identified concerns in subsequent comments are provided herein.

Response to Comment D-4:

This comment introduces CARECA and its representative members and asserts CARECA's interest in enforcing environmental laws. No environmental issues are raised by this comment.

Response to Comment D-5:

This comment provides a discussion of CEQA's requirements from the viewpoint of the commenter. This comment does not raise any specific issue with respect to the adequacy of the DEIR.

Response to Comment D-6:

The comment asserts that the DEIR fails to comply with the requirements of CEQA. Responses to the specific comments identified in the remainder of the letter are provided herein.

Response to Comment D-7:

The City disagrees with the assertion that the DEIR does not include an accurate and complete Project description. The comment contains no specific examples in support of this assertion. Section 3.0, Project Description, of the DEIR provides a detailed description of the Project sufficient to meet CEQA's informational requirements and the evaluation of Project impacts.

No new environmental issues are raised by this comment; thus, no further response is required.

Response to Comment D-8:

The Project Applicant proposes the development of a building accommodating *high-cube, non-refrigerated warehouse distribution uses* (emphasis added). (DEIR, p. 3-15) As such, the DEIR was based on this use as proposed.

Refrigerated uses are not proposed and would not be approved by the City under the current proposed actions and DEIR. As such, TRU usage is not included or allowed. If future tenants require refrigeration, then additional approvals and CEQA analysis would be required. Likewise, although it is not anticipated that the ultimate Project end users would transport hazardous materials, any such use would be required to comply with applicable regulatory permitting requirements, as outlined at DEIR p. 5.8-15. Therefore,

since this Project's DEIR was properly based on the proposed uses (high-cube, non-refrigerated warehouse distribution facility), no further analysis is necessary.

Response to Comment D-9:

This comment provides a discussion of CEQA Guidelines regarding what constitutes the environmental setting, baseline information that may be used, and the requirement to discuss inconsistencies between a proposed project and existing plans. This comment does not question the content or conclusions of the DEIR.

Response to Comment D-10:

The commenter's assertion that the DEIR contravenes the General Plan Conservation Element because biological resources surveys and site investigations were not conducted with the earliest environmental document prepared for the project is factually incorrect. The proposed Project is an implementing development project of the Perris Valley Commerce Center Specific Plan, for which the *Perris Valley Commerce Center Specific Plan Environmental Impact Report (State Clearinghouse No. 2009081086) (PVCCSP EIR)* was certified by the City of Perris on January 12, 2012. (DEIR, p. 2-1.) The Project's DEIR tiers from and incorporates by reference the PVCCSP EIR. (DEIR, p. 2-1.)

Included among the technical studies prepared as part of the PVCCSP EIR are: *Habitat Assessment for the Perris Commerce Center Specific Plan* (PVCCSP EIR Appendix B), *Cultural Resources Technical Report, North Perris Industrial Specific Plan* (PVCCSP EIR Appendix D.1), *Paleontological Resources Technical Report, North Perris Industrial Specific Plan* (PVCCSP EIR Appendix D.2), and *Water Supply Assessment for the Perris Valley Commerce Center Specific Plan* (PVCCSP EIR Appendix G).¹¹ Further as part of the DEIR, Project-specific biological resources and cultural resources surveys and site investigations were prepared.

The assertion that appropriate biological surveys and investigations were not conducted because the California Horned Lark was not identified is factually incorrect and illogical. As discussed in [Response to Comment D-30](#), California horned lark (*Eremophila alpestrisactia*), was not observed at the Project site during the habitat assessment conducted as part of the *General MSHCP Habitat Assessment/Consistency Analysis and Regulatory Constraints Assessment* (included as DEIR Appendix C.1). This does not imply that the appropriate biological surveys and investigations were not conducted; rather, it implies that the species was not present. However, the California horned lark is one of the 146 Covered Species addressed in the MSHCP that are considered to be adequately conserved under Section 2.1.4 of the MSHCP (https://www.wrc-rca.org/Permit_Docs/MSHCP/MSHCP-Volume%201.pdf). Through the MSHCP reserve assembly, Covered Species have adequately conserved habitat on a regional level.

No new environmental issues are raised, and no further analysis is required.

Response to Comment D-11:

The commenter does not provide substantial evidence concerning the existence of a significant environmental impact, specifically that the Project's noise levels will exceed 40 to 45 dBA. The letter provided by the commenter's noise consultant (Jack Meighan of Wilson Ihrig) is identified as Letter D,

¹¹ As is often the case with large projects, the name of the Perris Valley Commerce Center evolved over time.

Attachment III and included in the FEIR. Responses are provided to the comments made in Letter D, Attachment III, refer to [Response to Comment DIII-1](#) through [Response to Comment DIII-9](#). Of the nine comments contained in Letter D, Attachment III, three comments do not question the content or conclusions of the DEIR and the remaining six comments do not identify any new environmental issues. In response to some of the comments in Letter D, Attachment III, DEIR Section 5.10, Noise has been amplified to incorporate new construction noise modeling runs and an updated *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, dated February 2023 has been prepared and is made a part of this FEIR. The results of the new noise modeling does not change the significance determinations of the DEIR.

The commenter's noise consultant's opinion regarding the Project's operation noise exceeding 52 dBA is anecdotal, as no noise modeling or any form of substantial evidence is provided to support the assertion that the Project's HVAC units will contribute to an exceedance of the any noise thresholds. Refer to [Response to Comment DIII-8](#). Despite the differing opinion offered by commenter's noise expert, the existence of disagreement among experts concerning the conclusions of an EIR or the propriety of the analytical methods employed in an EIR are not indicative of any deficiency. The City, as CEQA lead agency, is entitled to choose among conflicting expert opinions. (CEQA Guidelines § 15151; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 409; *Greenbaum v. City of Los Angeles* (1984) 153 Cal.App.3d at 412, 413; (*Browning-Ferris v. City Council* (1986) 181 Cal.App.3d 852 at 863). Likewise, "argument, speculation, unsubstantiated opinion or narrative or evidence which is clearly erroneous or inaccurate" is not substantial evidence for purposes of CEQA. (CEQA Guidelines § 15384).

The amplification of the construction noise analysis in the DEIR does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5 because there are no significant impacts identified.

Response to Comment D-12:

Three technical reports regarding the Project's impacts on biological resources were prepared to support the analysis in the DEIR, the *Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Biological Resources Compliance Analysis for the 35.65-Acre Duke Patterson & Nance Warehouse Project Site*, July 16, 2022 (DEIR Appendix C.1), the *Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Focused Burrowing Owl Surveys for the 35.65-Acre (5.60-acre offsite) Duke Patterson & Nance Warehouse Project Site*, July 16, 2022 (DEIR Appendix C.2), and the *Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Biological Resources Compliance Analysis for the 7.65-Acre Duke Reality Perris Valley Channel Lateral B Stage 4 Connection Project*, May 7, 2022 (DEIR Appendix C.3). These reports were prepared in accordance with the requirements and species-survey protocols of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), to which the City is a permittee. Thus, the Project is consistent with the City's General Plan requirements for appropriate surveys, as discussed in [Response to Comment D-10](#), above.

As discussed in [Response to Comment D-11](#), the Project will not exceed the City's General Plan noise standards; thus, the Project is consistent with the City's General Plan Noise Element.

This comment does not raise any new environmental issues or elaborate on the alleged "inconsistencies" to allow for a more detailed response. No additional analysis is warranted and the preparation of a revised DEIR is not required.

Response to Comment D-13:

This comment provides a discussion of CEQA guidelines regarding what constitutes substantial evidence supporting the disclosure of potential impacts in an EIR. This comment does not question the content or conclusions of the DEIR.

Response to Comment D-14:

As discussed in Response to Comment D1-7, the DEIR used the average truck trip length of approximately 40 miles based on the SCAQMD's *Final Staff Report for Proposed Rule 2305 and Rule 316* approved in May 7, 2021. (DEIR, p. 5.2-35). The SCAQMD determined that since the truck trip lengths would vary by warehouse, and for each truck trip (some trip lengths may be longer, and some may be shorter) an average trip length of 40 miles was the most appropriate length to use for trucks in the basin.

Therefore, as discussed above, the DEIR adequately discloses and mitigates potential air quality impacts. No additional air quality analysis or revisions to the DEIR are required.

Response to Comment D-15:

This comment provides a general discussion of Valley Fever. This comment does not question the content or conclusions of the DEIR.

Response to Comment D-16:

As discussed in Response to Comment D1-3, There is no evidence that Valley Fever is a significant impact or is a significant health threat in the vicinity of the Project site. The commenter asserts that the latest Coccidioidomycosis cases of 2015 reported 5.6% of the cases that occurred in Western Riverside County occurred in Perris and that this incidence of Valley Fever in the area is significant. What the commenter did not disclose is that there were 56 total cases in western Riverside County, and a total of six cases in the City of Perris.¹² The latest CDPH data does not include Riverside County as an area with high rates of Valley fever.¹³ Therefore, in accordance with the State CEQA Guidelines, it is appropriate for the City not to focus the DEIR's analysis on this speculative issue. CEQA also does not require mitigation where there is no significant impact. (State CEQA Guidelines 15126.4(a)(3)).

Therefore, since the DEIR adequately discloses and mitigates potential air quality impacts, including all relevant health risks, a revised DEIR is not required.

Response to Comment D-17:

As discussed in Response to Comment D1-3, there is no evidence that Valley Fever is a significant health threat in the vicinity of the Project site. Simply stating that "Dr. James Clark found..." or that "Dr. James Clark concluded..." that fugitive dust may pose significant Valley Fever health risk and that conventional dust control methods are not effective to reduce dust without citing any literature or research does not constitute fact. Since these statements are not substantiated by fact, Dr. Clark's statements are simply his personal opinion. SCAQMD Rule 403 requires the application of water or chemical stabilizers to disturbed soils at least twice a day, covering all haul vehicles before transport of

¹² Coccidioidomycosis Yearly Summary Report 2015, p. 5 https://www.ruhealth.org/sites/default/files/2020-08/Cocci_Report_for_Publish_FINAL.pdf

¹³ <https://www.cdph.ca.gov/Programs/CCDCPHP/DEODC/OHB/Pages/Cocci.aspx#>

materials, restricting vehicle speeds on unpaved roads to 15 mph, and sweeping loose dirt from paved site access roadways used by construction vehicles. In addition, it is required to establish a vegetative ground cover on disturbance areas that are inactive within 30 days after active operations have ceased. Alternatively, an application of dust suppressants can be applied in sufficient quantity and frequency to maintain a stable surface. SCAQMD Rule 403 also requires grading and excavation activities to cease when winds exceed 25 mph. (DEIR, p. 5.2-21).

This comment does not raise any new environmental issues. No additional analysis is warranted and the preparation of a revised DEIR is not required.

Response to Comment D-18:

Again, this comment represents a personal opinion. As discussed in Response to Comment D1-3, there is no evidence that Valley Fever is a significant health threat in the vicinity of the Project site. Also, the commenter does not provide any evidence on how conventional dust measures, and specifically PVCCSP EIR mitigation measure MM Air 3, will not provide sufficient dust protection. This comment does not raise any new environmental issues. No additional analysis is warranted and the preparation of a revised DEIR is not required.

Response to Comment D-19:

See Response to Comment D1-3. There is no evidence that Valley Fever is a significant health threat in the vicinity of the Project site. Because there is no significant impact, the City does not need to analyze the feasibility of the commenter's proposed mitigation.

Response to Comment D-20:

As required by law, the contractors constructing the Project will be required to adhere to all applicable regulations required by the United States Department of Labor Occupational Safety and Health Administration ("OSHA") to provide necessary equipment to employers. However, as discussed in Response to Comment D1-3, there is no evidence that Valley Fever is a significant health threat in the vicinity of the Project site. Accordingly, the Project Applicant is not required to provide mitigation when there is no impact.

Response to Comment D-21:

See Response to Comment D1-3. There is no evidence that Valley Fever is a significant health threat in the vicinity of the Project site. Therefore, as discussed herein, since the DEIR adequately discloses and mitigates potential air quality impacts, a revised DEIR is not required.

Response to Comment D-22:

See Response to Comment D-8, above, and Response to Comment D1-12. The Project is proposed as a non-refrigerated high-cube warehouse building. The DEIR did not analyze the use of Transportation Refrigerated Units (TRUs) since trucks with TRUs would logically have no reason to operate at a non-refrigerated warehouse such as the proposed Project. As such, the emissions for the proposed Project, a non-refrigerated warehouse, were properly quantified and analyzed. If future tenants require refrigeration, then additional approvals and CEQA analysis would be required by the City. Therefore, for the reasons outlined above, no additional analysis or revisions to DEIR are required.

Response to Comment D-23:

See [Response to Comment D-8](#), above, and [Response to Comment D1-12](#). The Project is proposed as a non-refrigerated high-cube warehouse. The DEIR did not analyze the use of TRUs since the use of TRUs is not an applicable consideration for a non-refrigerated warehouse. As such, the emissions for the proposed Project, a non-refrigerated warehouse, were properly quantified and analyzed. If future tenants require refrigeration, then additional approvals and CEQA analysis would be required. Therefore, since this Project's DEIR was properly based on the proposed uses (high-cube, non-refrigerated warehouse distribution facility), no further analysis is necessary.

Response to Comment D-24:

As discussed in [Response to Comment DIII-5](#), the use of the geometric center of the Project site as the distance to model construction impacts is consistent with the methodology used in the PVCCSP EIR and the methodology recommended in Section 7.1 of the FTA *Transit Noise and Vibration Impact Assessment Manual*, September 2018. It is also important to note that to provide a conservative analysis, the *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, October 2022 (included as Appendix I of the DEIR) and reported in DEIR **Table 5.11-L – Construction Noise Levels by Construction Phase**, did not incorporate the use of mufflers. Nonetheless, to amplify the analysis in the DEIR, additional construction noise modeling was performed for the sensitive receptors at locations R1 and R3 as shown on DEIR **Figure 5.11-1 – Receptor and Monitoring Locations**. This new analysis is documented in *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, February 2023, and does not change the significance conclusions of the DEIR.

The additional modeling assumed each daytime construction activity would occur at the parking lot edge of the Project site. The distance used for daytime construction for Receptor R1 is 170 feet and the distance used for Receptor R3 is 119 feet. (ENTECH 2023.) Since concrete pouring may occur during the daytime and nighttime hours during hot weather, the distance used for nighttime concrete pours is the distance from the edge of the proposed building to the residential structure. The distance used for nighttime construction for Receptor R1 is 410 feet and the distance used for Receptor R3 is 305 feet. (ENTECH 2023.) Since the use of properly operating and maintained mufflers consistent with manufacturer's standards are required by PVCCSP EIR mitigation measure **MM Noise 1** (DEIR, pp. 5.11-19, 5.11-29), the results of the additional modeling presented reflects the use of mufflers on all construction equipment. The results of the additional modeling indicate that the highest noise level projected at receiver R3, which is the closest receiver to daytime construction activities, is 65 dBA L_{max} , which is substantially less than the City's Noise Ordinance standard of 80 dBA L_{max} . The highest nighttime noise level projected at receiver R1, which is the closest receiver to nighttime construction activities, is 46 dBA L_{max} , which is also substantially less than the City's standard of 80 dBA L_{max} . Thus, construction will not exceed the City's Noise Ordinance standard of 60 dBA L_{max} . Refer to [Response to Comment DIII-5](#) for additional details.

As previously discussed in [Response to Comment D-11](#), the commenter's noise consultant's opinion regarding the Project's noise levels are anecdotal, as no noise modeling or any form of substantial evidence is provided to support any of the assertions contained in Letter D, Attachment III.

The revisions to the DEIR to incorporate the new modeling results are discussed in detail in [Response to Comment DIII-5](#).

The amplification of the construction noise analysis in the DEIR does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5 because there are no significant impacts identified.

Response to Comment D-25:

This comment is in regard to the distance used to model construction vibration impacts. As discussed in [Response to Comment D-24](#) and [Response to Comment DIII-5](#), the use of the geometric center of the Project site as the distance to model construction impacts, which include vibration from construction equipment, is consistent with the methodology used in the PVCCSP EIR and the methodology recommended in Section 7.1 of the FTA Transit Noise and Vibration Impact Assessment Manual, September 2018; therefore the methodology used in the DEIR is appropriate. Nonetheless, to amplify the discussion in the DEIR, additional noise modeling was done as documented in the *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, February 2023. The additional construction vibration modeling was performed for the sensitive receptor closest to the location of construction, which is location R3 as shown on DEIR **Figure 5.11 1 – Receptor and Monitoring Locations**. Since multiple pieces of equipment cannot operate in the same location at the same time, the reference vibration for a large bulldozer and a distance of 90 feet was used. This distance was selected since the distance from the edge of the parking lot to the residential structure is 89 feet. The results of the construction vibration monitoring indicate that peak vibration levels at receptor R3 will be 70 VdB, which is less than the City's 80 VdB threshold of significance.

As previously discussed in [Response to Comment D-11](#), the commenter's noise consultant's opinion regarding the Project's vibration levels is anecdotal, as no modeling or any form of substantial evidence is provided to support any of the assertions contained in Letter D, Attachment III.

The revisions to the DEIR to incorporate the new modeling results are discussed in detail in [Response to Comment DIII-6](#).

The amplification of the construction vibration analysis in the DEIR does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5 because there are no significant impacts identified.

Response to Comment D-26:

The commenter's assertion that the Project will result in significant noise impacts is unsubstantiated opinion. The commenter cites their noise consultant's anecdotal opinion that the noise from the Project's HVAC unit would result in an increase in ambient noise of more than 5 dBA. This conclusion is based on the commenter's noise consultant's speculation, as set forth in Comment DIII-8, that a higher reference noise level should have been used for the HVAC equipment. As discussed in [Response to Comment DIII-8](#), since there are no mechanical engineering plans available, the Project's noise analysis used a reference sound level of 68 dBA at 3 feet. This reference sound level is based on acoustical monitoring data from operating HVAC equipment for a warehouse/manufacturing facility and as such is an appropriate reference noise level to use. Refer to [Response to Comment DIII-8](#). As discussed in [Response to Comment D-11](#), disagreement among experts does not make an EIR inadequate.

This comment also includes the factually incorrect statement that *The DEIR recognizes that the ambient noise level for single family residences that Receptor 3 ("R3") is 48.4 dBA* (sic) and includes a footnote that cites DEIR page 5.11-26 as the source of this data. In fact, the average measured ambient noise level for Receptor 3 (or R3) as shown in **Table 5.11-P – Daytime Operation Noise Levels**, which is on

DEIR page 5.11-26, is 56.8 dBA. It is important to note, as discussed in [Response to Comment DIII-3](#), noise propagation modeling did not consider parapet walls. As also shown on **Table 5.11-P**, the combined noise level, which includes the measured ambient noise plus the Project's operational noise is 57.3 dBA, which results in an increase over the existing noise level of 0.5 dBA. Regarding the 2.8 dBA increase in nighttime noise at Receptor R3, this increase does not include any attenuation that would be provided by the shielding from the edge of the roof or the parapet walls required by the PVCCSP and Perris Municipal Code Section 19.44.080(c)(7). Using a 6 dBA reduction for shielding from the edge of the roof, which is the amount of reduction identified in [Comment DIII-8](#), there would be no increase in ambient noise. Therefore, the Project is not in violation of Perris Municipal Code Section 7.34.050.

The commenter's noise consultant's opinion that Project may result in significant noise impacts, as set forth in Letter D, Attachment III, is anecdotal, as no noise modeling or any form of substantial evidence is provided to support that assertion. Responses have been provided for each comment in Letter D, Attachment III. As indicated in [Response to Comment DIII-1](#) through [Response to Comment DIII-9](#), all noise impacts will be less than significant with implementation of the noise mitigation measures required by the PVCCSP EIR.

This comment does not raise any new environmental issues. No additional analysis is warranted and the preparation of a revised DEIR is not required.

Response to Comment D-27:

As stated in [Response to Comment D-11](#), [Response to Comment D-26](#), and [Response to Comment DIII-4](#) through [Response to Comment DIII-9](#), no substantial evidence has been provided to support the commenter's or the commenter's noise consultant's assertions that the Project will result in a significant noise or vibration impact. The Project will implement PVCCSP EIR mitigation measures **MM Noise 1 through MM Noise 4**. Since there will be no significant impacts regarding noise and vibration, construction noise barriers or any other mitigation are not required.

This comment does not raise any new environmental issues. No additional analysis is warranted and the preparation of a revised DEIR is not required.

Response to Comment D-28:

As discussed in [Response to Comment D-11](#), [Response to Comment D-24](#) through [Response to Comment D-27](#), and [Response to Comment DIII-4](#) through [Response to Comment DIII-9](#), the DEIR adequately analyzed the Project's anticipated construction and operational noise and vibration impacts and appropriately concluded that impacts would be less than significant through compliance with the Perris Municipal Code and PVCCSP EIR mitigation measures **MM Noise 1 through MM Noise 4**. (DEIR, p. 5.11-29.)

This comment does not raise any new environmental issues. No additional analysis is warranted and the preparation of a revised DEIR is not required.

Response to Comment D-29:

This general comment regarding protection of biological resources is noted and does not question the content or conclusions of the DEIR.

Response to Comment D-30:

The commentor incorrectly states that the Project's *MSHCP Focused Burrowing Owl Surveys* were not conducted accurately because they were not conducted during the correct survey season. As outlined in the DEIR, the development of the Project site is subject to the MSHCP, specifically Section 6.3.2 since the site occurs within the burrowing owl survey area. (DEIR, pp. 2.3-12, 5.3-17.) Pursuant to MSHCP Section 6.3.2, and as clarified in the Permittee Implementation Manual (https://www.wrc-rca.org/archivecdn/Implementation_Manual/Permittee_Implementation_Manual_Aug_2007.pdf) the first step is for a qualified biologist to determine if suitable habitat is present on site. If suitable habitat is identified, then focused species surveys are required (for Burrowing owl that would be from March 1 to August 31). Since there was suitable habitat identified, then focused surveys were conducted during the March to August timeframe. Thus, the 2006 Burrowing Owl Survey Protocol Instructions (https://www.wrc-rca.org/species/survey_protocols/burrowing_owl_survey_instructions.pdf) were followed.

The comment regarding the CDFW 2012 Staff Report on Burrowing Owl is noted. However, because the City of Perris is a permittee to the MSHCP, the 2006 Burrowing Owl Protocol Instructions sets forth the appropriate protocol to be used; that is, the protocol set forth in the 2012 Staff Report on Burrowing Owl is not binding upon the Project. Thus, a new burrowing owl survey is not warranted for the proposed Project.

Regarding the California horned lark (*Eremophila alpestrisactia*), this species was not observed during the habitat assessment conducted as part of the *General MSHCP Habitat Assessment/Consistency Analysis and Regulatory Constraints Assessment* (included as DEIR Appendix C.1). However, it is one of the 146 Covered Species addressed in the MSHCP that are considered to be adequately conserved under Section 2.1.4 of the MSHCP (https://www.wrc-rca.org/Permit_Docs/MSHCP/MSHCP-Volume%201.pdf). Through the MSHCP reserve assembly, Covered Species have adequately conserved habitat on a regional level.

No new environmental issues are raised, and no further analysis is required.

Response to Comment D-31:

The intent of mitigation measure **MM BIO 1** is to outline how the Project will comply with the Migratory Bird Treaty Act (MBTA), an existing regulation requiring impact avoidance to potential nesting birds. The method of avoidance is adaptive and determined by the qualified Project biologist based on their best professional judgement and experience. For example, if active nests are located during the pre-construction survey, the Project biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The appropriate buffer area may depend upon the type of bird nest (e.g., 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or 100 feet of sensitive or protected songbird nests). The Project biologist shall monitor the nest during construction to determine the efficacy of the buffer. If the Project biologist determines that such project activities may be causing an adverse reaction, the Project biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction. Thus, mitigation measure **MM BIO 1** does not constitute deferred mitigation.

No new environmental issues are raised by this comment.

Response to Comment D-32:

As stated in Response to Comment D-31, the intent of mitigation measure **MM BIO 1** is to outline how the Project will comply with the MBTA and the California Fish and Game Code. The MBTA and California Fish and Game Code prohibit direct impacts to raptors and other migratory birds, which includes impacts to active nests. (DEIR, p. 5.3-8.) Thus, the purpose of mitigation measure **MM BIO 1** is to protect active nests. This mitigation measure requires the Project biologist to implement avoidance measures. Avoidance may consist of not conducting ground-disturbing activities, to the greatest extent possible, during the nesting season, which is identified as generally being from February 1 to September 15. The efficacy of avoiding any ground-disturbing activity during the nesting season is self-evident and no further evidence is required.

Since it may not be possible to avoid initiating ground-disturbing activities during the nesting season, mitigation measure **MM BIO 1** requires a qualified biologist to conduct a nesting bird survey on the Project site to document the presence or absence of nesting birds within or directly adjacent (100 feet) to the Project site impact area. If no active nests are present within this area, there will be no impacts to nesting birds because nesting birds are not present.

In the event the nesting bird survey determines that active nests are present in the Project site impact area, avoidance measures shall be implemented. The method of avoidance is adaptive and determined by the qualified Project biologist based on their best professional judgement and experience. For example, if active nests are located during the pre-construction survey, the Project biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The establishment of buffers as effective mitigation is substantiated by the United States Fish and Wildlife Service's (USFWS), *Nationwide Standard Conservation Measures*¹⁴ Stressor Management for Vegetation Removal Conservation Measure 2. Additionally, the California Department of Fish and Wildlife, a CEQA Trustee Agency with regard to California fish and wildlife (State CEQA Guidelines § 15386) indicates that if work must occur when birds are nesting, a consulting biologist should be retained to recommend an appropriate buffer area.¹⁵ Thus, the qualified Project biologist, as required by mitigation measure **MM BIO 1**, is responsible for compliance with the MBTA and is empowered to implement effective measures to avoid impacts to nesting birds if initial ground-disturbing activities occur during the nesting season.

No new environmental issues are raised, and no further analysis or substantiation is required.

Response to Comment D-33:

As discussed in Response to Comment D-10, Response to Comment D-30, Response to Comment D-31, and Response to Comment D-32, impacts to biological resources have been appropriately evaluated and effective mitigation measures have been identified.

No new environmental issues are raised, and no further analysis or recirculation of the DEIR is required.

¹⁴ <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

¹⁵ <https://wildlife.ca.gov/COQA/tag/nesting-birds>, California Outdoors Q&A website, Nesting Birds

Response to Comment D-34:

No new environmental issues are raised by this comment. The analysis in the DEIR is complete and thorough, and as demonstrated in the responses herein, environmental impacts including, but not limited to, air pollution, noise, and hazards have been appropriately evaluated and effective mitigation measures identified where applicable.

Response to Comment D-35:

No new environmental issues are raised by this comment. The analysis in the DEIR is complete and thorough, and as demonstrated in the responses herein, environmental impacts have been appropriately evaluated and effective mitigation measures identified where applicable.

Response to Comment D-36:

Refer to Response to Comment D-10, above. No new environmental issues are raised by this comment. The analysis in the DEIR is complete and thorough, and as demonstrated in the responses herein, environmental impacts have been appropriately evaluated and effective mitigation measures identified where applicable.

Response to Comment D-37:

Refer to Response to Comment D-11, Response to Comment D-26 and Response to Comment DIII-8. No new environmental issues are raised by this comment. The analysis in the DEIR is complete and thorough, and as demonstrated in the responses herein, environmental impacts have been appropriately evaluated and effective mitigation measures identified where applicable.

Response to Comment D-38:

As demonstrated in the responses herein, no significant omissions or deficiencies were identified in the DEIR. No new environmental issues are raised, and no further analysis or recirculation of the DEIR is required.

Response to Comment Letter D, Attachment 1 – Clark and Associates Environmental Consulting, Inc.

Response to Comment D1-1:

Clark and Associates (Clark) reviewed the DEIR on behalf of Adams Broadwell Joseph & Cardozo (ABJC). This comment is noted. No new environmental issues are raised by this comment.

Response to Comment D1-2:

This comment accurately summarizes the proposed Project. No new environmental issues are raised by this comment.

Response to Comment D1-3:

The commenter does not provide any evidence that Valley Fever is a significant health threat or is a significant threat in the vicinity of the Project site. According to the California Department of Public Health (CDPH) Valley fever (also known as *Coccidioidomycosis* or *cocc*) results from directly inhaling spores of the dimorphic fungus *Coccidioides* spp. (*Coccidioides immitis* and *Coccidioides posadasii*) from soil or airborne dust. People can get sick when they breathe the dust that contains the Valley fever fungus. Valley fever is more common in the Central Valley or coast of California; therefore, Assembly Bill 203 of 2019 requires construction workers and others in an area with Valley Fever high-risk rates to train workers to minimize the risk of Valley fever. The latest CDPH data does not include Riverside County as an area with high rates of Valley fever.¹⁶ Accordingly, there is no evidence that Valley Fever is a significant impact in the vicinity of the Project site. State CEQA Guidelines 15143 states “[t]he EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.” There is no evidence that Valley Fever is a significant impact or a significant health threat in the vicinity of the Project site. Therefore, in accordance with the State CEQA Guidelines, it is appropriate for the City not to focus the DEIR’s analysis on this speculative issue. CEQA also does not require mitigation where there is no significant impact. CEQA Guidelines 15126.4(a)(3).

Moreover, as described in the DEIR, the Project will be required to comply with existing SCAQMD rules for the reduction of fugitive dust. SCAQMD Rule 403 requires the application of water or chemical stabilizers to disturbed soils at least twice a day, covering all haul vehicles before transport of materials, restricting vehicle speeds on unpaved roads to 15 mph, and sweeping loose dirt from paved site access roadways used by construction vehicles. In addition, it is required to establish a vegetative ground cover on disturbance areas that are inactive within 30 days after active operations have ceased. Alternatively, an application of dust suppressants can be applied in sufficient quantity and frequency to maintain a stable surface. SCAQMD Rule 403 also requires grading and excavation activities to cease when winds exceed 25 mph. (DEIR, p. 5.2-21). Lastly, the proposed Project will implement PVCCSP EIR mitigation measure MM Air 3, which requires the developer/applicant to provide the City with a SCAQMD-approved dust control plan, or other sufficient proof of compliance with SCAQMD Rule 403. (DEIR, p. 5.2-26).

¹⁶

<https://www.cdph.ca.gov/Programs/CCDCPHP/DEODC/OHB/Pages/Cocci.aspx#>

As detailed in the DEIR, implementing the proposed Project would not result in PM-10 or PM 2.5 emissions that would exceed SCAQMD's thresholds. (DEIR, pp. 5.5-35-5.2-39).

Therefore, as discussed above, since the DEIR adequately discloses and mitigates potential air quality impacts, then a revised DEIR would not be required.

Response to Comment D1-4:

See Response to Comment D1-3, above. No new environmental issues are raised by this comment.

Response to Comment D1-5:

Comment noted. See Response to Comment D1-3, above. No new environmental issues are raised by this comment.

Response to Comment D1-6:

Comment noted. See Response to Comment D1-3, above. There is no evidence that Valley Fever is a significant impact or a significant health threat in the vicinity of the Project site. Because there is no significant impact, the City does not need to analyze the feasibility of the commenter's proposed mitigation.

Response to Comment D1-7:

The DEIR used the average truck trip length of approximately 40 miles based on SCAQMD's *Final Staff Report for Proposed Rule 2305 and Rule 316* approved on May 7, 2021. (DEIR, p. 5.2-35). SCAQMD determined that since the truck trip lengths would vary by warehouse, and for each truck trip (some trip lengths may be longer, and some may be shorter) an average trip length of 40 miles was the most appropriate length to use for trucks in the basin.¹⁷ The City has consistently used this average truck trip length since the 2021 adoption of the SCAQMD's *Final Staff Report for Proposed Rule 2305 and Rule 316*. Accordingly, the air quality impacts were adequately modeled using current data available. Moreover, the City of Perris has no jurisdiction regarding what average truck trip lengths other lead agencies determine are appropriate. The Project involves the development of a speculative warehouse, and the end users are currently unknown. The comment suggests that all of the Project's trucks would travel to or from the Ports of Los Angeles and Long Beach without providing any evidence to support this claim. It would be speculative to assume that all of the Project's trucks will travel to or from the Ports. Moreover, the average 40-mile truck trip length may actually result in an overestimation of the truck vehicle miles resulting from the Project and is therefore conservative, because it assumes that all truck trips to and from the Project are "new" within the context of the air basin, rather than redistributed truck trips within the basin.

Therefore, as discussed above, the DEIR adequately discloses and mitigates potential air quality impacts. No additional air quality analysis or revisions to the DEIR are required.

Response to Comment D1-8:

Section 5.2, Air Quality, of the DEIR has been clarified to indicate that the fire flow pump is expected to be diesel-fueled and used during fire emergencies and routine testing, and because of the infrequent

¹⁷

<http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

use, emissions would be negligible. Section 3.0 - Errata of this Final EIR clarifies the associated changes throughout the rest of the DEIR.

Page 5.2-39 of the DEIR will be clarified as follows:

According to the LST methodology, LSTs only apply to the operational phase if a project includes stationary sources or attracts mobile sources that may spend long periods of time idling at the site, such as warehouse/transfer facilities. The Project includes a diesel-powered fire flow pump. Because the fire flow pump will only be used during fire emergencies and routine testing, emissions would be negligible. The Project applicant will be required to obtain an SCAQMD permit. The SCAQMD permitting process would ensure that the Project meets regulatory requirements through the application review process and by placing specific operating conditions on the permit such as operating hour limits. As such, no further analysis of the fire pump was prepared. Therefore, ~~b~~Because the proposed Project will operate as a logistics center and has the potential to attract mobile sources that can reasonably be assumed will idle at the site, a long-term LST analysis was prepared for this Project. Although the Project exceeds five acres, per SCAQMD, the LST lookup tables can be used as a screening tool to determine if dispersion modeling would be necessary. Therefore, the Project's on-site emissions from CalEEMod and LST Look-Up Tables for the 5-acre site were utilized as a screening-level analysis.

No new environmental issues are raised by this comment and no additional analysis or revisions to the DEIR are required.

Response to Comment D1-9:

This comment letter does not question the content or conclusions of the DEIR. As such, no additional response is required.

Response to Comment D1-10:

In 1998, the CARB, identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC (DEIR, p. 5.2-16). Subsequently, the SCAQMD determined that DPM accounts for more than 70 percent of the cancer risk. The development of warehouse distribution centers and truck stops in the Basin led SCAQMD to provide guidance on assessing health risk from DPM associated with diesel-fuel engines.¹⁸ The DEIR included a Health Risk Assessment (HRA) for the proposed Project which was prepared in accordance with the SCAQMD's *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* and the *2017 Risk Assessment Procedures for Rules 1401, 1401.1 and 212 Version 8.1*, which is based on the OEHHA's *The Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments*. (DEIR, p. 5.2-41). The HRA estimated the health risks to the surrounding community from the increased number of diesel vehicles serving the Project site and hence the increased amount of DPM, a known TAC. (DEIR, p. 5.2-41). The analysis examined the diesel exhaust emissions from Project-generated traffic in the Project vicinity from diesel trucks traveling along local roads. The estimation of health risks (both cancer and non-cancer) from DPM was performed following the guidelines established by the SCAQMD for health

South Coast Air Quality Management District, *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*, 2003

risk assessments from known DPM. Eight separate discrete receptors which included three sensitive receptors and five off-site worker receptors near the Project site were modeled. (DEIR, p. 5.2-41). The results of the analysis concluded that excess cancer and non-cancer risks to sensitive and off-site worker receptors was considered less than significant and no mitigation was required. (DEIR, pp. 5.2-45, 5.2-46).

Project construction would result in emissions of DPM from heavy construction equipment and trucks accessing the site. The OEHHA has identified carcinogenic and chronic noncarcinogenic effects from long-term exposure but has not identified health effects due to short-term exposure to diesel exhaust. According to the OEHHA, health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 30-year exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period/duration of activities associated with the project. Thus, the duration of the proposed construction activities would only constitute a small percentage of the total 30-year exposure period. Due to this relatively short period of exposure (11 months) and minimal particulate emissions on site, TACs generated by the Project construction activities would not result in concentrations causing significant health risks. Nonetheless, in response to this comment, a subsequent HRA analysis was conducted to estimate the health risks to the surrounding community as a result of the proposed warehouse construction. The Construction HRA concluded that none of the sensitive receptors within the Project vicinity are exposed to cancer risks from DPM that exceed the SCAQMD threshold of 10 excess cancer cases per one million people. Likewise, non-cancer risks would not exceed the SCAQMD threshold of 1.0. The highest estimated excess cancer risk to sensitive receptors is 7.44 in one million, located at Receptor 1, the property boundary of a sensitive receptor. The area of highest risk to modeled off-site worker receptors, at a level of 0.32 per million, is at Receptor 7. (DEIR; Appendix B.3, p. 14). As such, the Project will not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity. This analysis is included as Appendix B.3 Construction HRA. Section 5.2, Air Quality, of the DEIR has been revised to include the results of the analysis, as shown below, and Section 3.0 - Errata of this Final EIR clarifies the associated changes throughout the rest of the DEIR.

Page 5.2-3 of the DEIR will be revised as follows:

- Urban Crossroads, Duke Warehouse at Patterson Avenue and Nance Street (DPR No. 21-00005) Construction Health Risk Assessment City of Perris. February 14, 2023. (Included as Appendix B.3 to this DEIR) [Cited as Construction HRA]

Page 5.2-41 of the DEIR will be clarified as follows:

Project construction would result in emissions of DPM from heavy construction equipment and trucks accessing the site. The Office of Environmental Health Hazard Assessment (OEHHA) has identified carcinogenic and chronic noncarcinogenic effects from long-term exposure but has not identified health effects due to short-term exposure to diesel exhaust. According to the OEHHA, health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 30-year exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period/duration of activities associated with the project. Thus, the duration of the proposed construction activities would only constitute a small percentage of the total 30-year exposure period. Due to this relatively short period of exposure (11 months) and minimal particulate emissions on site, TACs generated by the Project construction activities would not result in concentrations causing significant

health risks. Nonetheless, a construction HRA (Construction HRA) was prepared for the Project by Urban Crossroads to assess the potential health risk to the surrounding land uses as a result of the proposed warehouse construction and is included in Appendix B.3.

Page 5.2-41 of the DEIR will be clarified to add a new heading, as follows:

Operation HRA

Page 5.2-46 of the DEIR will be clarified, as follows:

Construction HRA

The Construction HRA was prepared for the Project and provided in Appendix B.3. The emissions calculations for the Construction HRA are based on an assumed equipment list and hauling activity presented in the AQ Study (Appendix B.1). The analysis was conducted in accordance with the guidelines in the Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis using the AERMOD model, as recommended by the SCAQMD. Health risks were evaluated at the same receptor locations shown in **Figure 5.2-1** and the cancer and non-cancer risks were calculated consistent with SCAQMD methodology.

The Construction HRA estimates the land use with the greatest potential exposure to Project construction DPM source emissions is Receptor 1 (a sensitive receptor). At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to Project construction DPM source emissions is estimated at 7.44 in one million, which is less than the SCAQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable threshold of 1.0. All other modeled receptors during construction activity would experience less risk than what is identified for this location. A summary of risk estimates at all eight discrete receptor locations is summarized on Table 2-5 of the Construction HRA in Appendix B.3. Therefore, cancer and non-cancer risks resulting from the Project's construction activity are considered less than significant and no mitigation measures are required.

Conclusion

None of the cancer or non-cancer thresholds are exceeded as a result of Project construction or operation for workers or sensitive uses within the proposed Project vicinity. Additionally, the proposed Project will not form any CO hot spots in the Project area and will not exceed SCAQMD's applicable LST. Therefore, the Project will not result in the exposure of sensitive receptors to substantial pollutant concentrations ~~during Project operation~~, and impacts are considered less than significant. No mitigation is required.

Therefore, as discussed above, health risk impacts from Project construction and operation were adequately disclosed and the conclusions based on substantial evidence.

Response to Comment D1-11:

See Response to Comment D1-10, above. The DEIR included an HRA prepared according to the SCAQMD's *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. The DEIR concluded that health risk impacts were less than significant. No new environmental issues are raised by this comment.

Response to Comment D1-12:

As clearly described in various sections of the Project Description of the DEIR, the proposed Project entails the construction and operation of a “spec” non-refrigerated warehouse. (DEIR, pp. 3-1, 3-12, 3-15, 3-27, 3-28). Accordingly, the DEIR, specifically Section 5.2 Air Quality, analyzed impacts for a non-refrigerated warehouse and concluded that the project-specific mitigation was not required beyond the City’s required PVCCSP EIR mitigation measures and impacts were less than significant. (DEIR, p 5.2-47). The DEIR did not analyze the use of Transportation Refrigerated Units (TRUs) since the use of TRUs is not an applicable consideration for a non-refrigerated warehouse. If future tenants require refrigeration, then additional approvals and CEQA analysis would be required by the City. As such, the emissions for the proposed Project, a non-refrigerated warehouse, were properly quantified and analyzed. Therefore, for the reasons outlined above, no additional analysis or revisions to DEIR are required.

Response to Comment D1-13:

The trip generation rates used for the Project, a high-cube warehouse, are from the Institute of Transportation Engineers (ITE) *Trip Generation Manual 11th Edition* (September, 2021), which incorporated the 2016 SCAQMD study. The anticipated Project trip generation was determined using trip generation rates given by ITE Land Use Code #154, High-Cube Transload and Short-Term Warehouse. (DEIR, Appendix K.2, p. 8) According to the ITE’s *Trip Generation Manual 11th Edition*, High Cube Transload and Short-Term Warehouses have the primary function of consolidation and distribution of pallet loads (or larger) for manufacturers, wholesalers, or retailers. These warehouses have little storage duration, high throughput, and their operations are high efficiency. These warehouses may require custom/special features built into the structure for the movement of large volumes of freight. ¹⁹The High Cube Transload and Short-Term Warehouse classification was selected for the Project based on the proposed use. The DEIR does not analyze a fulfillment, parcel hub, or cold storage uses because the Project does not include such uses. Should future tenants propose such uses, additional approvals and CEQA analysis would be required. Further, the SCAQMD reviewed the DEIR and did not question the appropriateness of analyzing the Project as a HCW and short-term storage warehouse.

Regarding the WSP study, as the commenter noted, the study performed traffic counts for fulfillment centers and parcel hubs. As such, the average daily trips reported in said study would not apply to the proposed high cube transload and short-term warehouse. Additionally, the fitted curve equation in the 2016 SCAQMD’s study was not included in the Trip Generation Manual; therefore, the DEIR utilized the reported average rate included in the ITE manual. No substantial evidence is provided to support the claim that analysis of a different type of high-cube warehouse is appropriate.

Therefore, as discussed above, the DEIR adequately evaluated the estimated traffic from the Project, and, accordingly evaluated the Project’s operational air quality impacts. No additional analysis or revisions to the DEIR are required.

¹⁹ <https://www.ite.org/pub/?id=a3e6679a%2De3a8%2Dbf38%2D7f29%2D2961becdd498>

Response to Comment D1-14:

As discussed in [Response to Comment D1-1](#) through [Response to Comment D1-13](#), the commenter does not provide any substantial evidence concerning the existence of a significant environmental impact. No new environmental issues were raised.

Response to Comment Letter D, Attachment 2 – James J.J. Clark

Response to Comment Letter D, Attachment 2:

This attachment is the curriculum vitae for James, J.J. Clark, and as such this attachment does not question the content or conclusions of the DEIR.

Response to Comment Letter D, Attachment 3 – Wilson Ihrig

Response to Comment DIII-1

Comment noted. This comment does not question the content or conclusions of the DEIR.

Response to Comment DIII-2:

Comment noted. This comment does not question the content or conclusions of the DEIR.

Response to Comment DIII-3:

Comment noted. This comment does not question the content or conclusions of the DEIR.

Response to Comment DIII-4:

The comment is confusing in that it is unclear which document is being referenced. For example, the first sentence states, *The ‘Construction Noise and Vibration’ section under heading 4.2 defines the criteria used for construction vibration levels.* This appears to be referring to the *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California, October 2022* (included as Appendix I of the DEIR and hereinafter referred to as the *Noise and Vibration Analysis*), in which Section 4.2 identifies operational and construction thresholds. The second sentence in this comment states, *The EIR states “If short-term project-generated construction source vibration levels exceed the FTA maximum acceptable vibration standard of 80 vibration decibels (VdB) at noise-sensitive receiver locations, noise levels will exceed the vibration CEQA threshold.”* This statement is not a part of the DEIR; thus, no response can be provided. The fourth sentence in this comment states, *First, the EIR states that the ‘noise levels will exceed the vibration CEQA threshold,’ which is a statement that doesn’t make sense, as these are two different kinds of phenomena; noise and groundborne vibration.* Again, this statement is not made in the DEIR.

The vibration criteria used in the *Noise and Vibration Analysis* is from the *Perris Valley Commerce Center Specific Plan EIR (PVCCSP EIR)*, which was certified by the City on January 12, 2012. The PVCCSP EIR selected 80 vibration decibels (VdB) as the threshold of significance because at the time the PVCCSP EIR was certified, the FTA determined humans can experience vibration levels up to 80 VdB (RMS) before being adversely affected by vibration (PVCCSP EIR, p. 4.9-25.) The *Noise and Vibration Analysis* used the 80 VdB threshold because it is a nuisance threshold established for development within the PVCCSP planning area by the PVCCSP EIR. This threshold is commonly used for vibration impacts other than train pass-bys. Further, as the commenter acknowledges, the 80 VdB limit can be used for construction vibration impacts.

The reference vibration level for a large bulldozer of 87 VdB (RMS) at 25 feet that is used in the *Noise and Vibration Analysis* is sourced from Table 7-4, on page 184 of the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual*, September 2018. It appears the commenter is misunderstanding the manner in which *Noise and Vibration Analysis* Table 10-4 presented the information. PPV_{ref} is used in said Table 10-4 as a noise descriptor, not an abbreviated threshold metric.

No new environmental issues are raised by this comment; thus, no further analysis is required.

Response to Comment DIII-5:

Regarding the use of the geometric center of the Project site as the distance for construction equipment, this methodology is consistent with the methodology used in the PVCCSP EIR and the methodology recommended in Section 7.1 of the FTA *Transit Noise and Vibration Impact Assessment Manual*, September 2018. It is also important to note that to provide a conservative analysis, the *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, October 2022 (included as Appendix I of the DEIR) and reported in DEIR **Table 5.11-L – Construction Noise Levels by Construction Phase**, did not incorporate the use of mufflers.

Nonetheless, to amplify the analysis in the DEIR, additional construction noise modeling was performed for the sensitive receptors at location R1 and R3 as shown on DEIR **Figure 5.11-1 – Receptor and Monitoring Locations** and documented in *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, February 2023 (See Attachment 4 of this FEIR). The discussion in DEIR Section 5.11.5 for **Threshold A: Would the Project result in generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in local general plan or noise ordinance, or applicable standards of other agencies?** under the subheading **Construction Noise Impacts**, commencing on DEIR p. 5.11-22 will be revised as follows.

Construction noise associated with the Project was analyzed using the RCNM model. It was assumed that the construction for the Project parcels would take place over eleven months. It was assumed that the Project development would occur in one phase and would consist of mass grading, building construction, paving, and painting activities. All construction activities would create temporary periods of noise when heavy construction equipment is in operation and would cause a short-term increase in ambient noise levels. It was assumed that daytime each construction activity would occur at the edge the center of the Project's proposed parking lots. Construction noise levels were evaluated at the nearest residential receivers to the west and east of the Project site, receivers R1 and R3. The distance used for daytime construction for receiver R1 is 170 feet and the distance used for receiver R3 is 119 feet. (ENTECH 2023, Appendix D.) **Table 5.11-L, Construction Noise Levels by Construction Phase**, presents the noise levels in L_{max} for each construction phase for R1 and R3. Concrete pouring may occur during the daytime and nighttime hours during hot weather. Since the only nighttime construction activity is concrete pouring, it is assumed that nighttime construction will take place only at the proposed building's foundation. The distance used for nighttime construction for receiver R1 is 410 feet and the distance used for receiver R2 is 305 feet. (ENTECH 2023, Appendix D.) All other construction activities will occur during the daytime hours only. (ENTECH 2023, p. 32.) Since the use of properly operating and maintained mufflers consistent with manufacturer's standards are required by PVCCSP EIR mitigation measure **MM Noise 1**, the results presented in **Table 5.11-L** reflects the use of mufflers on all construction equipment.

Table 5.11-L – Construction Noise Levels by Construction Phase

Location	Phase	Construction Noise Level ¹⁻² dBA L _{max}		Exceeds Standard, 80 dBA L _{max}
		Daytime	Nighttime ³	
R1 (West)	Grade	<u>64</u> 68	None	No
	Build	<u>53</u> 62	<u>43</u> 57	
	Pave	<u>53</u> 63	None	
	Arch Coat	<u>50</u> 54	None	
R3 (East West)	Grade	<u>65</u> 72	None	
	Build	<u>57</u> 66	<u>46</u> 64	
	Pave	<u>57</u> 67	None	
	Arch Coat	<u>54</u> 58	None	

Source: ENTECH 2023, Table 10-3.

Notes

- 1 Construction noise for daytime operations projected from edge of parking lot to the residential structure. Distance used for R1 = 170 feet; distance used for R3 = 119 feet. Construction noise for nighttime operations projected from edge of building pad to the residential structure. Distance for R1 = 410 feet; distance used for R3 = 305 feet. Construction noise projected from center of Project site to nearest adjacent use (structure)
- 2 Noise levels reflect the use of mufflers on all construction equipment.
- 3 Concrete pours with cement pump trucks and mixers occur during the building construction phase at nighttime only.

Construction noise is considered a short-term, temporary impact and would be considered significant if construction activities are undertaken outside the allowable times and if construction noise exceeds the allowable decibels described in the Perris Municipal Code Section 7.34.060 – Construction noise. The Project will comply with the allowable construction hours identified in Section 7.34.060. However, Section 7.34.060 identified that construction noise shall not exceed 80 dBA L_{max} for residential properties within the City. As shown above in Table 5.11-L, the highest noise level experienced at receptor R3 is 65 dBA L_{max}, during grading activities. Thus, noise from construction activities would not exceed the established 80 dBA L_{max} standard identified by the Perris Municipal Code. Construction equipment is expected to operate on the Project site during the allowed days and time period. Should construction activities need to occur outside of the hours permitted by the Perris Municipal Code, the Project Applicant would be required to obtain authorization from the City. In the event on-site concrete pouring activities need to occur at night to allow the concrete to set properly, pours would typically start at 1:00 a.m.

The above amplification of the construction noise analysis in the DEIR does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5 because there are no significant impacts identified.

Response to Comment DIII-6:

As discussed in the Response to Comment DIII-5, the use of the geometric center of a construction site is both recommended in Section 7.1 of the FTA's 2018 *Transit Noise and Vibration Impact Assessment Manual* and consistent with the methodology used to the PVCCSP EIR. Nonetheless, to amplify the

analysis in the DEIR, additional construction vibration modeling was performed for the sensitive receptor closest to the location of construction, which is location R3 as shown on DEIR **Figure 5.11-1 – Receptor and Monitoring Locations** and documented in the *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, February 2023. The discussion in DEIR Section 5.11.5 for **Threshold B: Would the Project result in generation of excessive ground-borne vibration or ground-borne noise levels?** under the subheading **Construction Vibration**, commencing on DEIR p. 5.11-27 will be revised as follows.

Vibration levels associated with construction of the Project were estimated based on the equipment requirements and construction schedule information provided by the Project Applicant, the length of time the Project would take to complete, and the types of construction activities that would occur. As indicated earlier, construction activities would create temporary periods of noise when heavy construction equipment is in operation and would cause a short-term increase in ambient noise levels. Based on **Table 5.11-E – Construction Schedule**, construction is set to occur over an eleven-month period. Based on the FTA’s reference vibration level, off-road equipment causes the greatest source of vibration. An off-road large bulldozer was used to represent the largest peak vibration source with a reference level of 87 VdB at a distance of 25 feet. One large bulldozer was assumed to operate at 90 650 feet, measured from the edge of the center of the proposed Project’s parking lot site to the nearest residential structure receiver; since multiple pieces of equipment cannot operate in the same location at the same time, it is assumed that two (2) large bulldozers operating at the same time would produce the worst-case construction vibration levels from the Project site. Under these worst-case conditions, vibration levels would approach 70 56 VdB as shown in **Table 5.11-R – Construction Equipment Vibration Levels**. (ENTECH 2023, p. 32.)

Table 5.11.-R – Construction Equipment Vibration Levels

Noise Receptor ¹	Distance from Construction Activity to Property Line ²	Large Bulldozer Reference Vibration Level PPV _{ref} (VdB) at 25 ft ³	Peak Vibration PPV (VdB)	Exceed Threshold? (Below 80 VdB)
R3	<u>90 650</u> feet	87 VdB	<u>70 56</u> VdB	No

Source: ENTECH 2023, Table 10-4.

Notes:

- 1 **Figure 5.11-1** shows the receptor location
- 2 Construction vibration projected from the edge of the parking lot to the residential structure.
- 3 Reference noise level obtained from the FTA Noise and Vibration Manual, Table 7-4.

Based on **Table 5.11-K– Ground-borne Vibration Impact Criteria for General Assessment**, the FTA’s vibration assessment annoyance criteria for infrequent events, the Project would not exceed the Vibration Category 2, Infrequent event threshold of 80 VdB adopted by the FTA. Additionally, the expected construction vibration level of 70 56 VdB would not exceed the 80 VdB maximum acceptable vibration standard that was adopted by the City of Perris in the PVCCSP EIR. Therefore, anticipated construction vibration would not result in a perceptible human response (annoyance). As noted in **Table 5.11-K**, Project construction activities will progress and change over time, thus impacts at the closest sensitive receptor, R3, are unlikely to be sustained during the

entire construction period. Moreover, construction use of off-road equipment at the Project site will be restricted to daytime hours, thereby eliminating potential vibration impacts during sensitive nighttime hours. Further, the predicted construction noise level is below the PVCCSP EIR vibration threshold of 80 VdB. The Project construction will not generate excessive ground-borne vibration. Therefore, Project construction would have a **less than significant impact**.

The above amplification of the construction vibration analysis in the DEIR does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5 because there are no significant impacts identified.

Response to Comment DIII-7:

The vehicle mix data shown in Appendix B of the *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, October 2022 (included as Appendix I of the DEIR) corresponds to the vehicle mix Required Traffic Noise Modeling Parameters for roadways designated as secondary, collectors, or smaller set forth on page 34 of *Appendix I: Noise Element Data, County of Riverside General Plan*.²⁰ The results of noise prediction modeling contained in Appendix B of the *Noise and Vibration Study*, are summarized in Table 6.1. Roadway Parameters and Vehicle Distribution. As shown in the below screenshot from the *Noise and Vibration Study*, Note 2 of Table 6.1 states *Vehicle distribution is based on Riverside County Mix data for collectors and secondary roadways*. Thus, the *Noise and Vibration Study* does disclose the source of the vehicle mix used in the analysis.

Roadway	Segment	Existing without Project ADT	Opening Year without Project ADT	Existing Plus Project ADT	Opening Year Plus Project Plus Cumulative Projects	Speed (MPH)	Site Conditions
Patterson Ave	Harley Knox Blvd to California Ave	2,600	2,800	3,200	3,400	40	Soft
Secondary and Collector Vehicle Distribution (Truck Mix) ²							
Motor-Vehicle Type		Daytime % (7AM to 7 PM)	Evening % (7 PM to 10 PM)	Night % (10 PM to 7 AM)		Total % of Traffic Flow	
Automobiles		75.5	14.0	10.5		97.42	
Medium Trucks		48.9	2.2	48.9		1.84	
Heavy Trucks		47.3	5.4	47.3		0.74	
Notes:							
¹ Traffic Impact Analysis for Duke Patterson-Nance Warehouse Project in the City of Perris (DPR 21-00005) prepared by Webb Associates (January 2022)							
² Vehicle distribution data is based on Riverside County Mix data for collectors and secondary roadways.							

The commenter provides no details to support the vague assertions that "...parts of the traffic noise analysis are not cited correctly" and "Without a known or accepted split, it's possible a higher

²⁰ Available at [https://rctlma.org/Portals/0/genplan/general_plan_2008/technical_appendices/App I Noise Data Adopted Final.pdf](https://rctlma.org/Portals/0/genplan/general_plan_2008/technical_appendices/App_I_Noise_Data_Adopted_Final.pdf).

percentage of traffic occurs at night...” As shown in Table 6.1, the source of the vehicle distribution data was provided in the *Noise and Vibration Study*.

The above amplification of the source for the vehicle split data used in the DEIR does not constitute significant new information that would require recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5 because there are no significant impacts identified.

Response to Comment DIII-8:

This comment represents unsubstantiated opinion regarding the reference noise level that should have been used to model noise from rooftop HVAC units. Since there are no mechanical engineering plans available at this time, the reference sound level of 68 dBA at 3 feet was used. This reference sound level was based on acoustical monitoring data from HVAC equipment for a warehouse/manufacturing facility as provided in Appendix D of the *Noise and Vibration Study*.

The initial noise propagation modeling did not consider parapet walls, which are required by PVCCSP Section 4.2.3.3 and Perris Municipal Code Section 19.44.080(c)(7). PVCCSP Section 4.2.3.3 states:

Conceal Roof Mounted Equipment

Parapet walls and roof systems shall be designed to conceal all roof-mounted mechanical equipment from view to adjacent properties and public rights-of-way.

Perris Municipal Code Section 19.44.080(c)(7) states:

Roofs. Building roofs should be designed to reduce the overall mass of a structure and harmonize with surrounding development. Parapet walls and roof systems shall be designed to conceal all roof-mounted mechanical equipment from view to adjacent properties and public rights-of-way. The use of varied roof lines is encouraged. Permitted roof styles include gable, mansard, and hip roofs. Flat roofs are permitted if sufficiently disguised through the use of parapet walls.

Since the stationary noise modeling did not show any reductions associated with the required screening, the DEIR disclosed a more conservative noise level.

Evaluating the total Project noise is not appropriate because both there are different thresholds of significance and varied threshold descriptors (i.e., L_{max} , L_{eq} , CNEL), for different noise sources. The operational noise impacts disclosed in the Noise and Vibration Analysis and the DEIR, includes existing ambient noise sources that include traffic noise.

No new environmental issues are raised by this comment; thus, no further analysis or recirculation of a revised DEIR is required.

Response to Comment DIII-9:

As indicated in the Response to Comment DIII-4 through Response to Comment DIII-8, there are no significant errors or omissions in the DEIR’s noise analysis and the DEIR’s determination that the Project would not result in any significant impacts and no mitigation is required. (DEIR, p. 2.11-29.) Nonetheless, the Project will implement PVCCSP EIR mitigation measures **MM Noise 1 through MM Noise 4** during construction, which will further reduce the less than significant temporary construction noise impacts.

No new environmental issues are raised by this comment; thus, no further analysis is required.

Response to Comment Letter D, Attachment 4 – Wilson Ihrig

Response to Comment Letter D, Attachment 4:

This attachment is the resume for Jack Meighan, and as such this attachment does not question the content or conclusions of the DEIR.

Section 3 – EIR Errata/Draft EIR Revisions

Any corrections to the Draft Environmental Impact Report (DEIR) text, tables, and figures generated either from responses to comments or independently by the City, are stated in this section of the Final EIR. The DEIR text, tables, and figures have not been modified and published in its entirety as a single document to reflect these DEIR modifications.

These DEIR revisions are provided to provide supplemental information for the Duke Warehouse at Patterson Avenue and Nance Street DEIR. These changes to the DEIR merely amplify and clarify the analysis in the DEIR and constitute insignificant modifications to an adequate EIR.

The information included in these DEIR revisions that resulted from the public review process does not constitute substantial new information that requires recirculation of the DEIR (State CEQA Guidelines Section 15088.5).

3.1 Introduction

The DEIR was prepared to determine if there is potential for any significant environmental effects associated with the proposed Project components described in DEIR Section 3.3, Project Characteristics, for the Duke Warehouse at Patterson Avenue and Nance Street Project.

Pursuant to Section 15105 of the State CEQA Guidelines, the DEIR was circulated for a 45-day period between November 4, 2022 and December 19, 2022 to Responsible Agencies and interested parties for review and comment.

Section 15090 of the State CEQA Guidelines, requires the decision-making body to consider the proposed Draft EIR together with any comments received during the public review process. In order to provide the decision makers with additional information upon which to base their decision, the following Responses to Comments have been prepared. The materials contained in this Final EIR include copies of comment letters and the City's responses to the applicable comments in each letter. Each comment letter is labeled alphabetically with each individual comment identified by a number. Copies of the comment letters are included in Section 2, Response to Comments, of this FEIR.

Comments that were received on the DEIR during the public review period have resulted in minor errata/revisions to the text of the DEIR. These textual changes to the DEIR were determined by the City not to be "substantial revision" as defined in Section 15088.5 of the State CEQA Guidelines. Therefore, recirculation of the DEIR is not required.

The EIR modification contained in the following pages in the same order as the information appears in the DEIR. Changes in text are signified by strikethrough (~~example text~~) where text has been removed and by double underline (example text) where text has been added. The applicable section numbers and/or page numbers from the Draft EIR are also provided where necessary for easy reference.

3.1.1 Section 1 – Executive Summary

To amplify the description of the proposed fire flow pump and clarify the changes to the existing and proposed sewer facilities, the following text will be added to Section 1.4.5, On- and Off-site Infrastructure, under the Water and Sewer subheading:

No off-site water line improvements are proposed. Project site improvements consist of a looped 10-inch diameter water line around the proposed building which would include two connections to the existing 12-inch diameter waterline in Patterson Avenue. There will also be a diesel-powered fire flow pump for fire flow demands and routine testing.

A new 8-inch diameter sewer line is being installed within Patterson Avenue, between Harley Knox Boulevard and north of California Street. The Project will connect to this line and no new off-site sewer line improvements are required. There are no existing sewer lines adjacent to the Project site. As such, off-site improvements are required to serve the Project. There is an existing 15-inch diameter gravity sewer line in Harley Knox Boulevard. A new off-site 8-inch diameter gravity sewer line is proposed to be constructed by the Project Applicant in Nevada Avenue between the Project site and the existing sewer line in Harley Knox Boulevard.

Figure 1-13 – Off-Site Improvements, will be clarified to reflect the changes to the proposed sewer facilities and connection points for water and sewer as shown on the following page:

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Figure 1-13 – Off-Site Improvements
Duke Warehouse at Patterson Avenue and Nance Street

To clarify approvals from additional agencies, the following text will be added to Section 1.8, Discretionary Actions and Approvals under the list of “Approvals and permits that may be required by other agencies include:”

- b) Compliance with the South Coast Air Quality Management District Indirect Source Rule (Rule 2305) for warehouse owners and operators and a permit to operate a diesel fueled fire flow pump;

Table 1-C – Comparison of Alternatives Matrix, on page 1-73 of the DEIR will be clarified as follows to update changes to the Utilities/Service Systems determination under the “Alternative 1 No Project/No Build” column:

Table 1-C – Comparison of Alternatives Matrix

Environmental Issue	Proposed Project	Alternative 1 No Project/ No Build
Aesthetics	LTSM	Reduced
Air Quality	LTSM	Reduced
Biological Resources	LTSM	Reduced
Cultural Resources	LTSM	Reduced
Energy	LTS	Reduced
Geology and Soils	LTSM	Reduced
Greenhouse Gas (GHG) Emissions	LTSM	Reduced
Hazards and Hazardous Materials	LTSM	Reduced
Hydrology and Water Quality	LTS	Increased
Land Use and Planning	LTS	Increased
Noise	LTS	Reduced
Transportation	LTS	Reduced
Tribal Cultural Resources	LTSM	Reduced
Utilities/Service Systems	LTS	Reduced Increased
LTS = Less than Significant Impact LTSM = Less than Significant Impact with Mitigation SU = Significant and Unavoidable Impact		

3.1.2 Section 2 – Introduction

No changes were made to this Section of the DEIR.

3.1.3 Section 3 – Project Description

To amplify the description of the proposed fire flow pump and clarify the changes to the existing and proposed sewer facilities, the following text will be added to Section 3.3.5, On- and Off-site Infrastructure, under the Water and Sewer subheading:

No off-site water line improvements are proposed. Project site improvements consist of a looped 10-inch diameter water line around the proposed building which would include two connections to the existing 12-inch diameter waterline in Patterson Avenue. There will also be a diesel-powered fire flow pump for fire flow demands and routine testing.

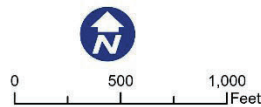
A new 8-inch diameter sewer line is being installed within Patterson Avenue, between Harley Knox Boulevard and north of California Street. The Project will connect to this line and no new off-site sewer line improvements are required. There are no existing sewer

lines adjacent to the Project site. As such, off-site improvements are required to serve the Project. There is an existing 15-inch diameter gravity sewer line in Harley Knox Boulevard. A new off-site 8-inch diameter gravity sewer line is proposed to be constructed by the Project Applicant in Nevada Avenue between the Project site and the existing sewer line in Harley Knox Boulevard.

Figure 3-13 – Off-Site Improvements, will be clarified to reflect the changes to the proposed sewer facilities and connection points for water and sewer as follows:



Figure 3-13 – Off-Site Improvements
 Duke Warehouse at Patterson Avenue and Nance Street



To clarify approvals from additional agencies, the following text will be added to Section 3.7, Discretionary Actions and Approvals under the list of “Approvals and permits that may be required by other agencies include:”

- b) Compliance with the South Coast Air Quality Management District Indirect Source Rule (Rule 2305) for warehouse owners and operators and a permit to operate a diesel fueled fire flow pump;

3.1.4 Section 4 – Environmental Effects found Not Significant

No changes were made to this Section of the DEIR.

3.1.5 Section 5 – Environmental Analysis

No changes were made to this Section of the DEIR.

3.1.6 Section 5.1 – Aesthetics

No changes were made to this Section of the DEIR.

3.1.7 Section 5.2 – Air Quality

To identify the references used to amplify the discussion in Section 5.2, Air Quality, the following references will be added to this section:

- California Air Resources Board, *Community Air Protection Program Recommendation Process*. (Available at <https://ww2.arb.ca.gov/capp-selection>, accessed February 21, 2023.) [Cited as CARB 2022a]
- California Air Resources Board, *Community Nominations*. (Available at <https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program/community-selection/community-nominations>, accessed February 21, 2023.) [Cited as CARB 2022b]
- City of Perris, *City of Perris General Plan, Conservation Element*, adopted July 12, 2005, Sustainable Community Amendment adopted February 18, 2008. (Available at, <https://www.cityofperris.org/home/showpublisheddocument/15026/637807115505230000>, accessed February 21, 2023.) [Cited as Environmental Justice Element]

Page 5.2-3 of the DEIR will be revised as follows to identify the reference used to amplify the construction health risk discussion:

- Urban Crossroads, *Duke Warehouse at Patterson Avenue and Nance Street (DPR No. 21-00005) Construction Health Risk Assessment City of Perris*. February 14, 2023. (Included as Appendix B.3 to this DEIR) [Cited as Construction HRA]

The analysis under the subheading Long-Term LST Analysis has been clarified on page 5.2-39 of the DEIR in regard to the fire flow pump that is expected to be diesel fueled.

According to the LST methodology, LSTs only apply to the operational phase if a project includes stationary sources or attracts mobile sources that may spend long periods of time idling at the site, such as warehouse/transfer facilities. The Project includes a diesel-powered fire flow pump. Because the fire flow pump will only be used during fire emergencies and routine testing, emissions would be negligible. The Project applicant will be required to obtain an SCAQMD permit. The SCAQMD permitting process would ensure that the Project meets regulatory requirements through the application review process and by placing specific operating conditions on the permit such as operating hour limits. As such, no further analysis of the fire pump was prepared. ~~Therefore, b~~Because the proposed Project will operate as a logistics center and has the potential to attract mobile sources that can reasonably be assumed will idle at the site, a long-term LST analysis was prepared for this Project. Although the Project exceeds five acres, per SCAQMD, the LST lookup tables can be used as a screening tool to determine if dispersion modeling would be necessary. Therefore, the Project's on-site emissions from CalEEMod and LST Look-Up Tables for the 5-acre site were utilized as a screening-level analysis.

To clarify the Project site in relation to a disadvantaged community, the following text will be added in Section 5.2.2, Related Regulations under the State Regulations subheading:

California Environmental Protection Agency (CalEPA)

The mission of the California Environmental Protection Agency (CalEPA) is to restore, protect and enhance the environment, to ensure public health, environmental quality, and economic vitality. This is accomplished by developing, implementing, and enforcing environmental laws that regulate air, water and soil quality, pesticide use and waste recycling and reduction. Relevant to air quality, the CalEPA consists of the California Air Resources Board (CARB) and the Office Environmental Health Hazard Assessment (OEHHA).

In 2012, the Legislature passed Senate Bill (SB) 535, which targets disadvantaged communities in California for investment of proceeds from the State's cap-and-trade program to improve public health, quality of life, and economic opportunity in California's most burdened communities, while also reducing pollution. SB 535 directed that 25 percent of the proceeds from the Greenhouse Gas Reduction Fund go to projects that provide a benefit to disadvantaged communities. The legislation gave CalEPA responsibility for identifying those communities. In 2016, the Legislature passed Assembly Bill (AB) 1550, which now requires that 25 percent of proceeds from the fund be spent on projects located in disadvantaged communities. CalEPA has prepared a list of disadvantaged communities for the purpose of SB 535 and CalEnviroScreen is a general mapping tool developed by OEHHA to help identify California communities that are most affected by sources of pollution.

According to the City's Environmental Justice Element,¹ the only census tracts in the City identified as disadvantaged communities using CalEnviroScreen 4.0 are 428, 429.01, and 429.04. (Environmental Justice Element, p. 12.) As shown on Environmental Justice Element Figure 1: Disadvantaged Communities in Perris, the Project site is located within census tract 426.20. (Environmental Justice Element, p. 11.)

To clarify the potential construction-related health risk impacts, the following text and subheading will be added under the Diesel Particulates Health Risks subheading page 5.2-41 of the DEIR:

Project construction would result in emissions of DPM from heavy construction equipment and trucks accessing the site. The Office of Environmental Health Hazard Assessment (OEHHA) has identified carcinogenic and chronic noncarcinogenic effects from long-term exposure but has not identified health effects due to short-term exposure to diesel exhaust. According to the OEHHA health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 30-year exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period/duration of activities associated with the project. Thus, the duration of the proposed construction activities would only constitute a small percentage of the total 30-year exposure period. Due to this relatively short period of exposure (11 months) and minimal particulate emissions on site, TACs generated by the Project construction activities would not result in concentrations causing significant health risks. Nonetheless, a construction HRA (Construction HRA) was prepared for the Project by Urban Crossroads to assess the potential health risk to the surrounding land uses as a result of the proposed warehouse construction and is included in Appendix B.3.

Operation HRA

To amplify the analysis of *Threshold C: Would the Project expose sensitive receptors to substantial pollutant concentrations* in Section 5.2.5, Environmental Impacts before Mitigation, the following text will be added to the conclusion and before the conclusion on page 5.2-46 of the DEIR.

Construction HRA

The Construction HRA was prepared for the Project and provided in Appendix B.3. The emissions calculations for the Construction HRA are based on an assumed equipment list and hauling activity presented in the AQ Study (Appendix B.1). The analysis was conducted in accordance with the guidelines in the Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis using the AERMOD model, as recommended by the SCAQMD. Health risks were evaluated at the same receptor locations shown in **Figure 5.2-1** and the cancer and non-cancer risks were calculated consistent with SCAQMD methodology.

The Construction HRA estimates the land use with the greatest potential exposure to Project construction DPM source emissions is Receptor 1 (a sensitive receptor). At the

¹ The Perris General Plan Environmental Justice Element is available for review at <https://www.cityofperris.org/home/showpublisheddocument/15026/637807115505230000>

maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to Project construction DPM source emissions is estimated at 7.44 in one million, which is less than the SCAQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable threshold of 1.0. All other modeled receptors during construction activity would experience less risk than what is identified for this location. A summary of risk estimates at all eight discrete receptor locations is summarized on Table 2-5 of the Construction HRA in Appendix B.3. Therefore, cancer and non-cancer risks resulting from the Project's construction activity are considered less than significant and no mitigation measures are required.

Disadvantaged Communities

With regard to the Community Air Protection Program (CAPP) (AB 617), each year CARB's governing board (Board) is required to consider selecting communities for participation in the CAPP. Communities are selected for developing community air monitoring systems, emissions reduction programs, or both in order to improve air quality in their community. Over the first four years of the Program, the Board selected 17 communities where these focused actions are underway (CARB 2022a). The City of Perris is not one of the selected communities and to date has not been nominated to participate in the CAPP (CARB 2022b).

As previously discussed, CalEnviroScreen is a general mapping tool developed by the OEHHA to help identify California communities that are most affected by sources of pollution. The Project site and its immediately surrounding area are designated by CalEPA as being part of a disadvantaged community for the purpose of SB 535.² SB 535 targets disadvantaged communities in California for investment of proceeds from the State's cap-and-trade program to improve public health, quality of life, and economic opportunity in California's most burdened communities, while also reducing pollution. The Project entails the development of one industrial warehouse building, which would bring jobs and other economic opportunities to the local area without State assistance. The environmental effects of the Project are fully evaluated in this DEIR, and feasible mitigation measures are identified for significant impacts that are within the City's jurisdictional authority to impose and enforce as required by the State CEQA Statute and Guidelines. This DEIR provides a disclosure of localized impacts which may affect this CalEPA-designated disadvantaged community. As indicated in the preceding analysis, the Project's construction and operational localized emissions would not exceed the SCAQMD LST thresholds, and the Project would not result in significant health impacts due to DPM emissions. The Project would not cause or contribute to any CO "hot spots." SB 535 does not include project-specific requirements or prohibit developments in proximity to the designated communities.

² CalEPA formally designated four categories of geographic areas as disadvantaged. The Project site and surrounding area falls under category 3: Census tracts identified in the 2017 DAC designation as disadvantaged, regardless of their scores in CalEnviroScreen 4.0.

Conclusion

None of the cancer or non-cancer thresholds are exceeded as a result of Project construction or operation for workers or sensitive uses within the proposed Project vicinity. Additionally, the proposed Project will not form any CO hot spots in the Project area and will not exceed SCAQMD's applicable LST. Therefore, the Project will not result in the exposure of sensitive receptors to substantial pollutant concentrations ~~during Project operation~~, and impacts are considered less than significant. No mitigation is required.

3.1.8 Section 5.3 – Biological Resources

No changes were made to this Section of the DEIR.

3.1.9 Section 5.4 – Cultural Resources

No changes were made to this Section of the DEIR.

3.1.10 Section 5.5 – Energy

No changes were made to this Section of the DEIR.

3.1.11 Section 5.6 – Geology and Soils

To clarify the changes to the existing and proposed sewer facilities, the following text will be modified in the analysis of *Threshold E: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water* in Section 5.6.5, Environmental Impacts before Mitigation, on page 5.6-15 of the DEIR:

Existing sewer service is provided to the Project from Eastern Municipal Water District (EMWD). A new 8-inch diameter sewer line is being installed within Patterson Avenue, between Harley Knox Boulevard and north of California Street. The Project will connect to this line and no new off-site sewer line improvements are required. ~~The Project will construct a new sewer line at the intersection of Nevada Avenue and Nance Street, continuing north along Nevada and connecting to the existing sewer line in Harley Knox Boulevard for conveyance of wastewater to treatment facilities. No septic systems are needed nor proposed. No impacts would occur.~~

3.1.12 Section 5.7 – Greenhouse Gas Emissions

No changes were made to this Section of the DEIR.

3.1.13 Section 5.8 – Hazards and Hazardous Materials

No changes were made to this Section of the DEIR.

3.1.14 Section 5.9 – Hydrology and Water Quality

No changes were made to this Section of the DEIR.

3.1.15 Section 5.10 – Land Use

No changes were made to this Section of the DEIR.

3.1.16 Section 5.11 – Noise

To identify the reference used to amplify the discussion in Section 5.11, Noise the following revisions will be made to the reference list.

- ~~ENTECH, *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California, October 2022.* (Included as Appendix I in this DEIR) [Cited as ENTECH]~~
- ENTECH, *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California, February 2023.* (Included as Appendix I in this DEIR) [Cited as ENTECH 2023]

To reflect the updated *Noise and Vibration Analysis*, a global change in source citations from ENTECH to ENTECH 2023 will be made.

To reflect the updated *Noise and Vibration Analysis*, the source on DEIR **Table 5.11-A – Typical Noise Levels of Common Sounds** on (DEIR, p. 5.11-23), DEIR **Table 5.11-B – Common Noise Descriptors** (DEIR, p. 5.11-4), DEIR **Table 5.11-C – Existing (Ambient Long-Term (24-hour) Noise Level Measurements** (DEIR, p. 5.11-7), DEIR **Table 5.11-D – Equipment by Construction Activity** (DEIR, p. 5.11-10), DEIR **Table 5.11-E – Construction Schedule** (DEIR, p. 5.11-11), DEIR **Table 5.11-F – Reference Noise Levels** (DEIR, p. 5.11-11), DEIR **Table 5.11-J – Construction Vibration Damage Criteria** (DEIR, p. 5.11-21), and DEIR **Table 5.11-K – Ground-borne Vibration Impact Criteria for General Assessment** (DEIR, p. 5.11-21), will be changed to ENTECH 2023. No other changes to these tables are required.

In response to a comment regarding the distances used for the construction analysis in Section 5.11.5, Environmental Impacts Before Mitigation, the discussion under the subheading **Construction Noise Impacts** commencing on DEIR page 5.11-22 will be revised as follows.

Construction noise associated with the Project was analyzed using the RCNM model. It was assumed that the construction for the Project parcels would take place over eleven months. It was assumed that the Project development would occur in one phase and would consist of mass grading, building construction, paving, and painting activities. All construction activities would create temporary periods of noise when heavy construction equipment is in operation and would cause a short-term increase in ambient noise levels. It was assumed that daytime each construction activity would occur at the edge the center of the Project's proposed parking lots. Construction noise levels were evaluated at the nearest residential receivers to the west and east of the Project site, receivers R1 and R3. The distance used for daytime construction for receiver R1 is 170 feet and the distance used for receiver R3 is 119 feet. (ENTECH 2023, Appendix D.) **Table 5.11-L, Construction Noise Levels by Construction Phase**, presents the noise levels in L_{max} for each construction phase for R1 and R3. Concrete pouring may occur during the daytime and nighttime hours during hot weather. Since the only nighttime construction activity is concrete pouring, it is assumed that nighttime construction will take place only at the proposed building's foundation. The distance used for nighttime construction for receiver R1 is 410 feet and the distance used for receiver R2 is 305 feet. (ENTECH 2023, Appendix D.) All other construction activities will occur during the daytime hours only. (ENTECH 2023, p. 32.) Since the use of properly operating and maintained mufflers consistent with manufacturer's standards are required by PVCCSP

EIR mitigation measure **MM Noise 1**, the results presented in **Table 5.11-L** reflects the use of mufflers on all construction equipment.

Table 5.11-L – Construction Noise Levels by Construction Phase

Location	Phase	Construction Noise Level ¹⁻² dBA L _{max}		Exceeds Standard, 80 dBA L _{max}
		Daytime	Nighttime ³	
R1 (West)	Grade	<u>64</u> 68	None	No
	Build	<u>53</u> 62	<u>43</u> 57	
	Pave	<u>53</u> 63	None	
	Arch Coat	<u>50</u> 54	None	
R3 (East West)	Grade	<u>65</u> 72	None	
	Build	<u>57</u> 66	<u>46</u> 64	
	Pave	<u>57</u> 67	None	
	Arch Coat	<u>54</u> 58	None	

Source: ENTECH 2023, Table 10-3.

Notes

- 1 Construction noise for daytime operations projected from edge of parking lot to the residential structure. Distance used for R1 = 170 feet; distance used for R3 = 119 feet. Construction noise for nighttime operations projected from edge of building pad to the residential structure. Distance for R1 = 410 feet; distance used for R3 = 305 feet. Construction noise projected from center of Project site to nearest adjacent use (structure)
- 2 Noise levels reflect the use of mufflers on all construction equipment.
- 3 Concrete pours with cement pump trucks and mixers occur during the building construction phase at nighttime only.

Construction noise is considered a short-term, temporary impact and would be considered significant if construction activities are undertaken outside the allowable times and if construction noise exceeds the allowable decibels described in the Perris Municipal Code Section 7.34.060 – Construction noise. The Project will comply with the allowable construction hours identified in Section 7.34.060. However, Section 7.34.060 identified that construction noise shall not exceed 80 dBA L_{max} for residential properties within the City. As shown above in **Table 5.11-L**, the highest noise level experienced at receptor R3 is 65 dBA L_{max}, during grading activities. Thus, noise from construction activities would not exceed the established 80 dBA L_{max} standard identified by the Perris Municipal Code. Construction equipment is expected to operate on the Project site during the allowed days and time period. Should construction activities need to occur outside of the hours permitted by the Perris Municipal Code, the Project Applicant would be required to obtain authorization from the City. In the event on-site concrete pouring activities need to occur at night to allow the concrete to set properly, pours would typically start at 1:00 a.m.

To reflect the updated *Noise and Vibration Analysis*, the source on DEIR **Table 5.11-M – Change in Existing Road Segments as a Result of Project** (DEIR, p. 5.11-24) and DEIR **Table 5.11-N – Project Only Operational Noise Levels (dBA L_{eq})** (DEIR, p. 5.11-25) will be changed to ENTECH 2023. No other changes to these table are required.

To reflect the updated *Noise and Vibration Analysis*, DEIR **Table 5.11-O – Project Only Operational Noise Levels (dBA L_{eq}) & CNEL** on DEIR page 5.11-25 will be revised as follows.

Table 5.11-A – Project Only Operational Noise Levels (dBA L_{eq}) & CNEL

Receptor Location ¹	Distance from the Project site to receiving property line (ft)	Combined Project only Operational Noise Level (dBA L _{eq}) ³	CNEL	60 CNEL Standard Exceeded
R1 ²	52	<u>47</u> 46	<u>46</u> 47	No
R2	52	<u>47</u> 46	<u>48</u> 47	No
R3	30	48	48	No
R4	302	<u>42</u> 43	<u>42</u> 43	No

Source: ENTECH 2023, Table 8-2.

Notes:

- 1 **Figure 5.11-1** shows the receptor locations.
- 2 Identified as a potential residential land use.

To reflect the updated *Noise and Vibration Analysis*, DEIR **Table 5.11-P – Daytime Operational Noise Levels (dBA L_{eq})** on DEIR page 5.11-26 will be revised as follows.

Table 5.11-B – Daytime Operational Noise Levels (dBA L_{eq})

Receptor Location ¹	Combined Operational Noise Level (dBA L _{eq}) ²	Measurement Location ³	Average Measured Ambient Noise Level (dBA L _{eq}) ³	Combined Noise Level (dBA L _{eq}) ⁴	Project Increase (dBA L _{eq})
R1	<u>47</u> 46	Site 1	58.7	58.9	0.2
R2	<u>47</u> 46	Site 1	58.7	58.9	0.2
R3	48	Site 3	56.8	57.3	0.5
R4	<u>42</u> 43	Site 3	56.8	57.0	0.2

Source: ENTECH 2023, Table 8-3.

Notes:

- 1 **Figure 5.11-1** shows the receptor locations.
- 2 Combined Noise Level from Table 8-2, Appendix I
- 3 Site 1 average measured daytime noise was used for long-term measurement.

To reflect the updated *Noise and Vibration Analysis*, DEIR **Table 5.11-Q – Nighttime Operational Noise Levels (dBA L_{eq})** on DEIR page 5.11-26 will be revised as follows.

Table 5.11-C – Nighttime Operational Noise Levels (dBA L_{eq})

Receptor Location ¹	Combined Operational Noise Level (dBA L _{eq}) ²	Measurement Location ³	Average Measured Ambient Noise Level (dBA L _{eq}) ³	Combined Noise Level (dBA L _{eq}) ⁴	Project Increase (Dba L _{eq})
R1	<u>47</u> 46	Site 1	53.9	54.5	0.6
R2	<u>47</u> 46	Site 1	53.9	54.5	0.6
R3	48	Site 3	48.4	51.2	2.8
R4	<u>42</u> 43	Site 3	48.4	49.5	1.1

Source: ENTECH 2023, Table 8-4.

Notes:

- 1 **Figure 5.11-1** shows the receptor locations.
- 2 Combined Noise Level from Table 8-2, Appendix I
- 3 Average measured nighttime noise was used for long-term measurement.

In response to a comment regarding the distances used for the vibration analysis in Section 5.11.5, Environmental Impacts Before Mitigation, the discussion under the subheading **Construction Vibration** commencing on DEIR page 5.11-27 will be revised as follows.

Vibration levels associated with construction of the Project were estimated based on the equipment requirements and construction schedule information provided by the Project Applicant, the length of time the Project would take to complete, and the types of construction activities that would occur. As indicated earlier, construction activities would create temporary periods of noise when heavy construction equipment is in operation and would cause a short-term increase in ambient noise levels. Based on **Table 5.11-E – Construction Schedule**, construction is set to occur over an eleven-month period. Based on the FTA’s reference vibration level, off-road equipment causes the greatest source of vibration. An off-road large bulldozer was used to represent the largest peak vibration source with a reference level of 87 VdB at a distance of 25 feet. One large bulldozer was assumed to operate at 90 650 feet, measured from the edge of the center of the proposed Project’s parking lot site to the nearest residential structure receiver; since multiple pieces of equipment cannot operate in the same location at the same time, it is assumed that two (2) large bulldozers operating at the same time would produce the worst case construction vibration levels from the Project site. Under these worst case conditions, vibration levels would approach 70 56 VdB as shown in **Table 5.11-R – Construction Equipment Vibration Levels**. (ENTECH 2023, p. 32.)

Table 5.11-R – Construction Equipment Vibration Levels

Noise Receptor ¹	Distance from Construction Activity to Property Line ²	Large Bulldozer Reference Vibration Level PPV _{ref} (VdB) at 25 ft ¹³	Peak Vibration PPV (VdB)	Exceed Threshold? (Below 80 VdB)
R3	<u>90</u> 650 feet	87 VdB	<u>70</u> 56 VdB	No

Source: ENTECH 2023, Table 10-4.

Notes:

- 1 **Figure 5.11-1** shows the receptor location
- 2 Construction vibration projected from the edge of the parking lot to the residential structure.

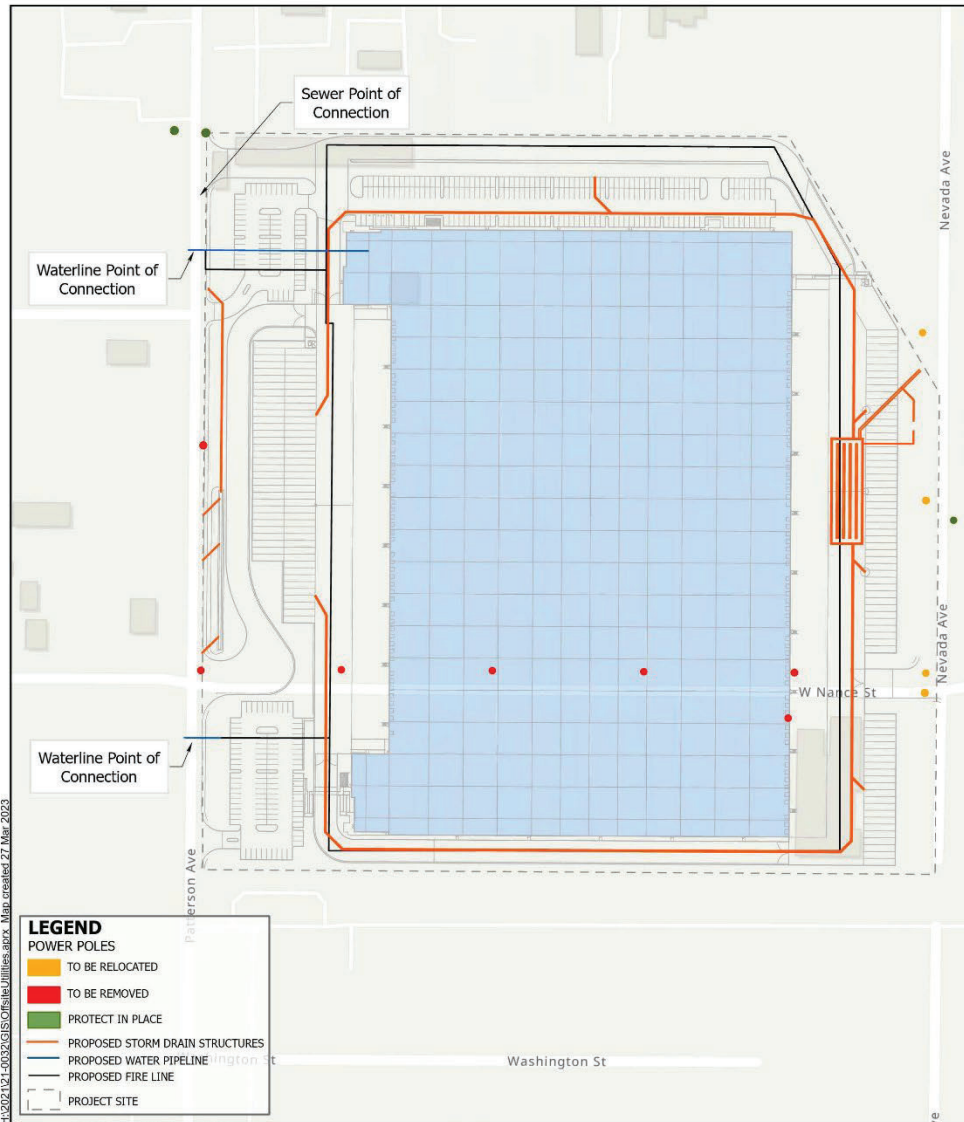
3 Reference noise level obtained from the FTA Noise and Vibration Manual, Table 7-4.

Based on **Table 5.11-K– Ground-borne Vibration Impact Criteria for General Assessment**, the FTA’s vibration assessment annoyance criteria for infrequent events, the Project would not exceed the Vibration Category 2, Infrequent event threshold of 80 VdB adopted by the FTA. Additionally, the expected construction vibration level of ~~70~~ 56 VdB would not exceed the 80 VdB maximum acceptable vibration standard that was adopted by the City of Perris in the PVCCSP EIR. Therefore, anticipated construction vibration would not result in a perceptible human response (annoyance). As noted in **Table 5.11-K**, Project construction activities will progress and change over time, thus impacts at the closest sensitive receptor, R3, are unlikely to be sustained during the entire construction period. Moreover, construction use of off-road equipment at the Project site will be restricted to daytime hours, thereby eliminating potential vibration impacts during sensitive nighttime hours. Further, the predicted construction noise level is below the PVCCSP EIR vibration threshold of 80 VdB. The Project construction will not generate excessive ground-borne vibration. Therefore, Project construction would have a **less than significant impact**.

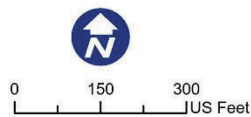
3.1.17 Section 5.12 – Utilities and Service Systems

Figure 5.12-1 – Proposed On-Site Utilities will be clarified to reflect the proposed connection points for proposed water and sewer service as shown on the following page:

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5.12-1 – Proposed On-site Utilities
 Duke Warehouse at Patterson Avenue and Nance Street



To clarify the changes to the existing and proposed sewer facilities, the following text will be added to Section 5.12.3, Design Considerations, under the Wastewater Design Features subheading:

A new 8-inch diameter sewer line is being installed within Patterson Avenue, between Harley Knox Boulevard and north of California Street. The Project will connect to this line and no new off-site sewer line improvements are required. An 8-inch diameter gravity

sewer line is proposed in Nevada Avenue between the Project site and the existing 15-inch diameter line in Harley Knox Boulevard (see **Figure 5.12-2**).

Figure 5.12-2 – Proposed Off-Site Utilities, will be clarified to reflect the sewer facilities under construction and proposed connection points for water and sewer service as follows:



Figure 5.12-2 – Proposed Off-site Utilities
Duke Warehouse at Patterson Avenue and Nance Street



3.1.18 Section 5.13 – Transportation

To direct the reader to figures that show truck/trailer turning radii and fire access lanes, the discussion in the second paragraph under Threshold C commencing on page 5.13-29 of the DEIR will be amplified as follows:

Regional access to the Project area is provided via I-215 approximately 0.60 miles to the northwest of the Project site. Local access is provided via Patterson Avenue and Nevada Avenue. The Project site will be accessed through five driveways: three full-access driveways and one right in/right out only access driveway off of Patterson Avenue, and one full-access driveways off Nevada Avenue that will be designated as a truck emergency/secondary access only. The Project will be reviewed by City staff to ensure that adequate turn radii and sight distance, pursuant to PVCCSP EIR mitigation measure **MM Trans 2**, are provided at each driveway location. (Refer to **Figure 3-12 – Conceptual Landscape Plan for truck and trailer turning radii at the Project driveways on Patterson Avenue, Nance Street, and internal fire access lanes.**) All Project-related truck trips will be restricted to using existing City truck routes (Harley Knox Boulevard). Offsite improvements, as described in Section 3.3.5, On- and Off-Site Infrastructure, will be designed pursuant to PVCCSP EIR mitigation measure **MM Trans 1**.

To amplify the discussion regarding turning radii and emergency access under Threshold D, the paragraph under this threshold on page 5.13-30 of the DEIR will be revised as follows:

As discussed above under Threshold C, construction activities that may temporarily restrict vehicular traffic flow would be required to implement adequate measures to facilitate the passage of vehicles through/around any required lane or road closures (refer to PVCCSP EIR mitigation measure **MM Air 2** in Section 5.2, Air Quality, which requires that a traffic control plan be provided to the City). Site-specific activities such as temporary construction activities are finalized on a project-by-project basis by the City and are required to ensure adequate emergency access. The Project site has been designed to comply with all applicable fire codes requirements for construction and access to the site and has been reviewed by Riverside County Fire Department to determine the specific fire requirements applicable to the Project and has been designed in compliance with these requirements. The Project's site plan includes 30-foot-wide fire access lanes as shown on **Figure 3-9 – Development Plan Review No. 21-00005** and **Figure 3-12 – Conceptual Landscape Plan.** The Project driveways have been designed to accommodate large trucks with trailers that would be used for the distribution of goods to and from the site. As discussed above (and shown on **Figure 3-12**), adequate turn radii and sight distance would be provided. Thus, the Project would provide ample vehicular access for emergency vehicles to and from the site. Therefore, impacts are less than significant and no mitigation is required.

3.1.19 Section 5.14 – Tribal Cultural Resources

No changes were made to this Section of the DEIR.

3.1.20 Section 6 – Other CEQA Topics

No changes were made to this Section of the DEIR.

3.1.21 Section 7 – Cumulative Impact Analysis

No changes were made to this Section of the DEIR.

3.1.22 Section 8 – Alternatives

Page 8-6 of the DEIR will be clarified as follows to address changes related to the off-site improvements:

Alternative 1 would retain the Project site’s existing condition and no improvements would occur nor would utility demand increase. ~~No sewer or recycled water service exists.~~ With no development at the Project site, the Project proponent would not provide connection ~~contribute to existing and planned construction~~ of infrastructure in the Project vicinity. Therefore, impacts to utilities and service systems would be decreased ~~increased~~ compared to the proposed Project.

Table 8-B – Comparison of Alternatives Matrix, on page 8-9 of the DEIR will be clarified as follows to update changes to the Utilities/Service Systems determination under the “Alternative 1 No Project/No Build” column:

Table 8 B – Comparison of Alternatives Matrix

Environmental Issue	Proposed Project	Alternative 1 No Project/ No Build
Aesthetics	LTSM	Reduced
Air Quality	LTSM	Reduced
Biological Resources	LTSM	Reduced
Cultural Resources	LTSM	Reduced
Energy	LTS	Reduced
Geology and Soils	LTSM	Reduced
Greenhouse Gas (GHG) Emissions	LTSM	Reduced
Hazards and Hazardous Materials	LTSM	Reduced
Hydrology and Water Quality	LTS	Increased
Land Use and Planning	LTS	Increased
Noise	LTS	Reduced
Transportation	LTS	Reduced
Tribal Cultural Resources	LTSM	Reduced
Utilities/Service Systems	LTS	<u>Reduced</u> Increased
LTS = Less than Significant Impact LTSM = Less than Significant Impact with Mitigation SU = Significant and Unavoidable Impact		

The analysis under Section 8.7, Environmentally Superior Alternative, on page 8-9 of the DERI will be clarified as follows to update the discussion of Utilities and Service Systems:

State CEQA Guidelines Section 15126.6(e)(2) requires the identification of the environmentally superior alternative. Alternative 1 (No Project/No Build) is the environmentally superior alternative. Under this alternative, the Project site would stay in its existing condition and no development would occur. Alternative 1 would avoid most environmental impacts to the Project site for the exception of Hydrology and Water Quality and Land Use and Planning Utilities and Service Systems. The State CEQA Guidelines also require the identification of another environmentally superior alternative if the No Project Alternative is the environmentally superior alternative. However, the proposed Project did not result in any significant and unavoidable impacts.

3.1.23 Section 9 – References

To identify the references used to amplify the discussion in Section 5.2, Air Quality the following reference will be added under the Air Quality subheading:

- California Air Resources Board, *Community Air Protection Program Recommendation Process*. (Available at <https://ww2.arb.ca.gov/capp-selection>, accessed February 21, 2023.) [Cited as CARB 2022a]
- California Air Resources Board, *Community Nominations*. (Available at <https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program/community-selection/community-nominations>, accessed February 21, 2023.) [Cited as CARB 2022b]
- City of Perris, *City of Perris General Plan, Conservation Element*, adopted July 12, 2005, Sustainable Community Amendment adopted February 18, 2008. (Available at, <https://www.cityofperris.org/home/showpublisheddocument/15026/637807115505230000>, accessed February 21, 2023.) [Cited as Environmental Justice Element]
- Urban Crossroads, *Duke Warehouse at Patterson Avenue and Nance Street (DPR No. 21-00005) Construction Health Risk Assessment City of Perris*. February 14, 2023. (Included as Appendix B.3 to this DEIR) [Cited as Construction HRA]

To identify the reference used to amplify the discussion in Section 5.11, Noise the following revisions will be made under the Noise subheading.

- ~~ENTECH, *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, October 2022. (Included as Appendix I in this DEIR) [Cited as ENTECH]~~
- ENTECH, *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, February 2023. (Included as Appendix I in this DEIR) [Cited as ENTECH 2023]

4.0 Mitigation Monitoring and Reporting Program (MMRP)

4.1 Introduction

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for use in implementing the mitigation measures that are part of the Environmental Impact Report (EIR) that will be certified by the City of Perris for the Duke Warehouse at Patterson Avenue and Nance Street Project (Project).

The MMRP has been prepared in compliance with State law and the Duke Warehouse at Patterson Avenue and Nance Street EIR (State Clearinghouse No.2022010274) prepared for the Project by the City of Perris.

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment (Public Resources Code Section 21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

- 1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- 2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- 3) The program has been designated to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

This MMRP includes two sets of mitigation measures: 1) mitigation measures required under the Perris Valley Commerce Center Specific Plan (PVCCSP) EIR that are applicable to and have been incorporated by reference in the Project EIR, and 2) additional Project-specific mitigation measures identified in the Draft EIR.

4.2 Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Perris (City) is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof. If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Aesthetics	Applicable PVCCSP EIR Mitigation Measures						
Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	MM Haz 3: Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky or above the horizontal plane.	Prior to issuance of a building permit	Submission of lighting plans demonstrating that lights are hooded or shielded to prevent either the spillage of lumens or reflection into the sky and that all outdoor lighting is downward facing as much as feasible	City of Perris Building Division			
	MM Haz 5: The following uses shall be prohibited: <ul style="list-style-type: none"> a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA approved navigational signal light or visual approach slope indicator. b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport. c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation. e. All retention and water quality basins shall be designed to dewater within 48 hours of a rainfall event. 	Prior to issuance of building permits	Submission of evidence that uses listed are prohibited in site	City of Perris Planning Division			
	Additional Project-Level Mitigation Measures						
	MM AES 1: Prior to the issuance of grading permits, the Property Owner/Developer shall provide evidence to the City that the Contractor Specifications require that: (1) construction staging areas shall be located as far as possible from residences east and west of the Project area; and, (2) any temporary nighttime lighting installed during construction for security or any other purpose shall be downward facing and hooded or shielded to prevent security light from spilling outside the staging area or from directly broadcasting security light into the sky or onto adjacent residential properties. Compliance	Prior to issuance of a grading permit	Review and approval of Contractor Specifications	City of Perris Building Division			

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	with this measure shall be verified by the City of Perris' Building Division during construction.						
Air Quality	Applicable PVCCSP EIR Mitigation Measures						
Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)	<p>MM Air 2: Each individual implementing development project shall submit a traffic control plan prior to the issuance of a grading permit. The traffic control plan shall describe in detail safe detours and provide temporary traffic control during construction activities for that project. To reduce traffic congestion, the plan shall include, as necessary, appropriate, and practicable, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow.</p>	Prior to issuance of a grading permit	Approval of required traffic control plan	City of Perris Engineering Department			
	<p>MM Air 3: To reduce fugitive dust emissions, the development of each individual implementing development project shall comply with SCAQMD Rule 403. The developer of each implementing project shall provide the City of Perris with the SCAQMD-approved dust control plan, or other sufficient proof of compliance with Rule 403, prior to grading permit issuance. Dust control measures shall include, but are not limited to:</p> <ul style="list-style-type: none"> requiring the application of non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 20 days or more, assuming no rain), keeping disturbed/loose soil moist at all times, requiring trucks entering or leaving the site hauling dirt, sand, or soil, or other loose materials on public roads to be covered, installation of wheel washers or gravel construction entrances where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip, posting and enforcement of traffic speed limits of 15 miles per hour or less on all unpaved portions of the project site, suspending all excavating and grading operations when wind gusts (as instantaneous gust) exceed 25 miles per hour, appointment of a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM-10 generation, 	Prior to issuance of a grading permit	Submittal of dust control plan approved by the SCAQMD or other sufficient proof of compliance with Rule 403.	City of Perris Planning Division and Engineering Department.			

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<ul style="list-style-type: none"> sweeping streets at the end of the day if visible soil material is carried onto adjacent paved public roads and use of SCAQMD Rule 1186 and 1186.1 certified street sweepers or roadway washing trucks when sweeping streets to remove visible soil materials, replacement of ground cover in disturbed areas as quickly as possible. 						
	MM Air 4: Building and grading permits shall include a restriction that limits idling of construction equipment on site to no more than five minutes	Prior to issuance of building and grading permit	Confirmation that building and grading permits include required restriction	City of Perris Building Division			
	MM Air 5: Electricity from power poles shall be used instead of temporary diesel or gasoline-powered generators to reduce the associated emissions. Approval will be required by the City of Perris' Building Division prior to issuance of grading permits.	Prior to issuance of a grading permit	Confirmation that this requirement is included in Contractor Specifications	City of Perris Building Division			
	MM Air 6: The developer of each implementing development project shall require, by contract specifications, the use of alternative fueled off-road construction equipment, the use of construction equipment that demonstrates early compliance with off-road equipment with the CARB in-use off-road diesel vehicle regulation (SCAQMD Rule 2449) and/or meets or exceeds Tier 3 standards with available CARB verified or US EPA certified technologies. Diesel equipment shall use water emulsified diesel fuel such as PuriNOx unless it is unavailable in Riverside County at the time of project construction activities. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Perris' Building Division prior to issuance of a grading permit.	Prior to issuance of a grading permit	Confirmation that this requirement is included in Contractor Specifications and project construction documents	City of Perris Building Division			
	MM Air 7: During construction, ozone precursor emissions from mobile construction equipment shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers' specifications to the satisfaction of the City of Perris' Building Division. Equipment maintenance records and equipment design specification data sheets shall be kept on-site during construction. Compliance with this measure shall be subject to periodic inspections by the City of Perris' Building Division.	Prior to issuance of a grading permit and during construction	Confirmation that this requirement is included in Contractor Specifications Periodic review of equipment maintenance records and equipment design.	City of Perris Building Division			
	MM Air 8: Each individual implementing development project shall apply paints using either high volume low pressure (HVLP) spray equipment with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.	Prior to issuance of building permits	Confirmation that this requirement is included in contractor specifications	City of Perris Building Division			

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	MM Air 9: To reduce VOC emissions associated with architectural coating, the project designer and contractor shall reduce the use of paints and solvents by utilizing pre-coated materials (e.g. bathroom stall dividers, metal awnings), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. The construction contractor shall be required to utilize “Super-Compliant” VOC paints, which are defined in SCAQMD’s Rule 1113. Construction specifications shall be included in building specifications that assure these requirements are implemented. The specifications for each implementing development project shall be reviewed by the City of Perris’ Building Division for compliance with this mitigation measure prior to issuance of a building permit for that project.	Prior to issuance of building permits	Confirmation that this requirement is included in contractor specifications	City of Perris Building Division			
	MM Air 11: Signage shall be posted at loading docks and all entrances to loading areas prohibiting all on-site truck idling in excess of five minutes.	Prior to issuance of occupancy permits and annually thereafter	Confirmation that this requirement is included in building specifications Inspection to confirm signage posted	City of Perris Building Division			
	MM Air 12: Where transport refrigeration units (TRUs) are in use, electrical hookups will be installed at all loading and unloading stalls in order to allow TRUs with electric standby capabilities to use them.	Prior to issuance of certificate of occupancy	Confirmation that this requirement is included in building specifications Inspection to confirm installation	City of Perris Building Division			
	MM Air 13: In order to promote alternative fuels, and help support “clean” truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to SCAQMD’s Carl Moyer Program, or other state programs that restrict operations to “clean” trucks, such as 2007 or newer model year or 2010 compliant vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. If trucks older than 2007 model year would be used at a facility with three or more dock-high doors, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP [On-road Heavy Duty Voucher Incentive Program], HVIP [Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project], and SOON [Surplus Off-Road Opt-in for NOX] funding programs, as identified on SCAQMD’s website (http://www.aqmd.gov). Tenants would be required to use those funds, if awarded.	Prior to issuance of occupancy permits and tenant improvements	Confirmation that tenants have been provided with required information	City of Perris Planning Division			

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	MM Air 14: Each implementing development project shall designate parking spaces for high- occupancy vehicles and provide larger parking spaces to accommodate vans used for ride sharing. Proof of compliance would be required prior to the issuance of occupancy permits.	Prior to certificate of occupancy	Confirmation that designated parking spaces for high-occupancy vehicles and vans are included in building plans and verified during a site visit	City of Perris Building Division			
	MM Air 19: In order to reduce energy consumption from the individual implementing development projects, applicable plans (e.g., electrical plans, improvement maps) submitted to the City shall include the installation of energy-efficient street lighting throughout the Project site. These plans shall be reviewed and approved by the applicable City Department (e.g., City of Perris' Building Division) prior to conveyance of applicable streets.	Prior to the approval of street and utility plans and the City accepting the street improvements	Submission of energy-efficient street lighting plans	City of Perris Building Division and Engineering Department			
	MM Air 20: Each implementing development project shall be encouraged to implement, at a minimum, an increase in each building's energy efficiency 15 percent beyond Title 24, and reduce indoor water use by 25 percent. All reductions will be documented through a checklist to be submitted prior to issuance of building permits for the implementing development project with building plans and calculations.	Prior to issuance of building permits	Submission of a checklist documenting calculation with building plans	City of Perris Building Division			
Biological Resources	Applicable PVCCSP EIR Mitigation Measures						
Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan	MM Bio 2: Project-specific habitat assessments and focused surveys for burrowing owls would be conducted for implementing development or infrastructure projects within burrowing owl survey areas. A pre-construction survey for resident burrowing owls would also be conducted by a qualified biologist within 30 days prior to commencement of grading and construction activities within those portions of implementing project sites containing suitable burrowing owl habitat and for those properties within an implementing project site where the biologist could not gain access. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey and any relocation activity would be conducted in accordance with the current Burrowing Owl Instruction for the Western Riverside MSHCP. If active nests are identified on an implementing project site during the pre-construction survey, the nests shall be avoided or the owls actively or passively relocated. To adequately avoid active nests, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31), and 160 feet during the non-breeding season.	Prior to issuance of grading permits	Monitoring report submission	City of Perris Planning Division			

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p>If burrowing owls occupy any implementing project site and cannot be avoided, active or passive relocation shall be used to exclude owls from their burrows, as agreed to by the City of Perris Planning Department and the CDFG. Relocation shall be conducted outside the breeding season or once the young are able to leave the nest and fly. Passive relocation is the exclusion of owls from their burrows (outside the breeding season or once the young are able to leave the nest and fly) by installing one-way doors in burrow entrances. These one-way doors allow the owl to exit the burrow, but not enter it. These doors shall be left in place 48 hours to ensure owls have left the burrow. Artificial burrows shall be provided nearby. The implementing project area shall be monitored daily for one week to confirm owl use of burrows before excavating burrows in the impact area. Burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible pipe shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. The CDFG shall be consulted prior to any active relocation to determine acceptable receiving sites available where this species has a greater chance of successful long-term relocation. If avoidance is infeasible, then a DBESP would be required, including associated relocation of burrowing owls. If conservation is not required, then owl relocation would still be required following accepted protocols. Take of active nests would be avoided</p>						
Additional Project-Level Mitigation Measures							
	<p>MM BIO 1: To reduce potential indirect impacts to regulated nesting birds, if construction is proposed between February 1st and September 15th, the Project Applicant shall retain a qualified biologist to conduct a nesting bird survey(s) no more than three (3) days prior to initiation of ground-disturbing activities to document the presence or absence of nesting birds within or directly adjacent (100 feet) to the Project site impact area. If the survey identifies the presence of active nests, then the qualified biologist shall implement avoidance measures until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Construction outside the nesting season (September 16th to January 31st) will not require pre-construction nesting bird surveys. A copy of the nesting bird survey results report shall be provided to the City of Perris Planning Division.</p>	<p>If ground disturbing activities to take place between February 1 and September 15, pre-construction survey to be conducted no more than 3 days prior to initiating ground disturbing activities</p>	<p>Nesting bird survey results report submission.</p>	<p>City of Perris Planning Division.</p>			
<p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan</p>	<p>Applicable PVCCSP EIR Mitigation Measures</p> <p>MM Bio 2, above</p>						

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Cultural Resources	Additional Project Mitigation Measures						
Create a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.	<p>MM CR 1: Prior to the issuance of grading permits, the Project proponent/developer shall retain a professional archaeologist meeting the Secretary of the Interior’s Professional Standards for Archaeology (U.S. Department of Interior, 2012; Registered Professional Archaeologist preferred). The primary task of the consulting archaeologist shall be to monitor the initial ground-disturbing activities at both the subject site and any off-site Project-related improvement areas for the identification of any previously unknown archaeological and/or cultural resources. Selection of the archaeologist shall be subject to the approval of the City of Perris Director of Development Services and no ground-disturbing activities shall occur at the site or within the off-site Project improvement areas until the archaeologist has been approved by the City.</p> <p>The archaeologist shall be responsible for monitoring ground-disturbing activities, maintaining daily field notes and a photographic record, and for reporting all finds to the developer and the City of Perris in a timely manner. The archaeologist shall be prepared and equipped to record and salvage cultural resources that may be unearthed during ground-disturbing activities and shall be empowered to temporarily halt or divert ground-disturbing equipment to allow time for the recording and removal of the resources.</p> <p>In the event that archaeological resources are discovered at the Project site or within the off-site project improvement areas, the handling of the discovered resource(s) will differ, depending on the nature of the find. Consistent with California Public Resources Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for Native American/tribal cultural/archaeological resources. However, it is understood that all artifacts, with the exception of human remains and related grave goods or sacred/ceremonial/religious objects, belong to the property owner. The property owner will commit to the relinquishing and curation of all artifacts identified as being of Native American origin. All artifacts, Native American or otherwise, discovered during the monitoring program shall be recorded and inventoried by the consulting archaeologist.</p> <p>If any artifacts of Native American origin are discovered, all activities in the immediate vicinity of the find (within a 50-foot radius) shall stop and the Project proponent and Project archaeologist shall notify the City of Perris Planning Division and the Soboba Band of Luiseño Indians and the Pechanga Band of Luiseño Indians. A designated Native American representative from either the Soboba Band of Luiseño Indians or the Pechanga Band of Luiseño Indians shall be retained to assist the Project archaeologist in the significance determination of the Native American artifact as deemed possible. The designated Luiseño</p>	Prior to issuance of a grading permit and during subsurface excavation	Confirmation of professional archaeologist retention/on-going monitoring/submittal of Report of Findings	City of Perris Planning Division			

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	<p>tribal representative will be given ample time to examine the find. The significance of Native American resources shall be evaluated in accordance with the provisions of CEQA and shall consider the religious beliefs, customs, and practices of the Luiseño tribe. If the find is determined to be of sacred or religious value, the Luiseño tribal representative will work with the City and consulting archaeologist to protect the resource in accordance with tribal requirements. All analysis will be undertaken in a manner that avoids destruction or other adverse impacts.</p> <p>In the event that human remains are discovered at the Project site or within the off-site Project improvement areas, mitigation measure MM CR 2 shall immediately apply and all items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling.</p> <p>Native American artifacts that are relocated/reburied at the Project site would be subject to a fully executed relocation/reburial agreement with the assisting Luiseño tribe. This shall include, but not be limited to, an agreement that artifacts will be reburied on-site and in an area of permanent protection, and that reburial shall not occur until all cataloging and basic recordation have been completed by the consulting archaeologist.</p> <p>Native American artifacts that cannot be avoided or relocated at the Project site shall be prepared for curation at an accredited curation facility in Riverside County that meets federal standards (per 36 CFR Part 79) and available to archaeologists/researchers for further study. The Project archaeologist shall deliver the Native American artifacts, including title, to the identified curation facility within a reasonable amount of time, along with applicable fees for permanent curation.</p> <p>Non-Native American artifacts shall be inventoried, assessed, and analyzed for cultural affiliation, personal affiliation (prior ownership), function, and temporal placement. Subsequent to analysis and reporting, these artifacts will be subjected to curation, as deemed appropriate, or returned to the property owner.</p> <p>Once grading activities have ceased and/or the archaeologist, in consultation with the designated Luiseño representative, determines that monitoring is no longer warranted, monitoring activities can be discontinued following notification to the City of Perris Planning Division.</p> <p>A report of findings, including an itemized inventory of artifacts, shall be prepared upon completion of the tasks outlined above. The report shall include all data outlined by the Office of Historic Preservation guidelines, including a conclusion of the significance of all recovered, relocated, and reburied artifacts. A copy of the report shall also be filed with the City of Perris Planning Division,</p>						

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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	the University of California, Riverside, Eastern Information Center (EIC) and the Luiseño tribe(s) involved with the Project.						
Disturb any human remains, including those interred outside of dedicated cemeteries	Additional Project-Level Mitigation Measures						
	<p>MM CR 2: In the event that human remains (or remains that may be human) are discovered at the Project site or within the off-site Project improvement areas during ground-disturbing activities, the construction contractors, Project archaeologist, and/or designated Luiseño tribal representative shall immediately stop all activities within 100 feet of the find. The Project proponent shall then inform the Riverside County Coroner and the City of Perris Planning Division immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).</p> <p>If the coroner determines that the remains are of Native American origin, the coroner would notify the Native American Heritage Commission (NAHC), which will identify the “Most Likely Descendent” (MLD). Despite the affiliation with any Luiseño tribal representative(s) at the site, the NAHC’s identification of the MLD will stand. The MLD shall be granted access to inspect the site of the discovery of Native American human remains and may recommend to the Project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains will be determined in consultation between the Project proponent and the MLD. In the event that there is disagreement regarding the disposition of the remains, State law will apply and mediation with the NAHC will make the applicable determination (see Public Resources Code Section 5097.98I and 5097.94(k)).</p> <p>The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the Eastern Information Center (EIC).</p>	During construction activities	Confirmation of coroner and NAHC contact and submittal of Report of Findings, if applicable	City of Perris Planning Division			
Energy	Applicable PVCCSP EIR Mitigation Measures						
Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation	MM Air 4, MM Air 11, MM Air 12, MM Air 14, MM Air 19, and MM Air 20 above						
	MM Air 18: Prior to the approval of each implementing development project, the Riverside Transit Agency (RTA) shall be contacted to determine if the RTA has plans for the future provision of bus routing within any street that is adjacent to the implementing development project that would require bus stops at the project access points. If the RTA has future plans for the establishment of a bus route that will serve the implementing development project, road improvements	Mitigation measure completed with preparation of the Draft EIR.					

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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	adjacent to the Project site shall be designed to accommodate future bus turnouts at locations established through consultation with the RTA. RTA shall be responsible for the construction and maintenance of the bus stop facilities. The area set aside for bus turnouts shall conform to RTA design standards, including the design of the contact between sidewalks and curb and gutter at bus stops and the use of ADA-compliant paths to the major building entrances in the Project.						
Geology and Soils	Applicable PVCCSP EIR Mitigation Measures						
<p>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking;</p> <p>Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; and</p> <p>Be located on expansive soil, as defined in Table 18-I-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.</p>	<p>MM Geo 1: Concurrent with the City of Perris' review of implementing development projects, the project proponent of the implementing development project shall submit a geotechnical report prepared by a registered geotechnical engineer and a qualified engineering geologist to the City of Perris Public Works/ Engineering Administration Division for its review and approval. The geotechnical report shall assess the soil stability within the implementing development project affecting individual lots building pads, and shall describe the methodology (e.g., over excavated, backfilled, compaction) being used to implement the project's design.</p>	Mitigation measure completed with preparation of the Draft EIR.					
Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Additional Project-Level Mitigation Measures						
	<p>MM GEO 1: Prior to the issuance of grading permits, the Project proponent/developer shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision for a qualified professional paleontologist (or his or her trained paleontological representative) to be on-site for any Project-related excavations that exceed three (3) feet below the pre-grade surface. Selection of the paleontologist shall be subject to the approval of the City of Perris Planning Manager and no grading activities shall occur at the Project site or within the off-site Project improvement areas until the paleontologist has been approved by the City.</p> <p>Monitoring shall be restricted to undisturbed subsurface areas of older Quaternary alluvium. The approved paleontologist shall be prepared to quickly</p>	Prior to issuance of a grading permit	Approval of PRIMMP/confirmation of professional paleontologist retention/on-going monitoring/submittal of Report of Findings	City of Perris Planning Division			

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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	<p>salvage fossils as they are unearthed to avoid construction delays. The paleontologist shall also remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.</p> <p>Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated and placed into an accredited repository (such as the Western Science Center or the Riverside Metropolitan Museum) with permanent curation and retrievable storage.</p> <p>A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all recovered specimens. The report and inventory, when submitted to the City of Perris Planning Division, will signify completion of the program to mitigate impacts to paleontological resources.</p>						
	<p>MM GEO 2: Prior to the start of construction, a paleontological resources Worker Environmental Awareness Program (WEAP) training program shall be presented to all earthmoving personnel to inform them of the possibility for buried resources and the procedures to follow in the event of fossil discoveries.</p>	Prior to construction	Confirmation of WEAP training program presentation	City of Perris Planning Division			
Greenhouse Gas Emission	Applicable PVCCSP EIR Mitigation Measures						
Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	MM Air 2, MM Air 4, MM Air 5, MM Air 6, MM Air 7, MM Air 11, MM Air 12, MM Air 13, MM Air 14, MM Air 19, and MM Air 20 above						
Hazards and Hazardous Materials	Additional Project-Level Mitigation Measures						
Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	<p>MM HAZ 1: To avoid the exposure of construction workers to potentially contaminated soil during Project construction, prior to the issuance of a grading permit, the Project Applicant shall retain a qualified professional to collect a minimum of four (4) samples at a depth of 0- to 0.5-feet below ground surface in each quarter of the Project site and have them analyzed for organochlorine pesticides (OCPs) and metals. If the levels of OCPs and metals exceed applicable safety standards, a remediation plan shall be developed and implemented for worker soil handling safety purposes.</p>	Prior to issuance of grading permits	Submission of sampling results and implementation of remediation plan, if applicable	City of Perris Planning Division			

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	MM HAZ 2: Prior to issuance of a grading permit, the Project Applicant shall perform an investigation of the Project site to confirm the presence or absence of a well on the Project site. If a well is determined to be present, the Project Applicant shall ensure said well is properly destructed and abandoned in accordance with the provisions of the California Department of Water Resources Water Well Standards Part III. Destruction of Water Wells (available at https://water.ca.gov/Programs/Groundwater-Management/Wells/Well-Standards/Combined-Well-Standards/Water-Destruction).	Prior to issuance of grading permits	Confirmation of presence or absence of well on site. Submission of evidence of proper well abandonment documentation, if a well is present	City of Perris Planning Division			
For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area	Applicable PVCCSP EIR Mitigation Measures						
	MM Haz 2: Prior to the recordation of a final map, issuance of a building permit, or conveyance to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowner shall convey an avigation easement to the MARB/March Inland Port Airport Authority.	Prior to recordation of final map, the issuance of building permits, or conveyance to an entity exempt from the Subdivision Map Act for the project site, whichever occurs first	Submission of evidence of conveyance of an avigation easement	City of Perris Planning Division			
	MM Haz 3 and MM Haz 5 above.						
	MM Haz 4: The following notice shall be provided to all potential purchasers and tenants: "This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example, noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Profession Code 11010 13(A)".	Prior to certificate of occupancy and tenant improvements	Confirmation that purchasers and tenants have been provided notice	City of Perris Building Division			
MM Haz 6: A minimum of 45 days prior to submittal of an application for a building permit for an implementing development project, the implementing development project applicant shall consult with the City of Perris Planning Department in order to determine whether any implementing project-related vertical structures or construction equipment will encroach into the 100-to-1 imaginary surface surrounding the MARB. If it is determined that there will be an encroachment into the 100-to-1 imaginary surface, the implementing development project applicant shall file a FAA Form 7460-1, Notice of Proposed Construction or Alteration. If FAA determines that the implementing development	Prior to issuance of building permit	Submission of evidence determination of "No Hazard to Air Navigation" from the FAA, if applicable	City of Perris Planning Division				

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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	project would potentially be an obstruction unless reduced to a specified height, the implementing development project applicant and the Perris Planning Division will work with FAA to resolve any adverse effects on aeronautical operations.						
Noise	Applicable PVCCSP EIR Mitigation Measures						
Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in local general plan or noise ordinance, or applicable standards of other agencies	MM Noise 1: During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers consistent with manufacturer's standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site	During Construction	Verification by City of incorporation of requirement in the Contractor Specifications Periodic Monitoring Reports	City of Perris Building Division			
	MM Noise 2: During construction, stationary construction equipment, stockpiling and vehicle staging areas will be placed a minimum of 446 feet away from the closest sensitive receptor.	During Construction	Verification by City of incorporation of requirement in the Contractor Specifications Periodic Monitoring Reports	City of Perris Building Division			
	MM Noise 3: No combustion-powered equipment, such as pumps or generators, shall be allowed to operate within 446 feet of any occupied residence unless the equipment is surrounded by a noise protection barrier.	During Construction	Verification by City of incorporation of requirement in the Contractor Specifications Periodic Monitoring Reports	City of Perris Building Division			
	MM Noise 4: Construction contractors of implementing development projects shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.	During Construction	Verification by City of incorporation of requirement in the Contractor Specifications Periodic Monitoring Reports	City of Perris Building Division			
Transportation	Applicable PVCCSP EIR Mitigation Measures						
Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	MM Trans 3: Each implementing development project shall participate in the phased construction of off-site traffic signals through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees which include TUMF (Transportation Uniform Mitigation Fee), DIF (Development Impact Fee) and the NPRBBD (North Perris Road and Bridge Benefit District). The fees shall be collected and utilized as needed by the City of Perris to construct the	Prior to occupancy	Receipt of payment	City of Perris Engineering Department			

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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	improvements necessary to maintain the required LOS and build or improve roads to their build-out level.						
	MM Trans 4: Prior to the approval of individual implementing development projects, the Riverside Transit Agency (RTA) shall be contacted to determine if the RTA has plans for the future provision of bus routing in the project area that would require bus stops at the project access points. If the RTA has future plans for the establishment of a bus route that would serve the project area, road improvements adjacent to the project site shall be designed to accommodate future bus turnouts at locations established through consultation with the RTA. RTA shall be responsible for the construction and maintenance of the bus stop facilities. The area set aside for bus turnouts shall conform to RTA design standards, including the design of the contact between sidewalk and curb and gutter at bus stops and the use of ADA-compliant paths to the major building entrances in the project.	Mitigation measure completed with preparation of the Draft EIR.					
	MM Trans 5: Bike racks shall be installed in all parking lots in compliance with City of Perris standards.	In conjunction with development applications and prior to issuance of certificates of occupancy	Site Plans	City of Perris Building Division			
	MM Trans 7: Implementing project-level traffic impact studies shall be required for all subsequent implementing development proposals within the boundaries of the PVCC as approved by the City of Perris Engineering Department. These subsequent traffic studies shall identify specific project impacts and needed roadway improvements to be constructed in conjunction with each implementing development project. All intersection spacing for individual tracts or maps shall conform to the minimum City intersection spacing standards. All turn pocket lengths shall conform at least to the minimum City turn pocket length standards. If any of the proposed improvements are found to be infeasible, the implementing development project applicant would be required to provide alternative feasible improvements to achieve levels of service satisfactory to the City.	Mitigation measure completed with preparation of the Draft EIR.					
	MM Trans 8: Proposed mitigation measures resulting from project-level traffic impact studies shall be coordinated with the NPRBBD to ensure that they are in conformance with the ultimate improvements planned by the NPRBBD. The applicant shall be eligible to receive proportional credits against the NPRBBD for construction of project-level mitigation that is included in the NPRBBD.	Development review process	Confirmation of credit agreement	City of Perris Engineering Department			

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Transportation	Applicable PVCCSP EIR Mitigation Measures						
Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)	MM Trans 1: Future implementing development projects shall construct on-site roadway improvements pursuant to the general alignments and right-of-way sections set forth in the PVCC Circulation Plan, except where said improvements have previously been constructed	During construction	City acceptance of constructed roadways	City of Perris Engineering Department			
	MM Trans 2: Sight distance at the project entrance roadway of each implementing development project shall be reviewed with respect to standard City of Perris sight distance standards at the time of preparation of final grading, landscape and street improvement plans.	During review of final grading, landscape and street improvement plans	Approval of final plans	City of Perris Engineering Department			
	MM Air 2 above						
Result in inadequate emergency access	Applicable PVCCSP EIR Mitigation Measures						
	MM Air 2 above						
Tribal Cultural Resources	Additional Project-Level Mitigation Measures						
Cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is; I) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or II) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision(c) of Public Resources	MM CR 1 and MM CR 2 above.						

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.							