Appendix L

Responses to Comments

Final
Initial Study/Mitigated Negative Declaration No. 2394

FIRST INDUSTRIAL LOGISTICS AT SINCLAIR STREET PROJECT
DPR 22-00027
(SCH No. 224020647)

Lead Agency:

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

June 10, 2024

Table of Contents

Attachments

SECTION 1.0 INTRODUCTION

Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines) Section 15073, the Initial Study/Mitigated Negative Declaration (MND) for the proposed First Industrial Logistics at Sinclair Street Project (proposed Project) was circulated to the State Clearinghouse, Responsible Agencies, and interested parties for a 30-day period that commenced on February 16, 2024 and concluded on March 18, 2024 for public review and comment.

SECTION 2.0 COMMENT LETTERS AND RESPONSES TO COMMENTS

State CEQA Guidelines Section 15074 requires the decision-making body to consider the proposed Initial Study/MND together with any comments received during the public review process. There is no requirement under the California Environmental Quality Act (CEQA) or the State CEQA Guidelines for a formal response to each of the comments received on a Negative Declaration (unlike the requirement for a Final Environmental Impact Report). However, in order to provide the City of Perris Planning Commission with additional information upon which to base its decision whether to approve or deny the proposed Project, the following Responses to Comments has been prepared. Each comment letter is labeled alphabetically with each individual comment identified by a number. The responses are provided following each letter. All written comments have been made a part of the public record.

LIST OF PERSONS, ORGANIZATIONS AND AGENCIES THAT COMMENTED ON THE INITIAL STUDY

Letter	Commenting Party	Date
Comments Received During Public Review Period		
A	Riverside County Airport Land Use Commission	February 26, 2024
B	CAL FIRE / Riverside County Fire Department	March 4, 2024
C	Riverside Transit Authority	March 8, 2024
D	Riverside County Flood Control and Water Conservation District	March 12, 2024
E	Advocates for the Environment	March 15, 2024
F	South Coast Air Quality Management District	March 18, 2024
G	California Allied for a Responsible Economy	March 18, 2024

In addition to the letters identified above, the City also received a letter dated March 18, 2024 from the Golden State Environmental Justice Alliance that provided comments on the Initial Study/MND. However, the Golden State Environmental Justice Alliance submitted a second letter to the City dated April 22, 2024 stating that it was withdrawing it comment letter and opposition to the Project. The Project developer has addressed the Golden State Environmental Justice Alliance's concerns about mitigation. Therefore, the comments submitted by the Golden State Environmental Justice Alliance are not addressed in this document.

The comments necessitate minor changes to the text of the Initial Study/MND. These minor changes did not necessitate any changes to the figures, analyses, or conclusions of the Initial Study/MND.

Comment Letter A – Riverside County Airport Land Use Commission

Comment letter A commences on the next page.

Comment Letter A

From: Vega, Jaqueline <JaVega@RIVCO.ORG>
Sent: Monday, February 26, 2024 3:00 PM
To: Mario Arellano <marellano@cityofperris.org>
Subject: PM23-05174

Hello thank you for transmitting the case above. Please note that the project is located within zone B1 APZ II of March AIA, and although ALUC review is not required because the City is consistent with the compatibility plan for march.

We want to remind the City that we often send project this close to the base for comments. Please note that zone B1 APZ II limits number of people to 50 people per average acre and 100 people per single acre. Additionally, please note that new dwelling units are not allowed in these zones.

A-1

If the City would like to volunteer this project to ALUC, they can submit the application.

Should you have any questions, please contact me.

Jackie Vega
Urban Regional Planner II

Riverside County Airport Land Use Commission
4080 Lemon Street, 14th Floor
Riverside, Ca 92501
(951) 955-0982
Javega@RIVCO.ORG
www.rcaluc.org

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County of Riverside California

Response to Comment Letter A – Riverside County Airport Land Use Commission

Response to Comment A-1:

The comment correctly states that the Project site is located within Zone B1 - APZ II of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan as shown in **Figure 6 – MARB Compatibility Zones.** The comment also correctly states that the proposed Project is not required to go through Airport Land Use Commission (ALUC) review because the Project is consistent with the land use designations of March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. Further, Section 5.9 Hazards/Hazardous Materials of the Initial Study/MND concluded that the Project would not conflict with the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan's 50 people per average acre and 100 people per single acre limits.

This comment letter does not question the content or conclusions of the Initial Study/MND, and no new environmental issues are raised. Therefore, no further analysis or revisions to the Initial Study/MND is required.

Comment Letter B – CAL FIRE / Riverside County Fire Department

Comment letter B commences on the next page.

Comment Letter B

From: Owens, Olivia@CALFIRE <Olivia.Owens@fire.ca.gov>
Sent: Monday, March 4, 2024 2:53 PM
To: Mario Arellano <marellano@cityofperris.org>
Cc: CALFIRE RVC Planning Submittals <RVCPlanningSubmittals@fire.ca.gov>
Subject: MND2394 DRP22-00027 PM23-05174 First Industrial Logistics at Sinclair Street Project

Mario,

We have received the NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION(MND No. 2394) for **First Industrial Logistics at Sinclair Street Project**. Can you please provide any supporting documentation preceding this notice (other than the attached documents).

B-1

Respectfully,

Olivia Owens
Administrative Services Assistant
Office of the Fire Marshal/Fire Planning Division
CAL FIRE/Riverside County Fire Department
Desk: 951-955-0694 | Main: 951-955-4777
4080 Lemon St, 10th Floor, Riverside, CA 92501
olivia.owens@fire.ca.gov | www.rvcfire.org

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Response to Comment Letter B – CAL FIRE / Riverside County Fire Department

Response to Comment B-1:

This comment letter requests documentation preceding the Notice of Intent to Adopt MND No. 2394 but is not specific about the specific documents being requested.

The Notice of Intent contains the link to the City of Perris' Environmental Documents for Public Review website that includes the Project's Initial Study/MND plus all of the supporting technical appendices in addition to the Project plans. The comment letter does not question the content or conclusions of the Initial Study/MND, and no new environmental issues are raised. Therefore, no further analysis or revisions to the Initial Study/MND is required.

Comment Letter C – Riverside Transit Authority

Comment letter C commences on the next page.

Comment Letter C

From: Mauricio Alvarez <malvarez@riversidetransit.com>
Sent: Friday, March 8, 2024 7:44 AM
To: Mario Arellano <marellano@cityofperris.org>
Subject: First Industrial Logistics at Sinclair Street Project

Good Morning Mario,

Thank you for including Riverside Transit Agency in the development review of the First Industrial Logistics at Sinclair Street Project. After reviewing the plans, there are no comments to submit for this particular project.

C-1

Thank you,

Mauricio Alvarez, MBA
Planning Analyst
Riverside Transit Agency
p: 951.565.5260 | e: malvarez@riversidetransit.com
Website | Facebook | Twitter | Instagram
1825 Third Street, Riverside, CA 92507

Response to Comment Letter C – Riverside Transit Authority

Response to Comment C-1:

This comment letter states that the Riverside Transit Authority does not have any comments to submit on this particular project. The comment letter does not question the content or conclusions of the Initial Study/MND, and no new environmental issues are raised. Therefore, no further analysis or revisions to the Initial Study/MND is required.

Comment Letter D – Riverside County Flood Control and Water Conservation District

Comment letter D commences on the next page.

Amkkclr Jcrrcp B

JASON E. UHLEY
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
951.788.9965 FAX
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

255196

March 12, 2024

City of Perris
Planning Department
135 North D Street
Perris, CA 92570

Attention: Mario Arellano

Re: PM 23-05174, DPR 22-00027,
APNs 303-080-012, 303-080-013
and 303-080-015

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 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, 2024. 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:

☐ This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.

☐ This project involves District proposed Master Drainage Plan facilities, namely, _____. 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 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.

☐ This project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting 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 required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of

D-1

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.

☒ 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 (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 should be at the rate in effect at the time of issuance of the actual permit.

☐ An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, _____. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.

☐ The District's previous comments are still valid.

GENERAL INFORMATION

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.

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.

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.

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.

Very truly yours,

Amy McNeill

AMY MCNEILL
Engineering Project Manager

EM:blj

D-1
Cont.

Response to Comment Letter D – Riverside County Flood Control and Water Conservation District

Response to Comment D-1:

The comment letter provided by the Riverside County Flood Control and Water Conservation District has been reviewed. The Project applicant, as required by the City, would be required pay all applicable fees, including connection and drainage fees. As part of the Project, a National Pollutant Discharge Elimination System, (NPDES) permit would be obtained. The Project does not involve a Federal Emergency Management Agency (FEMA) mapped flood plain and would not require a Section 1602 Agreement or a Section 404 Permit since it would not impact a natural water course or mapped flood plain. The comment letter does not question the content or conclusions of the Initial Study/MND, and no new environmental issues are raised. Therefore, no further analysis or revisions to the Initial Study/MND is required.

Comment Letter E – Advocates for the Environment

Comment letter E commences on the next page.

Comment Letter E

March 15, 2024

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization

Mario Arellano
Associate Planner
City of Perris – Planning Division
135 North "D" Street,
Perris, CA 92570

Via U.S. Mail and email to marellano@cityofperris.org

Re: Comments on the Draft Mitigated Negative Declaration for the First Industrial Logistics at Sinclair Street Project, DPR 22-00027, SCH No. 2024020647

Dear Mr. Arellano:

Advocates for the Environment submits the comments in this letter regarding the proposed First Industrial Logistics at Sinclair Street Project (**Project**), located near Sinclair Street, North Perris Boulevard, Morgan Street, and West Rider Street in the City of Perris (**City**). This Project proposes to demolish two buildings and construct a 427,224 square-foot industrial warehouse on the 20.57-acre Project site.

We are a non-profit public-interest law firm that uses environmental law to fight to improve the environment in California. We have reviewed the Mitigated Negative Declaration released in February 2024 (**MND**) and submit comments regarding the sufficiency of the MND's Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**).

E-1

The City Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions.

E-2

It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero.

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero communities after losing CEQA lawsuits to environmental groups. The ability for these large projects to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same.

We urge the City to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that "achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: "it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed … in order to meet our GHG and air quality targets." (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.)

Moving this Project forward as a net-zero project would not only be the right thing for the City to do, but also would also help protect the City and the Applicant from CEQA GHG litigation.

E-2 Cont.

CEQA GHG Significance Analysis

The MND derived its GHG significance thresholds from the CEQA Appendix G Guidelines and concluded that the Project's GHG emissions would be less than significant, claiming the Project would be consistent with plans, policies, and regulations for the reduction of GHG emissions. (MND, p. 76.) The MND used CalEEMod to quantify the Project's annual emissions at 4,242.16 metric tons carbon dioxide equivalent (**MTCO2e**) per year. (MND, p. 78.)

E-3

The Chosen Threshold Is Not Supported by Substantial Evidence

As the basis for its significance determination, the City chose a significance threshold of 10,000 MTCO2e. (MND, p. 77.) However, there is no evidentiary basis for why the City of Perris should adhere to this as a significance threshold.

A lead agency must support its chosen threshold by substantial evidence. (CEQA Guidelines § 15064.7(b).) The City has not done so here. In particular, CEQA requires that significance determinations are based on current regulations, as well as scientific and factual

E-4

data. (CEQA Guidelines §§ 15064.4(b).) Thus, thresholds which are not aligned with California's current reduction goals are outdated. Here, the City failed to analyze or provide support for why the threshold applies to this Project, or how it adheres to California's current GHG reduction goals, which is a clear violation of CEQA's mandate to support the chosen significance threshold with data.

Additionally, ten thousand tons is a very large amount of GHG emissions for an individual project. The MND does not justify its choice of the 10,000-ton threshold instead of the thresholds recommended or adopted by other air districts, such as the 1,100 MTCO2e threshold recommended by the Sacramento Metro Air Quality Management District, or the County of San Bernardino's 3,000 MTCO2e per year screening level. (*See* Greenhouse Gas Thresholds for Sacramento County,[1] p. 1; *see also,* County of San Bernardino Greenhouse Gas Emissions Development Review Process Screening Tables[2]) This 10,000-ton numeric threshold is therefore not supported by substantial evidence.

E-4 Cont.

Consistency with Identified Applicable Plans

The MND included a brief discussion of Assembly Bill 32 (**AB 32**), the California Air Resources Board (**CARB**) 2022 Scoping Plan, the CARB 2017 Scoping Plan, and the City of Perris Climate Action Plan (**CAP**). Yet, this significance analysis violates CEQA for several reasons. First, some of the plans that the City chose to analyze are not applicable plans because they have expired or are so outdated as to be inapplicable and not reflective of current scientific understandings. Second, the Project would be inconsistent with the CARB Scoping Plans. Third, by failing to acknowledge and analyze all applicable plans for the reduction of GHGs, the City did not carry out sufficient analysis to make a determination under the second threshold that it chose. If the City had appropriately analyzed all applicable plans, it would have found a significant impact, requiring a full Environmental Impact Statement (**EIS**).

E-5

Some of the Chosen Plans, Policies, and Regulations are Not Applicable Because They are Outdated

AB 32 is not applicable because it set a goal for 1990 level emissions to be achieved by 2020, which has already been accomplished and therefore is not an applicable policy for this project.

Likewise, the CAP relies upon local measures aimed at achieving the outdated AB 32 target and has not been updated to reflect the current policy and scientific understandings.

E-6

[1] https://www.airquality.org/LandUseTransportation/Documents/SMAQMDGHGThresholds2020-03-04v2.pdf
[2] https://www.sbcounty.gov/uploads/LUS/GreenhouseGas/GHG_2021/GHG%20Revised%20Screening%20Tables%20-%20Adopted%209-20-2021.pdf

Further, the CAP bases its content on metrics and estimations from as early as 2010, and altogether does not reflect the current GHG emissions in the City of Perris. Thus, the use of the CAP cannot demonstrate that the Project would have a less than significant GHG impact because it is based on outdated, inapplicable policy.

E-6 Cont.

The Project Would Conflict with Applicable Plans, Policies, and Regulations that the City Chose

The 2017 Scoping Plan was developed to facilitate California's compliance with SB 32, which requires statewide GHG emissions to be reduced to 40% below 1990 levels by 2030. (Health & Safety Code § 38566.) The MND did not discuss how the Project is consistent with any of the goals, including the 2050 goal of 80% below 1990 levels. The 2017 Scoping Plan also sets out statewide goals for total GHG emissions targets of 6 MTCO2e/capita by 2030, and 2 MTCO2e/capita by 2050 (CARB Scoping Plan, p. 99). With the Project's net annual GHG emissions at 4,242.16 MTCO2e annually, and 418 new employees (MND, p. 78, p. 11), the Project's per-service population GHG emissions would be over 83 MTCO2e/capita, more than five times greater than the 2050 target, making the Project plainly inconsistent with the goals set out by the CARB 2017 Scoping Plan.[3]

E-7

The 2022 Scoping Plan sets a goal for 50% of all industrial energy demand to be electrified by 2045 (2022 CARB Scoping Plan, p. 77). The MND makes no showing that the Project is consistent with this goal. The 2022 CARB Scoping Plan also places particular emphasis on decarbonizing industrial facilities by "displacing fossil fuel use with a mix of electrification, solar thermal heat, biomethane, low- or zero-carbon hydrogen, and other low-carbon fuels to provide energy for heat and reduce combustion emissions" (2022 CARB Scoping Plan, p. 208). Again, the Project would not be consistent with this goal, based on the analysis provided in the MND which indicates that the Project would heavily rely on non-renewable fossil fuels that emit GHG emissions and would not utilize alternative fuels to the extent feasible.

The MND Should Have Analyzed All Applicable Plans

The City chose, as its second GHG threshold, whether the Project would "[c]onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases." (MND, p. 76.) This language requires that the MND analyze the Project's consistency with all other applicable plans, not just the plans that the City prefers to analyze.

E-8

An agency must consider a project's GHG impact over time to reasonably evaluate the full extent of environmental impact as CEQA requires. This Project is anticipated to be in operation for 30 years. (MND, p. 78.) Accordingly, to comply with CEQA, the Project must

[3] 4,242.16 MTCO2e ÷ 418 employees = approx. 10.15 MTCO2e per capita

show consistency with long-term State GHG goals, including Executive Order B-55-18 (**EO B-55-18**).

EO B-55-18 requires the State of California to achieve carbon neutrality—net zero GHG emissions—by 2045. The Project is inconsistent with EO B-55-18 because it does not prohibit the use of gasoline, diesel, and natural gas. In fact, the heavy-duty diesel trucks and diesel-powered fire pump that will be used in warehouse operations amount to a considerable source of fossil fuel burning. Burning such non-renewable fuels results in substantial GHG emissions, preventing the Project from ever achieving carbon neutrality, unless it enters into agreements with the applicant or future tenant to ensure that fossil fuel use is on track to be eliminated by 2045 as required by EO B-55-18

Consequently, the Project would have a significant GHG impact under the second threshold because it is inconsistent with applicable plans for the reduction of GHGs.

E-8 Cont.

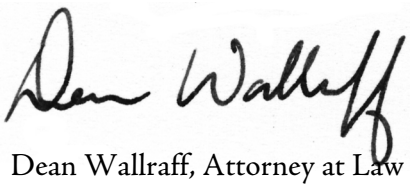
Conclusion

For the reasons discussed in this letter, the conclusion of less-than-significant GHG impact violates CEQA because the chosen threshold of 10,000 tons was not supported by substantial evidence and it lacked a basis in policy and scientific understanding. Additionally, there is a fair argument that the Project would not be consistent with applicable plans, policies, and regulations for the reduction of GHGs.

E-9

Please put Advocates for the Environment on the list of interested parties to receive updates about the progress of this potential project approval. We make this request under Public Resources Code, section 21092.2.

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

Response to Comment Letter E – Advocates of the Environment

Response to Comment E-1:

This is an introductory comment identifying the Advocates for the Environment. The summary description of the proposed Project is materially correct. The comments regarding the Project and the Initial Study/MND are acknowledged and are addressed in the following responses.

Response to Comment E-2:

The commenter's statements regarding greenhouse gas (GHG) emissions sources, effects of GHG emissions, recent GHG litigation, and GHG net-zero targets are recognized. The commenter refers to two unrelated development projects which voluntarily chose to be "net-zero" and refers to text in the 2017 California Air Resource Board (CARB) Scoping Plan that indicates that no net additional increase in GHG emissions is an appropriate overall objective. CARB has established a "net-zero" target for the state, but at present there is no requirement for individual developments to achieve a net-zero GHG contribution. The Project conforms with incumbent GHG emissions reductions policies and regulations and is consistent with provisions of the City's Climate Action Plan (CAP) (Initial Study/MND, pp. 78-79). In this manner, the Project promotes attainment of CARB's statewide net-zero target.

The Scoping Plan citation by the commenter is acknowledged. However, the 2017 CARB Scoping Plan also states, "Achieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA. Lead agencies have the discretion to develop evidence-based numeric thresholds (mass emissions, per capita, or per service population) consistent with this Scoping Plan, the State's long-term GHG goals, and climate change science." (CARB 2017 Scoping Plan, p. 102)

In addition, the 2022 CARB Scoping Plan cautions against using net-zero targets and specifically notes that jurisdictions considering a net-zero target should carefully consider the implications it may have on emissions in neighboring communities and beyond. Appendix D of the 2022 CARB Scoping Plan states, "Jurisdictions should also avoid creating targets that are impossible to meet as a basis to determine significance. For example, a net-zero target may imply that the GHG emissions of any project that are not reduced or offset to zero would be considered potentially significant. This may lead to undue burdens and frustrate project approval processes, which may be particularly problematic for residential development in climate-smart, infill areas. In addition, some jurisdictions have more land capacity to remove and store carbon, while others host GHG-emitting facilities that serve necessary functions and will take time to transition to new technology." (CARB 2022 Scoping Plan Appendix D, p. 18)

Moreover, the City of Perris considers the application of a net-zero threshold to be unprecedented for warehouse projects and would effectively result in a moratorium on such facilities within the City. While application of a net-zero threshold may be appropriate and achievable for certain residential projects, it is not appropriate to apply such a threshold to individual warehouse projects where the vast majority of operational GHG emissions result from mobile-source emissions.

The Project GHG emissions modeling and analysis based on that modeling conforms to professional best practices and employs the latest available modeling protocols. Specifically, the detailed information and modeling presented in the Initial Study/MND and supporting technical analyses appended to the Initial Study/MND were prepared by experts with approximately 30 years of combined experience in the field of air quality and GHG emissions impacts analysis. Additionally, as substantiated within Section 5.8 – Greenhouse Gas *Emissions* of the Initial Study/MND and within these responses, the Project would result in less than significant GHG emissions impacts. (Initial Study/MND, pp. 76 - 79) The City of Perris, as the Lead Agency for the Project under CEQA, has made a good-faith effort, based on the extent

possible on scientific and factual data, to describe, calculate and estimate the amount of GHG emissions resulting from the Project. The Initial Study/MND provides sufficient and adequate information enabling City representatives to make a decision regarding the project taking into account the Project's potential environmental consequences. Please refer also to *Response to Comments E-3 through E-8*, presented herein.

Adoption and implementation of a City "net-zero GHG emission threshold" as suggested by the commenter is beyond the scope of the Project and the Initial Study/MND. These comments will be forwarded to the decision-makers for their consideration. Therefore, for the reasons outlined above, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment E-3:

This comment is noted. As noted by the commenter, the Initial Study/MND concludes that Project GHG emissions impacts would be less than significant. The Initial Study/MND GHG analysis comprises substantial evidence supporting this conclusion. No environmental issues are raised by this comment. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment E-4:

The commenter contends that the "10,000-ton numerical threshold is not supported by substantial evidence." The City of Perris, as the Lead Agency for the Project under CEQA, disagrees. As discussed in the Initial Study/MND, the South Coast Air Quality Management District (AQMD) is the expert air quality agency in the southern California region. The South Coast AQMD's adopted 10,000 $MTCO_2e$ per year threshold of significance for industrial projects is widely used by Lead Agencies throughout Southern California. Further, the South Coast AQMD provides substantial evidence that its thresholds are consistent with policy goals and 2050 GHG emissions reduction targets set by the State. Air districts typically act in an advisory capacity to local governments in establishing the framework for environmental review of air pollution impacts under CEQA. This may include recommendations regarding significance thresholds, analytical tools to estimate emissions and assess impacts, and mitigations for potentially significant impacts. Therefore, the City's decision to utilize the 10,000 $MTCO_2e$ per year threshold of significance in its discretion as Lead Agency is supported by substantial evidence. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment E-5:

The commenter's summary regarding the Initial Study/MND's significance analysis is noted. Detailed responses are addressed in *Response to Comment E-6* through *Response to Comment E-8* below.

Response to Comment E-6:

Assembly Bill 32 (AB 32) was included in the Initial Study/MND discussion to outline the overall statewide GHG reduction strategy. AB 32 was the first program in the country to make a comprehensive, long-term approach to address GHG emissions. The subsequent regulations described in the Initial Study/MND were based on the GHG reduction targets established by AB 32. It should be noted that the Project's consistency with the 2022 Scoping Plan also satisfies consistency with AB 32 since the 2022 Scoping Plan is based on the overall targets established by AB 32 and Senate Bill 32 (SB 32). Section 5.8 Greenhouse Gas Emissions in the Final Initial Study/MND has been revised as shown below to clarify that AB 32's target has been achieved and how implementation of the 2022 Scoping Plan would not be impeded:

> CEQA allows lead agencies to consider whether regulatory programs are adequate to reduce a project's potentially significant environmental effects. Under Assembly Bill (AB) 32, the State's emission inventory ~~must~~ were to be reduced to 1990 levels by 2020. Most of the reductions required to reach AB 32's 2020 reduction target ~~will be~~ were achieved by regulations that apply to both existing and new development, including the Renewable Portfolio Standard, Pavley

standards, Low Carbon Fuel Standards, landfill regulations, regulations and programs on high global warming potential gases, initiatives on water conservation (such as SB X7-7), and the indirect influence of the Cap and Trade system on electricity and transportation fuel prices. These regulations ~~are~~ were sufficient to achieve AB 32's goal to reduce statewide GHG emissions to 1990 levels by 2020. The CARB 2017 Scoping Plan include~~d~~s a regulatory strategy that would ~~will~~ result in the State achieving the SB 32 target by 2030. (CARB-C). Consistency with the 2017 Scoping Plan is not necessary since this plan was superseded by the 2022 Scoping Plan.

The CARB 2022 Scoping Plan addresses recent legislation (AB 1279) reducing anthropogenic GHG emissions to 85 percent below 1990 levels by 2045. (CARB-D). The Project would not impede the State's progress towards carbon neutrality by 2045 under the 2022 Scoping Plan because the Project would be required to comply with applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan. Current transportation sector regulations the Project will comply with include, but are not limited to: Advanced Clean Cars II, Advanced Clean Trucks, Advanced Clean Fleets, Zero Emission Forklifts, the Off-Road Zero-Emission Targeted Manufacturer Rule, Clean Off-Road Fleet Recognition Program, In-Use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer Rule, Clean Off-Road Fleet Recognition Program, Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation, and the Low Carbon Fuel Standard. As such, the Project would not be inconsistent with the 2022 Scoping Plan.

The City of Perris Climate Action Plan (CAP) was included in the Initial Study/MND because the measures identified in the CAP represent the City's actions to achieve its adopted GHG reductions targets. The Project would not conflict with or obstruct these measures and, as indicated in the Initial Study/MND, potential impacts would be less than significant. (Initial Study/MND, p. 79).

The minor revisions to the Initial Study/MND do not change the analysis or conclusions of Project impacts and do not constitute new information that would require recirculation of the Initial Study/MND pursuant to Section 15073.5 of the State CEQA Guidelines.

Response to Comment E-7:

The commenter offers an alternative analysis of GHG emissions impacts with respect to the CARB 2017 Scoping Plan citing statewide per/capita GHG emissions goals. Statewide GHG emissions/per capita goals and targets are acknowledged. However, there is no requirement for individual developments to achieve Statewide GHG emissions/per capita goals. For individual development proposals, such as the Project considered here, it is the Lead Agency's prerogative and responsibility to establish appropriate GHG emissions thresholds. (See *Response to Comment E-4*, above). Moreover, the 2017 Scoping Plan has been superseded by the 2022 CARB Scoping Plan, so a consistency analysis with 2017 Scoping Plan is not required. (See *Response to Comment E-6*, above).

Regarding the 2022 Scoping Plan, the comment cites portions of the 2022 Scoping Plan concluding that the Project is inconsistent because the Initial Study/MND does not specifically evaluate these goals without providing any evidence to support this conclusion. Consistency with the 2022 Scoping Plan is demonstrated by how the Project would not impede the State's progress towards carbon neutrality by 2045. As detailed in *Response to Comment E-6*, above, the Project would not be inconsistent with 2022 Scoping Plan because the Project would be required to comply with all applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan.

As substantiated in Section 5.8 Greenhouse Gas Emissions of the Initial Study/MND, Project GHG emissions would not exceed the Lead Agency's quantified GHG impact significance thresholds. Nor would the Project otherwise result in potentially significant GHG emissions impacts. (Initial Study/MND, pp. 76 – 79). As supported by the Initial Study/MND analysis, the responses presented here, the whole

record before the Lead Agency, the Project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. Nor would the Project otherwise result in significant GHG emissions impacts. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment E-8:

The commenter incorrectly asserts that the Project did not analyze Project's consistency with all applicable plans. As discussed in the Initial Study/MND, Section 5.8 Greenhouse Gas Emissions, the Project would be consistent with applicable plans, including the 2022 CARB Scoping Plan that incorporates the Executive Order B-55-18 (EO B-55-18) goal of carbon neutrality (net zero GHG emissions) by 2045 (see *Response to Comment E-6*).

The commenter incorrectly implies that the 30-year amortization of Project *construction* emissions establishes a 30-year deadline by which the Project must achieve B-55-18 targets. The Project's largest source of GHG emissions (which would be less than significant) is mobile sources, which would be reduced by mandatory vehicle emissions regulations over the life of the Project (Please also refer to *Response to Comment E-6*, above).

The commenter's statements regarding EO B-55-18 are erroneous. EO B-55-18 establishes broad statewide goals, policies and programs that would move the state toward carbon neutrality and reduce GHG emissions generally. EO B-55-18 does not establish any local or development-level regulations. EO B-55-18 does not prohibit use of gasoline, diesel, natural gas, or burning non-renewable fuels.

Statewide "net-zero" GHG emissions targets are acknowledged. At present, there is no requirement for individual developments to achieve a net-zero GHG contribution. The Project conforms with incumbent GHG emissions reductions policies and regulations and would be consistent with provisions of the City's CAP. The Initial Study/MND analysis and responses provided herein comprise substantial evidence supporting the conclusion that the Project would not result in substantial GHG emissions. The Project would be required to conform to updated GHG reduction targets and policies/programs adopted to achieve those targets as these policies/programs and targets become effective and enforceable. This would include any State future requirements that individual developments demonstrate carbon neutrality.

The State of California is regulating and requiring the use of cleaner trucks. CARB's *Truck and Bus Regulation*, which was adopted by CARB in 2008, requires that all diesel truck fleets operating in California adhere to an aggressive schedule for upgrading and replacing heavy-duty truck engines. Beginning January 1, 2023, all heavy trucks operating on California roads must have engines that meet 2010 emissions standards. Lighter trucks (those with a gross vehicle weight rating of 14,001 to 26,000 pounds) adhered to a similar schedule and were all replaced by 2020. Furthermore, in mid-2022, CARB passed a landmark rule that requires all trucks sold in California to be zero-emission by 2045. As stated by CARB, "The 'Heavy-Duty Low NO_X Omnibus Regulation' will require manufacturers to comply with tougher emissions standards, overhaul engine testing procedures, and further extend engine warranties to ensure that emissions of NO_X are reduced." CARB then-Chair Mary D. Nichols is quoted stating that "[t]his regulation ensures that conventional diesel trucks will run as cleanly as possible at every point in their duty cycle. It takes a significant bite out of smog-forming pollution in every region in the state…."[1]

The imposition of additional requirements by the City to control mobile source GHG emissions above and beyond those presented in the Initial Study/MND are not necessary because the progression toward clean truck technologies is already occurring as regulated by the State, and because the Project's GHG impacts are less than significant without the need for mitigation. The City is limited in its ability to regulate and enforce the types of vehicles that would access the Project site, and current industry

1. California Air Resources Board, *California adopts strong new regulation to further reduce smog-forming pollution from heavy-duty diesel trucks,* dated August 28, 2020. Release No. 20-22(Available at https://ww2.arb.ca.gov/news/california-adopts-strong-new-regulation-further-reduce-smog-forming-pollution-heavy-duty, accessed April 16, 2024)

practices and technological constraints preclude the inclusion of mitigation that places restrictions on the types of trucks that would access the Project.

The vast majority of trucks traveling throughout the State and nation are diesel-fueled, as currently permitted by State and federal laws and regulations. CARB and the U.S. Environmental Protection Agency are the only two agencies empowered to regulate mobile sources (i.e., automobiles and trucks). These agencies have consistently set more stringent regulations to reduce mobile source emissions and are expected to continue to do so; however, current regulations do allow for the use of diesel-fueled trucks, and the City does not have the jurisdictional authority to regulate the types of vehicles that would access the Project site. If CARB's desire is to require cleaner-than-presently-required engines, it is within CARB's ability to do so. At present, CARB's Truck and Bus Regulation is in place, which would require the Project's future building tenants to comply with the applicable phase-in timelines required by state regulation to ensure that any heavy trucks serving the Project would meet engine requirements.

Additionally, in June 2020, CARB adopted the Advanced Clean Trucks Regulation that requires truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California will be required to be zero-emission. When commercial availability of electric-powered long-haul trucks is more readily available in the future, it is expected that such trucks will be part of the Project's operation. The regional and nation-wide goods movement sector inherently relies on a combination of various truck fleets composed of primarily diesel-powered trucks to deliver goods to their destinations. Warehouse tenants typically rely on a mix of both corporate fleets and independent owner-operator trucks to deliver goods to their destinations. While some tenants of industrial facilities have their own fleets, many tenants rely on a mix of both corporate fleets and independent owner-operators, and thus cannot control the types of trucks that are accessing their facilities.

The City acknowledges that the transportation sector is making strides in developing technologies that will reduce air pollutant and GHG emissions over time, and the City will promote and advance their use as they are developed and implemented on a wide scale; however, many of these advancements, such as electric trucks that would eliminate and/or substantially reduce the Project's GHG emissions, are in their early stages and not yet commercially available or viable in mass.

Based on the preceding and the substantial evidence presented in the Initial Study/MND, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment E-9:

Please refer to *Response to Comment E-2* and *Response to Comment E-7* above. The analysis of Project impacts in the Initial Study/MND is supported by substantial evidence and the commenter's reference to a "fair argument" of significant impacts is incorrect. (See State CEQA Guidelines Section 15384).

The commenter requests that Advocates for the Environment be included on the interest list to receive updates about the progress of this Project. Consistent with Public Resources Code, § 21092.2, the City of Perris will include Advocates for the Environment on the interest list to receive updates about the progress of this Project. No environmental issues are raised by this comment. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Comment Letter F – South Coast Air Quality Management District

Comment letter F commences on the next page.

Comment Letter F

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL: March 18, 2024

marellano@cityofperris.org
Mario Arellano, Associate Contract Planner
Development Services Department
Planning Division
City of Perris
135 North "D" Street
Perris, CA 92570

Mitigated Negative Declaration (MND) for the First Industrial Logistics at Sinclair Street Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Perris is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments recommended revisions to the cumulative impacts during operation that the Lead Agency should include in the Final MND.

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

Based on the MND, the project consists of consolidating three lots into one lot, demolishing two industrial buildings totaling 206,100 square feet, and constructing a 427,224 square foot warehouse on 20.57 acres.[1] The Proposed Project would include approximately 70 dock doors with 35 dock doors on the northern side of the building and 35 dock doors on the southern side of the building.[2] The project is located at the terminus of Sinclair Street, west of North Perris Boulevard Avenue, between Morgan Street and West Rider Street.[3] Based on the ariel photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., New Creation Church) is approximately 985 feet away from the Proposed Project.[4] The Proposed Project's construction is anticipated to commence in 2024 and be completed over approximately 11 months.[5]

F-1

South Coast AQMD Staff's Comments on the MND

Request for Technical Modeling Files for Environmental Document Review

South Coast AQMD Staff appreciates the opportunity to conduct a thorough review of the environmental document to ensure compliance with CEQA requirements. However, despite our repeated attempts to communicate with the lead agency via email and phone to request for the air quality technical modeling files (CalEEMod, Input Files, Live EMFAC output files) necessary for our review process, we have not received those technical files. The availability of these technical

F-2

[1] MND. Page 17.
[2] Ibid Page 17.
[3] *Ibid.* Page 9.
[4] *Ibid.* Page 46.
[5] *Ibid.* Page 19.

modeling files is crucial for our agency to accurately assess the potential environmental impacts associated with the proposed project. Without access to these files, we are unable to proceed with our technical review.

F-2 Cont.

Cumulative Impacts during Operation

As mentioned in the MND, the Proposed Project site is on three vacant parcels that will be consolidated into one parcel within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area.[6] The PVCCSP was adopted by the City of Perris pursuant to a certified Environmental Impact Report (EIR) on 1/10/2012.[7] Prior to certification of the PVCCSP, a Draft EIR was released for public review and comment between 7/20/2011 – 9/6/2011.[8] During this public review period, the South Coast AQMD submitted a comment recommending that the Lead Agency include a more robust analysis of cumulative impacts in the Final EIR. Specifically, the South Coast AQMD asked that the lead agency revisit the estimated number of trucks projected to serve the site, provide additional analysis demonstrating that the project will not significantly impact sensitive receptors during operation and that it will not cause a significant air quality and air toxics impact, and to evaluate additional mitigation measures to further reducing any significant air quality and air toxics impacts. The PVCCSP has been revised and amended many times since 2012, and the most recent Perris Valley Commerce Center Specific Plan Amendment No. 12 was approved on January 11, 2022.[9] However, the cumulative impacts from the revised projects in PVCCSP are not updated, and a robust analysis of cumulative air quality and air toxics impacts from all the projects in PVCCSP is not included in the PVCCSP or this MND.

F-3

According to the City of Perris webpage under Planning – Environmental Documents for Public Review,[10] other development projects are located near the Proposed Project site. These projects include: IS/MND for Development Plan Review 22-00008 Project[11] (prepared in June 2023), Notice of preparation of a Draft EIR for The Cubes at Placentia Industrial Project[12] (prepared in December 2023), the Initial Study/Mitigated Negative Declaration (IS/MND) for the Redlands Avenue West Industrial Project[13] (prepared in September 2022), IS/MND for Chartwell Warehouse at Rider Street and Redlands Avenue Project[14] (prepared in August 2022), and last but

F-4

[6] *Ibid*. Page 8.
[7] ORDINANCE NUMBER 1284.
Accessed at: https://www.cityofperris.org/home/showpublisheddocument/2923/637250482796800000
[8] Perris Valley Commerce Center Specific Plan Final EIR. 9.0 Introduction, Public Review Summary. Page 9.0-1
Accessed at: https://www.cityofperris.org/home/showpublisheddocument/2645/637455522835370000
[9] Perris Valley Commerce Center Specific Plan Amendment No. 12, approved January 11, 2022, available at https://www.cityofperris.org/home/showpublisheddocument/2647/637799977032200000
[10] City of Perris. Planning – Environmental Documents. Access at: https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review.
[11] Development Plan Review 22-00008 project. Access at: https://ceqanet.opr.ca.gov/2023020069/2
[12] The Cubes at Placentia Industrial Project. Access at: https://www.cityofperris.org/home/showpublisheddocument/17668/638375457881430000
[13] Redlands Avenue West Industrial Project. Access at: https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-338.
[14] Chartwell Warehouse at Rider Street and Redlands Avenue Project. Access at: https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-322.

not least IS/MND for Redlands Avenue East Industrial Project[15] (prepared in September 2022). Per CEQA Guidelines Section 15065(a)(3), South Coast AQMD staff is primarily concerned with the cumulative air quality impacts from increased concentrations of air toxics in the PVCCSP region. Therefore, South Coast AQMD staff recommends that, at minimum, the Lead Agency perform a qualitative analysis to consider the potential cumulative impacts of air toxics by listing all surrounding past, present, and probable future projects. The Lead Agency may also perform a more detailed and robust quantitative analysis of cumulative air toxic and potential health risk implications to be included in the Final MND.

F-4 Cont.

Rule 2305: Warehouse Indirect Source Rule - Warehouse Actions and Investments To Reduce Emissions (WAIRE) Program

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of a 427,224 square foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation[16]. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.[17]

F-5

South Coast AQMD Air Permits and Role as a Responsible Agency

F-6

[15] Redlands Avenue East Industrial Project. Access at: https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-328

[16] South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf.

[17] South Coast AQMD WAIRE Program. Accessed at: http://www.aqmd.gov/waire.

If the implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, spray booths, and etc., air permits from South Coast AQMD will be required and the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections15086, the Lead Agency is required to consult with South Coast AQMD. In addition, CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the Final MND should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project.

F-6 Cont.

The Final MND should also include calculations and analyses for construction and operation emissions for the new stationary and portable sources, as this information will also be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at: http://www.aqmd.gov/home/permits.

Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, responses should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision-makers and the public who are interested in the Proposed Project.

F-7

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Sahar Ghadimi, Air Quality Specialist, at sghadimi@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA-IGR
Planning, Rule Development & Implementation

SW:SG
RVC240221-08
Control Number

Response to Comment Letter F – South Coast Air Quality Management District

Response to Comment F-1:
This comment includes a South Coast Air Quality Management District (South Coast AQMD) request that revisions to cumulative impacts should be prepared and that these revisions should be included in the Final Initial Study/MND. The City's response to this comment is provided in Response to Comment F-3, below.

This comment also includes a summary of the Project that is consistent with the Project as described and evaluated in the Initial Study/MND. This comment does not question the content or conclusions of the Initial Study/MND, and no new environmental issues are raised. Therefore, no further analysis or revisions to the Initial Study/MND is required.

Response to Comment F-2:
The comment asserts that after repeated attempts to communicate with the City of Perris via email and phone to request the air quality technical modeling files (CalEEMod, Input Files, Live EMFAC output files) necessary for their review they have not received those files. The Project's public review period started on Friday February 16, 2024 and ended on Monday, March 18, 2024. The City received an email on Friday, March 15, 2024,one business day prior to the close of public review period, from Sahar Ghadimi, from the South Coast AQMD. The City sent an email on Monday, March 18, 2024 with the requested data. A few hours after submission of the requested data, the City received this comment letter. The South Coast AQMD did not update the comment letter or otherwise acknowledge receipt of the requested data files. Since the files requested were submitted within one business day of the request, no further action on the part of the City is required. This comment does not question the content or conclusions of the Initial Study/MND, and no new environmental issues are raised. Therefore, no further analysis or revisions to the Initial Study/MND is required.

Response to Comment F-3:
This comment addresses the cumulative air quality and health risk analysis presented in the Perris Valley Commerce Center Specific Plan (PVCCSP) EIR and suggests that additional analysis of cumulative impacts is required for the proposed Project. The City acknowledges that the South Coast AQMD provided comments on the PVCCSP Draft EIR in 2011. The City responded to these comments in the PVCCSP Final EIR and those responses were provided to the South Coast AQMD prior to certification of the PVCCSP Final EIR, as required by CEQA. The City certified the PVCCSP Final EIR in January 2012.

As described in Section1 Introduction of the Initial Study/MND, and as discussed in the City's response to the South Coast AQMD's comments on the PVCCSP EIR (Response to Comment L-4), the PVCCSP was analyzed using a "programmatic" approach (PVCCSP EIR, p. 3.0-7) and the PVCCSP EIR is a programmatic document as defined in Section 15168 of the State CEQA Guidelines. When a programmatic EIR is prepared, later activities such as implementing development and infrastructure projects within the PVCCSP, must be examined to determine whether an additional environmental document is required (State CEQA Guidelines Section 15168(c)). This evaluation takes place as part of the City's standard development review process.

Because at the programmatic level, there were no specific implementing development projects proposed or truck trip data available, a meaningful analysis of health risk impacts could not be performed at that stage of master planning (Specific Plan). Therefore, the PVCCSP EIR concluded that any such analysis would be, at best, speculative (PVCCSP EIR, p. 4.2-49) and did not discuss the issue further as allowed per Section 15145 of the State CEQA Guidelines. Thus, the PVCCSP EIR's conclusions related to the potential for individual PVCCSP implementing development and infrastructure projects to expose sensitive receptors to substantial pollutant concentrations were based on the health

risks from previously evaluated industrial projects within the PVCCSP vicinity (PVCCSP Draft EIR Table 4.2-M) and the determination from the General Plan EIR. However, PVCCSP EIR mitigation measure MM Air 15 specifically requires a health risk assessment (HRA) to identify project-specific impacts resulting from the use of diesel trucks by potential implementing development projects, based on the number of dock doors and truck trips.

Additionally, there is no methodology to quantify the cumulative areawide or localized health risks from multiple facilities within a community-wide area. This is because the South Coast AQMD's recommended thresholds of significance (utilized by the City of Perris to evaluate air quality impacts of proposed projects) apply to individual development projects and are meant to evaluate the incremental increase in emissions from a proposed source. These thresholds do not apply to the emissions generated by a group of related or cumulative projects. Therefore, a community-wide health risk assessment (HRA) was not required for the PVCCSP.

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

Therefore, for the reasons outlined above, no revisions to the Air Quality analysis or to the Initial Study/MND are required.

Response to Comment F-4:

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

There has been significant regional air quality improvement despite the increased industrial development that has occurred; the estimated Basin-wide cancer risk decreased 54% since MATES-IV was published in 2015.[2] This is evidence that the South Coast AQMD's single threshold of significance has in fact "worked" in conjunction with recent and continued efforts by the South Coast AQMD, California Air Resources Board and the U.S. Environmental Protection Agency to reduce DPM emissions and other air toxics.

[2] South Coast Air Quality Management District, Multiple Air Toxics Exposure Study (MATES-V), August 2021. (Available at http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v.)

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

The Project's cumulative impacts from air toxics were analyzed according to the most recent guidance from the South Coast AQMD. Therefore, no further analysis or revisions to the Initial Study/MND is required.

Response to Comment F-5:
The comment related to compliance with Rule 2305: Warehouse Indirect Source Rule is noted. As stated in Section 2.3 Project Approvals of the Initial Study/MND, the proposed Project would be required to comply with the requirements of South Coast AQMD Rule 2305. (Initial Study/MND, p. 18).

This comment does not question the content or conclusions of the Initial Study/MND. Therefore, no further analysis or revisions to the Initial Study/MND is required.

Response to Comment F-6:
The Project does not propose diesel forklifts or emergency generators. As indicated in Response to Comment G-8, the Initial Study/MND has been clarified to indicate that service equipment like yard trucks and forklifts used by the Project shall be electric or powered by other alternative fuels.

Section 2.3 Project Approvals indicate that a permit to operate a diesel fuel fire flow pump would be required from the South Coast AQMD. The Initial Study/MND indicates that a fire flow pump would be used for fire flow demands during fire emergencies and routine testing and because the fire flow pump would only be used during fire emergencies and routine testing, emissions would be negligible. (Initial Study/MND, pp. 36, 41). The Initial Study/MND identified that the Project applicant would be required to obtain a South Coast AQMD permit to install and operate the fire flow pump and that the South Coast AQMD permitting process would ensure that the fire flow pump meets regulatory requirements through the application review process and by placing specific operating conditions on the permit such as operating hour limits. As such, no further analysis of the fire pump was prepared. (Initial Study/MND, pp. 41).

As described above, the Initial Study/MND discloses and evaluated the intended use of diesel-powered fire flow pump and the associated need for South Coast AQMD permitting. No further response is required because the comment does not raise an environmental issue.

Response to Comment F-7:
The comment regarding State CEQA Guidelines Section 15074 is correct. The decision-making body, in this case the City of Perris Planning Commission, shall consider the proposed MND together with all written comments received during the public review process before the Planning Commissioners take an action on this Project. Regarding the request for a written response, California Public Resources Code § 21092.5 requires written response to public agency comments at least 10 days prior to the certification of an environmental impact report (EIR). Because there were no potentially significant impacts, an EIR was not prepared. Written responses to public agency comments are not required for negative declarations or MNDs. However, in order to provide the City of Perris Planning Commission with additional information upon which to base its decision whether to approve or deny the proposed Project, the preceding responses have been prepared. The South Coast AQMD will be provided with these responses prior to the public hearing before the City of Perris Planning Commission hearing on the Project.

Pursuant to Public Resources Code § 21092.5(b), the City shall notify any public agency which comments on a negative declaration (or MND), of the public hearing or hearings, if any, on the project for

which the negative declaration was prepared. Accordingly, the City will notify the South Coast AQMD of the date, time, and location of the public hearing for this Project. This comment does not question the content or conclusions of the Initial Study/MND. Therefore, no further analysis or revisions to the Initial Study/MND is required.

Comment Letter G – California Allied for a Responsible Economy

Comment letter G commences on the next page.

Comment Letter G

ADAMS BROADWELL JOSEPH & CARDOZO
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037
TEL: (650) 589-1660
FAX: (650) 589-5062
rfranco@adamsbroadwell.com

SACRAMENTO OFFICE
520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721
TEL: (916) 444-6201
FAX: (916) 444-6209

ARIANA ABEDIFARD
KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
DARION N. JOHNSTON
RACHAEL E. KOSS
AIDAN P. MARSHALL
TARA C. RENGIFO

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

March 18, 2024

Via Email and Overnight Mail

Mario Arellano, Associate Contract Planner
City of Perris
Development Services Department-Planning Division
135 North D Street
Perris, CA 92570
Email: marellano@cityofperris.org

Re: Comments on Initial Study/Mitigated Negative Declaration for First Industrial Logistics at Sinclair Street Project (Parcel Merger 23-05174; Development Plan Review 22-00027; SCH No. 2024020647)

Dear Mr. Arellano:

We are writing on behalf of Californians Allied for a Responsible Economy ("CARE CA") to provide comments on the Initial Study/Mitigated Negative Declaration ("MND") prepared by the City of Perris for the First Industrial Logistics at Sinclair Street Project (Parcel Merger 23-05174; Development Plan Review 22-00027; SCH No.2024020647) ("Project") proposed by First Industrial Realty Trust ("Applicant").

The Project involves the demolition of two existing light industrial buildings totaling 206,100 square feet ("sf") and the construction and operation of an approximately 427,224 sf industrial, non-refrigerated warehouse distribution facility use that includes 4,000 sf of office and 4,000 sf of mezzanine space. The Project would encompass approximately 20.57 acres, of which approximately 0.37 acre includes offsite improvements. The Project site encompasses approximately 20.2 gross acres of a fully developed lot that contains two existing industrial buildings. The Project site is located at the terminus of Sinclair Street, west of North Perris Boulevard, between Morgan Street and West Rider Street within the City of Perris, Riverside County, California. The Project site consists of Assessor's Parcel Numbers: 303-080-012, 303-080-013, and 303-080-015.

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Based on our review of the MND and available supporting documents, we conclude that the MND fails to comply with the requirements of the California Environmental Quality Act[1] ("CEQA"). The MND lacks a clear project description, fails to disclose and analyze the Project's potentially significant environmental impacts and fails to identify enforceable measures that can reduce those impacts to a less than significant level.

As explained in these comments, there is more than a fair argument that the Project will result in potentially significant air quality and public health impacts from construction and operational emissions, transportation impacts, and noise impacts. The City may not approve the Project until it prepares an environmental impact report ("EIR") that adequately analyzes all of the Project's potentially significant direct, indirect and cumulative impacts, and incorporates all feasible mitigation measures to avoid or minimize these impacts.

These comments were prepared with the assistance of air emissions and hazards experts Komal Shukla, PhD and Jack Packwood of Group Delta Consultants,[2] and noise expert Ani Toncheva.[3] Dr. Shukla, Mr. Packwood, and Ms. Toncheva provide substantial evidence supporting a fair argument of potentially significant impacts that have not been adequately disclosed, analyzed, or mitigated in the MND. Dr. Shukla's, Mr. Packwood, and Ms. Toncheva's technical comments are attached hereto and are submitted to the City, in addition to the comments in this letter. Accordingly, the City must address and respond to Dr. Shukla's, Mr. Packwood's, and Ms. Toncheva's comments separately.[4]

G-2

I. STATEMENT OF INTEREST

CARE CA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental impacts of the Project. The coalition includes Perris residents Brett Sanchez, Jorge Surez, Alejandro Villalobos

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[1] Pub. Resources Code, §§ 21000 et seq.; 14 Cal. Code Regs. ("C.C.R") §§ 15000 et seq. ("CEQA Guidelines").
[2] **Exhibit A:** March 15, 2024 Group Delta Consultants Comment Letter on Initial Study/Mitigated Negative Declaration No. 2394 of First Industrial Logistics at Sinclair Project IS/MND) (hereinafter, "Delta Comments").
[3] **Exhibit B:** March 13, 2024 Ani Toncheva Comments re First Industrial Logistics Sinclair Warehouse Project-City of Perris, California-Review and Comment on Noise Study ("Toncheva Comments").

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individuals who live and work in Perris and the surrounding area, the District Council of Ironworkers and Southern California Pipe Trades DC 16, along with their members, their families, and other individuals who live and work in Perris and in Riverside County

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

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

G-3 Cont.

II. AN EIR IS REQUIRED

CEQA requires that lead agencies analyze any project with potentially significant environmental impacts in an EIR.[5] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR protects not only the environment, but also informed self-government."[6] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[7]

G-4

[5] See Pub. Resources Code § 21000; CEQA Guidelines § 15002.
[6] *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564 (internal citations omitted).
[7] *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

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CEQA's purpose and goals must be met through the preparation of an EIR, except in certain limited circumstances.[8] CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the "fair argument" standard. Under that standard, a lead agency "shall" prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment.[9]

In contrast, a mitigated negative declaration may be prepared only when, after preparing an initial study, a lead agency determines that a project may have a significant effect on the environment, but:

> (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review *would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur*, and (2) there is *no substantial evidence* in light of the whole record before the public agency that the project, as revised, *may* have a significant effect on the environment.[10]

G-4
Cont.

Courts have held that if "no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR."[11] The fair argument standard creates a "low threshold" favoring environmental review through an EIR, rather than through issuance of a negative declaration.[12] An agency's decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.[13]

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[8] See Pub. Resources Code § 21100.
[9] Pub. Resources Code §§ 21080(d), 21082.2(d); CEQA Guidelines §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601-1602.
[10] Pub. Resources Code § 21064.5 (emphasis added).
[11] See, e.g., *Communities for a Better Environment. v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320.
[12] *Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754.
[13] *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th, 1307, 1318; see also *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002 ("If there was substantial evidence that the proposed

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"Substantial evidence" required to support a fair argument is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[14] According to the CEQA Guidelines, when determining whether an EIR is required, the lead agency is required to apply the principles set forth in Section 15064, subdivision (f):

> [I]n marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.

G-4 Cont.

Furthermore, CEQA documents, including EIRs and MNDs, must mitigate significant impacts through measures that are "fully enforceable through permit conditions, agreements, or other legally binding instruments."[15]

With respect to this Project, the MND fails to satisfy the basic purposes of CEQA. The City failed to adequately investigate, analyze, and disclose the Project's potentially significant air quality, health risk, and noise impacts. Therefore, the City's conclusions that the Project will have less than significant impacts are unsupported. Whereas the City lacks substantial evidence to support its conclusions, Dr. Shukla and Ms. Toncheva provide substantial evidence demonstrating that the Project may result in potentially significant impacts on public health, air quality, and noise. Therefore, there is a fair argument the Project may cause significant impacts requiring the preparation of an EIR.

III. THE MND FAILS TO INCLUDE A COMPLETE, STABLE AND ACCURATE PROJECT DESCRIPTION

The MND does not meet CEQA's requirements because it fails to include a complete, stable project description, rendering the entire analysis inadequate. Without a complete and accurate project description, the environmental analysis

G-5

project might have a significant environmental impact, evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it could be 'fairly argued' that the project might have a significant environmental impact").

[14] CEQA Guidelines § 15384(a).

[15] CEQA Guidelines § 15126.4(a)(2).

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under CEQA can be impermissibly narrow, thus minimizing the Project's impacts and undercutting public review.[16]

CEQA places the burden of environmental investigation on the lead agency rather than the public. Accordingly, a lead agency may not hide behind its failure to provide a complete and accurate project description.[17] Under CEQA, the "project" is defined as "the whole of an action" and the lead agency therefore must describe the entirety of the project's activities to ensure that all potential impacts of the project will be examined prior to approval.[18] An initial study that fails to describe the entire project is fatally deficient: "[A] correct determination of the nature and scope of the project is a critical step in complying with the mandates of CEQA."[19] Where an agency fails to provide an accurate project description, or fails to gather information and undertake an adequate environmental analysis in its initial study, a negative declaration is inappropriate.[20] An accurate and complete project description is necessary to fully and intelligently evaluate the project's potential environmental effects.[21] Without a complete project description, the environmental analysis under CEQA will be impermissibly narrow, thus minimizing the project's impacts and undercutting public review.[22]

G-5 Cont.

Here, many of the MND's impact analyses are based on unsupported and unenforceable assumptions regarding future uses of the warehouse, including assumptions that the warehouse will not be used for cold storage or e-commerce uses and that all forklifts and yard trucks will be powered by electricity rather than gasoline or diesel. None of these assumptions are supported by any facts and the MND lacks any mitigation measures or other enforceable mechanism to restrict the ultimate uses of this speculative building. As discussed below, by incorporating these assumptions into its impact analyses, the MND improperly understates and obscures the Project's true impacts on air quality, greenhouse gas ("GHG") emissions, public health, energy, traffic/transportation and vehicle miles traveled ("VMT"). These assumptions are, in effect, unenforceable mitigation measures, which obscure the Project's true impacts in violation of CEQA.

G-6

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[16] *See, e.g., Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376.
[17] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.
[18] CEQA Guidelines § 15378.
[19] *Nelson v. County of Kern* (2010) 190 Cal.App.4th 252, 267; *see also, Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214.
[20] *El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591, 1597.
[21] *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 406.
[22] *Laurel Heights Improvement Association, supra,* 47 Cal.3d 376.

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Determining whether a project may have a significant effect plays a critical role in the CEQA process.[23] The determination as to whether a project may have one or more significant effects must be based on substantial evidence in the record.[24] Lead agencies can only rely on an MND for a project where they determine that revisions in project plans or proposals made by, or agreed to, by the applicant would avoid or mitigate effects to a point where clearly no significant effect on the environment would occur.[25] When adopting a mitigated negative declaration, the lead agency is required to adopt "a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects."[26] Here, the unsupported and unenforceable assumptions regarding the Project's operational uses are not included in any mitigation measures and therefore will not be included in the mitigation monitoring and reporting program, as required by CEQA.

G-6 Cont.

The MND's Project Description states that the "proposed warehouse facility would be constructed as a speculative or "spec" building; that is, there is not a specific tenant identified at this time."[27] As a spec warehouse with unidentified future tenants, it cannot be known how the warehouse will be used once operational. Despite this, the MND describes the Project as a "non-refrigerated warehouse distribution facility."[28] It also states that "the warehouse would not include e-commerce uses."[29] Again, these assumptions are not included in any mitigation measure or binding conditions of approval and there is no indication that they will be otherwise enforceable.

G-7

Warehouses with cold storage are served by vehicles utilizing transport refrigeration units ("TRUs"). TRUs are refrigeration systems typically powered by diesel internal combustion engines designed to refrigerate or heat perishable products transported in various containers, including trucks, vans and semi-truck trailers.[30] "Although TRU engines are relatively small…significant numbers of these engines congregate at distribution centers, truck stops and other facilities,

[23] CEQA Guidelines § 15064.
[24] CEQA Guidelines § 15064(f).
[25] CEQA Guidelines §§ 15064(f)(2), 15071(c).
[26] CEQA Guidelines § 15074(d).
[27] MND, pg. 11.
[28] *See e.g.,* MND at pgs. 11, 22.
[29] MND, pg. 11.
[30] https://ww2.arb.ca.gov/our-work/programs/transport-refrigeration-unit/about, accessed on March 16, 2024.

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resulting in the potential for health risks to those that live and work nearby."[31] Warehouses utilizing cold storage also require emergency back up generators, also typically diesel-powered, to ensure power to cold storage units in the event of power loss. While it is true that some TRUs are equipped with electrical standby capabilities, the MND contains no enforcement measures requiring the use of such units and instead simply assumes that no TRUs will be used. Of note, the MND includes mitigation measure MM Air-12 (adopted from the Perris Valley Commerce Center Specific Plan ("PVCCSP") EIR) requiring that "where [TRUs] are in use, electrical hookups will be installed at all loading and unloading stalls in order to allow TRUs with electrical standby capabilities to use them."[32] This suggests that the City contemplates that cold storage may be allowed at the Project. In any event this measure does not require that all TRUs using the Project warehouse be equipped with electrical standby capabilities, simply that loading docks will equipped with electrical hookups for those that are so-equipped. The lack of any enforceable requirement that the Project prohibit refrigerated storage means the MND's air quality, GHG, energy and public health impact analyses include no diesel emissions from such sources, and the conclusions based thereon are unsupported by substantial evidence.

G-7 Cont.

The MND also assumes that all on-site service equipment (i.e., 51 forklifts and 2 yard trucks) "are assumed to be neither gasoline nor diesel-fueled (e.g. electric) and therefore would not have any substantive direct emissions of criteria pollutants."[33] Again, this assumption is unenforceable and unsupported by any evidence. The MND falsely asserts that PVCCSP EIR mitigation measures MM Air-11 and MM Air-12 "reduce fuel usage by limiting truck idling times to five minutes on the site, requiring electrical hook-ups for refrigerated trucks, and requiring on-site service equipment such as forklifts to be electric or natural gas powered, respectively."[34] However, neither MM Air-11 (limiting truck idling times) nor MM Air-12 (requiring electrical hook-ups for TRUs) say anything about requiring electric service equipment. Indeed, none of the mitigation measures included for the Project make any mention of requiring forklifts and yard trucks be electric or natural gas powered. As with the unsupported TRU assumptions, the MND excludes any diesel emissions from its impact analyses, which means that the MND's conclusions regarding air quality, GHG and public health impacts are unsupported and likely underreported.

G-8

[31] *Id.*
[32] MND, pg. 38.
[33] *Id.*, pgs. 37, 67.
[34] *Id.*, pg. 68.

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Finally, the MND assumes, without support or any enforcement mechanism, that the Project warehouse will not include any "e-commerce" uses.[35] This assumption matters because vehicle trip generation rate vary significantly depending on the type of warehouse use.

Trip generation rates are derived from the Institute of Transportation Engineers ("ITE") *Trip Generation Manual*, which sets forth various vehicle rates per 1000 sf of warehouse space, with differing rates for differing warehouse uses. The MND uses these rates to evaluate the Project's expected VMT and traffic impacts. The MND's Focused Traffic Study uses a trip generation rate of 1.40 for the Project.[36] However, it uses higher rates for the existing warehouses on the Project site for purposes of calculating credits for existing uses: it uses a 1.71 rate for the BMD warehouse and a 4.87 rate for the Recyclewise facility.[37] Moreover, vehicle trip generation rates are highest for fulfillment center and parcel hub warehouses, which are associated with e-commerce.[38] Here, the MND's transportation analysis assumed that the Project will be a "high-cube transload and short-term storage warehouse,"[39] *which has the lowest trip generation rate of the various warehouse types.* G-9

The Project's estimated number of daily vehicle trips calculated using this rate is a key factor in the MND's air quality,[40] GHG,[41] health risk,[42] noise,[43] traffic,[44] and vehicle miles traveled ("VMT")[45] analyses. By selecting the lowest possible trip generation rate for the Project's warehouse uses, the MND ensures that impacts in each of the foregoing areas are underestimated if this "spec" warehouse is used for anything other than "high-cube transload & short-term storage." Using the *least* conservative trip generation assumption as a basis for analyzing the Project's impacts is unreasonable, given the complete lack of G-10

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[35] *Id.*, pg. 11.
[36] MND Exhibit J.1, pg. 5, Table 2.
[37] *Id.*, pgs. 5-6, Tables 3 and 4.
[38] ite_land_use_list_10th_edition.pdf (troutdaleoregon.gov), accessed on March 16, 2024. For example, the ITE Manual (10th Ed.) sets forth a trip generation rate of 0.10 for "high-cube transload & short-term storage warehouse" and a rate of 1.37 for "high-cube fulfillment center warehouse."
[39] MND Appendix J.2, Focused Traffic Study, pg. 7, Table 5.
[40] *See e.g.*, MND Appendix A, pg. 7.
[41] *See e.g.*, MND Appendix A, pg. 10.
[42] *See e.g.*, MND Appendix B, pgs. 1 and 8.
[43] *See e.g.*, MND Appendix I, pg. 26.
[44] *See e.g.*, MND Appendix J.2, pg. 7.
[45] *See e.g.*, MND Appendix J.1, pg. 3.

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supporting evidence or enforcement mechanism for the MND's assumptions regarding the Project's expected warehouse uses.

The City must prepare and circulate an EIR with a complete, stable and accurate project description that analyzes all of the Project's potential impacts using realistic and enforceable assumptions about the Project's operations.

G-10 Cont.

IV. SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT THAT THE PROJECT WILL HAVE SIGNIFICANT UNMITIGATED AIR QUALITY AND PUBLIC HEALTH IMPACTS

A lead agency's significance determination must be supported by accurate scientific and factual data.[46] An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[47]

These standards apply to an agency's analysis of public health impacts of a project under CEQA. In *Sierra Club v. County of Fresno*, the California Supreme Court affirmed CEQA's mandate to protect public health and safety by holding that an EIR fails as an informational document when it fails to disclose the public health impacts from air pollutants that would be generated by a development project.[48] In *Sierra Club*, the Supreme Court held that the EIR for the Friant Ranch Project—a 942-acre master-planned, mixed-use development with 2,500 senior residential units, 250,000 square feet of commercial space, and open space on former agricultural land in north central Fresno County—was deficient as a matter of law in its informational discussion of air quality impacts as they relate to adverse human health effects.[49] As the Court explained, "a sufficient discussion of impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[50] The Court concluded that the County's EIR was inadequate for failing to disclose the nature and extent of public health impacts caused by the project's air pollution. As the Court explained, the EIR failed to comply with CEQA because after reading the EIR, "the public would have no idea of the health consequences that result when more

G-11

[46] 14 C.C.R. § 15064(b).
[47] *Kings County Farm Bureau*, 221 Cal.App.3d at 732.
[48] *Sierra Club,* 6 Cal.5th at 518–522.
[49] *Id.* at 507–508, 518–522.
[50] *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.

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pollutants are added to a nonattainment basin."[51] CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.[52]

Furthermore, in *Berkeley Jets*, the Court of Appeal held that a CEQA document must analyze the impacts from human exposure to toxic substances.[53] In that case, the Port of Oakland approved a development plan for the Oakland International Airport.[54] The EIR admitted that the Project would result in an increase in the release of toxic air contaminants ("TACs") and adopted mitigation measures to reduce TAC emissions, but failed to quantify the severity of the Project's impacts on human health.[55] The Court held that mitigation alone was insufficient, and that the Port had a duty to analyze the health risks associated with exposure to TACs.[56] As the CEQA Guidelines explain, "[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected."[57]

G-11 Cont.

A. The MND Fails to Identify the Nearest Sensitive Receptors to the Project Site

In its air quality analysis, the MND purports to analyze whether the Project would expose sensitive receptors to substantial pollutant concentrations.[58] For CEQA purposes, a sensitive receptor would be a location where a sensitive individual could remain for 24-hours or longer, such as residencies, hospitals, and schools.[59] The MND's Health Risk Analysis purported to model the Project's cancer and other health risks at several residential receptor locations.[60] However, this

G-12

[51] *Id.* at 518. CEQA's statutory scheme and legislative intent also include an express mandate that agencies analyze human health impacts and determine whether the "***environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly***." (Public Resources Code § 21083(b)(3) (emphasis added).) Moreover, CEQA directs agencies to "take immediate steps to identify any critical thresholds for the ***health and safety of the people*** of the state and take all coordinated actions necessary to prevent such thresholds being reached." (Public Resources Code § 21000(d) (emphasis added).)
[52] *Sierra Club*, 6 Cal.5th at 518–522.
[53] *Berkeley Jets*, 91 Cal.App.4th at 1369–1371.
[54] *Id.* at 1349–1350.
[55] *Id.* at 1364–1371.
[56] *Id.*
[57] 14 C.C.R. § 15003(b).
[58] MND, pg. 39.
[59] *Id.*
[60] MND Appendix B, pg. 13 and Figure 3.

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analysis omits analysis of any health impacts to residents at the Park Place Mobile Home Park, significantly closer to the Project site than any of the residential receptors used in the City's analysis.[61] The City must prepare an EIR that properly identifies the nearest residential receptors, and fully analyzes potentially significant impacts of the Project's construction and operations on these receptors.

G-12 Cont.

B. The MND Underestimates Project Construction and Operational Emissions and Resultant Health Risks by Omitting Several Emissions Sources

The MND purports to evaluate and disclose the Project's expected emissions of air pollutants, including diesel particulate matter ("DPM"). However, as explained by Dr. Shukla, the emissions modeling excludes known sources of emissions and underestimates emissions from diesel trucks that will visit the Project.

G-13

The MND concedes that the Project's operations will include a diesel-powered fire flow pump.[62] However, the MND also admits that it did not consider emissions from the fire flow pump in its air quality or health risk analyses: "[b]ecause the fire flow pump would only be used during fire emergencies and routine testing, emissions would be negligible and was not modeled."[63] As Dr. Shukla explains, diesel powered engines emit various harmful pollutants including DPM, nitrogen oxides, sulfur oxides, carbon monoxide and hydrocarbons, as well as greenhouse gases ("GHG").[64] Exposure to diesel exhaust emissions has been linked to a range of adverse health effects, including respiratory problems, cardiovascular diseases, and even premature death.[65] As Dr. Shukla points out, "it is essential to recognize that even intermittent use [of the diesel fire flow pump] can still result in significant emissions, particularly in densely populated areas where air quality is already a concern."[66] Dismissing the impacts of such emissions without modeling and disclosing them improperly underestimates the Project's air quality and health risk impacts, and undermines the MND's conclusions with respect to those impacts.

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[61] Delta Comments, pgs. 12-13.
[62] MND, pg. 36.
[63] *Id.*
[64] Delta Comments, pg. 7.
[65] *Id.*, pg. 8.
[66] *Id.*

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In the same way, the MND completely omits any analysis of construction emissions associated with the Project's off-site improvements. The off-site improvements would consist of road widening of Sinclair Street, between Perris Boulevard and Johnson Avenue that includes the grind and overlay of existing pavement.[67] The off-site improvement area consists of 0.37 acre along Sinclair Street east of the Project site.[68] As Dr. Shukla points out, the MND completely fails to acknowledge, quantify or disclose construction emissions caused by the Project's offsite improvements.[69] Moreover, the MND's modeling fails to account for PM_{10} exposures to sensitive receptors during the Project construction's grading phase.[70] The MND's air quality and health risk analyses are therefore incomplete and its conclusions regarding the significance of these impacts lacks the support of substantial evidence. G-15

Finally, the MND significantly underestimates the truck trip lengths, and accompanying diesel emissions, from Project operations. The MND's air quality analysis assumes "an average truck trip length of approximately 40 miles," purportedly based on City recommendations and a staff report from a SCAQMD rulemaking proceeding.[71] The SCAQMD reference includes an average from across the South Coast Air Basin and is by no means specific to warehouses in the Inland Empire. Moreover, as Dr. Shukla explains, this assumption is highly questionable with respect to this Project, as the 40-mile distance is insufficient to cover truck trips traveling to or from the major ports in Southern California—Los Angeles and Long Beach.[72] Indeed, the distance from the Project site to the Ports of Los Angeles and Long Beach is approximately 80 miles, twice the value assumed in the MND's air quality analysis.[73] Using an 80-mile one way truck trip distance will double the daily air pollutant emissions associated with the Project's operations, increasing the regional pollution burden and resulting in a potentially significant impact. G-16

For each of the foregoing reasons, as well as the unsupported assumption regarding use of electric yard equipment discussed above, the MND significantly underestimates the Project's construction and operational air quality and health risk impacts. The MND's conclusions regarding these impacts are therefore unsupported by substantial evidence, and Dr. Shukla's comments provide a fair G-17

[67] MND, pg. 12.
[68] *Id.*, pg. 22 and Figure 10.
[69] Delta Comments, pgs. 14-15
[70] Delta Comments, pgs. 13-14.
[71] MND, pg. 37.
[72] Delta Comments, pgs. 8-10.
[73] *Id.*

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G-17 Cont.

argument supported by substantial evidence that the Project may have significant air quality and health risk impacts. The City must therefore prepare an EIR that fully analyzes, discloses and mitigates all of the Project's emissions-related impacts.

V. THE MND FAILS TO ADEQUATELY ANALYZE AND MITIGATE THE PROJECT'S POTENTIALLY SIGNIFICANT NOISE IMPACTS

G-18

The MND's conclusion that noise impacts from the Project will be less than significant with mitigation is not supported by substantial evidence. Evidence supplied in the accompanying report from acoustical expert Ani Toncheva provides a fair argument supported by substantial evidence that the Project will have significant unmitigated noise impacts. Specifically, the MND and supporting Noise Impact Study are grossly deficient in that they fail to properly characterize ambient noise conditions in the Project site vicinity, fail to disclose a significant nighttime construction noise impact, and use improper data unsupported assumptions in analyzing Project operational noise. The Project's noise impacts must be fully analyzed in an EIR that identifies enforceable mitigation measures to reduce impacts to a less than significant level.

A. Ambient Noise is not Properly Characterized

G-19

The MND's noise impact analysis rests on an inadequate evaluation of the existing environmental setting. CEQA requires that a lead agency evaluate not only a project's absolute noise levels, but also the degree to which a project will cause an increase over existing noise levels.[74] This is reflected in the CEQA Guidelines checklist used in the MND to evaluate the Project's noise impacts; the MND includes the checklist question asking whether the Project "would result in a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project."[75] And the MND purports to evaluate whether the Project would have significant noise impacts on the closest residential receptors to the Project site.[76] In order to determine the Project's noise impacts on nearby sensitive receptors, including any increase over ambient noise experienced by such receptors, an

[74] *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 894 (Agency cannot rely solely on compliance with local noise regulation but must also consider impacts of increases in noise); *see also, Berkeley Keep Jets Over the Bay Committee v. Board of Port Comm'rs* (2001) 91 Cal.App.4th 1344, 1381–1382 (CEQA requires analysis of project noise levels above existing ambient noise levels).
[75] MND, pg. 118.
[76] *Id.*, pg. 119.

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adequate evaluation of the ambient noise is obviously required. Without properly characterizing ambient noise levels in the vicinity of the Project, the significance of the Project's noise impacts cannot be determined.

As Ms. Toncheva explains, the MND fails to properly establish the existing noise setting for the purpose of evaluating impacts to the residential receptors.[77] The MND's technical noise study[78] reveals that existing noise was only measured at one location, in the middle of the Project site (which included an active recycling facility).[79] Ms. Toncheva notes that the report does not include any observations on dominant noise sources and does not capture the noise environment at the residential receptor locations on Rider Street.[80] "As no measurements were taken at any sensitive receptor locations, there is no baseline against which to properly assess Project-related impacts (either construction or operations)."[81]

G-19 Cont.

Without an adequate characterization of existing ambient conditions, the City cannot properly evaluate and disclose the Project's noise impacts. The MND lacks this requisite information and therefore fails to perform the basic CEQA function of informing the public and decision makers of environmental consequences of a Project before it is approved.

B. The Noise Analysis Reveals a Significant Unmitigated Construction Noise Impact

The MND discloses that on-site concrete pouring could occur at night to allow the concrete to set properly, and that such pours would typically start at 1:00 a.m.[82] The Noise Study estimates that nighttime concrete pours would generate noise levels of 55 dBA L_{max} at the nearest sensitive receptor. Based on the ambient noise measurements taken at the center of the Project site, this nighttime construction noise would be a significant impact. The Noise Study recognizes that the City considers a 5 dBA increase to be significant when existing noise levels are below 60 dBA and a 3 dBA increase is significant when existing levels are above 60 dBA.[83] The predicted 55 dBA paving noise at the residential receptor location exceeds the

G-20

[77] Toncheva Comments, pg. 3.
[78] MND Appendix I, Noise and Vibration Study ("Noise Study").
[79] Noise Study, pgs. 22-23.
[80] Toncheva Comments, pg. 3.
[81] *Id.*
[82] MND, pg. 119.
[83] Noise Study, pg. 17, citing the PVCCSP EIR.

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measured average nighttime ambient of 44 dBA by 11 dBA, which represents a significant increase over existing noise levels.

Ms. Toncheva's comments provide a fair argument supported by substantial evidence that the Project will have significant construction noise impacts on nearby sensitive receptors. These impacts must be fully analyzed and mitigated in an EIR.

G-20 Cont.

C. The MND Fails to Adequately Analyze the Project's Operational Noise Impacts

Ms. Toncheva identifies additional deficiencies in the MND's noise analysis, including numerous errors and omissions in the Noise Study's evaluation of the Project's traffic noise and unsupported assumptions causing underestimation of the Project's HVAC noise. These errors undermine the City's conclusion that the Project will not have significant noise impacts.

With respect to traffic noise, the MND concludes that impacts from Project-generated traffic will be less than significant.[84] This conclusion is based on an analysis in the Noise Study, which includes assumptions about Project-related increases in traffic volume that are unsupported and are contradicted by the MND's traffic study.[85] Moreover, Ms. Toncheva points out, the traffic data shown in an appendix to the Noise Study appear to be from a different project, as the roadways identified in the analysis are four miles south of the Project site.[86] Accordingly, the MND's conclusions regarding the Project's traffic noise impacts are suspect and not supported by substantial evidence. The City must prepare an EIR that includes a proper traffic noise analysis and updates the appendices with proper, supported data.

G-21

The MND also estimates operational noise impacts to nearby residential receptors from Project operational noise sources, including rooftop HVAC units. However, the Noise Study's operational noise analysis includes only one 5-ton HVAC unit. As Ms. Toncheva documents, a single 5-ton unit is nowhere near sufficient for a warehouse of this size; she calculates that the Project could require as many as 68 25-ton units spread out across the roof to properly ventilate the space.[87] Notably, a 25-ton HVAC unit has a typical sound power level of 85-95 dBA,

[84] MND, pg. 121.
[85] Toncheva Comments, pg. 4.
[86] *Id.*
[87] *Id.*

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as compared the 74.9 dBA attributed to the 5-ton unit assumed in the Noise Study.[88]

Based on Ms. Toncheva's analysis, the MND's conclusions with respect to the Project's operational noise impacts are not supported by substantial evidence. These impacts must be analyzed, disclosed and mitigated in an EIR before the City can approve the Project.

G-21 Cont.

VI. THE MND FAILS TO ADEQUATELY ANALYZE POTENTIAL HAZARDS

The MND relies on a Phase I Environmental Site Assessment ("ESA") to support its conclusion that the Project will not create a significant hazard to the public or environment involving the release of hazardous materials into the environment.[89] The MND specifically notes the ESA's finding that the Project site was used for agricultural purposes prior to 2010 and there is potential that organochlorine pesticides were applied to the land, as was commonly done during normal course of agricultural operations.[90] Despite this recognition of potentially significant impacts, the MND contains no further discussion or analysis with respect to organochlorine pesticide use and potential contamination of the Project site. As Mr. Packwood points out, it is not possible to conclude that the former agricultural activities at the Project site present a less than significant impact.[91] In addition, Mr. Packwood notes that neither the MND nor the ESA include any evaluation of potential hazards during construction on the Project's off-site improvement area.[92] For these reasons, the MND's conclusions that the Project will have less than significant impacts with respect to release of hazardous materials into the environment are not supported by substantial evidence. The City must prepare an EIR that includes a proper analysis of these issues.

G-22

[88] *Id.*
[89] MND, pg. 83 and Appendix F.
[90] *Id.*
[91] Delta Comments, pg. 18.
[92] *Id.*, pgs. 18-19.

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VII. THE MND LACKS A LEGALLY ADEQUATE CUMULATIVE IMPACTS ANALYSIS

The City is required by CEQA to perform an analysis of the Project's potential cumulative impacts.[93] Lead agencies must consider whether a project's cumulative impacts are cumulatively considerable and therefore significant when assessing whether such impacts require an EIR. "An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable."[94] Here, the MND includes a brief discussion of cumulative impacts with respect to air quality, noise and traffic, but fails to address, let alone analyze, the Project's potentially cumulative impacts with respect to impacts in other areas such as energy, transportation/VMT or public services. This failure is especially noteworthy given the proliferation of warehouse projects in the City of Perris generally, and within the Perris Valley Commerce Center Specific Plan ("PVCCSP") area specifically.

G-23

The MND tiers off the analysis in the PVCCSP EIR, which recognizes that implementation of the PVCCSP may result in cumulatively considerable impacts in the areas of air quality, noise and transportation (specifically, traffic impacts to I-215) and includes several mitigation measures to address impacts in those areas.[95] The MND for this Project concludes that, with implementation of those mitigation measures, Project impacts will neither be individually significant nor cumulatively considerable. However, the MND fails to even consider whether Project impacts in others areas may be cumulatively considerable. Even if not individually significant, warehouse projects like this one may have significant cumulative impacts in the areas of energy, VMT and public services. Notably, the PVCCSP EIR fails to address cumulative energy, VMT or public service impacts, making the MND's failure to address them even more glaring.

A review of the State Clearinghouse ("SCH") CEQAnet website reveals a large number of warehouse projects within the PVSSSP area that have been recently approved or are in the environmental review process. Some of these projects are listed below:

G-24

[93] Pub. Res. Code § 21083(b)(2); 14 C.C.R. §§ 15130, 15064(h).
[94] 14 C.C.R. § 15064(h)(1).
[95] MND, pg. 1 and pg. 146, citing PVCCSP EIR p. 5.0-13.

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SCH No.	Project Name/Description	Status
2023110588	Distribution Park Commercial and Industrial Project- Project includes hotel, restaurants and 275,098 sf warehouse	Notice of Preparation ("NOP") issued 11/1/23
2024020738	Brew Enterprises Industrial Warehouse-58,974 sf warehouse	Notice of Intent ("NOI") to adopt MND issued 2/1/24
2022010274	Duke Warehouse at Patterson Ave and Nance St- 769,668 sf warehouse	Approved 11/28/23
2023120020	The Cubes at Placentia-573,265 sf warehouse	NOP issued 12/1/23
2022110113	Redlands Avenue West Industrial Project-334,040 sf warehouse	Approved 11/14/23
2023090700	Perris DC 11-551,922 sf warehouse	NOP issued 10/20/23
2023030787	First Industrial Logistics at Wilson Ave-192,623 sf warehouse	Approved 10/4/23
2023040385	OLC3 Commercial Warehouse Project-774,419 sf warehouse	DEIR released 9/8/23
2023060807	Wilson Ave Industrial-83,910 sf warehouse	Approved 8/16/23

The above examples are just some of the numerous warehouse projects under environmental review or approved in the PVCCSP area in the past year alone. The SCH website documents numerous other warehouse proposals within the specific plan area at various stages of approval, not to mention the dozens of warehouses that have been built and are in operation in the City of Perris and the SVCCSP over the past several years. Given this ongoing proliferation of warehouses, the City's complete failure to address the Project's cumulative impacts with respect to energy, public services and VMT represents a major gap in its analysis. The City must prepare an EIR that analyzes and discloses the Project's potentially significant cumulative energy, VMT and public services impacts.

G-24 Cont.

VIII. CONCLUSION

CEQA requires that an EIR be prepared if there is substantial evidence that any aspect of a project, either individually or cumulatively, may cause a significant

G-25

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effect on the environment.[96] As discussed herein, there is substantial evidence supporting a fair argument that the Project would result in significant adverse impacts that were not identified in the MND, and that are not adequately analyzed or mitigated. The MND also fails to contain the basic information and analysis required by CEQA, deficiencies which "cannot be dismissed as harmless or insignificant defects."[97]

G-25 Cont.

We urge the City to fulfill its responsibilities under CEQA by withdrawing the MND and preparing a legally adequate EIR to address the potentially significant impacts described in this comment letter. Only by complying with all applicable laws will the City and the public be able to ensure that the Project's environmental impacts are mitigated to less than significant levels.

Thank you for your attention to these comments.

Sincerely,

Richard M. Franco

Attachments
RMF:acp

[96] Pub. Res. Code § 21151; 14 CCR §15063(b)(1).
[97] *Bakersfield Citizens for Local Control v. Bakersfield ("Bakersfield")* (2004) 124 Cal. App. 4th 1184, 1220.

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EXHIBIT A

Adams Broadwell Joseph Cardozo
601 Gateway Blvd. Suite 1000
South San Francisco, CA 94080

March 15, 2024

Attention: **Mr. Richard Franco**

Subject: Comment Letter on Initial Study/Mitigated Negative Declaration No. 2394 Of First Industrial Logistics at Sinclair Street Project (DPR 22-00027)
City of Perris, California

Dear Mr. Franco:

Dr. Komal Shukla, at the request of Adams Broadwell Joseph & Cardozo (ABJC), has conducted a thorough review of the documentation Initial Study/Mitigated Negative Declaration No. 2394 pertaining to the proposed First Industrial Warehouse at Sinclair Street Project[1]. This review aligns with the requirements of the California Environmental Quality Act (CEQA) and its associated guidelines.

It is imperative to clarify that Dr. Shukla's review does not serve as an endorsement of the conclusions or content presented in the documentation. The absence of specific comments on certain aspects should not be interpreted as approval of those elements. Rather, Dr. Shukla's assessment aims to provide an objective evaluation of the potential environmental impacts associated with the proposed project. Through this process, Dr. Shukla aims to inform decision-makers within the City of Perris, representatives of other relevant agencies, and interested parties about the potential environmental effects that may arise from the implementation of the proposed project.

G1-1

Project Description:

The project site, spanning approximately 20.2 gross acres, is situated in the City of Perris, Riverside County, California (Figure 1)[2]. It is located at the terminus of Sinclair Street, west of North Perris Boulevard, between Morgan Street and West

G1-2

[1] Initial Study/Mitigated Negative Declaration No. 2394 of FIRST INDUSTRIAL LOGISTICS AT SINCLAIR STREET PROJECT (https://files.ceqanet.opr.ca.gov/292969-1/attachment/6yyaiZWIbmmm_JfcqcVaRgAzHzap1FqyFv95sUzAwWd03_AvzBn0zwIY23ZI-fZkFGqvZTYnjBbS6HOW0) DPR 22-00027

[2] Riverside Co. GIS, 2021

Rider Street. The site comprises two existing industrial buildings and falls within Assessor's Parcel Numbers (APNs) 303-080-012, 303-080-013, and 303-080-015.

Additionally, a 0.37-acre off-site improvement area within Sinclair Street, east of Perris Boulevard, is included in the project scope. The terrain of the project site and off-site improvement area is predominantly flat, with elevations averaging approximately 1,440 feet above mean sea level. Currently zoned under the Perris Valley Commerce Center Specific Plan (PVCCSP), the land use designation for the area is Light Industrial.

Surrounding the project site are primarily industrial uses and vacant land, consistent with the PVCCSP land use designation. Notably, there is an in-progress application for an industrial project on vacant undeveloped land to the north and east. Moreover, a light industrial warehouse borders the immediate west of the project site, while the Colorado River Aqueduct lies to the immediate south.

The project site falls within the jurisdiction of the California Department of Conservation's Farmland Mapping and Monitoring Program, designated as Urban and Built-up Land. Furthermore, it is within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Mead Valley Plan, although it does not fall within any designated MSHCP criteria areas or subunits. Situated approximately 2 miles southeast of March Air Reserve Base/Inland Port Airport (MARB/IPA), the project site is subject to the MARB/IPA Land Use Compatibility Plan (ALUCP). It falls within Airport Overlay B1- APZ II, indicating a high-risk level from flight operations.

Regional access to the project site is facilitated by Interstate 215 (I-215), approximately one mile to the west. Existing roadways surrounding the site include Perris Boulevard and Sinclair Street, with the former classified as an arterial roadway and the latter as a local roadway in the PVCCSP Circulation Plan (Figure 2). Truck traffic from the PVCCSP planning area utilizes designated truck routes such as Indian Avenue, Morgan Street, and Redlands Avenue to access the I-215 freeway. Public transportation services, including Riverside Transit Agency (RTA) routes 41 and 19, are available approximately 0.11 mile south of the project site, near the intersection of Perris Boulevard and Commerce Center Drive.

G1-2 Cont.

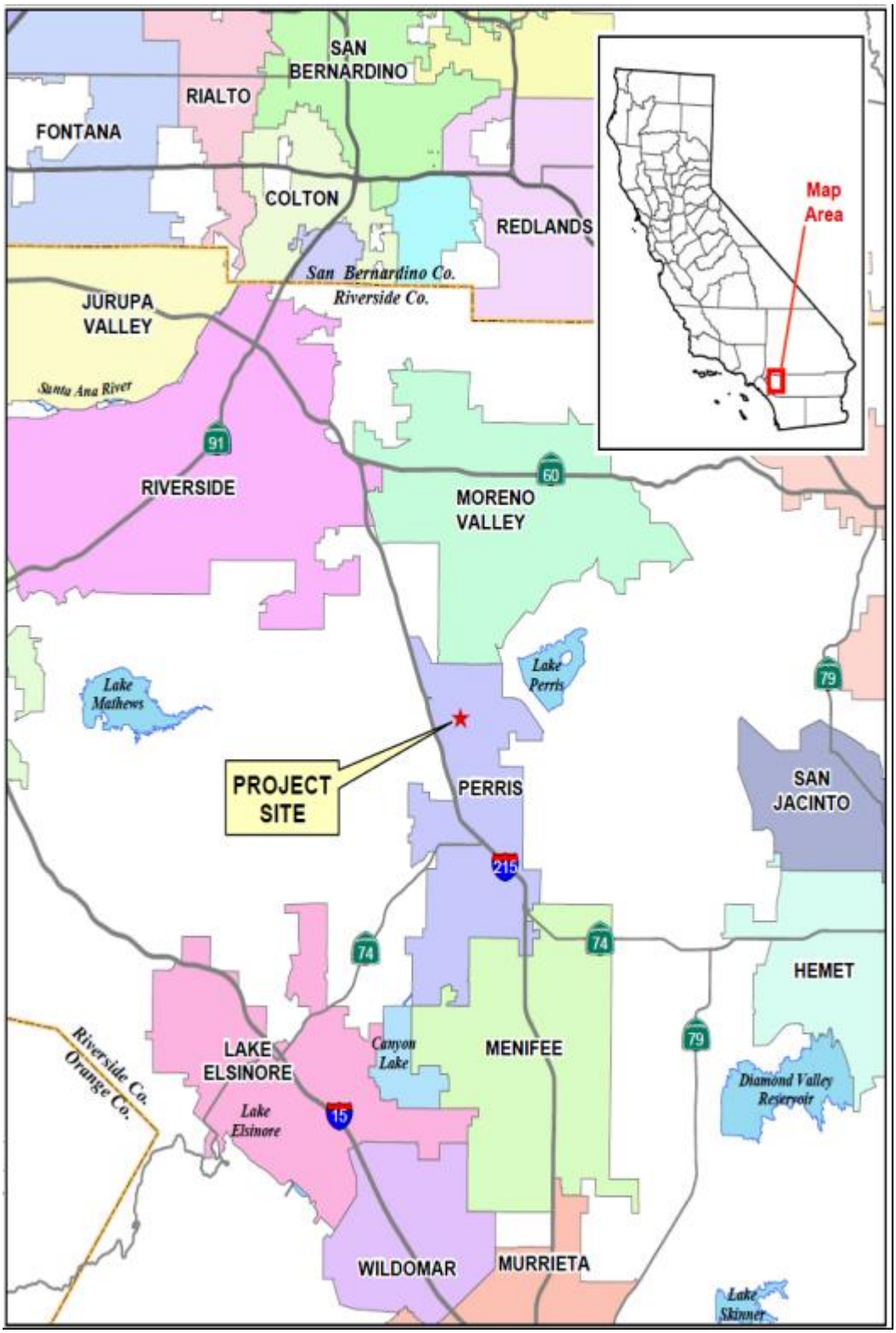


Figure 1 - Vicinity Map (First Industrial Logistics at Sinclair Project)

G1-2 Cont.

Figure 2 - General Plan Land Use

G1-2
Cont.

The proposed First Industrial Logistics at Sinclair Street Project entails the demolition of two existing light industrial buildings spanning 206,100 square feet and the subsequent construction of an approximately 427,224-square-foot non-refrigerated warehouse distribution facility, accompanied by 4,000 square feet of office and mezzanine space. The project site covers approximately 20.57 acres, including about 0.37 acres designated for off-site improvements. Designed as a speculative building, no specific tenant has been identified yet, thus the exact employment numbers post-construction remains undetermined. However, based on PVCCSP EIR projections, the warehouse could potentially employ around 418 new personnel. Operating assumptions indicate potential 24/7 functionality, though exact operational hours are not fixed, and the IS/MND assumes that e-commerce activities are excluded.

The project adheres to PVCCSP regulations, encompassing landscape coverage, setback, lot coverage, Floor Area Ratio, and outdoor employee amenity requirements. Construction entails concrete tilt-up panels painted per the City's approved color scheme, with approximately 70 dock doors planned. The Project aims for LEED "Certified" status. As a permitted use under the PVCCSP and Perris General Plan, no amendments are necessary. Approval of Parcel Map PLN23-05174 will consolidate APNs 303-080-012, 303-080-013, and 303-080-015 into a single parcel (Figure 3).

G1-2 Cont.

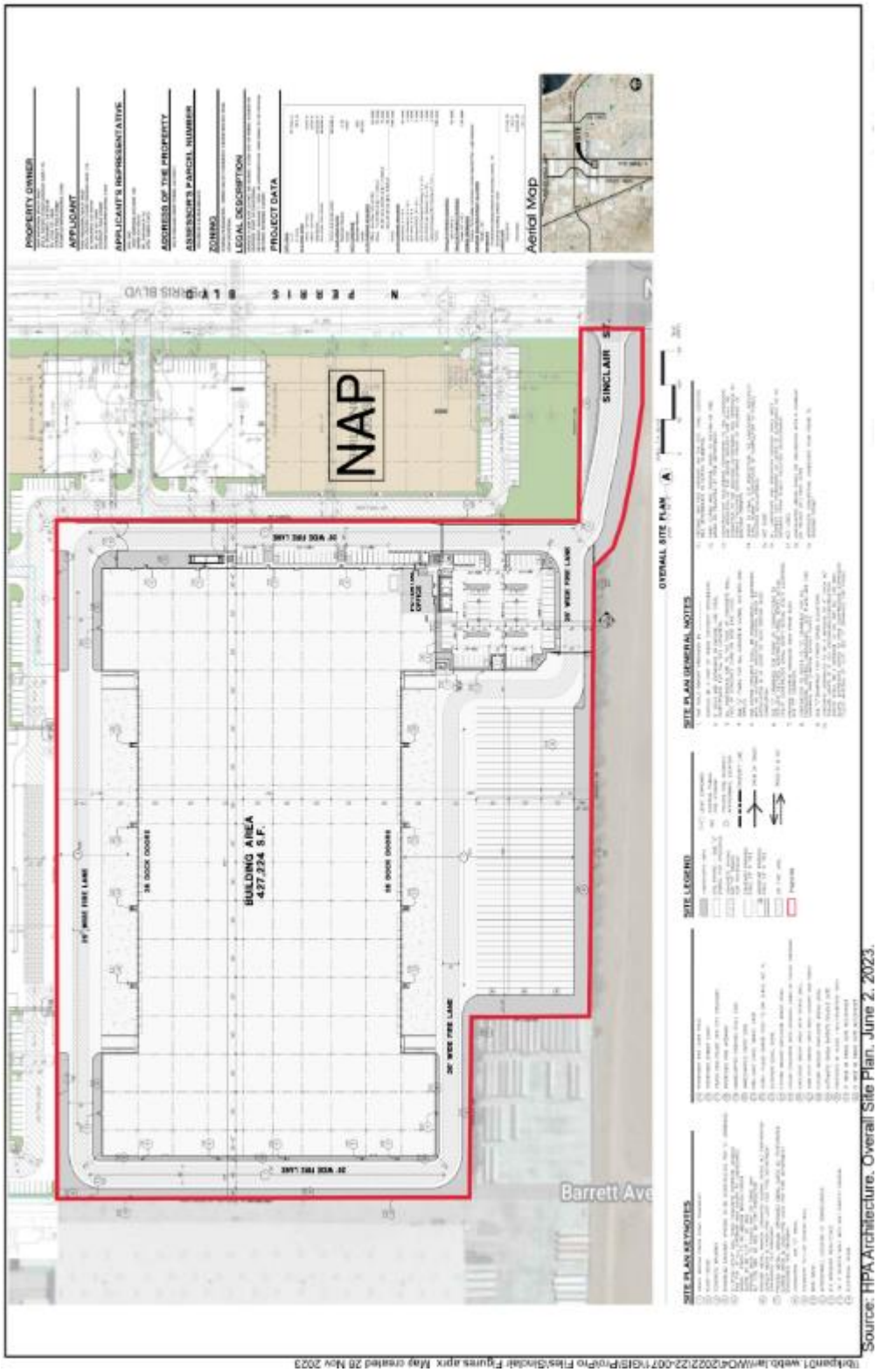


Figure 3 – Proposed Site Plan

G1-2
Cont.

Specific Comments:

I. The air quality analysis of operational emissions is incomplete and fails to include emissions from the fire pump system that will be installed onsite.

IS/MND states that emissions from a diesel-powered fire flow pump during the project would be negligible due to its intermittent use during fire emergencies and routine testing. In the CalEEMod outputs provided in the Air Quality, Greenhouse Gas, and Energy Impact Study, no fire pump system is included in the analyses.

The report specifically concludes:

"*The Project includes a diesel-powered fire flow pump. Because the fire flow pump would only be used during fire emergencies and routine testing, emissions would be negligible and was not modeled.*"

Diesel-powered engines typically emit pollutants such as:

- Particulate Matter (PM): Diesel engines emit fine particulate matter (PM2.5 and PM10), which consists of tiny particles suspended in the air. These particles can penetrate deep into the lungs and are associated with respiratory and cardiovascular health problems.
- Nitrogen Oxides (NOx): Diesel engines produce nitrogen oxides, including nitrogen dioxide (NO2) and nitric oxide (NO). NOx emissions contribute to the formation of ground-level ozone (smog) and can exacerbate respiratory issues and contribute to environmental degradation.
- Sulfur Oxides (SOx): Although modern diesel engines use ultra-low sulfur diesel fuel, they still emit sulfur oxides, particularly if the fuel contains sulfur. SOx emissions can contribute to air pollution and acid rain, leading to environmental damage and health concerns.
- Carbon Monoxide (CO) and Hydrocarbons (HC): Diesel engines also produce carbon monoxide and hydrocarbons as byproducts of incomplete combustion. These pollutants can have adverse health effects and contribute to the formation of smog.
- Carbon Dioxide (CO_2): While not directly harmful to human health, diesel engines emit carbon dioxide, a greenhouse gas that contributes to climate change and global warming.

G1-3

While it is acknowledged that the fire flow pump would only be used during emergencies and routine testing, it is essential to recognize that even intermittent use can still result in significant emissions, particularly in densely populated areas where air quality is already a concern. Therefore, dismissing the emissions from a diesel-powered fire flow pump as negligible without comprehensive modeling or consideration of the potential environmental and public health impacts could be misleading and inadequate.

The emissions from a diesel-powered fire flow pump at a warehouse can have significant implications for the environment and public health due to the pollutants they release. Exposure to diesel exhaust emissions has been linked to a range of adverse health effects, including respiratory problems (such as asthma and bronchitis), cardiovascular diseases, and even premature death. Particulate matter can penetrate deep into the lungs and enter the bloodstream, causing inflammation and exacerbating existing health conditions. Sulfur oxides emitted from diesel engines contribute to acid rain, which can damage ecosystems, soil, vegetation, and aquatic habitats. Nitrogen oxides can also lead to eutrophication of water bodies, causing algal blooms and harming aquatic life. Diesel engines emit carbon dioxide (CO_2), a greenhouse gas that contributes to global warming and climate change. While the direct emissions of CO_2 from a fire flow pump may be relatively small compared to other sources, they still contribute to the overall carbon footprint of the facility.

G1-3 Cont.

The cumulative impact of emissions from multiple diesel-powered vehicles and equipment in industrial areas can exacerbate environmental and public health concerns. In densely populated or sensitive areas the combined emissions from various sources can lead to significant pollution levels and health risks. Overall, the emissions from a diesel-powered fire flow pump, although occurring intermittently during emergencies and routine testing, can still have significant and far-reaching impacts on the environment, air quality, and public health. It is essential to implement measures to reduce emissions from such equipment, such as using cleaner fuels, improving engine efficiency, and implementing emission control technologies, to mitigate these impacts effectively.

II. The average truck trip length of 40 miles used in the air quality analysis underestimates the average distance to distribution centers in Southern California.

G1-4

According to the operations air quality analysis of Project:

"CalEEMod estimates the annual GHG emissions from Project-related vehicle usage based on trip generation data contained in defaults or in a project-specific traffic analysis. As stated above, the trip generation rate and fleet mix were adjusted based on the rates and ratios found in the City of Perris Focused Traffic Study, Sinclair Street Warehouse, DPR 22-00027. Trip length data was based on CalEEMod defaults for passenger cars. The trip length of 40 miles (An average truck trip length) for Project trucks was used as recommended by the City and based on SCAQMD's Final Staff Report for proposed Rule 2305 and Rule 316."

This statement does not comport with the reality of where warehoused materials will ship from in the region. The 40-mile distance is insufficient to allow vehicles to travel to the major ports in the Southern California region — Los Angeles and Long Beach (Figure 5).

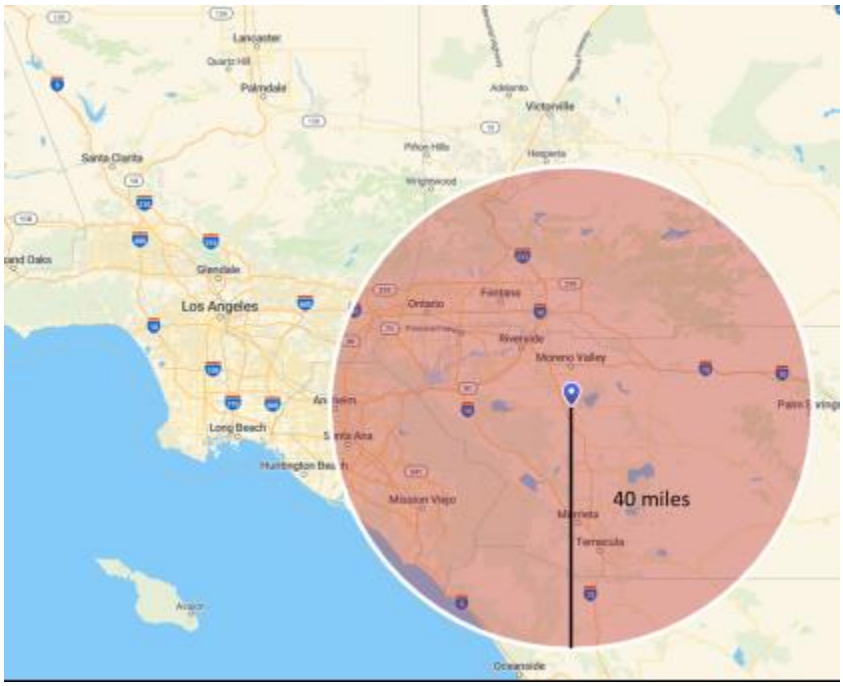


Figure 5: 40-Mile Radius from Project Site

The distance from the Project Site to the Ports of Los Angeles/Long Beach is approximately 80 miles, almost twice the value assumed in the air quality analysis. Using the 80-mile daily truck trip (one way – Figure 6) will nearly double the daily emissions of pollutants associated with the Project, increasing the regional burden and resulting in a potentially significant impact. The City must address the impact of this issue in an EIR.

G1-4 Cont.

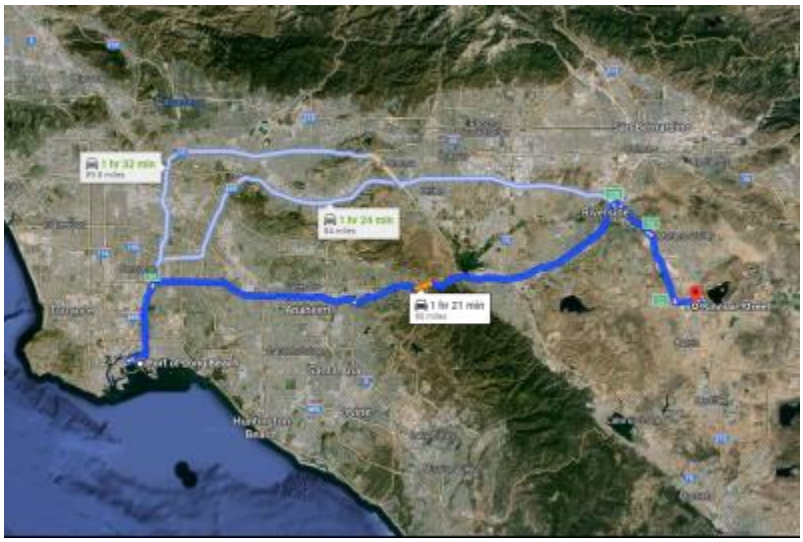


Figure 6: Distance from the Project Site to the Port of Long Beach

G1-4 Cont.

III. The IS/MND fails to identify the sensitive receptor closest to the project site.

For CEQA purposes, a sensitive receptor would be a location where a sensitive individual could remain for 24-hours or longer, such as residencies, hospitals, and schools (etc.). IS/MND identifies a total of 10 receptors. Six sensitive receptors and four off-site worker receptors were modeled in the Health Risk Assessment of the project (Figure 7).

G1-5

The closest sensitive receptor identified, the New Creation Church, is situated approximately 985 feet (300 meters) away from the project construction site. Therefore, the project uses a receptor distance of 200 meters (656 feet)[3] as shown in Table F of IS/MND (Figure 8). While this receptor is acknowledged, it is evident that the omission of Park Place Mobile Home Park (Figure 9) disregards the potential health risks to a significant number of residents who reside in close proximity to the project.

[3] Initial Study/Mitigated Negative Declaration No. 2394 of FIRST INDUSTRIAL LOGISTICS AT SINCLAIR STREET PROJECT (https://files.ceqanet.opr.ca.gov/292969-1/attachment/6yyaiZWIbmmm_JfcqcVaRgAzHzap1FqyFv95sUzAwWd03_AvzBn0zwIY23ZI-fZkFGqvZTYnjBbS6HOW0) DPR 22-00027 Pg 41

Figure 7: Sensitive Receptors Identified In IS/MND

Pollutant	Peak Daily Emissions (pounds per day)			
	NO_x	CO	PM-10[1]	PM-2.5[1]
LST for 5-acre at 200 meters	**488**	**6,860**	**23**	**8**
On-Site Emissions	3.58	40.90	0.28	0.26
Exceeds Threshold?	**No**	**No**	**No**	**No**

Figure 8: LST results for daily operational emissions.

G1-5 Cont.

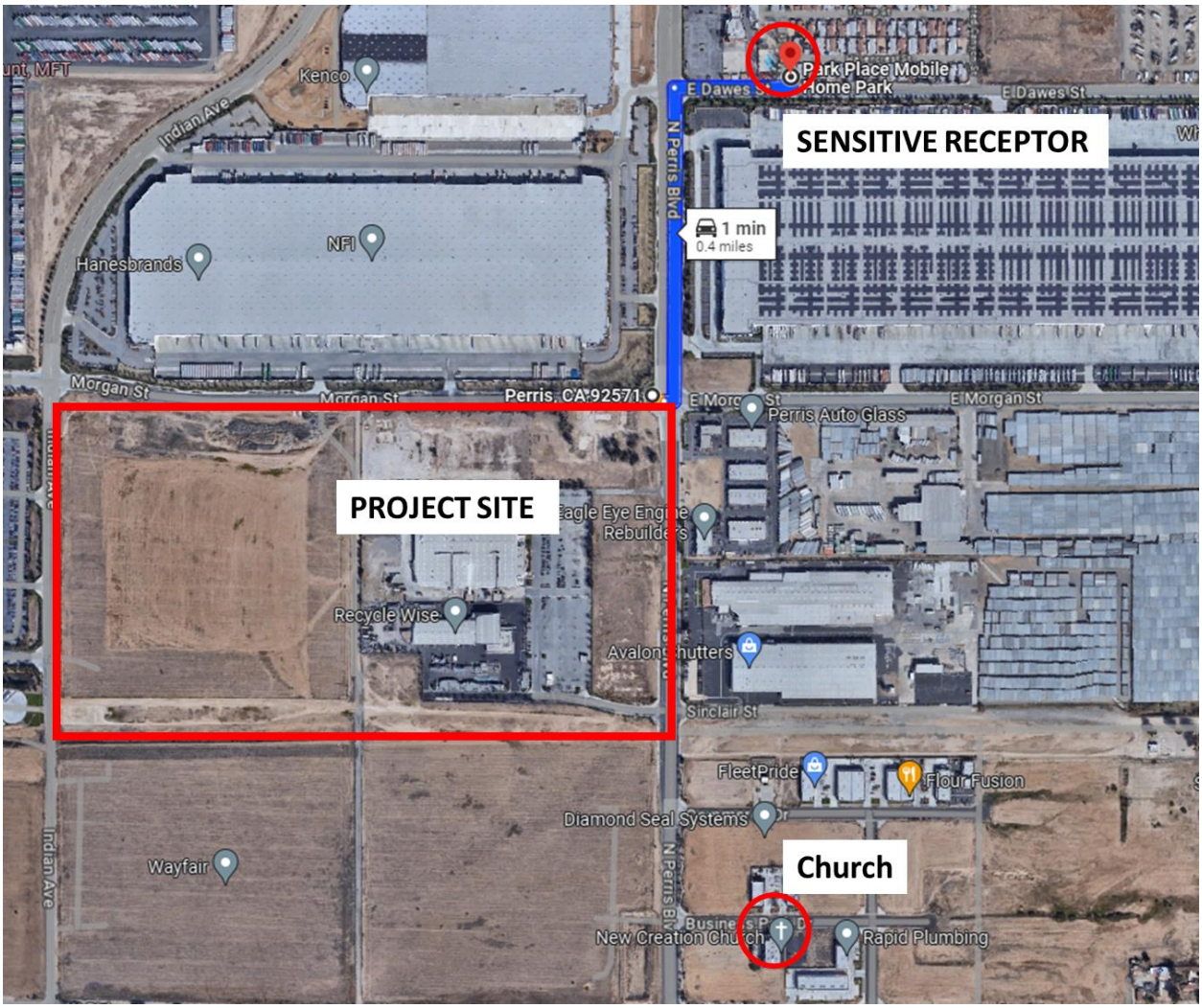


Figure 9: Project Site and Missing Sensitive Receptor Location

The exclusion of Park Place Mobile Home Park as a sensitive receptor in the Health Risk Assessment is a significant oversight that undermines the comprehensiveness of the assessment and raises concerns about the accuracy of the findings. The failure to consider this densely populated area, which accommodates a substantial number of individuals, neglects a critical component of the potential impact of the project on public health. Overall, the failure to consider Park Place Mobile Home Park (0.4 miles (643 meters) away from the project site) i.e. as a sensitive receptor and the dismissal of potential health risks associated with construction emissions cast doubt on the thoroughness and reliability of the Health Risk Assessment.

Considering that the park, located just 0.4 miles (640 meters) away from the project site, operates 24 hours a day and is frequented by individuals daily in an

G1-5 Cont.

open environment, it is subjected to a significantly higher level of potential impact compared to even the church, which is currently considered the nearest receptor despite being 0.7 miles away from the project site. It is imperative that the assessment be revised to include all relevant receptors and thoroughly evaluate the potential health impacts on nearby communities. Failure to do so could result in inadequate protection of public health and well-being.

G1-5 Cont.

IV. Missing Dispersion Modeling for PM_{10} Microns During Grading Phase.

Starting with the construction schedule outlined in the report during the first year of construction approximately 30 days of operations will occur that disturb soils on site (Figure 10).

Based on this South Coast AQMD guidance and the Project's equipment list during grading, project site grading would disturb approximately 4 acres per day. To provide a conservative analysis, the two-acre LST was utilized to compare the on-site emissions estimated by CalEEMod (Figure 11).

Construction Activity	Start Date	End Date	Total Working Days
Demolition	March 1, 2024	March 29, 2024	20 Days
Grading	March 30, 2024	May 10, 2024	30 Days
Building Construction	May 11, 2024	January 25, 2025	185 Days
Paving	December 29, 2024	January 25, 2025	20 Days
Architectural Coatings	December 29, 2024	January 25, 2025	20 Days

Figure 10: Grading Activity Schedule in Project

Pollutant	Peak Daily Emissions (lb/day)			
	NO_x	CO	PM-10	PM-2.5
LST for 2-acre site at 200 meters	**379**	**5,136**	**75**	**23**
Demolition 2024	13.20	**58.90**	**7.67**	1.92
Grading 2024	**34.60**	30.50	3.89	**2.30**
Building Construction 2024	12.20	14.20	0.54	0.49
Building Construction 2025	11.30	14.10	0.47	0.43
Paving 2024	8.10	10.40	0.40	0.37
Paving 2025	7.73	10.30	0.36	0.33
Architectural Coatings 2024	1.21	1.53	0.04	0.04
Architectural Coatings 2025	1.18	1.52	0.04	0.03
Maximum[1]	**34.60**	**58.90**	**7.67**	**2.30**
Exceeds Threshold?	**No**	**No**	**No**	**No**

Figure 11: Unmitigated LST Results for Daily Construction Emissions

G1-6

The grading phase in the project will result in a total of 116.7 pounds (4.48E-01 lbs.-hour) of PM_{10} being released from the Project Site into the community. Assuming that emissions will be limited to an eight-hour period during weekdays, it is possible to calculate an averaged emissions over the whole construction site. Using AERMOD, the US EPA's preferred air dispersion model, it is possible to calculate the concentrations of PM_{10} from the construction area at the closest receptors located.

AERMOD is an acronym for the American Meteorological Society/Environmental Protection Agency Regulatory Model Improvement Committee's Dispersion Model. AERMOD contains the necessary algorithms to model air concentrations from a wide range of emission source types, including stack-based point sources, fugitive area sources, and volume sources. IS/MND fails to provide modeling results of same and should address it in its revision.

G1-6 Cont.

V. Neglecting Construction Emissions from Off-Site Roadway Improvements

The First Industrial Logistics at Sinclair Street Project, along with its off-site improvement area, fails to account for a crucial aspect of environmental impact: construction emissions from off-site roadway improvements. While the project employs CalEEMod to assess Project-related emissions, it glaringly overlooks the significant emissions generated during the construction phase of off-site roadway enhancements (Figure 12).

The proposed project ambitiously entails the demolition of two existing light industrial buildings and the construction of a vast industrial warehouse distribution facility. Off-site improvements to Sinclair Street, situated east of Perris Boulevard, are also proposed, encompassing road widening and pavement overlay within existing right-of-way (Figure 13). These improvements include sidewalks that would connect to the existing sidewalks along Sinclair Street east of the Project site. Despite the substantial scale of these off-site enhancements, encompassing approximately 0.37 acres, the environmental assessment fails to acknowledge the emissions arising from their construction activities.

G1-7

Remarkably, the report superficially asserts alignment with the City's General Plan regarding the off-site improvement area, assuming consistency with surrounding land uses. However, this assertion lacks substantive evaluation of

the environmental ramifications, particularly the adverse effects of construction emissions on air quality and public health.

Moreover, the IS/MND falls short by omitting any consideration or mitigation measures for the construction emissions associated with off-site roadway improvements.

As the report concludes:

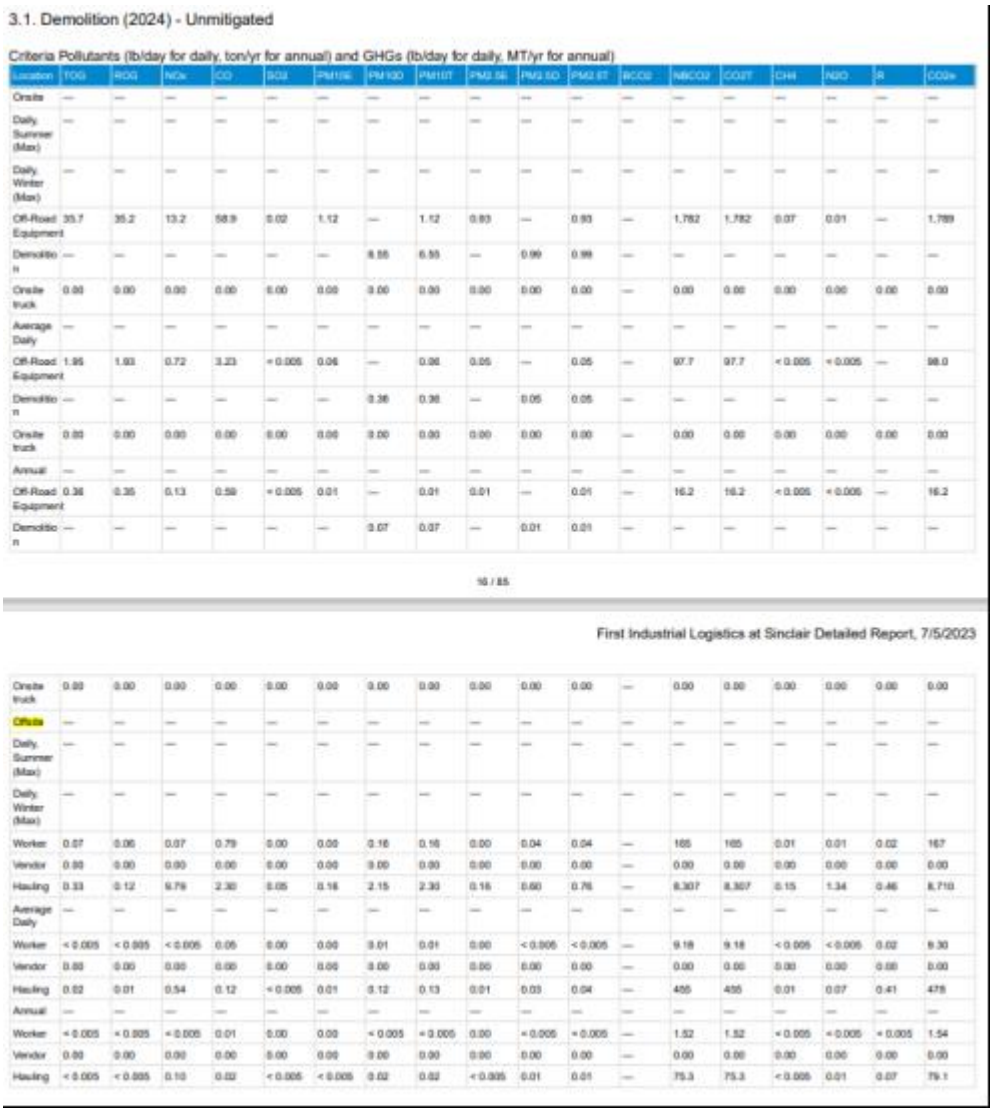
"The off-site improvement area includes paving the southern Sinclair Street Lane consistent with the City's General Plan. Therefore, the proposed Project would be consistent with the surrounding land uses and no impact would occur with regard to physically dividing an established community. No mitigation is required[4]*."*

G1-7 Cont.

This oversight is particularly concerning as it disregards the potential exacerbation of air pollution and health risks within the project vicinity.

In essence, the failure to address construction emissions from off-site roadway enhancements reflects a significant gap in the environmental assessment process. Such negligence undermines the thoroughness and accuracy of the evaluation, potentially overlooking adverse impacts on air quality and public health. A comprehensive reassessment is imperative to ensure the project's compliance with environmental regulations and safeguarding the well-being of the community.

[4] Initial Study/Mitigated Negative Declaration No. 2394 of FIRST INDUSTRIAL LOGISTICS AT SINCLAIR STREET PROJECT (https://files.ceqanet.opr.ca.gov/292969-1/attachment/6yyaiZWIbmmm_JfcqcVaRgAzHzap1FqyFv95sUzAwWd03_AvzBn0zwIY23ZI-fZkFGqvZTYnjBbS6HOW0) DPR 22-00027 Pg 98



3.1. Demolition (2024) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	35.7	35.2	13.2	58.9	0.02	1.12	—	1.12	0.83	—	0.83	—	1,782	1,782	0.07	0.01	—	1,789
Demolition	—	—	—	—	—	—	6.55	6.55	—	0.99	0.99	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.95	1.93	0.72	3.23	< 0.005	0.06	—	0.06	0.05	—	0.05	—	97.7	97.7	< 0.005	< 0.005	—	98.0
Demolition	—	—	—	—	—	—	0.36	0.36	—	0.05	0.05	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.36	0.35	0.13	0.59	< 0.005	0.01	—	0.01	0.01	—	0.01	—	16.2	16.2	< 0.005	< 0.005	—	16.2
Demolition	—	—	—	—	—	—	0.07	0.07	—	0.01	0.01	—	—	—	—	—	—	—

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First Industrial Logistics at Sinclair Detailed Report, 7/5/2023

Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.07	0.06	0.07	0.79	0.00	0.00	0.16	0.16	0.00	0.04	0.04	—	165	165	0.01	0.01	0.02	167
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.33	0.12	9.79	2.30	0.05	0.16	2.15	2.30	0.16	0.60	0.76	—	8,307	8,307	0.15	1.34	0.46	8,710
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.05	0.00	0.00	0.01	0.01	0.00	< 0.005	< 0.005	—	9.18	9.18	< 0.005	< 0.005	0.02	9.30
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.02	0.01	0.54	0.12	< 0.005	0.01	0.12	0.13	0.01	0.03	0.04	—	455	455	0.01	0.07	0.41	478
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	1.52	1.52	< 0.005	< 0.005	< 0.005	1.54
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	0.10	0.02	< 0.005	< 0.005	0.02	0.02	< 0.005	0.01	0.01	—	75.3	75.3	< 0.005	0.01	0.07	79.1

Figure 12: Construction Emissions Details (Mitigated 2024)

G1-7
Cont.

Figure 13: Off-site improvement area

G1-7 Cont.

VI. Hazards/Hazardous Materials Evaluation: Incomplete Evaluation of Organochlorine Pesticides and Off-Site Improvement Area Omission from Phase I ESA

We reviewed MND Section 5.9 Hazards/Hazardous Materials as well as the Phase I Environmental Site Assessment (ESA) provided as the Hazards/Hazardous Materials technical report in Appendix F. The Phase I ESA was prepared by Weis Environmental, LLC, and is dated July 18, 2022. Based upon our review of these documents, there are following comments:

- Section 9b: Incomplete Evaluation of Organochlorine Pesticides in the MND

The report recognizes a potential significance threshold if a proposed project creates a significant hazard to the public or the environment through foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. The second paragraph of Section 9b states that the Project site was previously used for agricultural purposes prior to 2010 and there is the potential that organochlorine pesticides were applied during the normal course of agricultural operations of the time. No further context or evaluation of this potential issue is provided in the MND with respect to this finding. Due to the incomplete presentation of the issue in the MND, it is not possible to conclude that the former agricultural activities present a less than significant impact. The incomplete discussion of the former agricultural land use may present a data gap in the MND or even improperly deferred mitigation if additional investigation is warranted; however, it is not possible to make this conclusion with the information provided.

G1-8

- Appendix F: The off-site improvement area was not evaluated by the Phase I ESA

The off-site improvement area along Sinclair Street from Perris Boulevard to Johnson Avenue is part of the proposed project, but has not been evaluated in the Phase I ESA provided as the Hazards/Hazardous Materials technical report in Appendix F. The Phase I ESA is relied upon to conclude that the project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Considering the incomplete analyses of the project footprint, this

conclusion cannot definitively be made for future off-site improvements along Sinclair Street, particularly during temporary construction activities.

G1-8 Cont.

Conclusion

The facts identified and referenced in this comment letter led me to conclude that the project could result in significant impacts if allowed to proceed. An environmental impact report should be prepared to address these substantial concerns.

G1-9

Sincerely,

Komal Shukla, PhD
Director of Air Quality Services

Jack Packwood, CIH
Associate - Hazardous Materials Expert

Komal Shukla, Ph.D., M.Sc., B.Sc
Air Quality Scientist

GROUP DELTA

Education
Ph.D. in Photochemical Modeling of Air Pollution (Environmental Engineering), Indian Institute of Technology Delhi-IIT Delhi (Photochemical Modeling of Ground Level Ozone), Delhi, India; Visiting Ph.D. Student, Institute Fellow, Gees, University of Birmingham, UK; MPhil Environment and Sustainable Development, IESD, Banaras Hindu University, Varanasi, India; M.Sc. Environment Management, University School of Environment Management (Sustainable and Low Carbon Energy Plan for Delhi), Delhi, India; B.Sc Chemistry (with honors) in Chemistry, University of Delhi, India

Years of Experience: 7

Years with Group Delta: 1

Dr. Shukla has a Ph.D. in air quality and atmospheric phenomenon modeling, with a strong technical background in tropospheric chemistry, industrial and city level environmental solutions, regulatory and global model applications, trace gases and particulate matter impact on human health and climate, and observations data analytic. Dr. Shukla is an air quality emissions modeler with nearly a decade of technical and research experience. She served as an in-house lead in federal contract scientific projects supporting the EPA's mission. Related experience includes:

Litigation, Compliance, Environmental Justice, On-Road Emissions, Industrial Emissions, California: As Air Quality Modeling Scientist, Ms. Shukla completed two major projects, including: Project I: Source apportionment of ozone and particulate matter pollution using photochemical modeling techniques, and Project II: Transportation and near-road air quality and emissions projection.

Environment and Climate Change Canada (ECCC), Toronto, Canada: As Research Scientist (Air Quality Modeling and Compliance in Alberta), Ms. Shukla completed two significant projects, including: Project I: Developing a photo-chemical transport model to understand oil and sands region emissions in North America and Project II: Modeling applications in delineating chemistry of tropospheric tracers.

University of North Carolina, Institute of Environment, Chapel Hill, North Carolina: As Postdoctoral Research Associate (Air Quality – Nyserda Led Air Quality Model Development, Ms. Shukla worked on critical projects including: Project I: Air quality modeling of various city level sources and health exposure sciences in New York City, - funded by NYSERDA and Project II: TRECH project (https://www.hsph.harvard.edu/c-change/news/trechstudy/) - Transportation, Equity, Climate & Health CMAQ based modeling of vehicular emission and policy assessment on the East Coast.

Indian Institute of Technology Delhi (IIT Delhi), Delhi, India: As Research Associate, Ms. Shukla worked on Project I: Quantification and contribution of paddy stubble burning emissions in Haryana to estimate PM2.5 concentrations in its surrounding cities and Delhi. Role: Modelling meteorology and PM2.5 for north India using WRF-chem and Project II: A Systems Approach to Air Pollution in Delhi (ASAAP) mobility grant funded by GCRF and NERC. Role: Monitored outdoor PM2.5 concentrations at two flyovers in Delhi and assessed pavement dwellers exposure to air pollution of PM2.5 near heavily trafficked roads to see impact on dwellers.

Various Technical Skills
Languages: T and C Shell-script, MATLAB, Fortran, Python, NCL, R, and NETCDF satellite data retrievals and analysis
Models: WRF-Chem, GEM-MACH, CMAQ, GCAM, CTOOLS, AERMOD, CALPUFF, ADMS, MOVES, InMAP and COBRA.

GROUP DELTA

Photochemical pollutant and aerosol/dust modeling and urban air quality. Expertise in tropospheric chemistry, machine learning aided regression models, WRF-Chem/CMAQ (Chemical transport models), dispersion models.

Air Quality: CTOOLS/AERMOD/ADMS/R-LINE and satellite data assessment (OMI-AURA and MODIS). USEPA observation and meteorology handling, anthrapoegenic/energy emission inventory QA and preparation (MOVES), and impacts-benefits.

Select Research Papers:

- Shukla, K., Seppanen, C., Naess, B., Chang, C., Cooley, D., Maier, A., .. &Arunachalam, S. (2022). ZIP Code Level Estimation of Air Quality and Health Risk Due to Particulate Matter Pollution in New York City. Environmental Science & Technology.
- Shukla, K., Kumar, P., Mann, G. S., & Khare, M. (2020). Mapping spatial distribution of particulate matter using Kriging and Inverse Distance Weighting at supersites of megacity Delhi. Sustainable cities and society, 54, 101997.
- Shukla, K., Srivastava, P. K., Banerjee, T., & Aneja, V. P. (2017). Trend and variability of atmospheric ozone over middle lndo-Gangetic Plain: impacts of seasonality and precursor gases. Environmental Science and Pollution Research, 24(1), 164-179.
- Shukla, K., Dadheech, N., Kumar, P., & Khare, M. (2021). Regression-based flexible models for photochemical air pollutants in the national capital territory of megacity Delhi. Chemosphere, 272, 129611.
- Gulia, S., Khanna, 1., Shukla, K., & Khare, M. (2020). Ambient air pollutant monitoring and analysis protocol for low- and middle-income countries: An element of comprehensive urban air quality management framework. Atmospheric Environment, 222, 117120.
- Khare, M., & Shukla, K. (2020). Outdoor and Indoor Air Pollutant Exposure. In Environmental Pollutant Exposures and Public Health (pp. 95-114)
- Kumar, G. S., Sharma, A., Shukla, K., & Nema, A. K. (2020). Dynamic programming-based decision-making model for selecting optimal air pollution control technologies for an urban setting. In Smart Cities-Opportunities and Challenges (pp. 709-729). Springer, Singa pore.

Select Technical Conferences:

- Shukla, K., OJha, N., & Khare, M., (2019) Air Quality Simulations over Delhi Using WRF-Chem in Conference of Indian Aerosol Science and Technology Association 2018 "Aerosol lmpacts:Human Health to Climate Change" 2018 http://cas.iitd.ac.in/iasta20l8/pdf/
- Shukla, K., Xiaoming, C., OJha, N., & Khare, M., (2018), Air Quality Simulations over Delhi Using WRF-Chem: Effects of Lo- cal Pollution and Regional-Scale Transport , A42A-0l presented at 2018 Fall Meeting, AGU, Washington, D.C., 10-14 Dec. http://abstractsearch.agu.org/meetings/2018/FM/A42A-0l. htm1 (Talk)
- Shukla, K., & Khare M., (2019) Behaviour of Ground Level Ozone and Its Association with Precursors and Meteorology in Delhi, India, AS17-A023, Atmospheric Chemistry in Highly Polluted Environments: Emissions, Fates, and Impacts, AS17-A023 presented at 2019 16th Annual meeting AOGS, Singapore, 28th -2nd August (Poster)
- Shukla, K., Kumar, S., & Nema A., (2019) Environmental Characterization of Two Chromium-based Industrial Waste Contaminated Sites of India, accepted as BllH-2219, to be presented in presented at 2019 Fall Meeting, AGU, San Francisco, CA, USA 09-13 Dec. (Poster)
- Shukla, K., & Khare M., (2019), Behavioral Chemistry of ground level ozone formation in heavily polluted environment of Delhi city, accepted as A21G-2645, to be presented in presented at 2019 Fall Meeting, AGU, San Francisco, CA, USA 09-13 Dec.
- (Poster) Kumar. S, Sharma. A., Shukla K., Nema, A.K., (2019). Dynamic programming based decision-making model for selecting optimal air pollution control technologies for an urban setting. Presented at 1st smart cities conference, Delhi, India (Talk).

International Panelist

Air Pollution, Environmental Management and Policy Related Invited Talks:

- Minimizing air pollution in Delhi city, Pure Earth, NY, USA, Boston College, 2019
- Photochemical pollution in heavily polluted environments of India and China" in the Development of Traffic Pollution Dispersion Models based upon Artificial Intelligence Technology, Chang'an University, Xian, 2019, China
- Air Pollution Challenges and Mitigation Opportunities in Delhi, CADTIME, Newcastle University, 2019, UK
- Indoor Air Quality: Problems and Initiatives", 2nd Indian International National Conference on Air Quality Management (IICAQM 2017): Health and Exposure, Indian Institute of Technology Delhi, New Delhi 2017, India
- Tackling the Challenges of Air Pollution in India", Indian Institute of Public Administration, New Delhi, 2019, India

GROUP DELTA
www.GroupDelta.com

Jack Packwood, CIH
Associate

Professional Registrations
Certified Industrial Hygienist; CP 10976
Certified Professional in Erosion and Sediment Control; CPESC-6448
Qualified SWPPP Developer/ Practitioner; 20636
Qualified Industrial SWPPP Practitioner; 00838
40-Hour & Supervisor HAZWOPER

Education
MS, Industrial Hygiene, University of Montana – Montana Tech, Butte, 2015
MS, Environmental Science, California State University, Fullerton, 2012
BS, Environmental Science, University of California, Riverside, 2003

Years of Experience: 20

Years with Group Delta: 10

Mr. Packwood is experienced in managing projects that provide a wide spectrum of environmental services, most notably on large-scale construction projects. Mr. Packwood offers expertise in construction compliance, site assessment, remediation, due diligence, and hazardous waste disposal and management. Mr. Packwood is well versed in the field of industrial hygiene, including the anticipation, recognition, evaluation, and control of environmental and occupational exposures and hazards. Mr. Packwood has experience in water quality including NPDES compliance, stormwater compliance related to industrial or construction activities, groundwater and surface water quality monitoring, and wetlands management. Mr. Packwood also has extensive field experience including construction site environmental management; industrial hygiene sampling; sampling of soil, soil vapor, groundwater, surface water, and stormwater; managing numerous dig and haul remediation projects; and designing numerous hazardous materials abatement projects. In his role as agency liaison, Mr. Packwood maintains positive working relationships and has dealt proactively and effectively with multiple local, state, and federal regulatory agencies. Related experience includes:

Caltrans and Transportation Agencies, California: As Project Manager, Mr. Packwood has managed the development of technical reports for dozens of large-scale transportation projects throughout southern and central California related to billions of dollars and hundreds of miles of highway infrastructure improvement public works projects. These technical studies included Initial Site Assessments (ISAs), aerially deposited lead (ADL) surveys, asbestos-containing material and lead-based paint surveys for bridge crossings and buildings, yellow striping investigations, and soil and groundwater site investigations. The results, conclusions, and recommendations of these studies were incorporated into CEQA environmental documentation and project mitigation measures.

Confidential United States Navy Airfield Project: Mr. Packwood served as an expert for a construction contractor in a large case against the United States Navy. Mr. Packwood developed an Expert's Report that thoroughly evaluated the regulatory requirements surrounding the disposal and/or reuse requirements of excess soil with respect to the unnecessarily stringent requirements placed upon the contractor and the project specifications.

Berths 142-147 Intermodal Container Transfer Facility, Port of Los Angeles, California: As Environmental Project Manager, Mr. Packwood prepared the project's Environmental Compliance Plan (ECP) and served as the project's environmental Mitigation Monitor for enforcement of CEQA mitigation measures.

Los Cerritos Wetlands, Long Beach, California: As Project Manager, Mr. Packwood supported the Proposed Wetlands Restoration and Oil Production project. Mr. Packwood performed peer reviews of technical reports and supported preparation of California Environmental Quality Act (CEQA) documentation.

3 Libraries Development Project, Riverside County Development Agency, Desert Hot Springs, French Valley, and Menifee, California (2019; EN430): As Environmental Project Manager, Mr. Packwood managed a Phase I Environmental Site Assessment (ESA) for each of the three library sites. The Riverside County Economic Development Agency plans to develop three libraries located in Desert Hot Springs, French Valley, and Menifee, California. Phase I ESAs are needed to support the CEQA environmental documentation process.

EXHIBIT B

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #24-001

March 13, 2024

Mr. Richard M. Franco
Adam Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

SUBJECT: First Industrial Logistics Sinclair Warehouse Project
City of Perris, California
Review and Comment on Noise Study

Dear Mr. Franco,

Per your request, Wilson Ihrig has reviewed the information and noise impact analysis in the following documents:

First Industrial Logistics Sinclair Warehouse Project
Initial Study / Mitigated Negative Declaration (IS/MND)
Appendix I Noise & Vibration Study (Noise Study)
July 2023

G3-1

The Proposed First Industrial Logistics Sinclair Warehouse Project (Project) is a proposal to consider a Development Plan Approval for the demolition of two existing light industrial buildings and the construction and operation of a 427,224 square-foot industrial, non-refrigerated warehouse distribution facility consisting of 4,000 square feet of office space, 4,000 square feet of mezzanine space, and 70 loading docks; and associated landscaping, parking, and right-of-way improvements, on 20.57-gross acre site. The project is surrounded by distribution centers to the north, west, and south of the site, commercial uses to the east, and residences and a house of worship northeast of the Project.

This letter reports our comments on the Noise Analysis in Section 5.13 of the Initial Study / Mitigated Negative Declaration and the Noise & Vibration Study in Appendix I. Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 57 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

G3-2

Adverse Effects of Noise[1]

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

G3-3

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

[1] More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (https://www.who.int/docstore/peh/noise/Comnoise-1.pdf)

Baseline Noise is Not Properly Established

The manner in which the Noise Study has determined the existing noise environment at sensitive receptors is unsupported. As shown in Figure 6 and Table 5-1 [Noise Study, page 22-23], existing noise was only measured at one location, in the middle of the Project Site. The report does not include any observations on dominant noise sources. This location does not capture the environment closer to the residences on Rider Street, which are closer to roadway noise, but further from distribution center activity surrounding the Project site. As no measurements were taken at any sensitive receptor locations, there is no baseline against which to properly assess Project-related impacts (either construction or operation). **The Project should conduct properly documented ambient measurements near sensitive receptors, that capture the worst case (quietest) baseline conditions, to determine impact for operational and construction noise.**

G3-4

Potentially Significant Construction Noise Impacts

The IS/MND uses the City of Perris Municipal Code 7.34.060 construction noise level limit of 80 dBA as a threshold of significance [IS/MND, page 119]. The Noise Study in Appendix I additionally provides a nighttime limit, based on the Municipal Code limits for residential areas [Noise Study, page 33]. Table 10-3 in the Noise Study presents predicted Lmax levels at receiver R1 (residences on Rider Street) for each construction phase and shows that paving activity is anticipated to take place during the daytime *and nighttime* [Noise Study, page 34].[2] The IS/MND argues that the predicted 55 dBA nighttime paving noise levels would be less than significant, because they are below the 80 dBA Municipal Code construction limit and the Project would obtain authorization from the City for the nighttime work, which is prohibited by the Municipal Code. The IS/MND does not acknowledge the 60 dBA nighttime limit mentioned in the Noise Study.

G3-5

Further, the California Environmental Quality Act Guidelines cited in the report state that impacts to noise would be significant if the proposed project would result in "generation of a substantial temporary or permanent increase in ambient noise levels" [IS/MND, page 118]. Neither the Noise Study nor the IS/MND directly evaluates or discloses Project-related increases over ambient noise. As explained above, the failure to properly establish ambient noise levels at sensitive receptor locations precludes the City from determining whether the project would generate a substantial increase in ambient noise levels. However, based on the ambient noise measurements taken at the center of the Project site, the Project's nighttime construction noise will have a significant impact. The Noise Study recognizes that the City of Perris considers a 5 dBA noise level increase to be significant when existing noise levels are below 60 DBA and a 3 dBA increase is significant when existing levels are above 60 dBA [Noise Study, pg. 17, citing PVCCSP EIR].The predicted 55 dBA paving noise at R1 exceeds the measured average nighttime ambient of 44 dBA by 11 dB [Noise Study, page 21]. **The Project should properly evaluate the ambient noise levels at sensitive receptor locations and address this exceedance.**

[2] As stated in the IS/MND, the Municipal Code restricts construction to daytime hours and "should construction activities need to occur outside of [these hours], the Project applicant would be required to obtain authorization form the City" [IS/MND 119].

Operational Noise Impact Analysis Contains Errors

The Noise Study assumes an increase of 1% average daily traffic (ADT) on Perris Blvd. and an increase of 116% ADT on Sinclair, based on "the Riverside County Mix data for collectors and secondary roadways and the peak hour traffic volumes provided by Webb Associates" [Noise Study, page 24-25]. The Riverside County data is not cited in the list of references [Noise Study, page 35] and the traffic data available on the county DOT website does not include Perris or Sinclair.[3] The Webb Associates Traffic Study in Appendix J.1 (Traffic Study) of the IS/MND shows an increase of 5-6% in peak-hour PCE traffic volumes on Perris Blvd., south of Sinclair [Traffic Study, page 12-13]. The Traffic Study is missing Appendices A through C, which contain detailed traffic information cited in the body of the report. Section 6 of the Noise Study does not show the changes in hourly traffic volumes or the anticipated changes in traffic mix used in the analysis. Truck trips from warehouse operations do not necessarily follow the same traffic patterns as commuter traffic, particularly for 24/7 warehouse operations, and traffic mix is a key component to the noise analysis. The data shown in Noise Study Appendix B, appears to be for the wrong project (the roadways listed in the four scenarios are 4 miles south of the Project site). Therefore, the predictions in Noise Study Tables 7-1 through 7-3 cannot be verified. The traffic analysis does not properly address the impact of potential nighttime truck traffic on residences along Perris Blvd, which could result in noise impacts. **The project should conduct a proper traffic noise analysis and update the Appendix calculations to show correct project data.**

G3-6

Operational Noise Impact Analysis Underestimates HVAC

The operational noise analysis includes only one 5-ton HVAC unit, about 2000 feet from sensitive receptors [Noise Study, Appendix C].[4] For warehouses, The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) minimum ventilation rate is 0.06 CFM per square foot, per person, which must be adjusted for occupancy rates, indoor air quality, and other factors.[5] According to the IS/MND, 418 employees are expected for the 423,224 square feet of industrial warehouse space (IS/MND, page 126]. The most common large unit size is 25 tons, with a typical sound power level of 85-95 dBA (compared to the 74.9 dBA used on the analysis)[6]. A simple calculation using a rule of thumb for industrial buildings (see Figure 1 below) shows that a warehouse of this size would need at least 68 25-ton units (spread out across the roof) to properly ventilate the space.

$$423{,}224 \text{ sq. ft} \div 250 \text{ sq. ft. per ton} = 1693 \text{ ton load}$$
$$1693 \text{ ton load} \div 25 \text{ tons per unit} = 68 \text{ units}$$

The SoundPlan model for stationary operational noise should have at the very least included the units along the roof parameter closest to sensitive receptors. **The HVAC noise predictions should be updated to reflect realistic equipment assumptions.**

G3-7

[3] https://trans.rctlma.org/sites/g/files/aldnop401/files/migrated/Portals-7-documents-Traffic-2020-TRANS-WEB-COUNTS.PDF.pdf
[4] https://www.dcne.com/product/5-0t-hp-rtu-460-50tfq006-6
[5] https://www.ashrae.org/file%20library/technical%20resources/standards%20and%20guidelines/standards%20addenda/62_1_2013_p_20150707.pdf
[6] https://www.shareddocs.com/hvac/docs/1005/Public/00/50FCQ-17-28-01PD.pdf

Figure 1 Industrial Building Cooling Load, Rule of Thumb[7]

G3-7
Cont.

Conclusion

The Project may result in potentially significant noise construction impacts. The IS/MND relies on an inadequate baseline because ambient measurements have not been properly documented and may not represent all sensitive buildings near the site. Finally, the IS/MND contains multiple omissions and errors in the mechanical and traffic noise analysis and underestimates operational noise impacts.

G3-8

Please feel free to contact me with any questions on this information.

Very truly yours,
WILSON IHRIG

Ani Toncheva
Senior Consultant

first industrial logistics sinclair warehouse - comments on noise analysis.docx

[7] https://www.engproguides.com/hvac-rule-of-thumb-calculator.html

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

ANI TONCHEVA

Senior Consultant

Since joining the firm in 2011, Ani has conducted analyses for transit systems, vibration sensitive research facilities, public infrastructure, construction, and other environmental noise. She has contributed to literature reviews, including research on current practices of historical preservation. She has extensive experience working on construction projects in New York City and is well versed in local noise codes.

Education

- B.A., Physics; Bard College, New York

Professional Associations

- *Member*, National Council of Acoustical Consultants (NCAC)
- *Member*, Acoustical Society of America (ASA)
- *Board Member,* Transportation Research Forum (TRF), NY Chapter and International board

Research Paper

- NCHRP 25-25, *Current Practices to Address Construction Vibration and Potential Effects to Historic Buildings Adjacent to Transportation Projects*

Relevant Experience

BART Berryessa Station Transit Noise Impact and Mitigation, San Jose, CA Assisted with noise predictions and barrier design recommendations.

Massachusetts Bay Transportation Authority (MBTA) Green Line Extension (GLX), Boston, MA Lead analyst on noise predictions and barrier design.

RTD Eagle P3 Northwest Corridor Noise and Impacts, Denver, CO Assisted with data analysis and helped prepare final technical report.

Alameda CTC, I-880 Interchange Improvements Project (Whipple Road-Industrial Southwest and Industrial Parkway West), Hayward, CA Project Manager for traffic noise study.

Alameda CTC, I-80/Ashby Avenue Interchange Improvements, Berkeley, CA Project Manager for traffic noise study.

Millennium Bulk Terminal, Longview, WA Prepared noise analysis for the project's NEPA and SEPA environmental impact statements.

Peninsula Humane Society & SPCA Haskin Hill Sanctuary, Loma Mar, CA Prepared an environmental study for a planned animal sanctuary in Loma Mar.

Analog (ArtX) Hotel, Palo Alto, CA Prepared preliminary basis of design guidelines for a new five-story boutique hotel in a residential area.

Sunnydale Block 3A & 3B Mixed-Use Residential Development, San Francisco, CA Prepared a CCR Title 24 Noise Study Report for two, mixed-use, 5-story buildings.

Columbia University Medical Center Medical and Graduate Education Building, New York, NY Conducted baseline noise survey and performed attended noise measurements during preliminary construction work.

Hudson Yards Tower C Foundations and Utilities, New York, NY Conducted a baseline noise survey prior to construction work including a combination of long-term unattended and short-term attended noise measurements.

PANYNJ Lincoln Tunnel Helix Rehabilitation, NJ Assisted in developing construction noise control and mitigation plan and implementing a remote long-term noise monitoring program at three locations.

MSK 74th Street, New York, NY Conducted baseline noise survey, assisted in developing construction noise control and mitigation plan, and implemented a long-term noise monitoring program at two locations.

NY MTA No. 7 Line Subway Extension Ventilation Facility Construction, New York, NY The project involved mining and lining of two shafts and construction of a 2-story ventilation building.

NY MTA ESA/LIRR Grand Central Terminal Fit-Out, New York, NY Prepared the Contractor's noise and vibration control plan updates for fit-out work conducted underground at the Grand Central Terminal Suburban Level.

San Francisco Planning Department, Alameda Street Wet Weather Tunnel and Folsom Area Sewer Improvement, San Francisco, CA Noise and vibration analysis for Folsom Area stormwater infrastructure improvements.

World Trade Center Vehicle Security Center, New York, NY Conducted baseline noise surveys, assisted in developing construction noise control plans, and implementing a remote long-term noise monitoring program.

50 Pine Street Condominiums, New York, NY
Project involved evaluating mechanical noise at residential dwelling units for NYC noise code

Uptown Newport, Newport Beach, CA
Evaluation of noise levels due to mechanical equipment at adjacent property.

Response to Comment Letter G – California Allied for a Responsible Economy

Response to Comment G-1:
This comment summarizes the proposed Project and is consistent with the Project described and analyzed in the Initial Study/MND. No environmental issues are raised by this comment. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-2:
This comment generally describes concerns with the Initial Study/MND and its technical appendices, including the air quality, health risk, transportation, and noise impact concerns. Responses to the specifically identified concerns in subsequent comments of this letter are provided herein. No additional environmental issues are raised by this comment. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-3:
This comment introduces California Allied for a Responsible Economy (CARE CA) and its representative members and asserts CARE CA's interest in enforcing environmental laws. No environmental issues are raised by this comment. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-4:
This comment provides a discussion of CEQA's requirements from the viewpoint of the commenter. This comment reintroduces their general environmental concerns earlier described, but now their concerns are only air quality, health risk, and noise impacts. Responses to the specifically identified concerns in subsequent comments of this letter are provided herein. This comment does not raise any specific issue with respect to the adequacy of the Initial Study/MND. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-5:
The City disagrees with the assertion that the Initial Study/MND does not include a complete and stable Project description. The comment contains no specific examples in support of this assertion. Section 2.0 Project Description, of the Initial Study/MND provides a detailed description of the Project sufficient to meet CEQA's informational requirements and the evaluation of potential Project impacts.

No environmental issues are raised by this comment. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-6:
This comment generally describes concerns with the future use of the warehouse, including the assumption that the warehouse would not include cold storage or e-commerce uses, and the operational equipment the warehouse would use. Responses to the specifically identified concerns in subsequent comments of this letter are provided Response to Comment G-7 and Response to Comment G-8. No additional environmental issues are raised by this comment. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-7:
The comment correctly states the building is a speculative building with no specific tenant identified at this time. However, the comment incorrectly states that because there is no known tenant identified then the proposed warehouse building's future use is unknown. This is incorrect and the future use is known. The Project applicant proposes the development and operation of a building accommodating non-refrigerated warehouse distribution facility use which would not include e-commerce. (Initial Study/MND, p. 11). The proposed building's use is a permitted use consistent with the Perris Valley Commerce Center Specific Plan (PVCCSP) land use designation for the Project site. (Initial Study/MND, p. 11). So,

although the tenant is unknown, the use is known. The Initial Study/MND and subsequent analysis were based on this use as proposed.

This comment states that although the proposed building would be a non-refrigerated building there are no measures prohibiting future cold storage uses. Moreover, the comment asserts that by including the PVCCSP mitigation measure **MM Air 12**, which allows electrical hookups at loading/unloading areas to allow transport refrigerated units (TRUs) with electrical standby to use them, this suggests that the City contemplates that cold storage use may be allowed. This is incorrect. The Initial Study/MND evaluates the impacts of the Project as proposed by the Project applicant. As noted in the Project Description, the Project includes the development of an industrial, ***non-refrigerated*** warehouse distribution facility (emphasis added). (Initial Study/MND, p. 10). Mitigation measure **MM Air 12** (listed below) was included in the event trucks accessing the site handled both refrigerated and unrefrigerated goods.

> **MM Air 12**: Where transport refrigeration units (TRUs) are in use, electrical hookups will be installed at all loading and unloading stalls in order to allow TRUs with electric standby capabilities to use them.

Refrigerated uses are not proposed and would not be approved by the City under the current proposed actions and what was analyzed in the Initial Study/MND. However, the City will include a condition that restricts the use of the building for non-refrigerated uses in the Conditions of Approval for the Project. Any future modification of the building to provide refrigerated uses would require additional discretionary approvals from the City subject to CEQA. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-8:

The Project applicant is committed to sustainable construction and operational practices. As discussed in the Project Description, the building would be designed to achieve LEED (Leadership in Energy and Environmental Design) certification. (Initial Study/MND, p. 11). Using electric forklifts can contribute to earning LEED credits in certain categories, such as Sustainable Sites and Indoor Environmental Quality, by demonstrating a commitment to reducing emissions and improving air quality. The Initial Study/MND inadvertently identified the requirement of electric or alternative fueled on-site service equipment as being a PVCCSP mitigation measure. This requirement is a Project design feature proposed by the Project applicant. To clarify the Project Applicant's commitment to operating non-gasoline or diesel-powered on-site service equipment, the following pages of the Initial Study/MND have been revised. Please note that this Project design feature is also consistent with the City of Perris Good Neighbor Guidelines for Siting New and or Modified Industrial Facilities.[3] Page 11 of the Initial Study/MND has been revised as follows:

> The proposed Project has been designed to comply with the applicable Standards and Guidelines outlined in the PVCCSP, including but not limited to, landscape coverage, building setback, lot coverage, Floor Area Ratio, and outdoor employee amenities requirements as shown on **Figure 7.** The architectural warehouse building elevations are shown on **Figure 8 - Elevations**. The proposed warehouse building would be constructed from concrete tilt-up panels that would be painted according to the City's approved color palette. The warehouse building would feature approximately 70 dock doors with 35 dock doors on the northern side of the building and 35 dock doors on the southern side of the building. Service equipment (i.e., yard hostlers and forklifts) used within the site shall be electric or compressed natural gas-

[3] Because the formal entitlement application for the proposed Project was submitted prior to the effective date of the Perris Good Neighbor Guidelines, the Perris Good Neighbor Guidelines does not apply to this Project. (Initial Study/MND, p. 116)

powered. Additionally, the Project proponent has committed to achieve LEED "Certified" status for the building.

Page 37 of the Initial Study/MND has been revised as follows:

> Mobile source emissions refer to on-road motor vehicle emissions generated from the Project's traffic and based on the trip generation provided in the Project-specific *Focused Traffic Study* included as Appendix J.1 of this Initial Study (WEBB-C). Default data from the local metropolitan planning organizations/Regional Transportation Planning Agencies was used for non-truck trips. An average truck trip length of approximately 40 miles was assumed, which is recommended by the City and based on the South Coast AQMD's *Final Staff Report for proposed Rule 2305 and Rule 316*.[4] As stated in the Project Description, o~~O~~n-site service equipment (i.e., forklifts) shall be electric or compressed natural gas-powered ~~are assumed to be neither gasoline nor diesel-fueled (e.g. electric~~) and therefore would not have any substantive direct emissions of criteria pollutants. Area source emissions from the Project include stationary combustion emissions of natural gas used for space and water heating (shown in a separate row as energy), yard and landscape maintenance, and an average building square footage to be repainted each year. CalEEMod computes area source emissions based upon default factors and land use assumptions. CalEEMod defaults also include the 2019 Title 24 energy efficiency standards.

Page 68 on the Initial Study/MND has been revised as follows:

> Regulations previously identified related to energy conservation and fuel efficiency include, but are not limited to, Title 24 requirements for windows, roof systems, and electrical systems, and Pavley standards and Advanced Clean Cars Program. Additionally, designing the building to achieve LEED "Certified" status, requiring on-site service equipment such as forklifts to be electric or compressed natural gas powered, and mitigation measures identified in Section 5.3, Air Quality, also serve to reduce energy and fuel consumption. Specifically, PVCCSP EIR mitigation measures **MM Air 11** and **MM Air 12** reduce fuel usage by limiting truck idling times to five minutes on the site~~,~~ and requiring electrical hook-ups for refrigerated trucks. ~~, and requiring on-site service equipment such as forklifts to be electric or natural gas powered, respectively.~~ PVCCSP EIR mitigation measures **MM Air 14** and **MM Air 18** also promote the use of efficient transportation choices such as carpool/vanpool and buses.

The use of gasoline or diesel-powered on-site equipment are not proposed and would not be approved by the City and the South Coast AQMD under the current proposed actions and what was analyzed in the Initial Study/MND. Therefore, no further revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-9:

As discussed in Response to Comment G-7 above, the Initial Study/MND analyzed the Project and its intended use as proposed by the Project applicant. The proposed warehouse building is a spec building, and if approved by the City, the Project would only be approved for a non-refrigerated warehouse distribution facility that would not include e-commerce. Should future tenants choose to change the entitled use, then additional entitlement and CEQA review and approval would be required.

The trip generation rates used in the *Focused Traffic Study* are derived from the Institute of Transportation Engineers (ITE) *Trip Generation Manual 11th Edition*. The *Focused Traffic Study* indicates that study used trip generation rates based on land use type, so ITE Land Use 150 (Warehousing) with a

[4] South Coast Air Quality Management District, Board Meeting Agenda No. 27, May 7, 2021, Attachment I, Final Staff Report, Proposed Rule 2305 – Warehouse Indirect Source Rule - Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305. (Available at http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10, accessed February 7, 2023.)

daily trip generation rate of 1.71 trips per 1,000 square feet was used for the BMD warehouse, ITE Land Use 110 (General Light Industrial) with a daily trip generation rate of 4.87 trips per 1,000 square feet was used for the Recycle Wise facility, and ITE Land Use 154 (High-Cube Transload and Short-Term Storage Warehouse) with a daily trip generation rate of 1.40 trips per 1,000 square feet was used for the proposed warehouse building. (Initial Study/MND; Appendix J.1, pp. 5, 7).

As the comment points out, fulfillment centers and parcel hub warehouses are associated with e-commerce which typically have higher trip generation rates. However, as described in the Initial Study/MND, the Project is proposed as a non-refrigerated warehouse distribution facility that does not include e-commerce. (Initial Study/MND, p. 11) Likewise, the BMD warehouse and Recycle Wise facility are not e-commerce facilities. Therefore, the *Focused Traffic Study* used the correct ITE Land Use and associated rate for the proposed Project, not because it was the "lowest" as the comment purports, but because the ITE Land Use 154 (High-Cube Transload and Short-Term Storage Warehouse) with a daily trip generation rate of 1.40 trips per 1,000 square feet is the most appropriate based on the proposed warehouse use. This comment does not provide evidence that the ITE Land Use and associated rates used for the BMD warehouse and the Recycle Wise Facility in the Focused Traffic Study are incorrect.

For the reasons set forth above, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-10:

Comment purports that air quality, greenhouse gas, health risk, noise, and vehicle miles traveled impacts are underestimated because the daily vehicle trips data used in those analyses, which derived from trip generation rates in the *Focused Traffic Study*, was based on the "lowest possible trip generation rate." This is incorrect. As discussed in Response to Comment G-9 above, the appropriate generation rates were used for the proposed Project's land use type in the *Focused Traffic Study*. Therefore, because the appropriate trip generation rates and associated daily vehicle trips were used, the impacts associated with the Project were properly modeled and Project impacts accounted for. There were no significant Impacts associated with air quality, greenhouse gas, health risk, noise, or vehicle miles traveled (VMT). (Initial Study/MND, pp. 31-45, 64-70, 81-87, 133-135). Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-11:

Comment noted. Thiis comment does not question the content or conclusions of the Initial Study/MND and no environmental issues are raised. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-12:

As discussed in Response to Comment G1-5, the Initial Study/MND analyzed the Project's health impacts to nearby sensitive receptors. Sensitive receptors include, but are not limited to, residences, hospitals, and schools. The receptor is any location that an individual could remain for 24-hours or longer. The closest sensitive receptor to the Project site is the New Creation Church to the southeast of the Project site along Business Park Drive, approximately 985 feet (300 meters) away. (Initial Study/MND, p. 40). This analyzed receptor is closer than the receptors at the Park Place Mobile Home Park, mentioned by the commenter, which is approximately two thousand feet from the Project site and would be exposed to less pollutant concentrations. Moreover, the other modeled sensitive receptor locations are also closer to the proposed Project's truck route than the Park Place Mobile Home Park. As such, the Initial Study/MND fully analyzed the potential impacts to the maximally exposed sensitive receptor locations. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-13:

The comment does not provide substantial evidence concerning the existence of a significant environmental impact. As evidenced in Response to Comments G-14 through Response to Comment

G-17, no new environmental impacts have been identified. Therefore, no revisions, additional analysis to the Initial Study/MND, or an EIR are required.

Response to Comment G-14:

This comment purports that the diesel-powered fire flow pump that would only be used for fire emergency and routine testing was not only not analyzed, but that the diesel-powered fire flow pump impacts were dismissed leading to underestimated air quality impacts to the densely populated area. This comment is incorrect, the diesel-powered fire flow impacts were not dismissed, nor is the Project site located near a densely populated area. As discussed in Response to Comment G1-3, no further analysis was necessary for the diesel-powered fire flow pump because it would be used intermittently for fire emergency and routine testing and would adhere to the South Coast AQMD permitting process. As disclosed in the Initial Study/MND, the South Coast AQMD permitting process would ensure that the Project meets regulatory requirements through the application review process and by placing specific operating conditions on the permit such as operating hour limits. (Initial Study/MND, p 41). Additionally, as discussed above, the Project site is not near a densely populated area, as shown in **Figure 2- Aerial Map** of the Initial Study/MND, and there are no adjacent sensitive receptors to the Project site. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-15:

This comment purports that the Initial Study/MND failed to acknowledge, quantify, and disclose the off-site improvement area emissions that consists of 0.37 acre along Sinclair Street. This comment is incorrect. As discussed in Response to Comment G1-7, the off-site improvement area emissions were not only acknowledged, but were also quantified, and the disclosed impacts were either less than significant or were mitigated to less than significant levels. (Initial Study/MND, pp. 32-45). As further discussed in Response to Comment G1-6, dispersion modeling was not required. The screening-level analysis conducted pursuant to South Coast's LST methodology concluded that potential impacts would be less than significant. (Initial Study/MND, pp. 40-41). Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-16:

As discussed in Response to Comment G1-4, the Initial Study/MND used the `average truck trip length of approximately 40 miles based on the South Coast AQMD's Final Staff Report for Proposed Rule 2305 and Rule 316 approved on May 7, 2021. (Initial Study/MND, p. 37). The South Coast AQMD determined that since the truck trip lengths would vary by warehouse, and for each truck trip (some trip lengths may be longer, and some may be shorter) an average trip length of 39.9 miles was the most appropriate length to use for heavy trucks in the air basin. For example, one truck may travel 30 miles on the inbound trip and only 2 miles on the outbound trip. Another truck may be loaded with goods from multiple warehouses or stores, and determining what portion of a trip to attribute to each warehouse would be impractical. It should also be noted that the South Coast AQMD reviewed the Initial Study/MND and did not question the trip length assumptions used in the Project analyses.

Therefore, the Initial Study/MND adequately discloses and mitigates potential air quality impacts, and no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-17:

As discussed in Response to Comment G-11 through Response to Comment G-16, the Initial Study/MND disclosed, properly analyzed, and mitigated construction and operational air quality and health risk impacts. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-18:

This comment introduces additional comments regarding ambient noise conditions, nighttime noise, and operational noise detailed in Comment Letter, Attachment G and further summarized in Comment G-19 through Comment G-21. Responses to the specifically identified concerns in subsequent comments of

this letter are provided herein. No additional environmental issues are raised by this comment. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-19:

This comment purports that the noise baseline was not properly established; however, the comment does not provide substantial evidence concerning the existence of a significant environmental impact. As shown in the Initial Study/MND and further detailed in Response to Comment G3-4 the *Noise & Vibration Study, First Industrial Logistics Sinclair Warehouse Project, City of Perris*, July 2023, (hereinafter referred to as the Noise Study) appropriately characterized ambient noise conditions and conducted a thorough analysis. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-20:

This comment purports that there is a significant unmitigated construction noise impact; however, the comment does not provide substantial evidence concerning the existence of a significant environmental impact. Further, this comment misrepresents the comments made by Wilson Ihrig in Comment G3-58. As shown in the Initial Study/MND and further detailed in Response to Comment G3-5, Noise Study **Table 5.1 – Existing (Ambient) Long-Term (24-hour) Noise Level Measurements** and Initial Study/MND **Table L – Existing (Ambient) 24-hour Noise Level Measurements** discloses existing ambient noise levels at 63.2 dBA CNEL and daytime and nighttime maximum noise levels of 62.3 dBA and 61.0 dBA, respectively. Both the Noise Study and Initial Study/MND disclose that Project-generated noise from construction, operation, and traffic. Project construction noise is anticipated to be 57 dBA L_{max} at the nearest sensitive receptor. (Noise Study, p. 34; Initial Study/MND, p. 119). Since the maximum construction noise expected during Project construction is approximately 4 dBA less than the existing maximum nighttime ambient noise level of 61.0 dBA, Project construction would not result in a substantial temporary or permanent increase in ambient noise levels. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-21:

This comment purports that the Initial Study/MND did not properly analyze the project's operational noise; however, the comment does not provide substantial evidence concerning the existence of a significant environmental impact. As shown in the Initial Study/MND and further detailed in Response to Comment G3-6 and Response to Comment G3-7, the noise analysis established the noise baseline and shows that the anticipated increase in ambient noise is not a significant impact. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-22:

This comment maintains that the Initial Study/MND failed to adequately analyze hazards from organochlorine pesticides and failed to evaluate potential hazards from the construction of the Project's offsite improvement area. This statement is incorrect. As further detailed in Response to Comment G1-8, a *Phase I Environmental Site Assessment* was prepared to evaluate the Project site and the off-site improvement area for recognized environmental conditions. However, No recognized environmental condition was observed on the Project site during the site reconnaissance. Accordingly, the Initial Study/MND concluded that Impacts associated with creation of a significant hazard involving the release of hazardous materials into the environment would be less than significant and no mitigation is required. (ISMND, p. 83). Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-23:

This comment indicates that the Initial Study/MND tiered off the PVCCSP EIR, but the PVCCSP EIR failed to address cumulative energy, VMT, or public services impacts and therefore the Initial Study/MND did not provide a cumulative analysis for these topics. This is incorrect. The PVCCSP EIR Initial Study analyzed public service impacts and determined some impacts to be less than significant

and not be cumulatively considerable.[5] The PVCCSP EIR disclosed the irreversible commitment of nonrenewable resources that would result from construction and operation of development under the PVCCSP and the greenhouse gas (GHG) emissions analysis evaluated the potential impacts from energy consumption (PVCCSP EIR, pp. 5.0-16, 4.2-35 – 40). The PVCCSP EIR's analysis of GHG emissions determined that GHG impacts, which include energy consumption, were not cumulatively considerable but that PVCCSP EIR mitigation measures **MM Air 19** through **MM Air 21** would be implemented to further reduce emissions (PVCCSP EIR, p. 4.2-40), VMT impacts were not analyzed in the PVCCSP EIR because that was not the metric by which transportation impacts were evaluated. VMT became the CEQA metric for transportation impacts on July 1, 2023.

VMT impacts were analyzed in the Initial Study/MND for this Project. When evaluating cumulative VMT impacts, a project that falls below an efficiency-based threshold such as VMT per service population and that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Because the Project-specific impacts on VMT satisfied at least one of the VMT screening criteria outlined in the City of Perris' *Transportation Impact Analysis Guidelines for CEQA*, the Project's VMT impacts would be less than significant, which means the Project's contribution to City-wide VMT impacts would also inherently not be considerable. Additionally, because the Project would be consistent with the PVCCSP and Connect SoCal, the Project's planned growth does not result in an incremental contribution to a potentially cumulatively considerable impact, which would include impacts to energy, VMT, and public services.

No further analysis or preparation of an EIR is required.

Response to Comment G-24:

The list of recently in-process and approved warehouse projects within the PVCCSP area in the last year is noted. The comment includes a statement that that City failed to address the Project's energy, public service, and VMT cumulative impacts. See Response to Comment G-23 regarding the Project's energy, public service, and VMT cumulative impacts. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G-25:

As demonstrated in the responses herein, no significant omissions or deficiencies were identified in the Initial Study/MND. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

[5] *Perris Valley Commerce Center Specific Plan, Initial Study*, August 2009, (pp. 16-17; 22-23)

Response to Comment Letter G, Attachment 1 – Group Delta

Response to Comment G1-1:

This introductory comment asserts that this comment letter aims to inform decision-makers about the environmental effects that may arise from the implementation of the proposed Project. No environmental issues are raised by this comment. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G1-2:

The comment's summary of the proposed Project and Project figures are consistent with the Project described and evaluated in the Initial Study/MND. No environmental issues are raised by this comment. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G1-3:

The commenter does not provide substantial evidence concerning the existence of a significant environmental impact. As discussed in Section 5.3 Air Quality, staff at the South Coast AQMD developed localized significance threshold (LST) methodology to determine whether or not a project may generate significant adverse localized air quality impacts during construction and operation (both short- and long-term). According to the LST methodology, LSTs only apply to the operational phase if a project includes stationary sources or attracts mobile sources that may spend long periods of time idling at the site, such as warehouse/transfer facilities. Because the fire flow pump would only be used during fire emergencies and routine testing, emissions would be negligible and therefore no further analysis was necessary. The applicant will comply with the South Coast AQMD permitting process to ensure that the Project meets regulatory requirements through the application review process and by placing specific operating conditions on the permit such as operating hour limits. (Initial Study/MND, p. 41).

The comment incorrectly infers that the Project site is located in a "densely populated area." The Project site is mostly surrounded by other industrial uses. As shown in **Figure 2- Aerial Map** of the Initial Study/MND there are no proximal or adjacent sensitive receptors to the Project site.

As discussed above, the Initial Study/MND adequately analyzes and discloses the Project's potential air quality impacts and incorporates the applicable mitigation measures from the PVCCSP EIR. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G1-4:

The Initial Study/MND used the average truck trip length of approximately 40 miles based on South Coast AQMD's Final Staff Report for Proposed Rule 2305 and Rule 316 approved on May 7, 2021. (Initial Study/MND p. 37). The South Coast AQMD determined that since the truck trip lengths (within the South Coast Air Basin boundaries) would vary by warehouse, and for each truck trip (some trip lengths may be longer, and some may be shorter) an average trip length of 39.9 miles for heavy trucks was the most appropriate length to use for trucks in the basin. For example, one truck may travel 30 miles on the inbound trip and only 2 miles on the outbound trip. Another truck may be loaded with goods from multiple warehouses or stores, and determining what portion of a trip to attribute to each warehouse would be impractical. The City has consistently used a 40-mile average truck trip length since the 2021 adoption of the South Coast AQMD's Final Staff Report for Proposed Rule 2305 and Rule 316. Accordingly, the air quality impacts were adequately modeled using current data available.

The Project involves the development of a speculative warehouse, and the end users are currently unknown. The comment suggests that all of the Project's trucks would only travel to or from the Ports of Los Angeles and Long Beach without providing any evidence to support this claim. It would be speculative to assume that all of the Project's trucks would travel to or from the Ports of Los Angeles and Long Beach. Moreover, the average 40-mile truck trip length may actually result in an overestimation of the truck vehicle miles resulting from the Project and is therefore conservative, because it assumes

that all truck trips to and from the Project are "new" within the context of the air basin, rather than redistributed truck trips within the basin.

Therefore, as discussed above, the Initial Study/MND adequately analyzes and discloses the Project's potential air quality impacts and incorporates the applicable mitigation measures from the PVCCSP EIR. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G1-5:

This comment does not provide substantial evidence concerning the existence of a significant environmental impact. As discussed in Section 5.3 Air Quality, the analysis was based on the sensitive receptors that would be subject to the greatest exposure from the Project's emissions sources. As the comment correctly states, sensitive receptors are locations where sensitive individuals could remain for 24-hours or longer, such as residences, hospitals, and schools (etc.). Churches and parks can also be considered sensitive receptors for conservative analysis. The closest sensitive receptors to the Project site and along modeled roadways are residential, school, and church uses which are identified as Receptor 4-10 and are shown in the Initial Study/MND *Figure 11, Discrete Sensitive Locations*. The New Creation Church, Receptor 4, is the closest receptor to the Project site, located 985 feet (300 meters) southeast of the Project site. The Park Place Mobile Home Park, identified by the comment, is located approximately 2,000 feet (640 meters) northeast of the Project site and farther away from the modeled roadways. Because there were other closer sensitive receptors, the Park Place Mobile Home Park was not specifically identified as a sensitive receptor in the health risk model; however, it is located within the modeled grid area.

As discussed in Section 5.3 Air Quality*,* Project-related cancer risk from diesel particulate matter from modeled roadways and from the Project site was analyzed. A cancer risk greater than 10 in one million is considered significant. As shown in *Table G- Project Generated Cancer Risk*, and shown in the table below, New Creation Church's potential cancer risk is 0.3 per million, which is substantially below the 10 in one million threshold. (Initial Study/MND, p. 43-44). Since the Park Place Mobile Home Park is further away from the Project site and away from the modeled roadways, potential impacts to its residents would be less than the impacts to the New Creation Church and would also be considered less than significant. Because receptors were placed at the nearest residences, schools, and workplaces, the maximally exposed resident, worker, and school child was accounted for in the analysis. Although Park Place Mobile Home Park was not specifically identified as a discrete receptor location in the model, the Park Place Mobile Home Park is located within the larger modeled receptor grid, a uniform Cartesian grid with 100-meter spacing (Initial Study/MND Appendix B, p. 11) and the diesel concentrations were extracted. As shown in the table below, the potential cancer risk to the residents of the Park Place Mobile Home Park is less than the New Creation Church, which is also substantially less than the 10 in one million threshold of significance.

Receptor Cancer Risk Per Million

Receptor	Cancer Risk (per million)
Sensitive Receptor 4 (New Creation Church)[1]	0.3
Park Place Mobile Home Park[2]	0.2

[1] Table G- Project Generated Cancer Risk, Initial Study/MND, p. 44

[2] Based on maximum concentrations at Cartesian grid points within or proximal to Park Place Mobile Home Park

Based on this information, the Initial Study/MND adequately analyzes and discloses the Project's potential health risk impacts. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G1-6:

This comment does not provide substantial evidence concerning the existence of a significant environmental impact. In fact, it is clear that the commenter is not familiar with the South Coast AQMD LST Methodology that outlines the use of a screening-level analysis and when dispersion analysis should be used to determine localized impacts. As discussed in Section 5.3 Air Quality, the South Coast AQMD's screening-level analysis provides LST lookup tables to allow users to determine if the daily emissions for proposed construction and/or operational activities could result in significant localized air quality impacts for projects five acres or smaller. Since the Project construction would disturb less than five acres per day, screening-level analysis was prepared using the LST lookup tables to determine daily thresholds in pounds per day for specific criteria pollutants (NO_2, CO, PM-10, and PM-2.5). Using the California Emissions Estimator Model (CalEEMod), a statewide land use emissions computer model developed in partnership with the South Coast AQMD, daily construction emissions were quantified and summarized in *Table E – LST Results for Daily Construction Emissions* of the Initial Study/MND. The construction emissions analyzed demonstrate that the maximum daily construction emissions remain below the South Coast AQMD daily localized thresholds of significance for applicable criteria pollutants, including PM-10. (Initial Study/MND, pp. 40-41).

The commenter's estimation that the grading phase would result in a total of 116.7 pounds is not applicable. As shown in *Table E – LST Results for Daily Construction Emissions,* the Project's PM-10 emissions from grading activities would result in 3.89 pounds per day, which is below the screening level LST. As such, no detailed dispersion modeling is necessary to determine the Project's impacts.

Therefore, as discussed above, the Initial Study/MND adequately analyzes and discloses the Project's potential air quality impacts. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G1-7:

This comment does not provide substantial evidence concerning the existence of a significant environmental impact. The comment asserts that the analysis failed to account for the 0.37-acre off-site improvement area which is a "crucial aspect" of the environmental impacts, and although CalEEMod was utilized to assess the Project's emissions, it overlooked the significant emissions during construction. This comment is incorrect. As explained in Section 2.2 Project Description, the Project site and the off-site improvement area are collectively referred to as proposed Project or Project and the approximately 20.57 acres of the Project includes the approximately 0.37 acres of the off-site improvement area. (Initial Study/MND, p. 11). The Air Quality/Greenhouse Analysis prepared for the proposed Project analyzed both the construction and operational emissions from the Project, which includes the 0.37-acre offsite area component. (Initial Study/MND; Appendix A, p. 3). Not only was this crucial aspect addressed and quantified, but the impacts of the Project as a whole, including the 0.37-acre off-site improvement area, resulted in either less than significant impacts or impacts were mitigated to less than significant levels. (Initial Study/MND, pp. 32-45).

The commenter incorrectly cites the land use and planning analysis and conclusions discussed in Section 5.11 Land Use and Planning as evidence that the air quality analysis omitted evaluation of the 0.37-acre off-site improvement area. The commenter further states that this oversight disregards potential air pollution and health risks within the Project vicinity. The comment is incorrect, again. The referenced land use and planning analysis, see below) is in response to whether the Project site would divide an established community, not whether the 0.37-acre off-site improvement area would have significant air quality impacts. As discussed above, the construction emissions from the Project, which includes the 0.37-acre off-site improvement area component, were analyzed and impacts resulted in either less than significant impacts or impacts were mitigated to less than significant levels with implementation of applicable PVCCSP mitigation measures. (Initial Study/MND, pp. 32-45).

The off-site improvement area includes paving the southern Sinclair Street Lane consistent with the City's General Plan. Therefore, the proposed Project would be consistent with the surrounding land uses and no impact would occur with regard to physically dividing an established community. No mitigation is required. (Initial Study/MND, p. 98).

Therefore, as discussed above, the Initial Study/MND adequately analyses and discloses the Project's potential air quality impacts. Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G1-8:

This comment maintains that the Initial Study/MND failed to adequately analyze hazards from organochlorine pesticides and failed to evaluate potential hazards from the construction of the Project's off-site improvement area. This statement is incorrect. As described in the Initial Study/MND, the Project site is developed with its current improvements following its previous agricultural uses that likely used organochlorines pesticides used in agricultural operations of the time. During development activities of its current use, around 2016, shallow soils were disturbed and dispersed during grading and other activities that would have potentially reduced concentrations of agricultural chemical residues (if present). Accordingly, the potential presence of residual agricultural chemicals at the Project site is not considered to be a recognized environmental condition in connection with the Project site. (Initial Study/MND, Appendix F, p. 20). Moreover, as described in the Initial Study/MND, the off-site improvement area is not listed on any regulatory databases. (ISMND, p. 83). Accordingly, the Initial Study/MND concluded that Impacts associated with creation of a significant hazard involving the release of hazardous materials into the environment would be less than significant and no mitigation is required. (Initial Study/MND, p. 83). Therefore, no revisions or additional analysis to the Initial Study/MND are required.

Response to Comment G1-9:

The commenter does not provide substantial evidence concerning the existence of a significant environmental impact. The comment serves as a conclusion and expresses the opinion of the commenter that an EIR must be prepared. As discussed throughout the response herein, the Project was properly modeled and analyzed and the Initial Study/MND appropriately determined that the Project would not generate significant impacts. The Initial Study/MND's analysis is adequate as provided and impacts to topics including air quality would remain unchanged. As such, no additional analysis is warranted and the preparation of an EIR is not required.

Response to Comment Letter G, Attachment 2 –Group Delta

Response to Comment Letter G, Attachment 2:

This attachment is the curriculum vitae for Group Delta, and as such this attachment does not question the content or conclusions of the Initial Study/MND.

Response to Comment Letter G, Attachment 3 – Wilson Ihrig

Response to Comment G3-1:
Comment noted. This comment does not question the contents or conclusions of the Initial Study/MND.

Response to Comment G3-2:
Comment noted. This comment does not question the contents or conclusions of the Initial Study/MND.

Response to Comment G3-3:
Comment noted. This comment does not question the contents or conclusions of the Initial Study/MND.

Response to Comment G3-4:
This comment does not provide substantial evidence to support its assertion that the manner in which the *Noise & Vibration Study, First Industrial Logistics Sinclair Warehouse Project, City of Perris*, July 2023, (hereinafter referred to as the Noise Study) determined that the existing noise environment at sensitive receptors is unsupported. This comment also makes the unsubstantiated statement that the residences on Rider Street are closer to roadway noise but further from distribution center activity surrounding the Project site. Both of these statements are incorrect.

Long term 24-hour monitoring took place at the Project site because that is the location at which the monitoring equipment could be secured. Attempts were made to collect long term measurements in other locations closer to the residences on Rider Street; however, these were not successful due to the potential for the monitoring equipment to be stolen. As shown on Noise Study **Figure 7 – Long Term Monitoring Sites** and Initial Study/MND **Figure 2 – Aerial Map**, the residences at Rider/Project site are adjacent to industrial uses on the west, north, and east; thus the are in proximity to existing distribution center activity. Thus, the selected monitoring location is appropriate because it is representative of the existing noise environment at the residences and the monitoring equipment could be secured.

Regarding the comment's assertion that ambient noise measurements should "…capture the worst case (quietest) baseline conditions to determine impact…", CEQA does not require a worst-case analysis. CEQA requires an analysis of the reasonably foreseeable impacts of a project. The Noise Study meets this standard.

Because the existing noise levels used in the Noise Report and Initial Study/MND are appropriate and no new environmental issue are raised by this comment; no revisions or additional analysis to the Noise Report or Initial Study/MND are required.

Response to Comment G3-5:
The Initial Study/MND correctly cites 80 dBA as the threshold for construction noise in residential zones based on Perris Municipal Code Section 7.34.030. – Construction Noise, which states:

> *It is unlawful for any person between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on a legal holiday, with the exception of Columbus Day and Washington's birthday, or on Sundays to erect, construct, demolish, excavate, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise. Construction activity shall not exceed 80 dBA in residential zones in the city.*

The commenter's assertion that nighttime construction cannot take place is incorrect. There is nothing in the Perris Municipal Code Section 7.34.060 that prohibits construction between 7:00 p.m. and 7:00 a.m.; the Municipal Code simply states that construction shall not create disturbing, excessive or offensive noise during those hours and sets 80 dBA as the maximum noise from construction activity in residential zones. Thus, authorization from the City is not required. Further, the Initial Study/MND determined that nighttime concrete pouring that could occur during the building construction phases would generate noise levels of 55 dBA L_{max} at the nearest sensitive receptor. (Initial Study/MND, p. 119). This would not exceed the 60 dBA maximum nighttime (10:01 p.m. – 7:00 a.m.) noise level set forth in Perris Municipal Code Section 7.34.040. For further clarification, no other nighttime construction is anticipated for the Project.

Regarding the alleged nondisclosure of changes to the ambient noise level, Noise Study **Table 5.1 – Existing (Ambient) Long-Term (24-hour) Noise Level Measurements** and Initial Study/MND **Table L – Existing (Ambient) 24-hour Noise Level Measurements** discloses existing ambient noise levels at 63.2 dBA CNEL and daytime and nighttime maximum noise levels of 62.3 dBA and 61.0 dBA, respectively. Both the Noise Study and Initial Study/MND disclose that Project-generated noise from construction, operation, and traffic. Project construction noise is anticipated to be 57 dBA L_{max} at the nearest sensitive receptor. (Noise Study, p. 34; Initial Study/MND, p. 119). Since the maximum construction noise expected during Project construction is approximately 4 dBA less than the existing maximum nighttime ambient noise level of 61.0 dBA, Project construction would not result in a temporary or permanent increase in ambient noise levels.

Operational noise for the Project is discussed in Noise Study Section 8.0 and Initial Study/MND pages 121–122. As disclosed in the Noise Study and Initial Study/MND, the highest combined Project operational noise levels as the nearest sensitive receptor would be 32 dBA L_{max} and 35 dBA CNEL. (Noise Study, p. 28; Initial Study/MND, p. 122). Since the maximum Project operational noise is over 20 dBA less than the existing maximum nighttime ambient noise level of 61.0 dBA and 63.2 dBA CNEL, Project operation would not result in a temporary or permanent increase in ambient noise levels.

Noise generated from Project-related vehicle trips is disclosed in Noise Study Section 7.0 and Initial Study/MND pages 120–121. As disclosed in the Noise Study and Initial Study/MND, Project-generated traffic was evaluated along Perris Boulevard between Morgan Street and Rider Avenue and along Sinclair Street east of Perris Boulevard. However, Appendix B of the Noise Study, as discussed in Comment 7, contained incorrect Noise worksheets. As a result, **Table M, Peak Hour Traffic Volume Comparison Table** and the associated analysis invertedly included an incorrect value. The Initial Study/MND indicated that the existing traffic noise, that is traffic noise along Perris Boulevard without the proposed Project, is approximately 64.8 dBA CNEL, the corrected Appendix B worksheets show the existing traffic noise (without Project) is approximately 68.5 dBA CNEL. The Initial Study/MND also indicated that the predicted traffic noise along Perris Boulevard with Project-generated traffic is 64.8 dBA CNEL, the corrected Appendix B worksheets show this noise level as 68.5 dBA CNEL. Attachment A to this response includes a corrected Section 7.0 Off-Site Transportation Impacts and the corrected Appendix B worksheets. To incorporate these changes, the Initial Study/MND has been revised in page 121 as follows:

Table M –Peak Hour Traffic Volume Comparison

Roadway	Segment	dBA CNEL at 60ft (dBA)[a, b, c]			Potential Signifiant Impact
		Existing without Project	Existing with Project	Change in Noise Levels	
Perris Boulevard	Between Morgan Street and Rider Street	68.5~~64.8~~	68.5 ~~64.8~~	0.0	No
Sinclair Street	East of Perris Boulevard	47.8	51.2	3.4	No

Source: Appendix I, Table 7-3
Notes:
a Exterior noise levels calculated at 5 feet above ground level.
b Noise levels were calculated from the centerline of the subject roadway.
c Noise levels do not consider the effect of any existing noise barriers or topography that may attenuate ambient noise levels.

As shown above in **Table M**, the existing traffic noise along Perris Boulevard is approximately 68.5 ~~64.8~~ dBA CNEL and the predicted traffic noise for the existing with project scenario is 68.5 ~~64.8~~ dBA CNEL; there is no expected change between existing and existing with project noise levels. The existing traffic noise along Sinclair Street is approximately 47.8 dBA CNEL and the predicted traffic noise for the existing with project scenario is 51.2 dBA CNEL; thus, Project-related traffic is anticipated to increase noise levels along Sinclair Street approximately 3.4 dBA CNEL. Because the projected increase in noise levels is less than 5 dBA and the resultant post-project noise level is less than 60 dBA CNEL, along Sinclair Street, impacts from Project-traffic generated noise is considered less than significant.

Thus, Project-generated traffic along Perris Boulevard would still not result in an increase in the ambient noise level. Existing traffic noise (without the proposed Project) along Sinclair Street is approximately 47.8 dBA CNEL and the predicted traffic noise with Project-generated traffic is 51.2 dBA CNEL. Thus, Project-related traffic is anticipated to increase noise levels along Sinclair Street approximately 3.4 dBA CNEL. Because the projected increase in noise levels along Sinclair Street is less than 5 dBA and the resultant post-project noise level along Sinclair Street would be less than 60 dBA CNEL, impacts from Project-traffic generated noise would be less than significant. (Initial Study/MND, p. 121). The corrected traffic noise levels in the Initial Study/MND does not result in a new significant impact or constitute significant new information that would require the preparation of an EIR or recirculation of the Initial Study/MND pursuant to State CEQA Guidelines Section 15074.1.

For the reasons set forth in the preceding paragraphs, the Noise Study and Initial Study/MND appropriately and thoroughly evaluated and disclosed chances in the ambient noise environment. Therefore, no revisions or additional analysis to the Noise Report or Initial Study/MND are required.

Response to Comment G3-6:

The operational noise conclusion was correct; however, incorrect worksheets were included in Appendix B of the Noise Study. As stated in Response to Comment G3-5, a corrected Noise Study Section 7.0 and Appendix B worksheets are included as Attachment A to this response.

The Riverside Couty data used in the analysis may be accessed here: https://planning.rctlma.org/sites/g/files/aldnop416/files/migrated/Portals-14-genplan-general-plan-2016-appendices-Appendix-I-1-120815.pdf.

The replacement of Noise Study Section 7.0 and Appendix B worksheets and providing a link to the vehicle split data used in the Initial Study/MND does not constitute significant new information that would require recirculation of the Initial Study/MND or preparation of an EIR because there are no new significant impacts identified.

Response to Comment G3-7:

The Noise Study appropriately modeled an HVAC unit for the office space area of the proposed building, see Figure 8. Stationary Project Noise Levels L_{max} from the Noise Study. The proposed Project would be a high-cube warehouse and that has different HVAC needs than a typical industrial building. The rule of thumb estimates provided to estimate number and size of HVAC units for an industrial factory is not applicable to the proposed Project. Additionally, the noise modeling did not consider parapet walls, which are required by PVCCSP Section 4.2.3.3 and Perris Municipal Code Section 19.44.080(c)(7). PVCCSP Section 4.2.3.3 states:

> ***Conceal Roof Mounted Equipment***
> *Parapet walls and roof systems shall be designed to conceal all roof-mounted mechanical equipment from view to adjacent properties and public rights-of-way.*

Perris Municipal Code Section 19.44.080(c)(7) states:

> Roofs. Building roofs should be designed to reduce the overall mass of a structure and harmonize with surrounding development. Parapet walls and roof systems shall be designed to conceal all roof-mounted mechanical equipment from view to adjacent properties and public rights-of-way. The use of varied roof lines is encouraged. Permitted roof styles include gable, mansard, and hip roofs. Flat roofs are permitted if sufficiently disguised through the use of parapet walls.

Therefore, the HVAC noise predictions are realistic, and the noise model does not need to be adjusted.

Because the operational noise impact analysis properly estimated the number of HVACs required, the existing noise levels used in the Noise Report and Initial Study/MND are appropriate. No revisions or additional analysis to the Noise Report or Initial Study/MND are required.

Response to Comment G3-8:

As indicated in the Response to Comment G3-4 through Response to Comment G3-8, there are no significant errors or omissions in the noise analysis in the Noise Study or Initial Study/MND and the Initial Study/MND's determination that the Project would not result in any significant impacts and no mitigation is required. (Initial Study/MND, pp. 118–121). Nonetheless, the Project would be required to implement PVCCSP EIR mitigation measures **MM Noise 1 through MM Noise 4** during construction, which would further reduce the less than significant temporary construction noise impacts.

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

Response to Comment Letter G, Attachment 4 – Wilson Ihrig

Response to Comment G4-1:

This attachment is the resume for Ani Toncheva and, as such, this attachment does not question the content or conclusions of the Initial Study/MND.

Attachment A – Noise Study Section 7 and Noise Appendix B

7.0 OFF-SITE TRANSPORTATION NOISE IMPACTS

Roadway Noise

Implementation of the Project would generate increased traffic volumes along nearby roadway segments. According to the First Industrial Logistics Sinclair Scoping Agreement prepared by Webb Associates (April 2023), the proposed Project would generate 592 daily vehicle trips. The Project's increase in traffic may result in noise increases on Project area roadways. In general, a traffic noise increase of 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable. Traffic volumes on Project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA.

Off-site transportation CNEL noise level impacts from the proposed Project were predicted using traffic volumes from the Riverside County Mix data and projected peak hour traffic prepared by Webb Associates. PM Peak hour volumes were converted into ADT to obtain projected ADT values. The CNEL noise levels are evaluated from the center of the roadway. Noise contours were developed for the following traffic scenarios:

- Existing Without Project: This scenario refers to the existing present-day noise conditions, without the proposed Project.

- Existing With Project : This scenario refers to the existing present-day noise conditions, with the proposed Project.

7.1 TRAFFIC NOISE CONTOURS

Noise contours were used to assess the Project's incremental traffic-related noise impacts at land uses adjacent to roadways conveying Project traffic based on the PVCC SP EIR significance criteria. The noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway for the 70, 65, 60, and 55 CNEL dBA noise levels.

The noise contours do not consider the effect of any existing noise barriers or topography that may attenuate ambient noise levels. In addition, because the noise contours reflect modeling of vehicular noise on area roadways, they do not reflect noise contributions from the surrounding stationary noise sources within the Project study area.

Tables 7-1 through 7-3 summarize the exterior traffic noise levels, without barrier attenuation, for the affected study area roadway segment. The following operating conditions were analyzed Existing without Project, Existing with Project, and Change in Noise Levels as a Result of Project. Appendix B includes a summary of the traffic noise level contours for each of the four traffic scenarios.

Table 7-1 presents the Existing without Project condition CNEL noise levels. The Existing without Project exterior noise level is 68.5 dBA CNEL for Perris Blvd and 47.8 dBA CNEL for Sinclair St, without accounting for noise attenuation features such as noise barriers or topography. Table 7-2 presents the Existing with Project condition of 68.5 CNEL and 51.2 CNEL. As shown in Table 7-3, the no increase will occur in exterior noise levels between the Existing with and without Project condition for Perris Blvd and a 3.4 dBA CNEL increase at Sinclair St. Therefore CNEL noise levels will remain below the significance threshold of 5 dBA CNEL when the without Project noise levels are below 60 dBA CNEL. Thus, the off-site Project-related traffic noise level increase is considered a *less than significant* impact under Existing with Project conditions.

Table 7-1. Existing Without Project Exterior Noise Levels						
Roadway[1]	Segment	CNEL at 60 Ft (dBA)	Distance to Contour (ft)[2]			
			70 dBA CNEL	65 dBA CNEL	60 dBA CNEL	55 dBA CNEL
Perris Blvd	Morgan and Rider St	68.5	120	380	1,202	3,800
Sinclair St	East of Perris Blvd	47.8	2	4	8	17

Notes:
[1] Exterior noise levels calculated at 5 feet above ground level.
[2] Noise levels were calculated from the centerline of the subject roadway.

Table 7-2. Existing With Project Exterior Noise Levels						
Roadway[1]	Segment	CNEL at 60 Ft (dBA)	Distance to Contour (ft)[2]			
			70 dBA CNEL	65 dBA CNEL	60 dBA CNEL	55 dBA CNEL
Perris Blvd	Morgan and Rider St	68.5	122	385	1,217	3,850
Sinclair St	East of Perris Blvd	51.2	3	6	13	28

Notes:
[1] Exterior noise levels calculated at 5 feet above ground level.
[2] Noise levels were calculated from the centerline of the subject roadway.

Table 7-3. Change in Existing Noise Levels as a Result of Project					
Roadway[1]	CNEL at 50 Feet dBA[2]				
	Segment	Existing Without Project	Existing With Project	Change in Noise Level	Potential Significant Impact
Perris Blvd	Morgan and Rider St	68.5	68.5	0.0	No
Sinclair St	East of Perris	47.8	51.2	3.4	No

Notes:
[1] Exterior noise levels calculated at 5 feet above ground level.
[2] Noise levels were calculated from the centerline of the subject roadway.

Appendix B Traffic Noise Model Data

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL

PROJECT:	Sinclair	JOB #:	0889-2023-08
ROADWAY:	Perris Blvd, between Morgan and Rider Street	DATE:	6-May-24
LOCATION:	200 Sinclair St, Perris, CA	ENGINEER:	F. Irarrazabal

NOISE INPUT DATA Existing

ROADWAY CONDITIONS

ADT =	28,700
SPEED =	45
PK HR % =	10
NEAR LANE/FAR LANE DIS	48
ROAD ELEVATION =	0.0
GRADE =	0.0 %
PK HR VOL =	2,870

RECEIVER INPUT DATA

RECEIVER DISTANCE =		400
DIST C/L TO WALL =		50
RECEIVER HEIGHT =		5.0
WALL DISTANCE FROM RECEIVER		0
PAD ELEVATION =		0.0
ROADWAY VIEW:	LF ANGLE=	-90
	RT ANGLE=	90
	DF ANGLE=	180

SITE CONDITIONS

AUTOMOBILES =	10	
MEDIUM TRUCKS =	10	(10 = HARD SITE, 15 = SOFT SITE)
HEAVY TRUCKS =	10	

WALL INFORMATION

HTH WALL:	0.0
AMBIENT=	0.0
BARRIER =	0 (0 = WALL, 1 = BERM)

VEHICLE MIX DATA

VEHICLE TYPE	DAY	EVENING	NIGHT	DAILY
AUTOMOBILES	0.755	0.140	0.104	0.9200
MEDIUM TRUCK	0.480	0.020	0.500	0.0300
HEAVY TRUCKS	0.480	0.020	0.500	0.0500

MISC. VEHICLE INFO

VEHICLE TYPE	HEIGHT	SLE DISTANCE	GRADE ADJUSTMENT
AUTOMOBILES	2.0	399.29	- -
MEDIUM TRUCKS	4.0	399.28	- -
HEAVY TRUCKS	8.0	399.29	0.00

NOISE OUTPUT DATA

NOISE IMPACTS (WITHOUT TOPO OR BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	62.6	60.6	59.3	53.3	61.7	62.3
MEDIUM TRUCKS	56.0	52.1	44.3	53.5	59.6	59.7
HEAVY TRUCKS	62.8	58.8	51.0	60.2	66.4	66.4
NOISE LEVELS (dBA)	66.2	63.2	60.0	61.7	68.3	68.5

NOISE IMPACTS (WITH TOPO AND BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	62.6	60.6	59.3	53.3	61.7	62.3
MEDIUM TRUCKS	56.0	52.1	44.3	53.5	59.6	59.7
HEAVY TRUCKS	62.8	58.8	51.0	60.2	66.4	66.4
NOISE LEVELS (dBA)	66.2	63.2	60.0	61.7	68.3	68.5

NOISE CONTOUR (FT)				
NOISE LEVELS	70 dBA	65 dBA	60 dBA	55 dBA
CNEL	281	888	2807	8877
LDN	270	853	2698	8533

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL

PROJECT:	Sinclair	JOB #:	0889-2023-08
ROADWAY:	Perris Blvd, between Morgan and Rider Street	DATE:	6-May-24
LOCATION:	200 Sinclair St, Perris, CA	ENGINEER:	F. Irarrazabal

NOISE INPUT DATA Existing+Project

ROADWAY CONDITIONS

ADT =	29,076	
SPEED =	45	
PK HR % =	10	
NEAR LANE/FAR LANE DIS	48	
ROAD ELEVATION =	0.0	
GRADE =	0.0	%
PK HR VOL =	2,908	

RECEIVER INPUT DATA

RECEIVER DISTANCE =	400	
DIST C/L TO WALL =	50	
RECEIVER HEIGHT =	5.0	
WALL DISTANCE FROM RECEIVER	0	
PAD ELEVATION =	0.0	
ROADWAY VIEW: LF ANGLE=	-90	
RT ANGLE=	90	
DF ANGLE=	180	

SITE CONDITIONS

AUTOMOBILES =	10	(10 = HARD SITE, 15 = SOFT SITE)
MEDIUM TRUCKS =	10	
HEAVY TRUCKS =	10	

WALL INFORMATION

HTH WALL:	0.0	
AMBIENT=	0.0	
BARRIER =	0	(0 = WALL, 1 = BERM)

VEHICLE MIX DATA

VEHICLE TYPE	DAY	EVENING	NIGHT	DAILY
AUTOMOBILES	0.755	0.140	0.104	0.9200
MEDIUM TRUCK	0.480	0.020	0.500	0.0300
HEAVY TRUCKS	0.480	0.020	0.500	0.0500

MISC. VEHICLE INFO

VEHICLE TYPE	HEIGHT	SLE DISTANCE	GRADE ADJUSTMENT
AUTOMOBILES	2.0	399.29	- -
MEDIUM TRUCKS	4.0	399.28	- -
HEAVY TRUCKS	8.0	399.29	0.00

NOISE OUTPUT DATA

NOISE IMPACTS (WITHOUT TOPO OR BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	62.7	60.7	59.4	53.3	61.8	62.4
MEDIUM TRUCKS	56.1	52.1	44.3	53.5	59.7	59.7
HEAVY TRUCKS	62.8	58.9	51.1	60.3	66.4	66.5
NOISE LEVELS (dBA)	66.2	63.2	60.1	61.8	68.3	68.5

NOISE IMPACTS (WITH TOPO AND BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	62.7	60.7	59.4	53.3	61.8	62.4
MEDIUM TRUCKS	56.1	52.1	44.3	53.5	59.7	59.7
HEAVY TRUCKS	62.8	58.9	51.1	60.3	66.4	66.5
NOISE LEVELS (dBA)	66.2	63.2	60.1	61.8	68.3	68.5

NOISE CONTOUR (FT)				
NOISE LEVELS	70 dBA	65 dBA	60 dBA	55 dBA
CNEL	284	899	2844	8995
LDN	273	865	2734	8645

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL

PROJECT:	Sinclair	JOB #:	0889-2023-08
ROADWAY:	Perris Blvd, between Morgan and Rider Street	DATE:	19-May-23
LOCATION:	200 Sinclair St, Perris, CA	ENGINEER:	F. Irarrazabal

NOISE INPUT DATA Existing

ROADWAY CONDITIONS

ADT =	300	
SPEED =	25	
PK HR % =	10	
NEAR LANE/FAR LANE DIS	24	
ROAD ELEVATION =	0.0	
GRADE =	0.0	%
PK HR VOL =	30	

RECEIVER INPUT DATA

RECEIVER DISTANCE =	50	
DIST C/L TO WALL =	50	
RECEIVER HEIGHT =	5.0	
WALL DISTANCE FROM RECEIVER	0	
PAD ELEVATION =	0.0	
ROADWAY VIEW: LF ANGLE=	-90	
RT ANGLE=	90	
DF ANGLE=	180	

SITE CONDITIONS

AUTOMOBILES =	15	
MEDIUM TRUCKS =	15	(10 = HARD SITE, 15 = SOFT SITE)
HEAVY TRUCKS =	15	

WALL INFORMATION

HTH WALL:	0.0	
AMBIENT=	0.0	
BARRIER =	0	(0 = WALL, 1 = BERM)

VEHICLE MIX DATA

VEHICLE TYPE	DAY	EVENING	NIGHT	DAILY
AUTOMOBILES	0.755	0.140	0.105	0.9742
MEDIUM TRUCK	0.489	0.022	0.489	0.0184
HEAVY TRUCKS	0.473	0.054	0.473	0.0074

MISC. VEHICLE INFO

VEHICLE TYPE	HEIGHT	SLE DISTANCE	GRADE ADJUSTMENT
AUTOMOBILES	2.0	48.63	- -
MEDIUM TRUCKS	4.0	48.55	- -
HEAVY TRUCKS	8.0	48.63	0.00

NOISE OUTPUT DATA

NOISE IMPACTS (WITHOUT TOPO OR BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	43.7	41.7	40.4	34.4	42.8	43.4
MEDIUM TRUCKS	38.1	34.2	26.8	35.5	41.6	41.7
HEAVY TRUCKS	40.3	36.3	32.9	37.5	43.7	43.8
NOISE LEVELS (dBA)	46.1	43.3	41.2	40.7	47.6	47.8

NOISE IMPACTS (WITH TOPO AND BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	43.7	41.7	40.4	34.4	42.8	43.4
MEDIUM TRUCKS	38.1	34.2	26.8	35.5	41.6	41.7
HEAVY TRUCKS	40.3	36.3	32.9	37.5	43.7	43.8
NOISE LEVELS (dBA)	46.1	43.3	41.2	40.7	47.6	47.8

NOISE CONTOUR (FT)				
NOISE LEVELS	70 dBA	65 dBA	60 dBA	55 dBA
CNEL	2	4	8	17
LDN	2	3	7	16

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL

PROJECT:	Sinclair	JOB #:	0889-2023-08
ROADWAY:	Perris Blvd, between Morgan and Rider Street	DATE:	19-May-23
LOCATION:	200 Sinclair St, Perris, CA	ENGINEER:	F. Irarrazabal

NOISE INPUT DATA Existing + Project

ROADWAY CONDITIONS

ADT =	648	
SPEED =	25	
PK HR % =	10	
NEAR LANE/FAR LANE DIS	24	
ROAD ELEVATION =	0.0	
GRADE =	0.0	%
PK HR VOL =	65	

RECEIVER INPUT DATA

RECEIVER DISTANCE =	50	
DIST C/L TO WALL =	50	
RECEIVER HEIGHT =	5.0	
WALL DISTANCE FROM RECEIVER	0	
PAD ELEVATION =	0.0	
ROADWAY VIEW: LF ANGLE=	-90	
RT ANGLE=	90	
DF ANGLE=	180	

SITE CONDITIONS

AUTOMOBILES =	15	
MEDIUM TRUCKS =	15	(10 = HARD SITE, 15 = SOFT SITE)
HEAVY TRUCKS =	15	

WALL INFORMATION

HTH WALL:	0.0	
AMBIENT=	0.0	
BARRIER =	0	(0 = WALL, 1 = BERM)

VEHICLE MIX DATA

VEHICLE TYPE	DAY	EVENING	NIGHT	DAILY
AUTOMOBILES	0.755	0.140	0.105	0.9742
MEDIUM TRUCK	0.489	0.022	0.489	0.0184
HEAVY TRUCKS	0.473	0.054	0.473	0.0074

MISC. VEHICLE INFO

VEHICLE TYPE	HEIGHT	SLE DISTANCE	GRADE ADJUSTMENT
AUTOMOBILES	2.0	48.63	- -
MEDIUM TRUCKS	4.0	48.55	- -
HEAVY TRUCKS	8.0	48.63	0.00

NOISE OUTPUT DATA

NOISE IMPACTS (WITHOUT TOPO OR BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	47.0	45.0	43.7	37.7	46.1	46.7
MEDIUM TRUCKS	41.5	37.6	30.1	38.8	45.0	45.0
HEAVY TRUCKS	43.6	39.6	36.2	40.8	47.0	47.1
NOISE LEVELS (dBA)	49.4	46.7	44.6	44.1	50.9	51.2

NOISE IMPACTS (WITH TOPO AND BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	47.0	45.0	43.7	37.7	46.1	46.7
MEDIUM TRUCKS	41.5	37.6	30.1	38.8	45.0	45.0
HEAVY TRUCKS	43.6	39.6	36.2	40.8	47.0	47.1
NOISE LEVELS (dBA)	49.4	46.7	44.6	44.1	50.9	51.2

NOISE CONTOUR (FT)				
NOISE LEVELS	70 dBA	65 dBA	60 dBA	55 dBA
CNEL	3	6	13	28
LDN	3	6	12	27