Appendix K

Responses to Comments

Initial Study/Mitigated Negative Declaration

Mapes and Trumble Industrial Facility Project
Perris, Riverside County, California
CUP 22-05023

Lead Agency:

City of Perris
101 N. D Street
Perris, CA 92570

June 2023

The primary objective and purpose of the Initial Study/Mitigated Negative Declaration (IS/MND) public review process is to obtain comments on the adequacy of the analysis of environmental impacts, the mitigation measures presented, and other analyses contained in the Initial Study prepared by the City of Perris (City). The California Environmental Quality Act (CEQA) requires that the City decision makers consider the comments received during the public review of the IS/MND prior to carrying out or approving the project (CEQA Guidelines Section 15074[b]). Comments that do not directly relate to the analysis in the Initial Study (i.e., are outside the scope of this document) or that do not include facts, reasonable assumptions predicated upon facts, and/or expert opinion supported by facts are not given specific responses; however, all comments are included in this section so that the decision makers may know the opinions of the commenter(s).

The Mapes and Trumble Industrial Facility Project IS/MND was circulated for public and agency review for a 30-day period from March 31 to May 1, 2023. The comments received regarding the project and the responses to comments are included in this document. The comment letters are listed below.

- Lozeau Drury LLP (Comment Letter A dated April 3, 2023)
- Lozeau Drury LLP (Comment Letter B dated April 4, 2023)
- Eastern Municipal Water District (Comment Letter C dated April 11, 2023)
- Freedom Properties LP (Comment Letter D dated April 17, 2023)
- Riverside County Flood Control and Water Conservation District (Comment Letter E dated February 17, 2022)
- Riverside County Flood Control and Water Conservation District (Comment Letter F dated April 11, 2023)
- South Coast Air Quality Management District (Comment Letter G dated April 11, 2023)
- Blum, Collins, & Ho LLP (Comment Letter H dated April 28, 2023).

In order to provide the City of Perris Planning Commission with additional information upon which to base their decision whether to approve or deny the proposed project, the City has responded to the comments received by these entities. Each comment letter is labeled alphabetically with each individual comment identified by a number. The responses are provided following each letter. All written comments along with the City's responses are attached and have been made a part of the public record.

Neither the comments nor the following responses to comments constitute "significant new information" (*State CEQA Guidelines* Section 15073.5) that would require recirculation of the IS/MND or the preparation of an Environmental Impact Report.

Comment Letter	Comment Number	Comment	Response
A	A-1	I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Mapes and Trumble Industrial Facility Project (Conditional Use Permit 22-05023) project, including all actions related or referring to the proposed construction of a 396,000-square-foot warehouse building, located at Mapes Road and Trumble Road, Perris 92571 (Assessor's Parcel Numbers [APNs] 329-020-033, -034, - 044 and -046) ("Project"). We hereby request that the City of Perris send by electronic mail, if possible or U.S. mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City of Perris and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City of Perris, including, but not limited to the following: • Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091. • Any and all notices prepared for the Project pursuant to the California Environmental Quality Act("CEQA"), including, but not limited to: o Notices of any public hearing held pursuant to CEQA.	The City of Perris acknowledges the commenter's request to receive notice of any and all actions and hearings regarding the proposed Mapes and Trumble Industrial Facility Project (Conditional Use Permit 22-05023) as required by California Planning and Zoning Law pursuant to Government Code Section 65091 and the California Environmental Quality Act (CEQA). The City will provide the requested notice prior to the public hearing for the project. This comment does not question the content or conclusions of the Initial Study/Mitigated Negative Declaration (IS/MND) or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.

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		○ Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4. ○ Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9. ○ Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092. ○ Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations. ○ Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law. ○ Notices of any addenda prepared to a previously certified or approved EIR. ○ Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law. ○ Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public	

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		Resources Code section 21152 or any other provision of law. o Notice of any Final EIR prepared pursuant to CEQA. o Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.	
	A-2	Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body. Please send notice by electronic mail or U.S. Mail to: Richard Drury Molly Greene Colby Gonzalez Lozeau Drury LLP 1939 Harrison Street, Suite 150 Oakland, CA 94612 richard@lozeaudrury.com molly@lozeaudrury.com colby@lozeaudrury.com	The City of Perris acknowledges the commenter's request to receive notices of CEQA actions and notices of public hearings regarding the proposed project. The City will provide the requested notice prior to the public hearing for the project. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.

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B	B-1	I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("MND") prepared for the Mapes and Trumble Industrial Facility Project (CUP 22-05023) ("Project"), which proposes the construction and operation of a 396,000-square-foot warehouse building located at Mapes Road and Trumble Road in the City of Perris (APNs 329-020-033, -034, - 044, and -046). SAFER is concerned that the MND is improper under the California Environmental Quality Act, Public Resources Code sections 21000*, et seq*. ("CEQA"), due to the MND's failure to adequately assess the Project's potentially significant environmental impacts, including but not limited to impacts to air quality, human health, energy use, biological resources. SAFER requests that an environmental impact report ("EIR") be prepared for the Project rather than an MND to ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated.	The commenter's opinion that an EIR should be prepared for the project rather than an MND to ensure that potentially significant impacts of the project are fully disclosed, analyzed, and mitigated is noted. However, this comment does not identify any specific environmental effect or provide any substantial evidence pursuant to State CEQA Guidelines Section 15384 that new significant environmental issues or impacts that were not already addressed in the IS/MND would occur. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	B-2	We reserve the right to further supplement this comment throughout the administrative process. (*Galante Vineyards v. Monterey Peninsula Water Management Dist*. (1997) 60 Cal.App.4th 1109, 1121.)	The City of Perris acknowledges that the commenter reserves the right to further supplement this comment throughout the administrative process. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response

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			constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
C	C-1	To define the impact(s) on the environment and on existing EMWD facilities, and as development within this area occurs over time, the proponents of implementing development projects shall consult EMWD's Development Services Department to compare proposed and existing water demands and sewer flows, and prepare a Design Conditions report (DC), formally known as the Plan of Service (POS), to detail all pertinent facilities necessary to serve such implementing development projects, resulting in an approved DC, prior to final design and plan check of such facilities.	The City of Perris Acknowledges the Eastern Municipal Water District's (EMWD's) request for developers to consult with the EMWD's Development Services Department to prepare a Plan of Service (POS). The project applicant has initiated the process to prepare a POS and the project would be conditioned to ensure construction and/or availability of all pertinent facilities necessary to serve the project, resulting in an approved DC, prior to final design and plan check of such facilities. The IS/MND included a comparison of the existing and proposed water demands and sewer flows for the project, and supplies are deemed adequate (pgs. 149-150 of the IS/MND). This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.

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	C-2	To help define EMWD's Design Conditions, EMWD requires beginning dialogue with project proponents at an early stage in the site design and development, via a one-hour complementary Due Diligence meeting. To set up this meeting the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our web page www.emwd.org, then select the "Developer" link, then select the "New Development Process Forms" link. This meeting will offer the following benefits: 1. Describe EMWD's development process. 2. Identify project scope and parameters. 3. Provide a preliminary review of the project within the context of existing infrastructure. 4. Discuss potential candidacy for recycled water service. 5. Identify project submittal requirements to start the Design Conditions review.	The City of Perris acknowledges the EMWD's requirement for project proponents to participate in a one-hour complementary Due Diligence meeting. The project applicant has already participated in the Due Diligence meeting with EMWD staff and would be conditioned to implement the EMWD's Design Conditions during final design and plan check for the project. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	C-3	Following the Due Diligence meeting, and to proceed with a project, the Design Conditions will need to be developed by the developer's engineer and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The DC process and approval will provide the following: 1. Technical evaluation of the project's demands and existing system capacities.	The City of Perris acknowledges the requirement for the EMWD to review and approve the project Design Conditions. The project applicant has engaged EMWD Staff to prepare Design Conditions for the project and would be conditioned to submit those conditions to EMWD for review/approval prior to final plan check for the project.

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		2. Identification of impacts to existing facilities. 3. Identification of additional on-site and off-site facilities, necessary to serve the project. 4. Identification of easement requirements, if necessary. 5. Identification of potential EMWD's cost participation in facility oversizing, if applicable.	This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
D	D-1	1. I, Irene Kokinelis, am the sole owner of Freedom Properties LP, the owner of 25110 Trumble Road in Menifee CA. 92585. 2. I have received the Notice of Intent to Adopt Negative Declaration (MND 2387) for the City of Perris, California. 3. I am in total agreement with this project. It would be a tremendous improvement to the area. I would like to see it completed as soon as possible. 4. Thank you for sending me the notice.	The City of Perris acknowledges the commenter's support for the project. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
E	E-1	The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage	The City of Perris acknowledges that the Riverside County Flood Control and Water Conservation District (RCFSD) does not normally recommend conditions for land divisions or other land use cases in incorporated cities and that RCFCD comments/recommendations for such cases are normally limited to items of specific interest to the RCFCD.

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		facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided. The District's review is based on the above-referenced project transmittal, received February 15, 2022. The District has not reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:	The City of Perris acknowledges that information only of a general nature is provided, the RCFCD has not reviewed the proposed project in detail, and the provided comments do not in any way constitute or imply RCFCD approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	E-2	This project involves District proposed Master Drainage Plan facilities, namely, Romoland MDP Line B. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required.	The City of Perris acknowledges that the project involves RCFCD proposed Master Drainage Plan facilities, namely, Romoland MDP Line B. The IS/MND included evaluation of existing and proposed stormwater/flood control facilities, and proposed improvements outlined in project plans are deemed adequate. The project would be conditioned to construct requisite stormwater facilities to RCFCD standards, and District plan check and inspection would be required for RCFCD acceptance.

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			This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	E-3	This project is located within the limits of the District's ☐Perris Valley ☐San Jacinto River ☐Homeland/Romoland Line A ☒Homeland/Romoland Line B Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious surface area, applicable fees should be paid by cashier's check, wire transfer or online payment only to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.	The City of Perris acknowledges that the project involves the RCFCD's proposed Master Drainage Plan facilities, namely, Romoland MDP Line B. The project would result in additional impervious surface area, and the project applicant would be conditioned to pay applicable fees to the Flood Control District or City prior to issuance of grading or building permit. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	E-4	This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given	The project includes disturbance of approximately 19.16 acres and, therefore, would require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources

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		until the City has determined that the project has been granted a permit or is shown to be exempt.	Control Board, as prescribed in Regulatory Compliance Measures HYD-1 and HYD-2 (pgs. 93-95 of the IS/MND). This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	E-5	If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.	A portion of the project site is within Flood Zone AE[1] as identified by FEMA. Section 60.3(d) of the National Flood Insurance Program (NFIP) requires a developer to obtain a FEMA permit for a Floodway Encroachment for construction in Flood Zone AE 100-year flood zone indicating the lowest floor (including basement) must be built above a predetermined base flood elevation (BFE) for Flood Zone AE. Accordingly, the project would be conditioned to obtain a CLOMR and a LOMR, and construct the building such that the finished floor elevation would be at least one foot above the 100-year flood plain elevation of 1,420 as identified in FEMA's Flood Insurance Rate Map (FIRM) Panel 06065C1440H (pg. 97 of the IS/MND).

[1] Flood Zone AE is a 100-year flood zone designation (1 percent chance of being equaled or exceeded during a given year) with base flood elevations determined.

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			This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	E-6	If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.	Appendix C of the IS/MND includes a validation of a jurisdictional delineation conducted previously by L&L Environmental in 2016 and the project-specific analysis of jurisdictional waters resulted in concurrence with L&L Environmental's conclusion that there are no State or federal jurisdictional waters nor MSHCP Riverine/Riparian features on the project site. The human-constructed ditches on site do not qualify as jurisdictional resources under the U.S. Army Corps of Engineers (USACE) definition because they are not connected to an existing jurisdictional drainage network. They are "isolated" from jurisdictional Waters of the United States. The ephemeral wet meadows and seasonal pools on site are not covered under State Water Resources Control Board (SWRCB) rules for isolated waters because they are not wetlands under the USACE definition. The ditches do not connect to off-site drainage networks. The flood channel to the west of the Eastern Municipal Water District (EMWD)

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			headquarters connects to the EMWD storm drain system under the EMWD facility, not to the catchment basin within the project site. Because the drainages on site do not connect to a drainage network, the project site would not meet the MSHCP criteria for "riverine" habitat. Furthermore, these drainages do not fall under California Department of Fish and Wildlife (CDFW) jurisdiction as "riverine" or SWRCB jurisdiction as Waters of the State because they were not previously natural waterways, and they are isolated from streams, rivers, and lakes. The channels on site are human-constructed and were not part of a historical natural drainage or flood channel. These channels are isolated from USACE and SWRCB networks of jurisdictional drainages. Riparian habitat within channel beds and adjacent to the high bank would only remain within the jurisdiction of the CDFW if they were connected to Traditionally Navigable Waters. The human-constructed channels on site do not meet that criterion. The ephemeral wet meadows and seasonal pools on site are not covered under SWRCB rules for isolated waters because they are not wetlands under the USACE definition. The State and federal definitions of wetlands are unified. The meadows lack qualifying hydric soil characteristics and lack a "dominance" of facultative and/or obligate

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			wetland species.[1] Even though they may meet hydrology criteria by evidence of surface ponding; to qualify as hydric, the soil must satisfy all three criteria. Since there is no evidence of wetland or non-wetland Waters of the United States or Waters of the State at the project site, the project would not require a Section 1602 Agreement from the CDFW, a Clean Water Act Section 404 Permit from the USACE, or a Clean Water Act Section 401 Water Quality Certification from the local California Regional Water Quality Control Board. (pgs. 49-51 of the IS/MND. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
F	F-1	The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such	The City of Perris acknowledges the Riverside County Flood Control and Water Conservation District (RCFCD) does not normally recommend conditions for land divisions or other land use cases in incorporated cities and that RCFCD comments/recommendations for such cases are

[1] Facultative species typically occur in wetland areas and occasionally in upland areas in proximity to wetlands. Obligate wetland species are restricted only to wetland areas.

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		cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided. The District's review is based on the above-referenced project transmittal, received March 29, 2023. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue.	normally limited to items of specific interest to the District. The City of Perris acknowledges that information only of a general nature is provided, the RCFCD has not reviewed the proposed project in detail, and the following comments do not in any way constitute or imply RCFCD approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	F-2	This project involves District proposed Master Drainage Plan Facilities, namely, Romoland Master Drainage Plan Facility Line B. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be	The City of Perris acknowledges that the project involves RCFCD proposed Master Drainage Plan facilities, namely, Romoland MDP Line B. The project would be conditioned to construct requisite stormwater facilities to RCFCD standards, and RCFCD plan check and inspection will be required for RCFCD acceptance. The project-specific Multiple Species Habitat Conservation Plan Consistency Analysis, which concluded the project does not require a Section

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		required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.	1602 Agreement from the CDFW, a Clean Water Act Section 404 Permit from the USACE, or a Clean Water Act Section 401 Water Quality Certification from the local California Regional Water Quality Control Board (pgs. 49-51 of the IS/MND, was submitted to the RCFCD for review on March 29, 2023, and no comments on that report were received from the RCFCD. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	F-3	This project is located within the limits of the District's ☐Perris Valley ☒San Jacinto River ☐Homeland/Romoland Line A ☒Romeland/Romoland Line B Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious surface area, applicable fees should be paid (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid	The City of Perris acknowledges that the project involves District proposed Master Drainage Plan facilities, namely, Romoland MDP Line B. The project would result in additional impervious surface area, and the project applicant would be conditioned to pay applicable fees to the RCFCD or City prior to issuance of grading or building permit. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response

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		should be at the rate in effect at the time of issuance of the actual permit.	constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	F-4	The District's previous comments dated February 16, 2022 are still valid.	The City of Perris acknowledges the question the content or conclusions of the IS/MND or previous comments dated February 16, 2022 and responded to those comments above under Comment Letter E. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	F-5	This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.	The project includes disturbance of approximately 19.16 acres and therefore would require a an NPDES permit from the State Water Resources Control Board, as prescribed in Regulatory Compliance Measures HYD-1 and HYD-2 (pgs. 93-95 of the IS/MND). This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring

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			recirculation of the IS/MND. No change in the text of the IS/MND is required.
	F-6	If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.	A portion of the project site is within Flood Zone AE[1] as identified by FEMA. Section 60.3(d) of the National Flood Insurance Program (NFIP) requires a developer to obtain a FEMA permit for a Floodway Encroachment for construction in Flood Zone AE 100-year flood zone indicating the lowest floor (including basement) must be built above a predetermined base flood elevation (BFE) for Flood Zone AE. Accordingly, the project would be conditioned to obtain a CLOMR and a LOMR, and construct the building such that the finished floor elevation would be at least one foot above the 100-year flood plain elevation of 1,420 as identified in FEMA's Flood Insurance Rate Map (FIRM) Panel 06065C1440H (pg. 97 of the IS/MND). This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.

[1] Flood Zone AE is a 100-year flood zone designation (1 percent chance of being equaled or exceeded during a given year) with base flood elevations determined.

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	F-7	The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.	The City of Perris acknowledges the RCFCD's request for the project applicant to bear the responsibility for complying with all applicable mitigation measures defined in the CEQA document (i.e., Mitigated Negative Declaration) and Mitigation Monitoring and Reporting Program. The project proponent shall also bear the responsibility for complying with all other federal, State, and local environmental rules and regulations that may apply. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	F-8	If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.	Please refer to Response to Comment E-6. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.

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G	G-1	I'm Sahar Ghadimi from SCAQMD, I just wanted to remind you for the technical data request, so I will be able to proceed with the Notice of Intent to Adopt a Mitigated Negative Declaration (NOI/MND) for the **Proposed Conditional Use Permit No. 22-05023** project (Mapes and Trumble Industrial Facility Project in the City of Perris-Warehouse). The public commenting period is from 03/31/23– **05/01/23**.
		
		Please provide an electronic copy of any live modeling and emission calculation files (complete files, not summaries) that were used to quantify the air quality impacts from construction and/or operation of the Proposed Project as applicable, including the following:
		
		• CalEEMod Input Files (.csv files);
		  ○ It seems that the CalEEMod was used for this project in **Appendix A_AQ-GHG-Energy (APPENDIX A CALEEMOD PRINTOUTS)**
		
		• Live EMFAC output files;
		  ○ **Appendix A_AQ-GHG-Energy (APPENDIX A CALEEMOD PRINTOUTS)**
		
		• Any emission calculation file(s) (live version of excel file(s); no PDF) used to calculate the Project's emission sources (i.e. truck operations);
		
		• AERMOD Input and Output files, including AERMOD View file(s) (.isc);
			The City of Perris acknowledges the South Coast Air Quality Management District's (SCAQMD) request for the project-specific raw data related to the California Emissions Estimator Model (CalEEMod), EMission FACtors (EMFAC) model, AMS/EPA Regulatory Model (AERMOD), HARP Air Dispersion Modeling and Risk Tool, and live version of excel emission calculation file(s) used to calculate the project's emission sources (i.e. truck operations) in order to complete a parallel review of the air quality, health risk, and greenhouse gas emissions analyses for the project.
			
			LSA, on behalf of the City of Perris, provided all requested raw data to Sahar Ghadimi of the SCAQMD on April 11, 2023. To date, the SCAQMD has provided no further comments on the project-specific air quality, health risk, and/or greenhouse gas emissions analyses or supporting data. Accordingly, the City of Perris concludes that the air quality, health risk, and greenhouse gas emissions calculations forecasted for the project are adequate and supported by substantial evidence.
			
			This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring

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		○ It seems that the AERMOD was used for this project in **Appendix B_Health Risk Assessment (Page 5)** • HARP Input and Output files and/or cancer risk calculation files (live version of excel file(s); no PDF) used to calculate cancer risk, and chronic and acute hazards from the Project. ○ It seems that the cancer risk assessment has been performed for this project in **Appendix B_Health Risk Assessment (Page 7)** • Any other files related to post-processing done outside of AERMOD to calculate pollutant-specific concentrations (if applicable). You may send the above-mentioned files via a **Dropbox link** in which they may be accessed and downloaded by South Coast AQMD staff by **05/13/23**. Without all files and supporting documentation, South Coast AQMD staff will be unable to complete a review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.	recirculation of the IS/MND. No change in the text of the IS/MND is required.
H	H-1	Thank you for the opportunity to comment on the Mitigated Negative Declaration (MND) for the proposed Maps and Trumble Industrial Facility 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	The City of Perris is in receipt of the comments on behalf of the Golden State Environmental Justice Alliance (GSEJA) and acknowledges the commenter's request to be added to the public interest list regarding any subsequent environmental documents, public notices, public

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		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.	hearings, and notices of determination for this project. The City will provide the requested notice prior to the public hearing for the project. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-2	The project proposes the construction and operation of one 396,000 square foot (sf) industrial warehouse building consisting of 12,000 sf of office area and 384,000 sf of warehouse area on a 19.16 acre site. The building proposes 45 truck/trailer loading dock doors, 79 truck/trailer parking spaces and 125 passenger vehicle parking spaces.	The City of Perris acknowledges the commenter's summary of the proposed project scope. This comment does not question the content or conclusions of the IS/MND or identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-3	The Project Description states that "according to the project conceptual grading plans, approximately 28,891 cubic yards of soil import would be required during the grading phase of construction for excavation, compaction, and rough grading in order to raise the site one foot above the 100-year flood plain elevation of 1,420 as identified in FEMA's Flood Insurance Rate Map (FIRM)	The projected soil import value is established by the project applicant's engineering team. The corresponding conceptual grading plan is included as sheets G1.0 through G5.0 in the project development application submitted to City of Perris planning and engineering staff for review and approval throughout the entitlement process

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		Panel 06065C1440H." There is no mechanism for public verification of this conclusion, such as a grading plan, included in the MND. An EIR must be prepared to include a grading plan to support the conclusion that the project will only require 28,891 cubic yards of soil import.	and can be reviewed at Perris City Hall or requested from City staff. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-4	The MND does not include a floor plan or conceptual grading plan. The basic components of a Planning Application include a site plan, floor plan, conceptual grading plan, and elevations. The MND has excluded the proposed floor plan and conceptual grading plan from public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). An EIR must be prepared to include these informational items.	The complete plan set, including corresponding conceptual floor plan (sheet A2) and grading plan (sheets G1.0 through G5.0) are included in the project development application submitted to City of Perris planning and engineering staff for review and approval throughout the entitlement process and can be reviewed at Perris City Hall or requested from City staff. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-5	Please refer to attachments from SWAPE for a complete technical commentary and analysis.	The City of Perris is in receipt of the attachments from SWAPE. This comment does not question the content or conclusions of the IS/MND or identify any new

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			significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-6	The MND does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. According to CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6065042730) is highly burdened by pollution. The surrounding community, including sensitive receptors such as Big League Dreams baseball stadium to the north and residences to the east, bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract ranks in the 95th percentile for ozone burden, the 51st percentile for particulate matter (PM) 2.5 burden, 43rd percentile for diesel PM burden, and 82nd percentile for traffic burden. 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 exposure[1]. The very small particles of diesel PM can reach deep into the lung, where they can	The commenter summarizes estimated existing air quality conditions within the census tract where the project site is located using data obtained from the California Environmental Protection Agency (CalEnviroScreen 3.0). The commenter also asserts that air pollution from the project would represent an environmental justice issue. Environmental justice is not a topic that is required to be evaluated or considered pursuant to CEQA. Notwithstanding, the air quality analysis and health risk assessment contained in the IS/MND demonstrate the project would not expose any receptors, which includes receptors located in disadvantaged communities, to substantial concentrations of localized criteria pollutants or toxic air contaminants (pgs. 38-42 of the IS/MND). This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring

[1] OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone

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		contribute to a range of health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer[1].	recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-7	Further, the project's census tract is a diverse community including 76% Hispanic residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 86% 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 88% 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 care[2]. Poor communities are often located in areas with high levels of pollution[3]. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution[4]. 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 73rd percentile for incidence of cardiovascular disease. The community also has a high rate of linguistic isolation, meaning 44% of the	The commenter summarizes the demographic profile of the census tract where the project site is located and asserts that this census tract is comprised of a disadvantaged community that would be more adversely affected by the project than would other types of communities. Environmental justice is not a topic that is required to be evaluated or considered pursuant to CEQA. Notwithstanding, the air quality analysis and health risk assessment contained in the IS/MND demonstrate the project would not expose any receptors, which includes receptors located in disadvantaged communities, to substantial concentrations of localized criteria pollutants or toxic air contaminants (pgs. 38-42 of the IS/MND). This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring

1 OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulatematter
2 OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty
3 *Ibid.*
4 *Ibid.*

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		census tract speaks little to no English and faces further inequities as a result.	recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-8	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 246. CalEEMod is not listed as an approved software. The CalEEMod-based modeling in the MND and appendices does not comply with the 2022 Building Energy Efficiency Standards and underreports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the MND did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. An 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 MND utilizes CalEEMod as a source in its methodology and analysis, which is clearly not the approved software.	The commenter asserts the use of the California Emissions Estimator Model (CalEEMod) to estimate the project's energy demand was inappropriate and that California's Building Energy Code Compliance Software (CBECC) should have been used instead. This is incorrect. The compliance modeling software that is referenced by the commenter is used to confirm that the final design of a development project complies with applicable energy efficiency regulations based on detailed information included in construction drawings. The information needed to demonstrate compliance with Title 24 using the CBECC model is not available at this time and is not typically prepared until after a discretionary development project has been approved/entitled. However, the energy use factors included in CalEEMod, which was used to estimate energy for the project, are based on the California Energy Commission (CEC) sponsored California Commercial End Use Survey (CEUS) and Residential Appliance Saturation Survey (RASS) studies, which provide a more conservative assumption based on actual use surveys and is the best available information for purposes of this assessment. The IS/MND and underlying technical studies correctly utilize

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			CalEEMod, which estimates energy demand based on average intensity factors for similar land use types based on the project design drawings provided to the City of Perris for entitlement. Because the ultimate user(s) of the proposed warehouse is unknown at this time, and information about the future user(s)' energy use also is not available at this time, it is appropriate to defer to the CalEEMod default assumptions, as specified in Appendix A of the IS/MND, which have been derived by the California Air Pollution Control Officers Association (CAPCOA) and which are supported by the SCAQMD. Furthermore, the SCAQMD requested the project-specific raw data related to the CalEEMod, EMFAC model, AERMOD, HARP Air Dispersion Modeling and Risk Tool, and live version of excel emission calculation file(s) used to calculate the project's emission sources and energy demand. Refer to Response G-1. To date, the SCAQMD has provided no further comments on the project-specific methodology or supporting data used to calculate energy demand for the project. Accordingly, the City of Perris concludes that the energy demand calculations forecasted for the project are adequate and supported by substantial evidence. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response

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			constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-9	An EIR must be prepared to provide a quantified analysis of the project's growth within the General Plan to determine if it exceeds the buildout scenario for its Planning Area within the General Plan and the General Plan 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." The project site is located in Planning Area 9 of the General Plan. Table LU-28 states Planning Area 9 Business Park designation will construct 211,000 sf by year 2030 and 656,000 sf total at buildout. The proposed project is 396,000 sf, which is nearly double the total building area permitted in Planning Area 9 by 2030. Table LU-28 states that citywide the Business Park designation will construct 1,302,144 sf by year 2030 and 5,641,767 sf total at buildout. An EIR must be prepared to state that the proposed project exceeds the General Plan growth estimates for Planning Area 9 and include a finding of significance for this reason, as well as provide citywide building area calculations on the Business Park designation status. Further, since the proposed project exceeds the building area growth in Planning Area 9 an EIR must be prepared that does not tier in any way from	The commenter asserts that an Environmental Impact Report (EIR) is required to conduct a quantified analysis of the project's growth within the General Plan to determine if it exceeds the buildout scenario for its Planning Area and the General Plan as a whole. This is incorrect. Typically, growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans and land use plans. Significant growth impacts could also occur if a project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. The proposed project does not include construction of new roads or utility infrastructure that is unplanned by responsible agencies. Based on the Institute of Transportation Engineers (ITE) *Trip Generation* (11th Edition) rates for Land Use 155 – "High-Cube Fulfillment Center Warehouse," [1]

[1] LSA. *Traffic Study, Mapes and Trumble Industrial Facility project (PLN22-05023), City of Perris, Riverside County, California.* Page 26 and Table 5-A. December 2022. (Appendix E).

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		the General Plan EIR because the project does not comply with the General Plan and was not accounted for by its EIR.	the proposed project would generate approximately 259 employees.[1] The addition of 259 employees generated by the proposed project could result in population growth within the City; however, this additional population is consistent with the City, County, and regional (SCAG) growth projections. The ratio of jobs to housing units in the City is used by regional planning groups to balance regional traffic commutes to minimize freeway congestion, air pollutant emissions, and greenhouse gas emissions. The jobs-to-housing ratio measures the extent to which job opportunities in a given geographic area are sufficient to meet the employment needs of area residents. This ratio identifies the number of jobs available in a given region compared to the number of housing units in the same region. For example, a region with a jobs-to-housing ratio of 1.5 would indicate that 1.5 jobs exist for every housing unit within that region. The standard used for comparison is the jobs-to-housing ratio of the SCAG region, which is approximately 1.4 jobs for every household.[2] This standard is used because most residents of the region are employed somewhere within the SCAG

[1] Average 1.81 daily vehicle trips per 1,000 square feet gross floor area and average 2.77 daily vehicle trips per employee. 1.81 ÷ 2.77 = 0.653 employee per 1,000 square feet gross floor area. 0.653 × 396.000 = 259 employees.

[2] Southern California Association of Governments. *2020–2045 Regional Transportation Plan/Sustainable Communities Strategy. Demographics and Growth Forecast, Technical Report.* Table 14 and Pages 38 and 39. Adopted September 2020.

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			region. A City or sub-region with a jobs-to-housing ratio lower than the overall standard of 1.4 jobs for every household would be considered a "jobs poor" area, indicating that many of the residents must commute to places of employment outside the sub-region. The City has a 0.94 jobs-to-housing ratio, which is substantially lower than the SCAG's 1.4 jobs-to-housing ratio, and also lower than Riverside County's 1.04 jobs-to-housing ratio.[1] Therefore, the City is considered "job-poor", and residents tend to travel greater distances outside of the City for employment. By 2045, the City's jobs-to-housing ratio of 0.78 is expected to continue to remain well below that of SCAG and Riverside County, respectively projected to be 1.32 and 1.02, meaning the City would be relatively "housing rich" and "jobs poor," and additional employment within the City generated by the project would contribute toward balance of regional traffic commutes to reduce freeway congestion, air pollutant emissions, and greenhouse gas emissions from the transportation sector. The City's General Plan has a year 2030 buildout horizon. However, the General Plan assumes complete buildout would occur sometime after

[1] Southern California Association of Governments. *2020–2045 Regional Transportation Plan/Sustainable Communities Strategy. Demographics and Growth Forecast, Technical Report.* Table 14 and Pages 38 and 39. Adopted September 2020.

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			2030, as long-range demographic and economic trends are difficult to predict. The designation within the General Plan of a site for a certain use does not necessarily mean that the site would be developed or maintained with that use during the planning period, as most development depends on property owner initiative. The City's General Plan *Land Use Element* indicates Planning Area 9 is anticipated to provide opportunities for commercial and business park uses that draw upon a regional market made accessible by the Interstate 215 Freeway.[1] Furthermore, Chapter 19.44, Section 19.44.010(1) of the City's Municipal Code indicates the *BP, Business Park* zone is provided for uses, including warehousing/distribution and large-scale warehousing, generally served by arterial roadways and freeways pursuant to a Conditional Use Permit. The analyses within the IS/MND and associated technical studies demonstrate with substantial evidence that the project would be subject to conditions of approval pursuant to Municipal Code Chapter 19.61 (Conditional Use Permits) in order to be developed and operated in a manner consistent with the existing *BP, Business Park* zone.

[1] City of Perris. *City of Perris General Plan 2030 Land Use Element.* Page 6. Updated January 3, 2013. Website: https://www. .org/departments/development-services/general-plan (accessed April 1, 2022).

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			The project's development intensity beyond that which was planned for in Planning Area 9 by the City at General Plan buildout would contribute to the balance of the City's current and future jobs-to-housing ratio consistent with SCAG's latest growth forecasts for the City. Additionally, the project site is located within an urbanized area as defined under Section 15387 of the State CEQA Guidelines and would be connected to existing municipal roadways and utility infrastructure. The project would not include the construction of new roadways or infrastructure beyond that which would serve only the project site. Therefore, the project would not induce substantial population growth in an area, either directly or indirectly. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-10	Further, the MND 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	The commenter asserts that the MND 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. This is incorrect.

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		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	The City of Perris maintains that CEQA does not require a lead agency to demonstrate a project is consistent with every General Plan goal and policy, as some goals and policies in the General Plan are not applicable to every development project and others are not applicable to any development project. Specifically, the policies and goals identified in this comment largely apply to actions to be taken on a broad level by the City of Perris and are not applicable to the proposed project. Table 3.13-A in the IS/MND provides a consistency analysis of the project with all of the policies from each of the elements of the Perris General Plan, including the Land Use Element, Circulation Element, Conservation Element, Noise Element, Safety Element, Healthy Community Element, and Environmental Justice Element (pgs. 106-113 of the IS/MND) that are applicable to the proposed project. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.

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		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. 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.	
	H-11	Additionally, the MND has not provided any consistency analysis with SCAG's 2020-2045 Connect SoCal RTP/SCS. Due to errors in modeling as noted throughout this comment letter and the fact that the project exceeds the General Plan building area growth for Planning Area 9, the proposed project 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	The commenter asserts that an EIR is required to provide a consistency analysis with SCAG's 2020-2045 Connect SoCal RTP/SCS. This is incorrect. Refer to response to comment H-9. In addition, Table 3.10-B of the IS/MND details the project's consistency with SCAG's goals prescribed in the 2020-2045 Connect SoCal RTP/SCS (pgs. 78-79 of the IS/MND).

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		to a changing climate. Because the project exceeds the growth projections of the General Plan, the project was not accounted for in the RTP/SCS. An EIR must be prepared to include revised, accurate modeling and a consistency analysis with all goals of SCAG's 2020-2045 Connect SoCal RTP/SCS.	This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-12	The MND states that the proposed project will generate 259 employees. The methodology for this calculation works backwards from the ITE trip generation rates for a warehouse facility. This not an appropriate calculation for employment generation and local data is available from SCAG. SCAG's Employment Density Study[1] 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: Office: 12,000 sf / 481 sf = 25 Warehouse: 384,000 sf / 581 = 661 Total: 686 employees Utilizing SCAG's Employment Density Study ratios, the proposed project will generate 686 employees. The MND 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	The commenter asserts that the IS/MND underestimates employment projections and cites SCAG's Employment Density Study ratios from 2001 to estimate employment generation. This is incorrect. The City of Perris disagrees that SCAG's Employment Density Study ratios from 2001 are the most appropriate method to estimate employment generation. The commenter provides no substantial evidence for the applicability of SCAG's Employment Density Study for estimating employment for a modern warehouse, which does not take into account modernization and automation trends in industrial warehouse facilities in the past 22 years. The City asserts that calculating employment forecasts based on Institute of Transportation Engineers (ITE) *Trip Generation* (11th Edition) rates for Land Use 155 – "High-Cube Fulfillment Center

[1] SCAG Employment Density Study http://www.mwcog.org/file.aspx?A=QTTlTR24POOOUIw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D

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		disclosure, an 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.	Warehouse" [1] is the most appropriate method because the employment generation correlates directly with all passenger vehicle and truck trips forecasted for the proposed project using current survey data. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-13	SCAG's Connect SoCal Demographics and Growth Forecast[2] notes that the City will add 10,300 jobs between 2016 - 2045. Utilizing SCAG's Employment Density Study ratios calculation of 686 employees, the project represents 6.6% of the City's employment growth from 2016 - 2045. A single project accounting for this amount of the projected employment over 29 years represents a significant amount of growth. An EIR must be prepared 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 growth forecast for the City. For example, other recent industrial projects	The commenter asserts that an EIR must be prepared to determine if the project would exceed SCAG's employment growth forecast for the City. The commenter also provides a list of 15 example cumulative development projects and asserts these projects should be considered by an EIR in a cumulative analysis of growth inducing impacts. When considering cumulative projects for analysis in the Draft IS/MND, the City of Perris, in conjunction with the City of Menifee and County of Riverside, selected projects that had a similar environmental setting and similar project site characteristics as the proposed project, had the

[1] LSA. *Traffic Study, Mapes and Trumble Industrial Facility project (PLN22-05023), City of Perris, Riverside County, California.* Page 26 and Table 5-A. December 2022. (Appendix E).

[2] SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020 https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_demographics-and-growthforecast.pdf?1606001579

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		such as Duke Warehouse Patterson and Nance (1,333 employees) 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), Ramona Gateway (997 employees), and First Industrial at Wilson DPR 22-017 (194 employees) combined with the proposed project will cumulatively generate 10,346 employees, which is 100.4% of the City's SCAG employment growth forecast over 29 years. These totals increase exponentially when commercial development activity is added to the brief list of industrial activity above. An EIR must be prepared 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 and/or the City's General Plan. Notably, Table LU-30: General Plan Employment Projections of the General Plan states that Planning Area 9 (all land use designations combined) will have 1,720 employees at year 2030 and 7,801 employees at buildout. All Planning Areas of the City combined will generate	potential to contribute traffic to the same roadway facilities, and had the potential to affect sensitive receptors (during construction and/or operation) located in the same general geographic area. The commenter does not provide any evidence that the project, which is consistent with SCAG's latest growth forecasts for the City, would result in any unanticipated cumulative impacts related to local or regional growth. Furthermore, the commenter does not provide any evidence that any of the identified projects have the potential to combine with the project to result in substantial, adverse effects on the environment due to their physical location, physical effects, construction characteristics, or operational characteristics. (*South of Market Community Action Network v. City & County of San Francisco* (2019) 33 Cal.App.5th 321, 336 [bare assertions, unsupported by supporting evidence, that relevant projects were improperly excluded are insufficient to establish that the project list adopted by lead agency is defective or misleading].) This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.

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		70,164 employees at buildout. An EIR must be prepared to demonstrate whether the project exceeds these totals cumulatively with all other projects approved since the time of General Plan adoption (April 26, 2005) in order to provide an adequate and accurate environmental analysis.	
	H-14	The MND has underreported the quantity of VMT generated by the project operations. 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 to exclude this activity from VMT analysis. Table 4.2 Operational Mobile Sources Trip Summary of the CalEEMod output sheets in the Air Quality Appendix indicates that the project will generate approximately 5,277,407 annual VMT (5,277,407 / 365 days = 14,458 daily total VMT). This quantity of VMT vastly exceeds the VMT analysis report of 26 VMT per employee. The project's actual VMT generated is not consistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. An EIR must be prepared to reflect a	The City's guidelines established use of Origin – Destination (OD) VMT per service population as the VMT evaluation metric for land use projects. OD VMT presented in the study included both automobile and truck VMT and included VMT for all trip purposes. Project OD VMT is presented in Appendix E of the traffic study. As shown in Appendix E of the traffic study, the daily project VMT is approximately 12,700 under base year conditions. The project VMT was calculated using the Riverside County Transportation Model (RIVCOM), which is the approved local travel-demand model for estimating project VMT. As such, the City's threshold and project VMT per service population were estimated using the latest version of RIVCOM which is consistent with the methodology recommended in the City's guidelines. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring

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		quantified VMT analysis that includes all truck/trailer and delivery van activity in order to provide an adequate and accurate environmental analysis.	recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-15	The MND 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. Figure 4: Proposed Conceptual Site Plan in the MND depicts two heavy trucks maneuvering (one truck entering the site and one truck exiting the site) at the truck access point to the project site on Exceed Road. The modeling lines overlap, indicating that the trucks will collide and there is not sufficient maneuvering space. Additionally, the truck that is exiting the site is shown to overlap with a landscape planter, which further demonstrates that the project site does not provide adequate maneuvering space.	The project design or the project site plan does not include any design feature that has a potential to increase hazards due to a geometric design feature. The project does not include any circulation component that adds any sharp movement for the internal or external circulation pattern. The project site plan (Figure 4 of the MND) provides typical example patterns of truck movements inside the secured truck yard, and a typical maneuver movement of the truck ingress or egress patterns. The purpose of these example models is to illustrate whether adequate turning movement is there for truck movements. However, this does not necessarily mean that truck ingress and egress movement is going to occur simultaneously. Even if these movements occur simultaneously, there is adequate space for one of the trucks to either back up or move towards the southern part of the secured service yard and trailer stall parking area. The project site design provides adequate provisions for alternative maneuvers to avoid conflicting movements, and therefore, does not constitute any hazards due to geometric design features. It should also be noted that the truck turning templates were created with the large semitrailer (WB-67) truck turning templates, while it is

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			estimated that approximately 40 percent of project truck traffic will be smaller 2-axle or 3-axle trucks, which will have more than adequate turning space for ingress or egress movement, or movements inside the truck yard. Additionally, none of the truck maneuvering templates overlap with any of the landscape planters. As such, truck egress movements from the site can occur without any potential conflict with the landscaping features. The commenter is wrong in this assumption. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-16	The MND also excludes vital information and analysis from Appendix E: Traffic Study. Figure 10-1: Truck Turning Template- Ingress Trumble Road/Exceed Road-Sturgeon Electric Driveway within Appendix E depicts a heavy truck maneuvering to turn left onto Exceed Road from Trumble Road. Due to the availability of street parking on Exceed Road, there is not enough space available for the heavy truck to maneuver in the area. As shown in Figure 10-1, the available space on Exceed Road cannot accommodate	There is no designated provision for on-street parking along either side of Exceed Road, west of the intersection of Trumble Road/Exceed Road-Sturgeon Electric Driveway. Exceed Road is a local road with the purpose of serving land uses along its northern and southern frontage, west of Trumble Road. The project site is zoned as BP-Business Park, which is expected to generate truck traffic. The primary purpose of Exceed Road is to accommodate passenger vehicle and truck traffic generated by the projects along its frontage.

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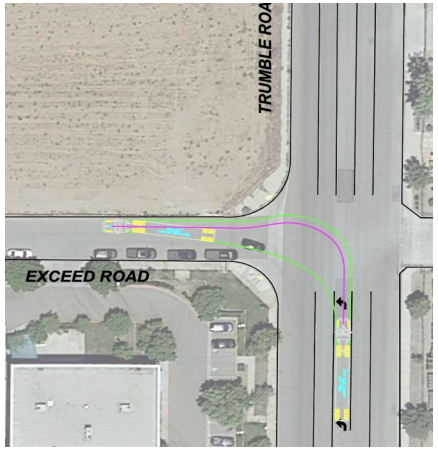
		the heavy truck, street parking, and a passenger car attempting to turn onto Trumble Road.  Source: Figure 10-1 within Appendix E. As shown in Figure 10-2: Truck Turning Template- Egress Trumble Road/Exceed Road-Sturgeon Electric Driveway,	Therefore, it is expected to prioritize the truck ingress and egress traffic rather than provision for vehicular on-street parking. As such, removal of on-street parking from spaces not designated for on-street parking does not constitute any significant and unavoidable impact. Additionally, as shown in Figure 10-2 of the Appendix E, egress truck traffic turning south into Trumble Road from Exceed Road does not require any space on the northbound left turn lane along Trumble Road. The commenter is incorrect in this assumption. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.

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		the heavy truck needs to utilize all of the street parking area in order to turn onto Trumble Road. Source: Figure 10-2 within Appendix E The Traffic Study states that the following must be required in order to accommodate truck maneuvering on Exceed Road: "The on-street parking provision needs to be removed along Exceed Road as Follows: • Along the southern edge of Exceed Road, on-street parking provision needs to be removed between the intersection of Trumble Road/Exceed Road-Sturgeon	

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		Electric Driveway and the easterly driveway for Brenthel Industries project (approximately 100 feet). • Similarly, along the northern edge of Exceed Road, on-street parking provision needs to be removed for approximately 100 feet from the intersection of Trumble Road/Exceed Road- Sturgeon Electric Driveway. The MND excluded this information from Appendix E and is an inadequate informational document. It also has not included these as mitigation in the MMRP. This means that significant and unavoidable impacts will occur and an EIR must be prepared to include a finding of significance due to this significant and unavoidable impact. Further, Figure 10-2 depicts a truck exiting Exceed Road and turning onto Trumble Road. There is not sufficient maneuvering space for the truck even when street parking is removed. Figure 10-2 models the truck maneuvering as though the existing street parking does not exist. The truck turning onto southbound Trumble Road requires space on the northbound Trumble Road left turn lane in order to complete its turn. The truck cannot complete the turn without colliding into another car on northbound Trumble Road. This is not addressed in the MND and an EIR must be prepared with a finding of significance due to this significant and unavoidable impact.	

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	H-17	An EIR must be prepared to include a cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. For example, other recent industrial projects such as Duke Warehouse Patterson and Nance (1,333 employees) 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), Ramona Gateway (997 employees), and First Industrial at Wilson DPR 22-017 (194 employees) combined with the proposed project will cumulatively generate 10,346 employees, which is 100.4% of the City's SCAG employment growth forecast over 29 years. These totals increase exponentially when commercial development activity is added to the brief list of industrial activity above. An EIR must be prepared 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 and/or the City's General Plan. Notably, Table LU-30: General Plan Employment Projections of the General Plan states that Planning Area	The commenter provides a list of 15 example cumulative development projects and asserts these projects should be considered by an EIR in a cumulative analysis of growth inducing impacts. Please refer to response to comment H-13. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.

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		9 (all land use designations combined) will have 1,720 employees at year 2030 and 7,801 employees at buildout. All Planning Areas of the City combined will generate 70,164 employees at buildout. An EIR must be prepared to demonstrate whether the project exceeds these totals cumulatively with all other projects approved since the time of General Plan adoption (April 26, 2005) in order to provide an adequate and accurate environmental analysis.	
	H-18	Additionally, an EIR must be prepared to provide a quantified analysis of the project's growth within the General Plan to determine if it exceeds the buildout scenario for its Planning Area within the General Plan and the General Plan 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." The project site is located in Planning Area 9 of the General Plan. Table LU-28 states Planning Area 9 Business Park designation will construct 211,000 sf by year 2030 and 656,000 sf total at buildout. The proposed project is 396,000 sf, which is nearly double the total building area permitted in Planning Area 9 by 2030. Table LU-28 states that citywide the Business Park designation will construct 1,302,144 sf by year 2030 and 5,641,767 sf total at buildout. An EIR must be prepared to state that the proposed project exceeds the General Plan growth estimates for Planning Area 9 and include a finding of	The commenter asserts that an EIR is required to conduct a quantified analysis of the project's growth within the General Plan to determine if it exceeds the buildout scenario for its Planning Area and the General Plan as a whole. This is incorrect. Please refer to response to comment H-9. This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.

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		significance for this reason, as well as provide citywide building area calculations on the Business Park designation status. Further, since the proposed project exceeds the building area growth in Planning Area 9, an EIR must be prepared that does not tier in any way from the General Plan EIR because the project does not comply with the General Plan and was not accounted for by its EIR.	
	H-19	For the foregoing reasons, GSEJA believes the MND is flawed and an 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.	The commenter asserts the MND is flawed and an EIR must be prepared for the proposed project and circulated for public review. The commenter 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. As demonstrated in the previous responses, none of the comments provided in Letter H identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. The City will provide the requested notice prior to the public hearing for the project. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.
	H-20	April 28, 2023 Gary Ho Blum Collins LLP 707 Wilshire Blvd, Ste. 4880	The commenter asserts that the IS/MND fails to adequately evaluate the project's air quality, and health risk impacts. As a result, emissions and health risk impacts associated with construction

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		Los Angeles, CA 90017 **Subject: Comments on the Mapes and Trumble Industrial Facility Project (SCH No. 2023040023)** Dear Mr. Ho, We [SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment] have reviewed the February 2023 Initial Study and Mitigated Negative Declaration ("IS/MND") for the Mapes and Trumble Industrial Facility Project ("Project") located in the City of Perris ("City"). The Project proposes to construct a 396,000-square-foot ("SF") warehouse on the 19.16-acre site. Our review concludes that the IS/MND 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. An Environmental Impact Report ("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.[1]	and operation of the proposed project are underestimated and inadequately addressed. An 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. The commenter then proceeds to conduct an independent analysis of the proposed project's air quality and health risk effects using the CalEEMod v.2020.4.0. and AERSCREEN. A statement on page 9 of the SWAPE letter indicates, "In order to conduct our screening-level risk assessment we relied upon AERSCREEN,…" followed by, "If an 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." The commenter claims their analysis resulted in an unacceptable air quality hazard, yet the commenter did not follow their own directions to conduct a more refined modeling approach. In accordance with State CEQA Guidelines Section 15050, the City of Perris as lead agency maintains the air quality analysis and Health Risk Assessment publicly disseminated respectively as Appendix A and Appendix B in conjunction with the IS/MND for the proposed project represent the most

[1] SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment. *Comments on the Mapes and Trumble Industrial Facility Project (SCH No. 2023040023)*. April 28, 2023.

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			applicable, refined, and appropriate evaluation of the project's air quality and health risk impacts. The SCAQMD requested the project-specific raw data related to the CalEEMod, EMFAC model, AERMOD, HARP Air Dispersion Modeling and Risk Tool, and live version of excel emission calculation file(s) used to calculate the project's emission sources (i.e. truck operations) in order to complete a parallel review of the air quality, health risk, and greenhouse gas emissions analyses for the project. As detailed in response to comment G-1, the project applicant's environmental consultant, LSA, provided all requested raw data to Sahar Ghadimi of the SCAQMD on April 11, 2023. To date, the SCAQMD, acting as the regional authority on air quality and health risk, as well as prescriber of the applicable significance criteria for air quality and health effects in the air basin in which the project is proposed, has provided no further comments on the project-specific air quality, health risk, and/or greenhouse gas emissions analyses or supporting data. Accordingly, the City of Perris, acting as Lead Agency pursuant to State CEQA Guidelines Section 15367, concludes that the air quality, health risk, and greenhouse gas emissions calculations forecasted for the project in Appendix A and Appendix B of the IS/MND are adequate and supported by substantial evidence.

			It should be noted that the existence of public controversy over the environmental effects of a project does not in and of itself require the preparation of an EIR if there is no substantial evidence before the City that the project may have a significant effect on the environment. Substantial evidence must consist of facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. The lead agency must be presented with a "fair argument" that the project may have a significant effect on the environment in order to require an EIR. Specific points raised by the commenter that relate to the adequacy of the IS/MND are responded to in responses to comments H-1 through H-20. Based on all of the comments received on the IS/MND, including the responses to comments H-1 through H-20 and in other letters reproduced and responded to in this document, the City has determined that, with implementation of the recommended mitigation measures prescribed in the Mitigation Monitoring and Reporting Program (MMRP) consistent with State CEQA Guidelines Section 15097, the proposed project would not have a significant effect on the environment and that a fair argument that a significant effect would occur that has not already been identified and mitigated has not been presented. Therefore, the IS/MND satisfies the requirements of CEQA. Further, the IS/MND provides an adequate level of information to allow the decision-makers to consider the potential physical changes to the environment associated with the project and make a determination regarding project approval.

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			This comment does not identify any new significant environmental issues or impacts that were not already addressed in the IS/MND. Neither this comment nor the response constitutes new information requiring recirculation of the IS/MND. No change in the text of the IS/MND is required.