2. Response to Comments

This section of the Final Environmental Impact Report (FEIR; Final EIR) for the Harvest Landing Retail Center & Business Park Project (proposed Project) includes a copy of all comment letters that were submitted during the public review period for the Draft Environmental Impact Report (Draft EIR), along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 45-day review period for the Draft EIR began on May 30, 2025, and ended on July 14, 2025. A total of 21 comment letters were received in response to the Draft EIR during the 45-day public review period, and one comment letter was received after the close of the public review period.

The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the Project unrelated to its environmental impacts) are noted for the record. Where text changes in the Draft EIR are warranted based on comments received, updated Project information, or other information provided by City staff, those changes are noted in the response to comment and the reader is directed to Section 3.0, *Revisions to the Draft EIR*, of this Final EIR.

These changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not required.

Public Comments

All written comments received on the Draft EIR are listed in Table 2-1. All comment letters received on the DEIR have been coded with a number to facilitate identification and tracking. The comment letters were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers. To aid readers and commenters, electronically bracketed comment letters have been reproduced in this document with the corresponding responses provided immediately following each comment letter.

Table 2-1: Comments Received on the DEIR

Comment Letter	Commenter	Date
Agencies		
A1	CAL FIRE/Riverside County Fire	June 19, 2025
A2	Riverside County Flood Control	June 23, 2025
A3	Riverside Transit Agency	July 8, 2025
A4	South Coast Air Quality Management District	July 10, 2025
A5	Eastern Municipal Water District	June 25, 2025
A6	California Department of Transportation	July 14, 2025
Organizations		
O1	SAFER	June 17, 2025
O2	CARE CA	June 23, 2025
O3	Advocates for the Environment	July 10, 2025
O4	GSEJA	July 10, 2025

Comment Letter	Commenter	Date
O5	Sierra Club	July 14, 2025
O6	Center for Biological Diversity	July 14, 2025
O7	Perris Neighbors in Action	July 13, 2025
O8	Center for Community Action and Environmental Justice	July 14, 2025
O9	Inland Valley Alliance	July 13, 2025
O10	Golden State Environmental Justice Alliance	August 1, 2025
Individuals		
I1	Elissa Curiel	May 29, 2025
I2	JC Franco	June 6, 2025
I3	Diana Dominguez	June 15, 2025
I4	Selene Orzco	July 14, 2025
I5	Susan Segundo	July 14, 2025
I6	Jose Quintero Jr	July 14, 2025
I7	JC Franco	July 14, 2025
I8	George Hague	July 14, 2025

To finalize the EIR for the Project, the following responses were prepared to address these comments.

Comment Letter A1: CAL FIRE/Riverside County Fire Department, 1 page

CAL FIRE RIVERSIDE COUNTY FIRE

BILL WEISER, FIRE CHIEF
210 WEST SAN JACINTO AVENUE
PERRIS, CA 92570-1915
BUS: (951) 940-6900

June 19, 2025

Albert Armijo, Project Planner
City of Perris, Planning Division
135 North D Street, Perris, 92570

City Case Number: SPA 22-05250; GPA 24-05175; Zone Change 24-05176; DPRs 22-00023, 22-00024, 22-00025, 22-05235, 22-05238, 24-00008, 24-00009; CUP 22-05050, 23-05235; TTM 38810 and 38811; and DAA 17-05136
Project Name: Harvest Landing Retail Center & Business Park
Fire Department Case Number: FPEIR2400018

The Fire Department has reviewed the Draft Environmental Impact Report for this project and provides the following comments.

The proposed project is expected to have a cumulative adverse impact on the fire department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic, and population. This project will add to the workload of the closest fire stations, which are already operating at or exceeding optimal capacity. A1.1

Page 5.14-7 of the Draft Environmental Impact Report states that the project will generate additional calls for service. Page 5.14-8 states that the project will provide Development Impact Fees and that these fees are adequate to mitigate the project impacts. Development Impact Fees alone are not adequate to reduce the workload of the closest fire stations. To reduce call volume, an additional fire station is needed in the city. A1.2

The Fire Department recommends that the project contribute additional funds above and beyond DIF to ensure that all hazards are mitigated, and response needs are met. Please contact Division Chief Mark Scoville at 951-287-8078 or the Riverside County Fire Department's Fire Planning Division at 951-955-4777 or to discuss this recommendation further.

Respectfully,

Steve Payne
Deputy Fire Marshal
Riverside County Fire Department
Fire Planning Division

Response to Comment Letter A1: CAL FIRE/Riverside County Fire Department, June 19, 2025

Comment A1.1: This comment states that the Fire Department has reviewed the Draft EIR and has the following comments. The letter states that the Project is expected to have a cumulative impact on the Fire Department's ability to provide an acceptable level of service due to the additional structures, traffic, and population. The comment states that the existing, closest fire stations are already operating at or exceeding optimal capacity.

Response A1.1: The City of Perris is aware that existing fire stations are operating at or exceeding capacity within the City and appreciates the Fire Department's letter. As discussed in the Draft EIR on page 5.14-3, the average response time for fire stations in the vicinity of the Specific Plan Area varies between 5.02 minutes and 8.68 minutes, which are above the goal response time of 4 minutes. As discussed on page 5.14-10 of the Draft EIR, based on responses from the Riverside County Fire Department, there is an existing deficiency in fire protection services as stations serving the City of Perris area are already operating at or exceeding capacity (Draft EIR Appendix V). However, as discussed in Impact PS-1 on page 5.14-7 of the Draft EIR, the City of Perris is looking to acquire land in the southern portion of Perris to construct a new fire station as well as provide improvements to the existing Fire Stations 90 and 101 (City of Perris, 2024). Since the publication of the Draft EIR, the City of Perris has identified a site for a new fire station within the Green Valley Specific Plan area. The City of Perris Planning Commission has reviewed the site and has recommended that the City Council approve an amendment to the Green Valley Specific Plan to accommodate the new fire station. The City Council is expected to consider the fire station site before the end of 2025. Construction of a new station within the southern portion of the City and the proposed improvements to the existing facilities is expected to alleviate the existing service deficiencies and are not due to the proposed Project. Future construction and operation of the new fire station has been subject to City policies that are designed to protect environmental resources as well as environmental review pursuant to CEQA to determine whether adverse physical effects on the environment would occur.

Therefore, as the deficiency is an existing condition and the Project, by itself and cumulatively, would not result in the need for the provision of a new or physically altered facility, impacts would be less than significant. Additionally, the Project proponent would pay applicable development impact fees pursuant to Perris Municipal Code Chapter 19.68.020, which are intended to address direct and cumulative demand increases on public facilities generated by new development.

Comment A1.2: This comment states that while the Draft EIR states that the Project will provide development impact fees, which are adequate to mitigate Project impacts, development impact fees alone are not adequate to reduce the workload of the closest fire stations. The comment states that to reduce call volume, an additional fire station is needed in the city. The comment requests that the Project contribute additional funds above and beyond development impact fees to ensure that all fire hazards are mitigated and response needs are met.

Response A1.2: In regard to the need for a new fire station, as discussed in Response A1.1, the need for a new fire station is an existing condition and the City of Perris is looking to acquire land in the southern portion of Perris to construct a new fire station as well as provide improvements to the existing Fire Stations 90 and 101 (City of Perris, 2024). Since the publication of the Draft EIR, the City of Perris has identified a site for a new fire station within the Green Valley Specific Plan area. The City of Perris Planning Commission has reviewed the site and has recommended that the City Council approve an amendment to the Green Valley Specific Plan to accommodate the new fire station. The City Council is expected to consider the fire station site before the end of 2025. As disclosed in the 2023-2024 City of Perris Capital Improvement Plan, $1,000,000 was allocated toward design and construction of new Fire Station 111 at the northeast corner of Watson Road and Murrieta Road. The funding source for the design and construction of Fire Station 111 was the City's development impact fee program. Construction of a station within the southern portion of the

City and the proposed improvements to the existing facilities is expected to alleviate the existing service deficiencies; and are not due to the proposed Project.

Comment Letter A2: Riverside County Flood Control and Water Conservation District, 2 pages

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

262489

June 23, 2025

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

Attention: Albert Armijo

Re: Harvest Landing Retail Center and Business Park, SPA 22-05250, GPA 24-05175, CZ 24-05176, DPRs 22-00023, 22-00024, 22-00025, 22-05235, 22-05238, 24-00008 and 24-00009, DA 17-05136, CUPs 22-05050 and 23-05235, TTM 38810 and 38811, APNs 305-100-028, 305-060-036 et al.

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. A2.1

The District's review is based on the above-referenced project transmittal, received June 2, 2025. 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. A2.2

☒ This project involves District proposed Master Drainage Plan facilities, namely, Perris Valley Master Drainage Plan Line H, Lateral H-2, Lines K, K-15, K-16, K-17, K-19, K-20, K-21, K-22 and K-24. 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. A2.3

☐ 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 the regulatory permits. There A2.4

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. A2.4 cont.

☒ 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. A2.5

☒ An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, Perris Valley Master Drainage Plan-Line J and Interim Placentia Avenue Basins and Storm Drains. 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. A2.6

☒ The District's previous comments dated August 30, 2024 and Harvest Landing Specific Plan Tentative Review No. 1 dated June 20, 2025 are still valid. A2.7

GENERAL INFORMATION

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document, and/or Mitigation Monitoring and Reporting Program, and with all other federal, state, and local environmental rules and regulations that may apply, such as, but not limited to, the Multiple Species Habitat Conservation Plan (MSHCP), Sections 404 and 401 of the Clean Water Act, California Fish and Game Code Section 1602, and the Porter Cologne Water Quality Control Act. The District's action associated with the subject project triggers evaluation by the District with respect to the applicant's compliance with federal, state, and local environmental laws. For this project, the Lead Agency is the agency in the address above, and the District is a Responsible Agency under CEQA. The District, as a Co-permittee under the MSHCP, needs to demonstrate that all District related activities, including the actions identified above, are consistent with the MSHCP. This is typically achieved through determinations from the CEQA Lead Agency (if they are also a Co-permittee) for the project. For the MSHCP, the District's focus will be particular to Sections 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.3.7, 7.5.3, and Appendix C of the MSHCP. Please include consistency determination statements from the Lead Agency/Co-permittee for the project for each of these sections in the CEQA document. The District may also require that an applicant provide supporting technical documentation for environmental clearance. A2.8

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 that 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.

Very truly yours,

Amy McNeill

AMY MCNEILL
Engineering Project Manager

Attachments

EM:bs

Response to Comment Letter A2: Riverside County Flood Control and Water Conservation District, June 23, 2025

Comment A2.1: This comment discusses the extent of the Riverside County Flood Control and Water Conservation District (District) plan check process. The comment continues in explaining that the District received the Notice of Availability related to the Project but did not review the Project in detail. The comment states that the comment letter provides the District's comments.

Response A2.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment A2.2: The comment is an unchecked checkbox on the District's form that states that the Project would not be impacted by District Master Drainage Plan facilities nor are other facilities proposed in the area.

Response A2.2: The checkbox on the form is not marked; and thus, appears unrelated to the proposed Project. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment A2.3: This comment is a marked checkbox, which states that the Project involves Master Drainage Plan facilities including Perris Valley Master Drainage Plan Line H, Lateral H-2, Lines K, K-15, K-16, K-17, K-19, K-20, K-21, K-22, and K-24. The comment states that 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. The comment states that fees will be required and all regulatory permits that are to be secured by the Project Applicant shall be submitted to the District for review and shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits.

Response A2.3: This comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. As discussed on page 3-22 of the Draft EIR and shown in Figure 3-26, Stormwater *Infrastructure Improvements*, Phase 1 development would require the construction of a new 10-foot by 7-foot reinforced concrete box storm drain line in Perris Boulevard to Harvest Landing Way, which would continue north on Barrett Avenue and connect to the proposed storm drain line within Orange Avenue. The Project would include construction of an 84-inch diameter storm drain line heading west on Orange Avenue, which would transition to a 60-inch diameter storm drain line west of Indian Avenue. South of Harvest Landing Way, the Project would include construction of a new 60-inch diameter storm drain line. The Project Applicant would install a 48-inch storm drain line in the proposed 12-foot-wide Eastern Municipal Water District (EMWD) maintenance road in the vacated portion of Indian Avenue and a 24-inch storm drain line in Private Drive A. In addition, the Project would include improvements to approximately 1,400 linear feet of offsite flood control channel Perris Valley Master Drainage Plan Line K.

The Project Applicant would pay all applicable fees to the District and would ensure all regulatory permits needed for stormwater improvements are routed to the District for review. Because this comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment A2.4: This comment is an unmarked checkbox on the checklist that states that if the Project proposes channels, storm drains 36 inches or larger, or other facilities that could be considered regional in nature or an extension of the District's facilities, the District would consider a written request for ownership of such facilities by the City and the Project Applicant would enter into a cooperative Agreement.

Response A2.4: As discussed in Response A2.3, Project includes construction of multiple storm drain lines over 36-inches in diameter. Per conversations with District staff, the District would take ownership of Line K after construction. The Project Applicant would pay all necessary development fees and this comment will be forwarded to City decision makers as part of the Final EIR. Because this comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment A2.5: This comment is a marked checkbox, which states that the Project is within the limits of the District's Perris Valley Area Drainage Plan for which drainage fees have been adopted. The comment states that if the Project is proposing new impervious surface area, applicable fees should be paid to the Flood Control District or City prior to issuance of grading permits or building permits.

Response A2.5: The Project Applicant would be required to pay all applicable fees through standard conditions of approval and permitting requirements. Because this comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment A2.6: This comment is a marked checkbox, which states that an encroachment permit shall be obtained for any construction activities occurring within District right of way or facilities, specifically Perris Valley Master Drainage Plan Line J and Interim Placentia Avenue Basins and Storm Drains. The comment states that if a proposed storm drain connection exceeds the hydraulic performance existing drainage facilities, mitigation will be required.

Response A2.6: This comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. At this time, the Project Applicant does not propose any construction over Line J. The Project includes construction of Line K, which would connect to Lateral K-6 on Medical Center Drive. The Project Applicant would obtain an encroachment permit for all necessary construction within District right of way. Further, as discussed on page 5.10-21 of the Draft EIR, use of the surface bioretention basins and subsurface stormwater chambers would regulate the rate and velocity of stormwater flows and would control the amount of discharge into the offsite drainage system. In addition, the drainage facilities proposed for the Project have been sized to adequately accommodate the stormwater flows from the proposed development for the 100-year storm event and are consistent with the Riverside County Flood Control drainage plans and MS4 permit requirements.

Comment A2.7: This comment is a marked checkbox, which states that the District's previous comments dated August 30, 2024 and June 20, 2025 are still valid.

Response A2.7: This comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. This comment is noted for the record and will be forwarded to City decisionmakers as part of the Final EIR. Because this comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment A2.8: This comment states that the Applicant shall bear the responsibility for complying with all mitigation measures under CEQA and regulations related to the Multiple Species Habitat Conservation Plan, Sections 404 and 401 of the Clean Water Act, California Fish and Game Code Section 1602, and the Porter Cologne Water Quality Control Act. The comment states that the District is a responsible agency under CEQA and is responsible for ensuring that all actions it undertakes are consistent with the MSHCP and state/federal laws. The comment asks the City to include consistency determinations relates to sections of the MSHCP and states that the District may also require the Applicant to provide supporting technical documentation for environmental clearance.

The comment states that the Project may require a NPDES permit from the State Water Resources Control Board and that clearance for grading should not be given until the City has determined that the Project has been granted a permit or shown to be exempt. The comment states that if the Project involves a mapped

floodplain, it should obtain a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR).

Response A2.8: As mentioned by the District, the Project Applicant would bear responsibility for compliance with all mitigation measures included in the Mitigation and Monitoring Reporting Program, included as Section 4.0 of this Final EIR. As discussed on pages 5.4-33 to 5.4-34 of the Draft EIR, the proposed Project would be consistent with MSHCP Sections 6.1.2, 6.1.3, 6.1.4, and 6.3.2 with payment of applicable MSHCP fees and implementation of Mitigation Measures BIO-2 and BIO-3. Therefore, the proposed Project would not conflict with the MSHCP. Further, regarding California Fish and Game Code Section 1602 and Sections 404 and 401 of the Clean Water Act, as discussed on page 5.4-32 of the Draft EIR, two unnamed ephemeral drainage features, Drainage 1 and Drainage 2, were observed onsite during the Project site field survey. The onsite ephemeral drainage features are not a relatively permanent, standing, or continuously flowing body of water and, therefore, would not qualify as waters of the United States under the regulatory authority of the United States Army Corps of Engineers. However, the drainage feature will likely qualify as waters of the State and fall under the regulatory authority of the Santa Ana Regional Water Board and California Department of Fish and Wildlife (CDFW). As demonstrated by the Jurisdictional Delineation, approximately 0.23 acre (2,978 linear feet) of non-wetland waters of the State occur onsite within the Phase 1 and Phase 2 areas and are under the jurisdictional authority of the Santa Ana Regional Water Board, and the CDFW streambed area onsite totals 0.25 acre (2,978 linear feet). Both Drainage 1 and Drainage 2 would be disturbed and developed as part of Phase 1 development and roadway improvement construction. Therefore, Mitigation Measure BIO-3 is included to require an Army Corps of Engineers Approved Jurisdictional Determination or Waiver, Regional Board Clean Water Act Section Report of Waste Discharge, and a CDFW Section 1602 Lake and Streambed Alteration Agreement and establishment of an onsite drainage at a 2:1 ratio (0.5 acre) within the Phase 2 area of the Specific Plan which shall include herbaceous riparian habitat, as further outlined in the DBESP Report, included as Draft EIR Appendix G.

As part of the permitting approval process, the proposed drainage, water quality design, and engineering plans would be reviewed by the City of Perris Engineering Department to ensure compliance with the City's NPDES Permit requirements and limit the potential for erosion and siltation.

As discussed on Draft EIR page 5.10-7 within Section 5.10, *Hydrology and Water Quality*, according to FEMA FIRM Map 06065C1430H and 06065C1440H, the Project site is located within Zone A, which is an area of minimal flood hazard. In addition, Zone X flood plain areas are outside the 100-year floodplain. Therefore, the proposed Project would be located outside any 100-year flood zones and has low risk due to flooding. As such, the proposed Project would not require a CLOMR or LOMR from FEMA.

Comment Letter A3: Riverside Transit Agency, 1 page

From: Mauricio Alvarez <malvarez@riversidetransit.com>
Sent: Tuesday, July 8, 2025 9:05 PM
To: Albert Armijo <aarmijo@CityofPerris.org>
Subject: Harvest Landing Retail Center & Business Park

Hello Albert,

Thank you for including RTA in the development review of the Harvest Landing Retail Center & Business Park Project. After reviewing the latest set of plans, there are no additional comments to submit for this particular project. I appreciate that the recommendations provided in the last review period have been incorporated – the two ADA compliant bus turnouts on the southwest corners of Perris Blvd & Orange and Perris Blvd & Harvest Landing. RTA's Route 19 operates along Perris Blvd and having stops here would be incredibly beneficial. Thank you again. A3.1

Thank you,

Mauricio Alvarez, MBA
Planning Manager
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 A3: Riverside Transit Agency, July 8, 2025

Comment A3.1: This comment states that the Riverside Transit Agency (RTA) appreciates being included in the development review for the proposed Project. The comment states that after reviewing the latest set of plans, RTA has no additional comments for the Project and appreciates that their recommendations have been incorporated including, two ADA compliant bus turnouts on the southwest corners of Perris Boulevard and Orange Avenue and Perris Boulevard and Harvest Landig Way. The comment states that RTA's Route 19 operates along Perris Boulevard and having stops at those locations will be beneficial.

Response A3.1: This comment is noted for the record and will be forwarded to the City decisionmakers as part of the Final EIR. Because the comment does not express any concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment Letter A4: South Coast Air Quality Management District (11 pages)

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

SENT VIA E-MAIL:
aarmijo@cityofperris.org
Albert Armijo, Project Planner
City of Perris, Planning Division
135 North D Street
Perris, CA 92570

July 10, 2025

Draft Environmental Impact Report (EIR) for the Proposed Harvest Landing Retail Center and Business Park Project (Proposed Project) (SCH No.: 2024080337)

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. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments organized by topic of concern. A4.1

Summary of Project Information in the Draft EIR

Based on the Draft EIR, the Proposed Project is divided into two components: 1) the programmatic Harvest Landing Specific Plan Amendment (SPA); and 2) the project-level development of the 186.38-acre Phase 1 portion of the SPA (Phase 1 Development or Phase 1).[1] The buildout of the SPA would include the development of Phase 1 and Phase 2; however, specific details of Phase 2 are unknown at the time.[2] The Proposed Project is bounded by Interstate 215 to the west, Perris Boulevard to the east, Nuevo Road to the south, and Placentia Avenue to the north.[3]

The SPA component consists of annexing three parcels to the Specific Plan area and designating them as Multiple Business Use (MBU) while detaching a 7.26-acre portion of the existing SP area to increase the total SP area to 358.28 acres.[4] In addition, the SPA proposes to change the existing land use plan to replace residential uses with multiple business and commercial uses.[5] Buildout of the SPA includes development of Phase 1 and Phase 2 (future development).[6] The maximum feasible buildout of the SPA would allocate 5,735,535 square feet (sq. ft.) as MBU and 428,507 sq. ft. for commercial uses.[7] The development capacity of the SPA buildout would be up to 8,604,821 sq. ft. of MBU and up to 1,526,342 sq. ft. of commercial uses.[8] A4.2

[1] Draft EIR. p. 3-1.
[2] *Ibid.*
[3] *Ibid.* p. 3-2.
[4] *Ibid.* p. 3-13.
[5] *Ibid.*
[6] *Ibid.* p. 3-1.
[7] *Ibid.* p. 3-14. Table 3-3.
[8] *Ibid.*

-1-

Phase 1 consists of developing a 139.89-acre business park, a 22.16-acre community shopping center, a 24.33-acre commercial big box retail store, a 12.91-acre water quality basin, and 36.5 acres of roadway improvement.[9] The following provides details of Phase 1:

- The business park includes one parcel hub, three high-cube warehouses, and three light industrial buildings[10] with a total of 379 dock doors[11]
- The community shopping center includes a new commercial retail center with a major retail building and eight retail pads[12]
- The commercial big box retail portion includes a new 167,050 sq. ft. free-standing big box discount store with a 12-pump gas station[13]
- Roadway improvements, including vacating Indian Avenue from Orange Avenue to Frontage Road[14]

A4.2 cont.

Phase 2 consists of allocating 111.38 acres as a future MBU area and 10.66 acres to the MBU Overlay area.[15] with a maximum allowed development density of 4,007,955 sq. ft. for warehouse, light industrial, and/or manufacturing.[16]

The Proposed Project expects to generate 2,825 two-way truck trips per day.[17] Based on the review of the aerial photograph, the nearest sensitive receptor (e.g., residence) is located approximately 100 ft. to the east of the Proposed Project site. In addition, an existing elementary school is located within the Proposed Project site in the Overlay area. Phase 1 is assumed to require 12 months of construction with operation activities commencing in 2026, while completion of Phase 2 would occur by 2030.[18]

South Coast AQMD Comments

Potential Overlap of Phase 1 Operation with Phase 2 Construction

According to Section 3.0 - Project Description of the Draft EIR, construction and operation of Phase 1 will be completed by 2026[19] while the construction and operation of Phase 2 will be completed by 2030.[20] Based on this timeline, there is a likely scenario in which the operation of Phase 1 would overlap with the construction activities associated with Phase 2.

A4.3

These overlapping activities could result in concurrent emissions from both operational and construction emission sources, potentially leading to higher localized pollutant concentrations than if these two phases occurred consecutively. However, the Draft EIR does not include a detailed evaluation of the emissions associated with the potentially overlapping phases. Appendix B – Air Quality Impact Analysis, however, mentions that the potential overlap analysis is included in

[9] *Ibid.* p. 3-15.
[10] *Ibid.*
[11] *Ibid.* p. 3-15. Table 3-4.
[12] *Ibid.* p. 3-17.
[13] *Ibid.*
[14] *Ibid.*
[15] *Ibid.* p. 3-23.
[16] *Ibid.* p. 3-24.
[17] Appendix B - Air Quality Impact Analysis. p. 11.
[18] *Ibid.* p. 3-24.
[19] *Ibid.*
[20] *Ibid.*

Appendix 3.14, but no determination is provided in the Draft EIR regarding the level of significance.

To ensure a comprehensive and conservative evaluation of air quality impacts, the Lead Agency is recommended to revise the emissions analysis to include the potential for the overlapping phases. This analysis should quantify the combined emissions of the overlapping phases and compare the resulting emission levels to the applicable South Coast AQMD air quality significance thresholds for operation.[21] If the combined emissions exceed any of the air quality significance thresholds, all feasible mitigation measures that go beyond what is required by law should be applied to the Proposed Project in order to minimize or eliminate any significant adverse air quality impacts as required by CEQA. A4.3 cont.

Unsupported Truck Trip Distance Assumptions Used in Emissions Modeling

Accurately estimating truck trip lengths is a key parameter when quantifying emissions from mobile sources, especially diesel particulate matter (DPM), oxides of nitrogen (NOx), and greenhouse gases (GHG). The mischaracterization of average trip lengths, for example, can lead to a significant underestimation of a project's air quality impacts. According to Appendix B – Air Quality Impact Analysis, two distinct scenarios were used in the mobile source emissions modeling calculations: 1) Scenario A which assumed an average truck trip length of approximately 30 miles based on South Coast AQMD's WAIRE Program; and 2) Scenario B which assumed average truck trip length of approximately 55 miles based on the StreetLight data.[22] However, the analysis for both scenarios lacks the supporting basis for determining the trip origins and destinations and whether the assumed distances are reflective of actual or anticipated routing patterns of the facility's current or future truck fleet.

As such, the Final EIR should include a clear and defensible rationale for the use of the 30- and 55-mile assumptions in Scenarios A and B, respectively. The rationale should be supported by documentation such as empirical data from fleet operations, transportation logistics studies, regional freight movement data, or other sources that demonstrate the applicability and appropriateness of the selected distances. Additionally, if any truck trips associated with the Proposed Project will include port-related activities, the Final EIR should explain this detail and the modeled trip lengths should accurately reflect the mileage between the Proposed Project site and the relevant port(s), such as the Ports of Los Angeles or Long Beach, which are located approximately 80 to 87 miles one-way from the Proposed Project site. A4.4

Therefore, the Lead Agency is recommended to either revise the trip distance assumptions to more accurately reflect realistic operational conditions or provide additional evidence substantiating that the selected distances are representative of actual or reasonably foreseeable truck travel patterns associated with the Proposed Project. Failure to provide supporting evidence to validate these assumptions may compromise the accuracy of the emission estimates, conclusions, and the overall integrity of the air quality analysis presented in the Final EIR.

[21] South Coast AQMR Air Quality Significance Thresholds available at https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf
[22] Appendix B. p. 60-61.

Truck Idling Duration and Emissions Modeling

Section 5.2 – Air Quality of the Draft EIR indicates that a default assumption of 15 minutes of idling per truck per day was used to estimate DPM emissions for the operational health risk assessment (HRA).[23] While this assumption may be consistent with regulatory idling limits, it may not accurately reflect actual operating conditions for a facility of the Proposed Project's scale. The Proposed Project is anticipated to generate approximately 2,825 two-way truck trips per day, representing a substantial volume of heavy-duty vehicle activity. For a high-throughput logistics or distribution facility, it is reasonable to expect that individual trucks may experience extended periods of idling due to on-site queuing, security checks, staging, loading, and unloading operations, particularly during peak hours or in constrained circulation areas. As such, a 15-minute idling duration may underestimate actual on-site idling behavior and, consequently, DPM emissions, which are a key contributor to localized health risks.

While the California Air Resources Board (CARB) limits diesel truck idling to five minutes as set forth in the Airborne Toxic Control Measure (ATCM), an exemption from this requirement is allowed for trucks equipped with engines that meet the optional low-NOx idle emission standard which is typically applicable to model year 2008 and newer trucks. These vehicles, often referred to as "clean idle" certified, are permitted to idle longer than five minutes when situated more than 100 feet from sensitive land uses such as homes and schools.[24] Furthermore, CARB's EMFAC2021 Volume III Technical Document (Table 4.4.2-5) indicates that heavy-duty trucks may idle for up to five hours at a single location under certain conditions.[25] As a practical matter, the idling duration for onsite heavy-duty trucks visiting the Proposed Project site could idle for a much longer duration than what was analyzed in the Draft EIR. Thus, the HRA may have substantially underestimated the full extent of operational health risks associated with the DPM emissions from the anticipated onsite heavy-duty truck activities. A4.5

Accurate characterization of idling activity is essential to fully assess a project's potential health risk impacts, particularly for nearby sensitive receptors. Therefore, to ensure the HRA provides a conservative and health-protective estimate of potential exposure, the Lead Agency is recommended to either: 1) revise the operational emissions modeling in the Final EIR to assume a minimum of 30 minutes of idling per truck per day, unless site-specific data or operational constraints justify a shorter duration; or 2) provide empirical evidence, such as facility-specific queuing and processing time studies, vehicle circulation modeling, or comparable industry data, to substantiate the 15-minute assumption as representative of expected operations of the Proposed Project.

Errors in the Operational Health Risk Assessment Modeling

Appendix C – Health Risk Assessment indicates that the emissions associated with on-site gasoline dispensing operations, including loading, breathing losses, vehicle refueling, dispensing, spillage, A4.6

[23] *Ibid.* p. 5.3-63.

[24] CARB, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling was promulgated in Chapter 13 of the California Code of Regulations, Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling, https://ww2.arb.ca.gov/sites/default/files/2022-06/13_CCR_2485_OAL_06222022-2_ADA_06272022_0.pdf

[25] CARB, EMFAC2021 Volume III Technical Document, Table 4.4.2-5, p. 161., https://ww2.arb.ca.gov/sites/default/files/2021-03/emfac2021_volume_3_technical_document.pdf

and hose permeation, were modeled using emission factors outlined in CARB's Gasoline Service Station Industrywide Risk Assessment Technical Guidance Report.[26]

However, the modeling assumptions contain a discrepancy; specifically, the release height used to quantify emissions from vehicle refueling and hose permeation was incorrectly set to 0.305 meters. As stated in Appendix C, the appropriate release height for these sources should be one meter.[27] Therefore, the Lead Agency is recommended to update the HRA to reflect the correct release height, re-run the dispersion modeling to evaluate potential changes in risk estimates, and disclose the updated results and analysis in the Final EIR. A4.6 cont.

Potential of Underestimation of Operational HRA and Cancer Risk

Appendix C – Health Risk Assessment provides an overview of the emission sources and methodologies used for modeling within the HRA framework. In the section addressing emergency engines, it is noted that due to the unavailability of detailed site plans and equipment locations for Phase 2 at the time of the analysis, potential stationary sources such as emergency generators and diesel fire pumps were not included in the modeling.[28] As a result, the HRA was conducted based solely on Phase 1 emission sources. The modeled, mitigated cancer risk (CR) for residential receptors was estimated at 8.69 in one million under the Without Overlay scenario and 6.32 in one million under the With Overlay scenario.[29]

As described in the Draft EIR, Phase 2 operations are anticipated to include 16 diesel-fueled fire pumps and 16 emergency backup generators. Given the exclusion of these substantial stationary diesel combustion sources from the HRA and the elevated CR, the Proposed Project could result in CR levels that exceed the South Coast Air AQMD significance threshold of 10 cases in one million upon completion of Phase 2. A4.7

To ensure the Final EIR reflects a comprehensive assessment of potential health risks, the Lead Agency is recommended to develop a conceptual layout for Phase 2 that includes the proposed stationary sources at conservative (i.e., worst-case) locations. An updated HRA should be conducted to evaluate the cumulative health risk impacts of the full project buildout, including Phase 2, and the results should be incorporated into the Final EIR.

Assessment of Emissions and Operational Hours for Emergency Generators

Section 5.3 – Air Quality of the Draft EIR indicates that operation activities associated with both Phase 1 and Phase 2 would include five and 16 diesel-fueled emergency generators (with implementation of Overlay in Phase 2), respectively.[30] The emissions analysis for these stationary sources is based on an assumed operational use of 50 hours per year per generator, each rated at 300 horsepower.[31] However, it is important to note that South Coast AQMD air permits issued for emergency standby engines typically allow up to 50 hours per year for maintenance and testing, with a maximum of 200 total operational hours per year (including emergency use). A4.8

[26] Appendix C – Health Risk Assessment, p. 22.
[27] Appendix C – Health Risk Assessment, p. 22.
[28] Appendix C – Health Risk Assessment, p. 23.
[29] *Ibid.* p. 5.3-65.
[30] *Ibid.* p. 5.3-28.
[31] *Ibid.*

As a result, the analysis of operational emissions for these new emergency engines should calculate the future emissions based on the assumption of 200 hours of operation per year per unit. If fewer hours are assumed for any or all of the new emergency engines, South Coast AQMD staff would need to include a permit condition to limit operations of these emergency engines to the hours specified in the CEQA analysis. Therefore, it is recommended that the Lead Agency revise the emissions calculations for the emergency engines to reflect the maximum allowable usage. These revisions should be incorporated into the analysis of operational emissions, and the level of significance should be re-examined and updated accordingly. The revised calculations and supporting evidence should be included in the Final EIR. A4.8 cont.

Alternative On-Site Truck Circulation Patterns

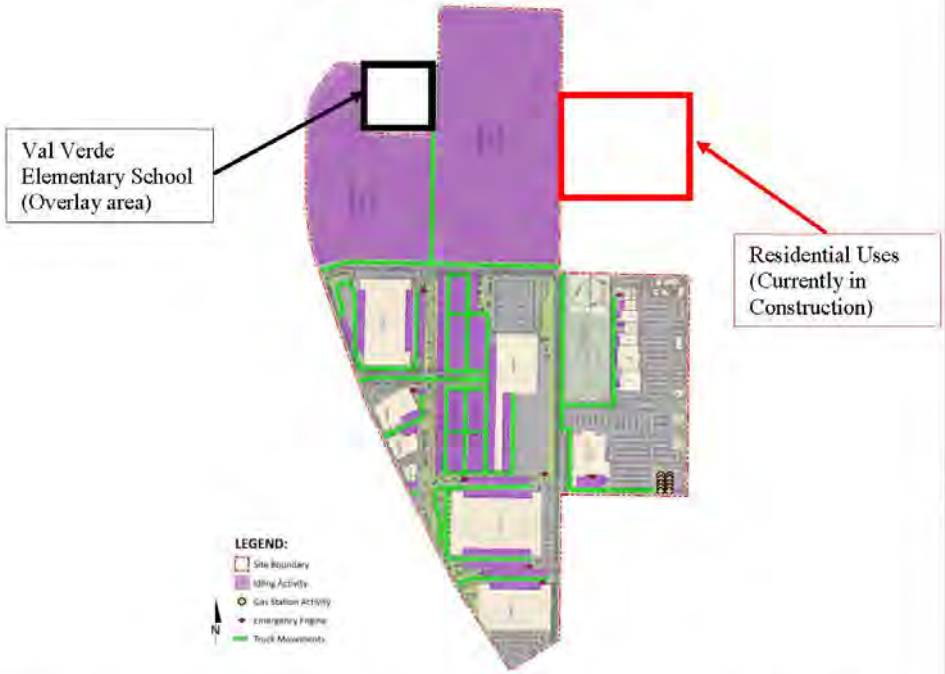
Appendix C – Health Risk Assessment presents on-site truck circulation patterns under both With Overlay and Without Overlay scenarios.[32] Under existing conditions, the Overlay area is occupied by Val Verde Elementary School, which is considered a sensitive receptor. Under the Without Overlay scenario, truck circulation routes are shown to pass directly adjacent to the school (see annotated Figure 1). Additionally, areas highlighted in purple indicate zones of truck idling activity, which are concentrated around the school's perimeter. A4.9

[32] Appendix C – Health Risk Assessment. p. 24-25.

Albert Armijo, Project Planner July 10, 2025

Figure 1: Snapshot from Appendix C

EXHIBIT 2-C: MODELED ON-SITE EMISSION SOURCES - WITHOUT OVERLAY



A4.9 cont.

Given the elevated potential for DPM emissions associated with heavy-duty truck movements and idling, especially close to sensitive receptors, the Lead Agency is recommended to restrict the truck activities from areas adjacent to the school and residential uses (to the east of the Proposed Project) to the extent feasible. While the HRA appropriately characterizes this routing as a conservative scenario for modeling purposes, it is critical that operational plans prioritize minimizing exposure in practice.

Therefore, the Lead Agency is recommended to identify and evaluate alternative on-site truck circulation routes that would avoid sensitive receptors and incorporate all feasible mitigation measures into the Final EIR to reduce localized health risks and protect nearby sensitive land uses.

Additional Recommended Air Quality and Greenhouse Gas Mitigation Measures and Project Design Features for Consideration

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. To further reduce the Proposed Project's air quality impacts, South Coast AQMD recommends incorporating the following mitigation measures and project design considerations into the Final EIR.

A4.10

Mitigation Measures to Reduce Operational Air Quality Impacts from Mobile Sources

-7-

1. Require zero-emission (ZE) or near-zero emission (NZE) on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. A4.11

   Note: Given CARB's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule and the Heavy-duty Low NOx Omnibus Regulation, ZE and NZE trucks will become increasingly more available for use.

2. Require a phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts. A4.12

   Note: South Coast AQMD staff are available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency.

3. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level. A4.13

4. Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure, and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment. A4.14

Mitigation Measures to Reduce Operational Air Quality Impacts from Other Area Sources

1. Maximize the use of solar energy by installing solar energy arrays. A4.15
2. Use light-colored paving and roofing materials. A4.16
3. Utilize only Energy Star heating, cooling, and lighting devices and appliances. A4.17

Design Considerations for Reducing Air Quality and Health Risk Impacts

1. Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, etc.). A4.18
2. Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors, and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site. A4.19
3. Design the Proposed Project such that any truck check-in point is inside the Proposed Project site to ensure no trucks are queuing outside. A4.20
4. Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors. A4.21

5. Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site. A4.22

Lastly, the South Coast AQMD also suggests that the Lead Agency conduct a review of the following references and incorporate additional mitigation measures as applicable to the Proposed Project in the Final EIR:

1. State of California – Department of Justice: Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act[33]
2. South Coast AQMD 2022 Air Quality Management Plan,[34] specifically: A4.23
   a) Appendix IV-A – South Coast AQMD's Stationary and Mobile Source Control Measures
   b) Appendix IV-B – CARB's Strategy for South Coast
   c) Appendix IV-C – SCAG's Regional Transportation Strategy and Control Measure
3. United States Environmental Protection Agency (U.S. EPA): Mobile Source Pollution - Environmental Justice and Transportation.[35]

Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program

Since the Proposed Project consists of the development of over five million square foot warehouse (as per the maximum feasible buildout), once the warehouse is occupied, the Proposed Project's warehouse owners and operators will be required to comply with South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – WAIRE Program[36] and Rule 316 – Fees for Rule 2305.[37] Rule 2305 and Rule 316 aim to reduce regional and local emissions of NOx and particulate matter (PM), including diesel PM so as to reduce adverse public health impacts on communities located near warehouses. 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 to earn WAIRE 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. Therefore, the Lead Agency is A4.24

[33] State of California – Department of Justice, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf
[34] South Coast AQMD, 2022 Air Quality Management Plan (AQMP) available at http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan
[35] United States Environmental Protection Agency (U.S. EPA), Mobile Source Pollution - Environmental Justice and Transportation available at https://www.epa.gov/mobile-source-pollution/environmental-justice-and-transportation
[36] South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – WAIRE Program available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf
[37] South Coast AQMD Rule 316 -Fees for Rule 2305 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-iii/r316.pdf

recommended to review Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements, design features/enhancements, and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation. For questions concerning Rule 2305 implementation and compliance, please call (909) 396-3140 or email waire-program@aqmd.gov. For implementation of guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage. A4.24 cont.

South Coast AQMD Air Permits and Role as a Responsible Agency

According to the Draft EIR, the Proposed Project would utilize seven diesel fire pumps and five emergency generators during Phase 1 operation, and 16 fire pumps and 16 generators for Phase 2 operation,[38] for which air permits from the South Coast AQMD will be required.[39]. However, the Draft EIR does not provide details or emission estimates associated with these industrial processes and equipment that will be utilized. The Lead Agency is recommended to revise the project description and analysis/calculations to include all of the construction and operation emissions associated with all of the industrial equipment, plus any chemicals and their associated storage needs and delivery methods. A4.25

The Final EIR should include a discussion about the South Coast AQMD rules that may be applicable to the Proposed Project. Those rules may include, for example, Rule 201 – Permit to Construct,[40] Rule 203 – Permit to Operate,[41] Rule 401 – Visible Emissions,[42] Rule 402 – Nuisance,[43] Rule 403 – Fugitive Dust,[44] Rule 461 – Gasoline Transfer and Dispensing,[45] Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,[46] Rule 1113 – Architectural Coatings,[47] Regulation XIII – New Source Review,[48] Rule 1401 – New Source Review of Toxic Air Contaminants,[49] and Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,[50] etc. A4.26

In addition, it is important to note that since air permits from South Coast AQMD are required, South Coast AQMD's role under CEQA is as a Responsible Agency. 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 the process for conducting a review of the Proposed Project and issuing discretionary approvals. Also, as set forth in CEQA Guidelines Section 15096(h), the Responsible Agency is required to make Findings in accordance with CEQA Guidelines Section 15091 for each significant effect of the project and issue a Statement of A4.27

[38] *Ibid.*
[39] *Ibid.* p. 5.3-28.
[40] South Coast AQMD, Rule 201 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf
[41] South Coast AQMD, Rule 203 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf
[42] South Coast AQMD, Rule 401 available at https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf
[43] South Coast AQMD, Rule 402 available at https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf
[44] South Coast AQMD, Rule 403 available at https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403
[45] South Coast AQMD, Rule 461 available at https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-461.pdf
[46] South Coast AQMD, Rule 1110.2 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf
[47] South Coast AQMD, Rule 1113 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf
[48] South Coast AQMD, Regulation XIII available at: https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii
[49] South Coast AQMD, Rule 1401 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf
[50] South Coast AQMD, Rule 1470 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf

Overriding Considerations in accordance with CEQA Guidelines Section 15093, if necessary. Lastly, as set forth CEQA Guidelines Section 15096(i), the Responsible Agency may file a Notice of Determination.

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 the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. A4.27 cont.

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will 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 https://www.aqmd.gov/home/permits.

Conclusion

As set forth in Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. A4.28

Thank you for the opportunity to provide comments. South Coast AQMD staff are available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at dnguyen1@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

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

BR:SW:DN
RVC250529-02
Control Number

Response to Comment Letter A4: South Coast Air Quality Management District, July 10, 2025

Comment A4.1: This comment provides an introduction to the comment letter and states that the South Coast Air Quality Management District (South Coast AQMD) is appreciative of their opportunity to comment.

Response A4.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment A4.2: This comment summarizes the proposed Project description from the Draft EIR. This comment discusses proposed buildout of Phase 1, buildout of Phase 2, construction schedule, and the truck trips resulting from the proposed Project. This comment states that the closest sensitive receptor is located approximately 100 feet east of the Project site and an existing elementary school is within the Overlay area of the Project site.

Response A4.2: This comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. As disclosed on page 5.3-22 and on Figure 5.3-1 of the Draft EIR, the closest existing residence is the Centinela Grand senior living facility, located 112 feet east of the Project site. In order to provide a conservative analysis of potential Project impacts, the Draft EIR also identified the residences under construction on Barrett Avenue, approximately 96 feet east of the Project site, as sensitive receptors. Further, while the proposed Project includes an overlay on Val Verde Elementary School, the Draft EIR impact analysis treated the school as a sensitive receptor for impacts of the proposed Project without buildout of the overlay.

Comment A4.3: This comment states that there is a likely scenario in which the operation of Phase 1 would overlap with the construction activities associated with Phase 2, resulting in concurrent emissions from both operational and construction emission sources, potentially leading to higher localized pollutant concentrations if these two phases occurred consecutively. This comment states that the Draft EIR does not include a detailed evaluation of overlapping emissions and, while Appendix B mentions that the potential overlap is disclosed in Appendix 3.14, no determination is made in the Draft EIR regarding the level of significance. This comment states that the Lead Agency is recommended to revise the emissions analysis to include the potential for the overlapping phases and compare the resulting emission levels to South Coast AQMD air quality significance thresholds for operation. This comment states that if emissions exceed thresholds, mitigation measures should be implemented.

Response A4.3: As discussed on page 86 of Draft EIR Appendix B, *Air Quality Impact Analysis*, the analysis of Project construction and operational emissions in the technical report and Draft EIR Section 5.3, *Air Quality*, was completed following the guidelines set forth in South Coast AQMD's 1993 CEQA Handbook, which recommends quantifying construction and operational emissions separately and comparing each to applicable South Coast AQMD construction or operational thresholds. Nevertheless, at the request of the commenter, the analysis contained in Section 5.3, *Air Quality*, under Impact AQ-2 has been revised in Section 3.0 of this Final EIR to disclose combined construction and operational emissions resulting from the proposed Project with mitigation implemented. As both individual components would require mitigation, combined Phase 1 operational and Phase 2 construction emissions would also exceed South Coast AQMD significance thresholds and would require mitigation. As such, the proposed Project would continue to implement Mitigation Measures AQ-1 through AQ-19. Despite implementing all feasible mitigation, the combined emissions would continue to exceed the South Coast AQMD significance thresholds, consistent with the conclusions for Phase 1 operations by itself. None of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. No new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented, there is no substantial increase in the severity of an environmental impact, no feasible Project alternative or mitigation

measure considerably different from others previously analyzed would lessen the environmental impacts of the proposed Project, and the Draft EIR is not fundamentally inadequate and conclusory in nature.

Comment A4.4: This comment describes trip lengths and the two scenarios of trip lengths analyzed within Draft EIR Appendix B, *Air Quality Impact Analysis*, and within Draft EIR Section 5.3, *Air Quality*. This comment states that the analysis for both scenarios lacks the supporting basis for determining trip origins and destinations and whether the assumed distances are reflective of actual or anticipated routing patterns of the facility's future truck fleet. The comment states that the Final EIR should include clear and defensible rationale for the use of the 40-mile and 55-mile assumptions in Scenarios A and B, respectively, and said rationale should be supported by documentation such as empirical data from fleet operations, transportation logistics studies, regional freight movement data, or other sources. The comment states that if any truck trips associated with the Project include port-related activities, modeled trip lengths should accurately reflect mileage to the Port of Los Angeles (80 miles) and Port of Long Beach (87 miles).

Response A4.4: As acknowledged by the commenter, the trip distance of 39.9 miles per truck trip is taken from South Coast AQMD Rule 2305, which is the South Coast AQMD's indirect source review program used to help control and minimize air quality impacts from mobile source emissions associated with trucks from warehouses. In addition, the 39.9-mile trip length was based on South Coast AQMD's own research that concluded that the average heavy duty truck trip length in the entire South Coast Air Basin was approximately 39.9 miles. As discussed in Section 3.0, *Project Description*, of the Draft EIR, with the exception of Building 1, there are no known tenants for the proposed warehouses. Therefore, the specific type of businesses that would occupy the proposed warehouses and their associated fleet operations are unknown.

The types of warehousing within the proposed Project could vary from high-cube warehouses to light manufacturing. In addition, goods can have various points of entry into Southern California and could arrive via port through the Port of Los Angeles or Long Beach or by air via Ontario or March Inland Port Airport. Thus, the use of the South Coast AQMD's 39.9 mile per one-way truck trip is a means to conservatively reflect the uncertainty of how goods would be transported to and from the Project site. In addition, the Draft EIR provided a conservative analysis above utilizing solely the South Coast AQMD's recommended truck trip lengths by also utilizing Scenario B, which assumes truck trip lengths obtained from StreetLight, which is based on truck trip length survey data for the Project vicinity. The StreetLight data indicated that LHDT and MHDT trucks travel approximately 31 miles and HHDT trucks travel approximately 71 miles. As the StreetLight truck trip length is derived from truck trip length surveys from warehouses proximate to the proposed Project site, it is supported by substantial evidence and would more accurately align with anticipated truck trip lengths than the length of 80 to 87 miles as recommended by the commenter.

Comment A4.5: This comment states that the Air Quality Analysis assumes a default of 15 minutes of idling per truck per day to estimate diesel particulate matter emissions, it may not accurately reflect operating conditions as it is reasonable to expect that trucks may idle extended periods of idling. The comment states that a 15-minute idling duration may underestimate actual onsite idling and diesel particulate matter emissions. The commenter requests that the Lead Agency either revise the operational emissions modeling to assume 30 minutes of idling or provide evidence to substantiate the 15-minute idling assumption.

Response A4.5: As noted in the comment, the Health Risk Assessment (included as Appendix C to the Draft EIR) assumed that each truck visiting building loading docks would idle for 15 minutes, which is three times the five-minute idling limit established by CARB in the Airborne Toxic Control Measure. However, the analysis also accounted for idling at truck trailer parking activities, assuming that in addition to idling for 15 minutes at each building loading dock, each truck visiting the site would also idle for 5 minutes at truck trailer parking areas located throughout the Project site. Further, the analysis utilized an on-site travel speed of 5 miles per hour, which is conservative and accounts for queuing that may occur as trucks enter and exit the Project site. It should be noted that these idling time estimates may idle for shorter periods of time than was assumed in the analysis. In addition to CARB restrictions, the City of Perris Good Neighbor Guidelines also require that

idling be limited to 5 minutes or less and to other mechanism to limit idling such as requiring facility operators to train their managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. The proposed warehouse uses would be subject to the City of Perris Good Neighbor Guidelines.

Additionally, this comment notes that trucks equipped to meet the low-NOx idle emission standard are permitted to idle for longer than five minutes when located more than 100 feet from sensitive land uses. However, it should be noted that this low-NOx idle emission standard is optional, and manufacturers may instead opt to install an engine shutdown system that automatically shuts down the engine after 5 minutes of idling while the transmission is in neutral or park and the parking brake is engaged.

The comment also mentions Table 4.4.2-5 of CARB's EMFAC 2021 Volume III Technical Document. This table describes extended idling hour assumptions that are utilized in the EMFAC 2021. However, it should be noted that an extended idling event is defined in the document as "a continuous segment of vehicle activity that meets three criteria: all instantaneous vehicle speeds being lower than 5 mph, the total distance of less than 1 mile, and the total duration of more than 5 minutes." As such, trucks idling for less than 5 minutes would not be considered "extended idling activity" (which can include idling and would not be considered in this table. However, in response to this comment, Mitigation Measure AQ-8 has been revised in Section 3.0 of this Final EIR to limit idling to three minutes instead of five minutes, which would further reduce emissions from idling.

Comment A4.6: This comment states that the Health Risk Assessment indicates that the emissions associated with onsite gasoline dispensing operations were modeled using emission factors outlined in CARB's Gasoline Service Station Industrywide Risk Assessment Technical Guidance Report and the modeling assumptions contain a discrepancy for the release height for vehicle refueling. The commenter requests that the Lead Agency update the Health Risk Assessment (HRA) to reflect the correct release height and disclose the updated results and analysis in the Final EIR.

Response A4.6: This comment asserts that the operational HRA (included as Appendix C to the Draft EIR) erroneously utilized a receptor height of 0.305 meters (or 1 foot) for vehicle refueling and hose permeation emissions. Based on the South Coast AQMD's Risk Assessment Procedures, Appendix VII, the appropriate release height for these emissions is 1 meter. As such, the modeling has been updated in Section 3.0 of this Final EIR to reflect a 1-meter release height for these sources. Based on the updated modeling results, presented in Appendix A to this Final EIR, the updated release height would result in lower pollutant concentrations from these sources at nearby receptors compared to the previous results that were based on a 0.305-meter release height. As such, the analysis presented in the Draft EIR is conservative and slightly overstates the potential risk to nearby receptors based on this methodology.

Comment A4.7: This comment states that the HRA did not include emergency generators or diesel fire pumps in the modeling for Phase 2 emissions sources and the Project could result in cancer risk levels that exceed South Coast AQMD significance thresholds of 10 cases in one million upon completion of Phase 2. The commenter requests that the Lead Agency develop a conceptual layout for Phase 2 that includes the proposed stationary sources at worst-case locations.

Response A4.7: The commentor is correct that emergency engines were not included in the health risk assessment for Phase 2, as site plans for Phase 2 are not currently available and their positions on the site unknown. However, Mitigation Measure AQ-21 requires that once detailed site plans are available for the Phase 2 portion of the Project site, a specific HRA shall be prepared in order to demonstrate that the Project would not exceed the applicable South Coast AQMD health risk significance thresholds.

Comment A4.8: This comment states that the emissions analysis for the emergency generators assumes operational use of 50 hours per year per generators; however, South Coast AQMD air permits issued for

emergency generators typically allow up to 50 hours per year for maintenance and testing, with a maximum of 200 total operational hours per year. The commenter states that the analysis for the new emergency generators should calculate the future emissions based on the assumption of 200 hours of operation per year and if fewer hours are assumed, the South Coast AQMD would need to include a permit condition to limit operations of the generators to hours specified in the CEQA analysis. The commenter requests that the Lead Agency revise the calculations for emergency generators to reflect the maximum allowable usage.

Response A4.8: This comment states that the analysis should assume 200 hours of annual runtime for each emergency generator, as this is a typical permit limit that includes operation for both emergency and non-emergency uses, including maintenance and testing. The permit limit does not indicate that the generators would actually be used for that length of time. It is unknown the extent to which the emergency generators would operate each year for emergency purposes; thus, it would be speculative to include operation for emergency purposes in the analysis. However, the Draft EIR's assumption that each of the generators and fire pumps would operate 50 hours per year is a typical limit for non-emergency runtimes and is based on requirements under the stationary diesel engine Airborne Toxic Control Measure and is, therefore, appropriate to use in the EIR analysis.

Comment A4.9: This comment states that under the Without Overlay scenario, truck circulation routes are shown to pass directly adjacent to the school and areas of truck idling are concentrated around the school's perimeter. The comment states that the Lead Agency is recommended to restrict truck activities from areas adjacent to Val Verde Elementary School and residential uses. The comment states that the HRA appropriately characterizes the truck movements as a conservative scenario for modeling purposes, but the Lead Agency should identify alternative onsite truck circulation routes that would avoid sensitive receptors.

Response A4.9: As disclosed by the commenter, the HRA appropriately provides an analysis of potential diesel particulate matter emissions associated with truck movements in the Phase 2 area as future site plans for development within Phase 2 are unknown. However, the City of Perris will be conditioning the Project to solely provide truck driveways on Orange Avenue in order to avoid the sensitive receptors located along Indian Avenue and Barrett Avenue. In addition, as required by the Harvest Landing Specific Plan and City's Good Neighbor Guidelines, internal circulation routes and loading docks would be oriented away from sensitive receptors, where possible, and truck courts would be required to be screened from offsite view. In addition, as required by Mitigation Measure AQ-20, future industrial developments within Phase 2 would either be required to use zero emission trucks or prepare a site-specific Health Risk Assessment to show that health risks related to onsite diesel particulate emissions would be less than South Coast AQMD significance thresholds. All future industrial or warehouse developments in Phase 2 would be subject to the requirements set forth in the City's Good Neighbor Guidelines, which would further reduce impacts related to trucks on Val Verde Elementary School and the residential development on Barrett Avenue.

Comment A4.10: This comment states that CEQA requires that all feasible mitigation measures be utilized to reduce or minimize any significant air quality impacts and that the South Coast AQMD recommends the following mitigation measures and project design features be incorporated into the Final EIR.

Response A4.10: This comment is informational and introductory in nature. Feasibility of the suggested mitigation measures and project design features is discussed in Responses A4.11 through A4.22. Notably, the proposed Project would be required to comply with the City of Perris Good Neighbor Guidelines which mandates some of the most stringent warehouse environmental standards, including many of the standards included in the suggested resources.

Comment A4.11: This comment suggests that the Project require zero emission or near zero emission heavy duty trucks if and when feasible. The comment further states that CARB's clean truck rules and regulations will lead to zero emission and near zero emission trucks becoming more available for use.

Response A4.11: As discussed on page 5.3-54 through 5.3-55 of the Draft EIR, as of 2025, the use of zero-emission heavy-duty trucks in support of uses such as those proposed by the Project remains infeasible given the extremely limited commercial availability of zero-emission trucks, as well as infrastructure limitations, including limited truck-accessible charging/refueling stations and electrical grid capacity. As discussed within the Draft EIR, while many heavy-duty truck manufacturers have released zero-emission battery electric and hydrogen-powered trucks, these vehicles have yet to reach large scale production, and their use remains extremely limited. Further, the availability of truck accessible vehicle charging stations and hydrogen refueling stations in California and the United States as a whole severely limits the feasibility of zero-emission trucks. Overall, requiring the Project to utilize emerging technology as mandatory mitigation when the various types of technological advancements and their timeframes for commercial availability are not known with any certainty, is not currently a feasible mitigation measure, which is further detailed on pages 5.3-54 through 5.3-55 of the Draft EIR.

Comment A4.12: This comment suggests that the Lead Agency require a phase in schedule for cleaner operating trucks to reduce any significant air quality impacts and that South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies.

Response A4.12: The commenter is referred to Response A4.11 and the discussion within Draft EIR pages 5.3-54 through 5.3-55. As the types of technological advancements and the associated timeframes for commercial availability for zero emission and near zero emission trucks are not known with any certainty and are highly speculative, it would be infeasible to implement a phase in schedule for cleaner operating trucks as the date for feasibility of using said trucks is also unknown.

Comment A4.13: This comment suggests that the Lead Agency limit the daily number of trucks to levels analyzed in the Draft EIR and if a higher number of trucks are anticipated to visit the site, the Lead Agency shall commit to reevaluating the Project through CEQA.

Response A4.13: Impacts of Phase 1 of the Project are analyzed at a project level and impacts of Phase 2 are analyzed at a programmatic level; both of which assume full capacity operations, which is a conservative analysis. As the site plans for Phase 1 are conceptual and the future site plans for Phase 2 are not known, the proposed Project have been analyzed based on the information available. A condition of approval restricting the number of truck trips to those identified in the Draft EIR is not practical or feasible. In addition, restricting truck trips to the number analyzed within the Draft EIR is not required by CEQA. There are no mechanisms in place beyond that required for South Coast AQMD Rule 2305 for documenting, tracking and monitoring the number of truck trips that access any site. CEQA requires that an EIR evaluate the Project based on reasonable assumptions and foreseeable actions. The trip generation estimates for the proposed Project were based on trip generation rates in the Institute of Transportation Engineers Trip Generation Manual, 11th Edition and the TUMF High-Cube Warehouse Trip Generation Study Update. The comment does not present any evidence that truck trips associated with the Project would be greater than disclosed in the Draft EIR. There is no substantial evidence presented by this comment or by any of the information in the Project's administrative record that contradicts the reasonable assumptions made in the Draft EIR about the expected number of truck trips. Introducing a cap on the number of trucks that can access the proposed MBU buildings is not required under CEQA, nor would it be reasonable or feasible for the City to monitor and enforce such a requirement. Overall, implementation of this condition is not necessary or feasible and the condition itself is not enforceable.

Comment A4.14: This comment suggests that the Lead Agency require the provision of electric vehicle charging stations or provide electrical infrastructure and appropriately sized electric panels. The comment suggests also requiring electrical hookups for truckers to plug in any onboard auxiliary equipment.

Response A4.14: This comment was addressed within the Draft EIR through the provision of Mitigation Measure AQ-13, which requires the installation of electric truck charging infrastructure within truck parking

areas to support future installation of charging stations when electric heavy-duty trucks are available. Further, Mitigation Measure AQ-9 requires installation of electric passenger vehicle charging stations for employee and public use. Regarding electric hookups for truckers to plug in onboard auxiliary equipment, Title 24 requires the installation of conduit at truck loading docks and correct electrical room sizing to ensure that tenants are able to provide plug ins at loading docks. Therefore, no additional mitigation measures are warranted.

Comment A4.15: This comment suggests that the Project include mitigation maximizing the use of solar energy by installing solar arrays.

Response A4.15: As discussed in Section 5.6, *Energy*, of the Draft EIR, MBU buildings would be designed solar-ready and the Project would be designed and built in such a manner as to facilitate the installation of solar photovoltaics in the future at the time a tenant fills each building. As required by Mitigation Measure GHG-5, photovoltaic panels would be required to be installed for tenants in order to offset 100 percent of their office electricity demand. It should be noted that as of 2022, approximately one third of the power generated by Southern California Edison is from renewable sources, and this is anticipated to continue to increase under the State's Renewable Portfolio Standard, which requires retail sellers of electric services to increase procurement from eligible renewable resources to 44 percent of total retail sales by 2024. The amount of retail electricity provided from renewable sources is expected to further increase significantly in order to meet the state goal of carbon neutrality by 2045. Therefore, no additional mitigation measures are warranted.

Comment A4.16: This comment suggests that the Project include mitigation requiring use of light-colored paving and roofing materials.

Response A4.16: This comment was addressed within the Draft EIR through the provision of Mitigation Measure GHG-4, which requires that all development within the MBU areas achieve certification of compliance or demonstrate equivalency with LEED Silver building standard. As part of attenuation of LEED Silver certification or equivalency, the buildings would have roofing material with CRRC Rated 0.15 aged solar reflectance or greater and 0.75 thermal emittance. Regarding light paving materials, proposed roadway improvements would be required to comply with City of Perris design guidelines. Further, the majority of groundcover within the Phase 1 MBU area would be concrete as concrete would be installed within the truck parking and loading dock areas. Therefore, no additional mitigation measures are warranted.

Comment A4.17: This comment suggests that the Project include mitigation requiring use of only Energy Star heating, cooling, and lighting devices.

Response A4.17: This comment was addressed within the Draft EIR through the provision of Mitigation Measure GHG-4, which requires that all development within the MBU areas achieve certification of compliance or demonstrate equivalency with LEED Silver building standard. As part of attenuation of LEED Silver certification or equivalency, all heating, cooling, and lighting devices would be energy star rated appliances/fixtures. Therefore, no additional mitigation measures are warranted.

Comment A4.18: This comment suggests that the Project clearly mark truck routes with signs so that trucks do not travel next to or near sensitive land uses.

Response A4.18: This comment was addressed within the Draft EIR through the provision of Mitigation Measure AQ-18, which requires installation of signs at every truck exit providing directional information to the truck route. Therefore, no additional mitigation measures are warranted.

Comment A4.19: This comment recommends that the Project is designed such that truck entrances and exits are not facing sensitive receptors in order to avoid trucks traveling past sensitive land uses to enter or leave the Project

Response A4.19: As discussed in Section 3.0, *Project Description*, of the Draft EIR, the Project would include five truck driveways along Frontage Road and installation of a truck-only Private Drive A for the industrial portion of the Phase 1 development. The commercial component of the Phase 1 development would require one truck driveway on Orange Avenue, one truck driveway on Harvest Landing Way, and one truck driveway on Barrett Avenue south of Orange Avenue, which would be oriented away from nearby sensitive receptors. While potential development plans and internal circulation within the Phase 2 area is unknown at this time, the City of Perris would be conditioning the Project to solely provide truck driveways for Phase 2 developments on Orange Avenue and Frontage Road in order to avoid the sensitive receptors located along Indian Avenue (so long as Val Verde Elementary school is operational along Indian Avenue) and Barrett Avenue. Further, the proposed Project would prohibit trucks from the industrial buildings from utilizing Barrett Avenue north of Orange Avenue, which would be prevented through installation of signage as required by Mitigation Measure AQ-17. Therefore, no truck driveways are located near sensitive receptors and no changes to the design are warranted.

Comment A4.20: This comment recommends that the Project is designed so that truck check-in points are inside the Project to avoid queuing.

Response A4.20: As discussed on page 5.16-28 of the Draft EIR, onsite truck driveways have been evaluated by the City Planning Division and Engineering Department to ensure that the necessary queue length is provided to ensure trucks accessing the business park buildings do not back onto Frontage Road, Orange Avenue, Harvest Landing Way, or Barrett Avenue. In addition, once tenants are known for the proposed drive-thru restaurants, a tenant-specific queueing analysis is required to be prepared and reviewed by City Engineering prior to issuance of a building permit. Specific truck entrance distance requirements are specified in the City of Perris Good Neighbor Guidelines.

Comment A4.21: This comment recommends that the Project is designed so that truck circulation is located as far away as feasible from sensitive receptors.

Response A4.21: The commenter is referred to Response A4.19. As discussed, the trucks traveling to and from the Project site would follow existing City truck routes and would be routed away from sensitive receptors. No further response is warranted.

Comment A4.22: This comment recommends that the Project restrict overnight truck parking in sensitive areas by providing overnight truck parking inside the Project site.

Response A4.22: The City of Perris prohibits the parking of any truck, trailer, or commercial vehicle on City streets and alleys. As shown in Table 3-4, the Phase 1 Business Park site development would include 976 truck parking spaces, which would provide for overnight truck parking within the Specific Plan area. No further response is warranted.

Comment A4.23: This comment suggests that the City of Perris conduct a review of certain provided references and incorporate additional mitigation measures as applicable to the Project.

Response A4.23: The City considered the references provided by the South Coast AQMD when developing the mitigation measures for the proposed Project. In addition, the South Coast AQMD does not specify which mitigation measures it is recommending within the references. Most of these mitigation measures are duplicative of the ones suggested in the comment letter or contained within the Draft EIR. Furthermore, CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts (CEQA Guidelines Section 15041).

The Draft EIR's mitigation measures are consistent with and support the overarching recommendations in the provided references and no revisions are warranted.

Comment A4.24: This comment discusses the applicability of South Coast Rule 2305 to the proposed Project and summarizes the requirements of Rule 2305 Warehouse Indirect Source Rule WAIRE Program. The comment states that Project requirements, design features, and CEQA mitigation measures can be identified and implemented to help future warehouse operators meet their compliance obligations.

Response A4.24: The comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the EIR, no further response is required or provided.

Comment A4.25: This comment states that the Project would utilize seven diesel fire pumps and five emergency generators during Phase 1 operations and 16 generators and 16 fire pumps for Phase 2 operation, which requires South Coast AQMD permits. The comment states that the Draft EIR does not provide details or emission estimates with this equipment and states that the project description and analysis/calculation should be revised to include the construction and operational emissions associated with all of the industrial equipment, plus any chemicals that may be stored or delivered.

Response A4.25: As described on Draft EIR page 5.3-28, is anticipated that the proposed MBU buildings would utilize diesel fire pumps and emergency generators. Therefore, the Draft EIR analysis conservatively assumed that for operation of Phase 1 of the Project, seven diesel-fueled fire pumps would operate at 300 horsepower for 50 hours during the year and 5 emergency generators would operate at 300 horsepower for 50 hours during the year. The commentor is correct in that emergency engines were not included in the health risk assessment for Phase 2, as site plans for Phase 2 are not currently available and their positions on the site unknown. However, as required under Mitigation measure AQ-21, once detailed site plans are available for the Phase 2 portion of the Project site, a specific HRA shall be prepared in order to demonstrate that the development of the Phase 2 area would not exceed the applicable South Coast AQMD health risk significance thresholds.

Comment A4.26: This comment states that the Final EIR should include a discussion of South Coast AQMD rules such as Rule 201, 203, 401, 402, 403, 461, 1110.2, 1113, 1401, and 1470.

Response A4.26: Pages 5.3-8 and 5.3-9 in Draft EIR Section 5.3, *Air Quality*, include a summary of some potentially applicable South Coast AQMD rules. This discussion has been updated in Section 3 of this Final EIR to include additional rules recommended by the commenter. No further response is warranted.

Comment A4.27: This comment states that the South Coast AQMD is a Responsible Agency for the proposed Project since air permits are required and the South Coast AQMD will be required to make a decision on the adequacy of the CEQA document for its own use in issuing discretionary approvals. The comment summarizes other requirements for a Responsible Agency under CEQA. The comment states due to the requirements for Responsible Agencies, the Final EIR should be revised to include a discussion about any new stationary and portable equipment requiring South Coast AQMD permits and provide an evaluation of their air quality and greenhouse gas impacts.

Response A4.27: Draft EIR Table 3-8, *Project Approvals and Permits*, lists the South Coast AQMD as a Responsible Agency with potential subsequent approvals including air quality permits for installation and operation of backup generators and fire pumps, issuance of air quality permits for the proposed restaurants, and issuance of air quality permits for operation of the proposed gas station. Further, as discussed in Responses A4.7, A4.8, and A4.25, the Draft EIR properly and conservatively analyzed potential emissions resulting from construction and operation of Phase 2, inclusive of any necessary backup generators or fire pumps. Therefore, no further revisions are warranted.

Comment A4.28: This comment concludes the South Coast AQMD's discussion and summarizes the standard practice for Lead Agencies when responding to Public Agencies' comments. The comment also thanks the Lead Agency for giving the South Coast AQMD the opportunity to comment on the Draft EIR and contact information if future questions arise.

Response A4.28: The comment is conclusionary in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment Letter A5: Eastern Municipal Water District, 4 pages

June 25, 2025

Albert Armijo
City of Perris, Planning Division
135 North D Street,
Perris, CA 92570

Subject: Harvest Landing Retail Center & Business Park Project – Notice of Availability of a Draft Environmental Impact Report

Dear Mr. Armijo:

EMWD appreciates the opportunity to provide comments on the Harvest Landing Retail Center & Business Park Project Draft Environmental Impact Report (DEIR) Notice of Availability (NOA). A5.1

EMWD requests that the DEIR identify and evaluate the Project's proposed water demands, wastewater generation/discharge, potential recycled water use, and determine if the remaining available capacity in the existing EMWD facilities can adequately serve this Project. EMWD requests the EIR identify and analyze facility improvements needed for this Project if existing EMWD facilities do not have adequate capacity to serve the project or cumulative development. To help in this effort, EMWD can assist the Lead Agency/project proponent to identify EMWD's Design Conditions (DC), formerly known as the Plan of Service (POS), to determine conditions and required facilities. The EIR should identify any needed District facilities as part of the Proposed Project, and evaluate impacts associated with construction/ operation of these project features. A5.2

The DEIR identifies existing water lines within Indian Avenue, Placentia Avenue, North Perris Boulevard, Orange Avenue west of Indian Avenue, and Orange Avenue east of Barrett Avenue and states that during construction of Phase 1, improvements of existing lines would be implemented. The improvements include installation of drainage infrastructure improvements in Perris Boulevard, Barrett Avenue, Orange Avenue, Indian Avenue, and Private Drive A; implementation of sewer line improvements in Perris Boulevard; implementation of water line improvements in Barrett Avenue, Orange Avenue, Frontage

EASTERN MUNICIPAL WATER DISTRICT
2270 Trumble Road • Perris, CA 92572-8300
T 951.928.3777 • F 951.928.6177 • www.emwd.org

Road, Walmart Supercenter Drive; and installation of a new water well for landscaping irrigation in the proposed drainage basin. A5.2 cont.

The subject project was reviewed for Due Diligence with EMWD's Development Services Department, with a Project Number WS2022-1581.

To date, EMWD received a Work Order deposit to develop the DC, to identify on-site and offsite facilities required to serve this project. The issued Work Order number for this project is 16695. A5.3

If you have questions or concerns, please do not hesitate to contact Maroun El-Hage at (951) 928-3777, extension 4468 or by email at El-hagem@emwd.org.

Sincerely,

Anthony Budicin
Director of Environmental and Regulatory Compliance

Cc: Maroun El-Hage, MPA, MS, PE, EMWD Principal Civil Engineer, Dev. Services Dept.
Jose Ruiz, EMWD Assistant Engineer, Dev. Services Dept.
Martha Vilchis, EMWD Water Resources Specialist Assistant, ERC Dept.

Attachment: Copy of Public Notice

RECEIVED JUN - 2 2025

NOTICE OF AVAILABILITY
HARVEST LANDING RETAIL CENTER & BUSINESS PARK PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT (DRAFT EIR)
SCH NO. 2024080337

May 30, 2025

Project Title: Harvest Landing Retail Center & Business Park Project - Environmental Impact Report/SCH No. 2024080337, Specific Plan Amendment (SPA) 22-05250; General Plan Amendment (GPA) 24-05175; Zone Change 24-05176; Development Plan Reviews (DPR) 22-00023, 22-00024, 22-00025, 22-05235, 22-05238, 23-00017, 24-00008, 24-00009; Conditional Use Permits (CUP) 22-05050, 23-05235; Tentative Tract Maps (TTM) 38810 and 38811; and Development Agreement (DAA) 17-05136.

Lead Agency:
City of Perris
Planning Division
135 North D Street
Perris, CA 92570
(951) 943-5003
Contact: Albert Armijo, Project Planner

Project Location - City: Perris **Project Location - County:** Riverside

Project Location - Specific: The Project site is located in the central portion of the City of Perris, in Riverside County. The Project site includes approximately 358.28 acres in the central portion of the City of Perris and is generally bounded by I-215 to the west, Perris Boulevard to the east, Nuevo Road to the south, and Placentia Avenue to the north. The Project site includes the current Harvest Landing Specific Plan (Specific Plan) area and parcels proposed to be annexed into the Specific Plan.

Existing Harvest Landing Specific Plan: In 2011, the City of Perris City Council adopted the Harvest Landing Specific Plan, which is a master-planned community including residential, recreation, and general business and commercial land uses on 341.1 acres in western Perris. As approved, the Specific Plan allows for the development of 169.5 acres of residential uses (1,860 units), 88.5 acres of business uses (1,306,582 square feet), 39 acres of roads and drainage/detentions areas, and 44 acres of open space amenities, including a lake, parks, recreation center, and paseos.

Description of the Project: The Project includes a Specific Plan Amendment to annex three parcels (Assessor's Parcel Numbers [APNs] 305-060-042, 305-060-036, and 305-060-037) to the Specific Plan Area and designate them as Multiple Business Use (MBU) as well as add an MBU Overlay to APN 305-060-038, increasing the total Specific Plan area to 358.28 acres. In addition, the Specific Plan Amendment is proposed to change the existing land use plan of the Specific Plan area to replace residential uses with MBU and commercial uses.

The Specific Plan Amendment is proposed to increase the maximum allowed floor area ratio within the Commercial designation from 0.35 to 0.75, which would be consistent with the City of Perris Commercial Community General Plan land use designation. In addition, the Specific Plan Amendment would increase the maximum allowed floor area ratio within the MBU designation from 0.35 to 0.75, which would be consistent with the City of Perris Light Industrial General Plan land use designation. The proposed Phase 1 development would include a 139.89-acre business park with one parcel hub, three high cube warehouses, and three light industrial buildings totaling 1,727,579 square feet; a 22.16-acre community shopping center with a major retail building and eight retail pads totaling 250,457 square feet; and a 24.33-acre commercial big box retail site with a new 167,050-square-foot, free-standing big box discount store with a 12-pump gas station and two approximately 5,500-square-foot fast food restaurants. The

maximum feasible buildout of the entire Specific Plan, based on the submitted development applications for commercial and industrial uses within the Phase 1 sites and the maximum allowed buildout of Phase 2, would be 5,735,535 square feet of MBU uses and 428,507 square feet of Commercial uses.

The proposed Project includes the following discretionary actions by the City: Specific Plan Amendment (SPA) No. 22-05250 to revise land use designations, establish a plan for public facilities, design guidelines, and to annex properties to the north of the Project into the Specific Plan; General Plan Amendment (GPA) No. 24-05175 to redesignate annexed parcels as Specific Plan (SP); Zone Change No. 24-05176 to rezone the properties being annexed into the Specific Plan overlay from various zonings to HL-SP (MBU); Development Plan Review (DPR) Nos. 22-00023, 22-00024, 22-00025, 22-05235, 22-05238, 24-00008, and 24-00009 to construct the proposed industrial buildings and No. 23-0017 to construct the proposed commercial buildings; Tentative Tract Map No. 22-05250 (TTM 38810 and 38811) to revise site boundaries within the Harvest Landing Specific Plan; Conditional Use Permit (CUP) No. 22-05050 for drive-thru operations and No. 23-05235 for fuel stations; Development Agreement Amendment(s) (DAA) No. 17-05136 to update to the Harvest Landing Development Agreement per the revised Project; and Certification of the Environmental Impact Report (EIR) with the determination that the EIR has been prepared in compliance with the requirements of the California Environmental Quality Act (CEQA).

Significant Effects Discussed in the Draft EIR: The Draft EIR determined that the following issue areas have less-than-significant impacts or potentially significant environmental impacts that will be mitigated to below a level of significance: aesthetics, agriculture and forestry resources, air quality (localized emissions and odors), biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise (on-site noise and vibration), population and housing, public services, recreation, transportation (circulation plan, hazards, and emergency access), tribal cultural resources, and utilities. The Draft EIR determined that the Project would result in significant and unavoidable impacts related to air quality (conflict with the Air Quality Management Plan [AQMP] and construction and operational regional emissions), greenhouse gas (GHG) emissions (emissions and conflict with a GHG reduction plan), noise (off-site traffic noise), and transportation (vehicle miles traveled).

Address Where the Draft EIR is Available:
(Electronic copy provided online at https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review)

Hard copy documents may be reviewed at the following location, by appointment only:

City of Perris
Planning Division
135 North D Street
Perris, CA 92570
Phone: (951) 943-5003
Monday – Friday 8:00 a.m. – 6:00 p.m.

Public Review Period: The Draft EIR is being circulated for a minimum **45-day review period**, which will commence on **May 30, 2025,** and conclude on **July 14, 2025.** Due to the time limits mandated by State law, your comments must be received at the earliest date, but not later than **July 14, 2025, at 5:00 pm.** Please send your comments to Albert Armijo, City of Perris Planning Division, 135 North D Street, Perris, CA 92570-2200. Albert Armijo may be reached via e-mail at: aarmijo@cityofperris.org.

Public Hearing: Written and oral comments regarding the Draft EIR may also be submitted at public hearings that will be held before the City of Perris Planning Commission and City Council. The dates, times, and place of future public hearings will be appropriately notified per City and CEQA requirements. Copies of all relevant material, including the project specifications, the Draft EIR, and supporting documents, are available for review at the City of Perris Planning Department, located at the address provided above.

Hazardous Materials Statement: The Project site is not listed on any list of hazardous waste sites prepared pursuant to Government Code Section 65962.5.

NOTES: This Project was subject to Airport Land Use Commission (ALUC) review. Tribal consultations were conducted in accordance with the provisions of SB 18 and AB 52.

Response to Comment Letter A5: Eastern Municipal Water District, June 25, 2025

Comment A5.1: This comment states that the Eastern Municipal Water District (EMWD) appreciated the opportunity to comment on the Draft EIR.

Response to Comment A5.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment A5.2: This comment states that the Draft EIR must evaluate the proposed Project's water demands, wastewater generation, and potential recycled water use to determine if the additional capacity is within EMWD facilities existing capacity. Should the EIR identify any needed improvements, the Draft EIR should identify any additional impacts associated with the construction and operation of these improvements. This comment provides a summary of the proposed Project's offsite utility improvements related to new water, sewer, and drainage infrastructure as well as a new water well for landscaping irrigation.

Response A5.2: This comment is informational in nature and does not provide any substantial evidence of significant environmental impacts that have not already been disclosed in the Draft EIR. The Draft EIR includes a discussion of the proposed utility improvements as discussed within the comment on page 3-22 within Draft EIR Section 3.0, *Project Description*. The existing and proposed facilities' ability to serve the proposed Project are discussed in Draft EIR Section 5.18, *Utilities and Service Systems*, which describes that the proposed improvements have been designed to meet the increased demand from the proposed Project.

The EMWD's ability to provide potable water to the site has been evaluated in the Water Supply Assessment for the proposed Project, which was prepared by the EMWD and is discussed in Draft EIR page 5.18-9. As discussed, the EMWD's 2020 Urban Water Management Plan (UWMP) estimated that the Project site would have a total water demand of 739.23 acre-feet per year based on the previously approved Specific Plan (Draft EIR Appendix U). Based on the proposed Specific Plan Amendment land uses and demand projections for each use type, buildout of the proposed Specific Plan would result in a total water demand of 561.68 acre-feet per year, as shown in Draft EIR Table 5.18-4. Therefore, the proposed Project's water demand is within the projected estimate and accounted for in the EMWD's 2020 UWMP.

In addition, the construction activities related to the new water, sewer, and drainage infrastructure that would be needed to serve the proposed industrial and commercial uses under Specific Plan buildout is included as part of the Project and would not result in any physical environmental effects beyond those identified throughout the Draft EIR. For example, construction emissions for excavation and installation of the infrastructure are included in Draft EIR Sections 5.3, *Air Quality*, and 5.8, *Greenhouse Gas Emissions*. Further, construction noise levels related to the new infrastructure are discussed in Section 5.12, *Noise*. Therefore, the proposed Project would not result in the construction of additional new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and potential impacts would be less than significant.

Comment A5.3: This comment states that the proposed Project has been reviewed for Due Diligence with the EMWD and a Work Order deposit has been received to identify on-site and offsite facilities required to serve the proposed Project.

Response A5.3: This comment is conclusionary in nature and does not raise a specific issue with the adequacy of the Draft EIR. The Project Applicant team is currently working with the EMWD regarding the Design Conditions for the proposed Project. Because this comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment Letter A6: California Department of Transportation, 4 pages

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 8
464 WEST 4TH STREET
SAN BERNARDINO CA, 92401
(909) 925-7520
www.dot.ca.gov

July 14, 2025

Route & Postmile #: I-215/ 28.478
Cross Street: Multiple
GTS ID: 36658
SCH #: 2024080337

City of Perris
Planning Division
Attn: Albert Armijo
135 N D St,
Perris, CA 92570

Subject: Harvest Landing Retail Center & Business Park Project Draft Environmental Impact Report

The California Department of Transportation (Caltrans) Local Development Review (LDR) Branch has completed its review of the Harvest Landing Retail Center & Business Park Project Draft Environmental Impact Report (EIR). The project site is located in the central area of the City of Perris in Riverside County and encompasses approximately 358.28 acres. It is generally bounded by I-215 to the west, Perris Boulevard to the east, Nuevo Road to the south, and Placentia Avenue to the north. The site includes the existing Harvest Landing Specific Plan area as well as additional parcels proposed for annexation into the Specific Plan.

The Harvest Landing Specific Plan currently covers 341.1 acres and allows for residential, business, commercial, and open space uses. A proposed Specific Plan Amendment (SPA) would expand the area to 358.28 acres by annexing four parcels and shifting land uses from residential to Multiple Business Use (MBU) and Commercial. It would also increase the maximum floor area ratio (FAR) from 0.35 to 0.75 to align with the City's General Plan. Phase 1 includes a business park, shopping center, and retail site totaling over 2.1 million square feet. At full buildout, the plan would allow approximately 5.7 million square feet of MBU and 428,500 square feet of commercial space. A6.1

Based on the information available, we are submitting the following comments and recommendations for your consideration:

Local Development Review

Vehicle Miles Traveled (VMT)

While it is acknowledged that VMT impacts associated with the project would remain significant and unavoidable, even with the incorporation of feasible mitigation measures, we strongly encourage continued collaboration among property owners, future tenants, and the City of A6.2

Perris to explore and implement strategies that reduce VMT to the greatest extent possible.

Active Transportation and Complete Streets
Development of the project site should make improvements for non-motorized travel (circulation and thru-movements) within its proposed project footprint and outside of such, given the boundaries of the local schools that are within the development footprint, as well as surrounding such. Val Verde Elementary School, though located east of I-215, is contained within the proposed development area. Palms Elementary and Perris High schools with their respective school grounds located also east of I-215, but outside of the proposed development area, also serves the population that is in the specific plan map, as well as populations on both sides of I-215. The recently completed I-215/ Placentia Ave. interchange project contains a trail on the south side of the Placentia Ave. local road, both west and east of the interchange. The proposed development should incorporate continuity of this trail in addition to sidewalk and bicycle facility guidelines. A6.2 cont.

Specific to Val Verde Elementary School, sidewalk considerations should be greater as younger schoolchildren of such age that attend an elementary school may less likely be operating a wheeled device (skateboard, scooter or bicycle) within a designated Class II bicycle lane. Therefore, proposed minimums of a six-foot sidewalk leading to the school from the north and south along Indian Avenue should be reexamined to provide greater comfort, safety and separation from motor vehicle travel lanes. It is also encouraged that in addition to the TUMF collected by Riverside County jurisdictions with future development, that the project team collaborates with Val Verde Elementary, as well as Palms Elementary and Perris High schools to update any applicable Safe Routes to School plans to incorporate measures that allow schoolchildren ingress and egress from school grounds, given changes to existing transportation infrastructure, as well as the demand on surrounding transportation infrastructure with the proposed development. A6.3

To reduce VMT and improve community health, comfort and safety, other jurisdictions across the Inland Empire have proposed facility enhancements, including (but not limited to) a shared-use path leading to community schools, in addition to wider sidewalks and/ or bicycle facilities (of Class II or IV designation).

In addition, where the development may lead to extended block lengths or breaks within a grid system of local streets, considerations for bicyclist and pedestrian circulation should be considered in the proposed development, since there are little to no pathways contained in conceptual plans for ingress, egress or thru-travel of non-motor vehicle users. A6.4

Traffic Operations
Appendix R – TIA
1. The following tables include: 3.2, 3.6, 3.9, 3.12, 5.1, 5.5, 5.9, and 6.5 – Please notice the following location is in the Jurisdiction of Caltrans not City of Perris:
   - I-215 NB Ramps/ W Nuevo Rd.
   - I-215 SB Ramps/ W Nuevo Rd.
   - I-215 NB Ramps/ Placentia Ave.
   - I-215 SB Ramps/ Placentia Ave.

A6.5

Traffic Forecasting and Analysis
Appendix R – TIA
1. Heavy truck percentages are based on older SCAQMD data. Please update regional truck A6.6

trip generation data to support these assumptions. A6.6 cont.

2. Counts were taken in different seasons and years, but seasonal adjustments aren't mentioned. Please confirm if seasonal factors were applied to ensure accuracy. A6.7
3. The TIA shows significant queueing at I-215 ramps but does not analyze if queues will spill back onto the freeway mainline, which is a safety concern. The analysis should include freeway ramp spillback evaluations and recommend ramp storage improvements if needed. A6.8
4. While ramp intersections are studied, there is no evaluation of I-215 mainline traffic operations or potential impacts from added project trips and heavy trucks. The TIA should assess mainline freeway segments to ensure there are no operational issues. A6.9
5. The TIA uses RIVCOM model outputs for General Plan 2045 volumes but does not clarify if select zone checks or model calibration validation were performed. Please confirm that forecast volumes reasonably match existing counts and known growth trends. A6.10
6. The TIA outlines trip distribution percentages for industrial and commercial components. Please provide the distribution tables and justify assumptions to ensure alignment with regional travel patterns and RIVCOM outputs. A6.11
7. Clarify how cumulative project volumes were integrated with ambient growth and RIVCOM forecasts to avoid double-counting, ensuring consistency in future year forecasts. A6.12
8. Passenger car equivalent (PCE) factors significantly affect volume-to-capacity results. Please confirm if Caltrans-recommended or regionally adopted PCE factors were used, especially for high-cube and parcel hub truck volumes. A6.13
9. Turning movement sheets need to be reformatted as they are displayed incorrectly. Please revise to ensure all turning movement diagrams are clearly readable, with correct orientation, labels, and scaling for professional review and permit processing. A6.14

<u>Appendix T – Caltrans Queuing and Safety Analysis:</u>

1. The analysis references volumes from the TIA but does not document detailed RIVCOM model validation or select zone checks to confirm reasonableness. We recommend providing model validation summaries supporting these forecasted volumes for Caltrans review. A6.15
2. Truck trip percentages are based on ITE and SCAQMD data but are not compared with regional SCAG goods movement or Caltrans truck forecasts. We recommend crosschecking these percentages with regional data to ensure consistency with Caltrans freight forecasts. A6.16
3. PCE factors were applied to convert truck trips, affecting forecasted volumes for queue analysis. We recommend confirming these PCE factors are consistent with Caltrans guidelines or District 8 practice. A6.17
4. Ensure consistency between baseline (2024), Opening Year I (2026), and Opening Year II (2030) volumes used in this queue analysis with the TIA forecast years and RIVCOM outputs. We recommend confirming forecast year alignment for reliability. A6.18
5. Truck distribution map needs to be larger. Please revise the figures to improve readability, ensuring the truck trip distribution is clearly visible and legible for review. A6.19

<u>Appendix S – VMT Analysis:</u>

1. Truck trip percentages are based on ITE and SCAQMD sources but are not compared with regional truck travel patterns from Caltrans or SCAG goods movement models. Please crosscheck these percentages for consistency with regional data and update as needed. A6.20
2. RIVCOM model inputs, select zone checks, and network changes are not fully documented. We recommend providing detailed model inputs, assumptions, and validation against recent counts. A6.21
3. Baseline VMT is interpolated between 2018 and 2045 without comparison to interim forecasts. We recommend comparing this with interim model years or SCAG forecasts for accuracy. A6.22

4. Trip generation rates and distributions are not fully documented to show consistency with regional travel patterns. We recommend providing supporting data for these assumptions. A6.23

Equitable Access

If any Caltrans facilities are impacted by the project, they must comply with American Disabilities Act (ADA) Standards upon project completion. Additionally, the project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase. These access considerations align with Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users. A6.24

Caltrans Encroachment Permit

Any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) requires a Caltrans-issued encroachment permit.

For information regarding the Encroachment Permit application and submittal requirements, contact:

Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526
D8.E-permits@dot.ca.gov
https://dot.ca.gov/programs/traffic-operations/ep
Important Note: All new permit applications must now be submitted through our new CEPS Online Portal at: https://ceps.dot.ca.gov/ A6.25

Please be advised that LDR's point of contact role will conclude upon the completion of the development entitlement process. Once project is entitled, the Encroachment Permit Office will serve as the primary point of contact moving forward.

Thank you again for including Caltrans in the review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D8@dot.ca.gov or call 909-925-7520. A6.26

Sincerely,

Janki Patel

Janki Patel
Branch Chief - Local Development Review
Division of Transportation Planning
Caltrans District 8

"Improving lives and communities through transportation"

4

Response to Comment Letter A6: California Department of Transportation (Caltrans), July 14, 2025

Comment A6.1: This comment states that Caltrans has completed its review of the Draft EIR. The comment continues to describe the proposed Project and how it compares to the original Harvest Landing Specific Plan. The comment states that the comment letter provides Caltrans' comments.

Response A6.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment A6.2: This comment states that it is acknowledged that vehicle miles traveled (VMT) impacts would remain significant and unavoidable, despite the implementation of feasible mitigation measures. The comment suggests continued collaboration among property owners, future tenants, and the City to explore and implement strategies that reduce VMT to the greatest extent possible. This comment states that development should make improvements for non-motorized travel such as trails, sidewalks, and bicycle facilities to support local schools. The comment also states that the Project should continue the trail on the south side of Placentia Avenue at the I-215 interchange.

Response A6.2: This comment recommends improvements to circulation and does not raise a specific issue with the adequacy of the Draft EIR. As acknowledged by the comment, impacts related to VMT from the commercial component of Phase 1 and buildout of the Specific Plan would be significant and unavoidable.

Consistent with the comment, the City of Perris and Project Applicant explored all possible CAPCOA VMT reduction measures, as shown in Table 9 of Appendix S, *VMT Analysis*, to the Draft EIR. As shown in Table 9, not all CAPCOA mitigation measures are applicable to the proposed Project due to limitations on transit infrastructure, proposed land use, and economic infeasibility, among others.

Regarding facilities for non-motorized travel, the Project would provide sidewalks along Indian Avenue, Orange Avenue, Frontage Road, Perris Boulevard, Barrett Avenue, Harvest Landing Way, and Private Drive A. Within the vicinity of the Specific Plan, Placentia Avenue contains a Class II bicycle lane and sidewalks. Placentia Avenue does not have a trail as mentioned by the commenter. Within the Specific Plan area, existing sidewalks are limited. The City of Perris General Plan Circulation Element recommends a buffered bicycle lane (Class IIB) on Perris Boulevard and Orange Avenue, and a bicycle lane (Class II) on Indian Avenue and Frontage Road. No other roadways in the Project vicinity are designated in the City of Perris General Plan Circulation Element for bike lanes. As detailed in Section 3.0, *Project Description*, the Project includes the construction of a Class II bike lane on Indian Avenue, Orange Avenue, Perris Boulevard, and Barrett Avenue, as well as a 10-foot-wide shared use trail on Frontage Road; and the Project would refresh striping on the adjacent streets, thereby improving bicycle facilities and network. The proposed sidewalks and trails that would be incorporated as part of the Project would help to connect proposed and surrounding uses to existing sidewalks along Placentia Avenue and Indian Avenue.

Comment A6.3: This comment states that, specific to Val Verde Elementary School, sidewalk considerations should be greater as children are unlikely to utilize a Class II bicycle lane. The comment states that a minimum six-foot-wide sidewalk should be included along Indian Avenue. The comment states that the Project team should collaborate with Val Verde Elementary, Palms Elementary, and Perris High School to update any applicable Safe Routes to Schools plans given the changes to circulation resulting from the proposed Project.

Response A6.3: This comment does not raise a specific issue with the adequacy of the Draft EIR. Regarding sidewalks near Val Verde Elementary School, there are existing 6-foot-wide sidewalks along Indian Avenue between Orange Avenue and Placentia Avenue. During Phase 2 development, the Project would reinstall 6-foot-wide sidewalks along Indian Avenue.

In regard to Safe Routes to Schools plans, the Val Verde Unified School District's Operation Safe Passage does not outline any routes for school children to Val Verde Elementary School.[1] The Riverside University Health System administers the Safe Routes for All Program for the City of Perris. While the program provides broad goals and tips for pedestrian safety, it does not outline specific routes to school for Val Verde Elementary School, Palms Elementary School, or Perris High School. Further, the proposed Project would not result in bifurcation of an existing neighborhood from Val Verde Elementary School; therefore, the existing routes to school would continue to be utilized to provide safe circulation for pedestrians and bicyclists. Lastly, while potential development plans and internal circulation within the Phase 2 area is unknown at this time, the City of Perris will be conditioning future development of the area to solely provide truck driveways for Phase 2 developments on Orange Avenue and Frontage Road in order to avoid the sensitive receptors located along Indian Avenue (with Val Verde Elementary school operational along Indian Avenue) and Barrett Avenue, which would ensure that there is no pedestrian-truck conflict along Indian Avenue.

Comment A6.4: This comment states that the Project may lead to extended block lengths or breaks within a grid system of local streets and bicycle and pedestrian circulation should be considered in the proposed Project. The comment states that there are no pathways within the conceptual plans for ingress, egress, or thru-travel of non-motor vehicle users.

Response A6.4: This comment does not raise a specific issue with the adequacy of the Draft EIR. The comment incorrectly states that the conceptual plans do not contain pathways for pedestrians or bicyclists. As required by the Harvest Landing Specific Plan and City of Perris design standards, each development site would provide ADA-compliant internal pedestrian routes, which could be utilized by bicyclists. Each site would include internal sidewalks, which would be located away from truck loading docks and parking areas. No further response or considerations are warranted.

Comment A6.5: This comment states that the intersections of I-215 NB Ramps/W Nuevo Road, I-215 SB Ramps/W Nuevo Road, I-215 NB Ramps/Placentia Avenue, and I-215 SB Ramps/Placentia Avenue are within the jurisdiction of Caltrans and not the City of Perris.

Response A6.5: In response to this comment, Tables 3.2, 3.6, 3.9, 3.12, 5.1, 5.5, 5.9, and 6.5 of the Traffic Impact Analysis, included as Appendix B to this Final EIR, have been revised to correctly identify the study intersections' jurisdiction of Caltrans, instead of the City of Perris for the following intersections:

- I-215 NB Ramps/ W Nuevo Rd.
- I-215 SB Ramps/ W Nuevo Rd.
- I-215 NB Ramps/ Placentia Ave.
- I-215 SB Ramps/ Placentia Ave.

The jurisdiction listed for these intersections within these data tables does not affect the conclusions of the traffic analysis or change the recommended improvement measures.

Comment A6.6: This comment states that heavy truck percentages are based on older SCAQMD data and requests that the City update regional truck trip generation data to support these assumptions.

Response A6.6: The heavy truck percentages used in the traffic analysis are based on the most recent ITE data. South Coast AQMD data was only utilized to determine the axle split between 2-axle/3-axle/4+-axle trucks. Furthermore, all trip generation assumptions were reviewed and approved by the City of Perris during the scoping agreement process.

[1] https://valverdeelem.valverde.edu/en-US/traffic-safety-brochure-97392c10

Comment A6.7: This comment requests clarification on whether seasonal factors were applied to counts.

Response A6.7: Seasonal factors were taken into account when the traffic counts occurred. In response to this comment, the following discussion was added to Section 3.2 of the Traffic Impact Analysis Report to discuss seasonal adjustments of counts:

- Traffic counts were collected for most study intersections on Tuesday, May 16th, 2023, while schools were in session.
    - Existing 2024 turning movement volumes were developed by applying a growth rate of three percent per year to the existing 2023 counts.
- Counts for the existing driveways on the north leg of intersection #46, and the east leg of intersection #59, which belong to a commercial plaza and Walmart, were collected on Tuesday, July 30th, 2024, while schools were not in session. It is to be noted that since the driveways belong to commercial land uses, they are not affected by school trips when schools are in session, as their locations are not a part of typical routes used for school pick-up/drop-off.
- Additionally, the volumes for the eastbound and westbound trips at intersection #46 were determined based on volume balancing between two adjacent intersections #18 (Barrett Ave/Orange Ave) and #19 (Perris Blvd/Orange Ave), for which traffic counts were conducted while schools were in session.

Comment A6.8: This comment states that the Traffic Impact Analysis Report shows significant queuing at I-215 ramps but does not analyze whether queues will spill back onto the freeway mainline, which is a safety concern. The comment requests that the analysis include freeway ramp spillback evaluations and recommend ramp storage improvements, if needed.

Response A6.8: This comment does not provide substantial evidence of significant impacts not analyzed in the Draft EIR. Draft EIR Appendix T was included as part of the Draft EIR public circulation and analyzed potential queuing onto the freeway mainline. In response to this comment, Final EIR Appendix C was prepared which demonstrates the followings:

- The proposed Project trips add more than two car lengths to the Opening Year II 2030 Without Project queue, causing it to spill into the mainline traffic of a Caltrans roadway at the following ramp intersection:
    - #29. I-215 Southbound Ramps/West Nuevo Road – southbound left-turn lane
- At the intersection of I-215 Southbound Ramps/West Nuevo Road, the speed differentials between lane 1 and lane 3 of the freeway mainline during the AM and PM peak hours are 9.9 mph and 9.8 mph, respectively, which do not exceed the 30 mph threshold.
    - Therefore, the freeway queuing impact is considered to be less than significant and no mitigation shall be required.

Comment A6.9: This comment states that there is no evaluation of I-215 mainline traffic operations or analysis of potential impacts from added trips and heavy trucks. The comment requests that the Traffic Impact Analysis Report assess mainline freeway segments to ensure there are no operational issues.

Response A6.9: While such operational conditions and automobile delay are now outside the scope of CEQA, in response to this comment letter, EPD Solutions prepared a separate Freeway Capacity and Mainline Operations Memorandum (included as Appendix C to this Final EIR) to evaluate potential Project-related mainline volumes and cumulative traffic conditions along I-215. This supplemental freeway analysis is conducted as a good-faith effort to inform Caltrans and the public about potential operational effects, even though it is not required under CEQA.

In summary, the technical memorandum analyzed freeway merge and diverge segments at ramp junctions with the I-215 mainline at the following interchanges:

- I-215/Nuevo Road Interchange
- I-215/Placentia Avenue Interchange

Opening Year I 2026 Without Project Analysis Results

During both the AM and PM peak hours for the Opening Year I (2026) Without Project scenario, all study segments, including basic, diverge, and merge segments, are expected to operate within capacity in both the northbound and southbound directions of the I-215.

Opening Year II 2030 Without Project Analysis Results

During both the AM and PM peak hours for the Opening Year II (2030) Without Project scenario, all study segments, including basic, diverge, and merge segments, are expected to operate within capacity in both the northbound and southbound directions of the I-215.

General Plan 2045 Without Project Analysis Results

During both the AM and PM peak hours under the General Plan 2045 Without Project scenario, all basic, diverge, and merge study segments are expected to operate at a satisfactory level of service (LOS), with the exception of the following segments:

During AM Peak Hour:

- Segment N4: Northbound Nuevo Road On-Ramp – LOS E (v/c ratio = 1.06)
- Segment N8: Northbound Placentia Avenue On-Ramp – LOS E (v/c ratio = 0.96)
- Segment N9: I-215 Mainline between Northbound Placentia Avenue On-Ramp and Ramona Expressway Off-Ramp – LOS E (v/c ratio = 0.89)

Opening Year I 2026 With Project Analysis Results

During both the AM and PM peak hours for the Opening Year I (2026) With Project scenario, all study segments, including basic, diverge, and merge segments, are expected to operate within capacity in both the northbound and southbound directions of the I-215.

Opening Year II 2030 With Project Analysis Results

During both the AM and PM peak hours under the Opening Year II (2030) With Project scenario, all basic, diverge, and merge study segments are expected to operate at a satisfactory LOS, with the exception of the following segments:

During AM Peak Hour:

- Segment N1: I-215 Mainline between Northbound D Street On-Ramp and Northbound Nuevo Road Off-Ramp – LOS E (v/c ratio = 0.94)
- Segment N5: I-215 Mainline between Northbound Nuevo Road On-Ramp and Northbound Placentia Avenue Off-Ramp – LOS E (v/c ratio = 0.89)

During PM Peak Hour:

- Segment N8: Northbound Placentia Avenue On-Ramp – LOS E (v/c ratio = 1.02)
- Segment N9: I-215 Mainline between Northbound Placentia Avenue On-Ramp and Ramona Expressway Off-Ramp – LOS E (v/c ratio = 0.92)

- Segment S9: I-215 Mainline between Southbound Nuevo Road On-Ramp and D Street Off-Ramp – LOS E (v/c ratio = 0.89)

General Plan 2045 With Project Analysis Results

During both the AM and PM peak hours under the General Plan 2045 With Project scenario, all basic, diverge, and merge study segments are expected to operate at a satisfactory LOS, with the exception of the following segments:

During AM Peak Hour:

- Segment N1: I-215 Mainline between Northbound D Street On-Ramp and Northbound Nuevo Road Off-Ramp – LOS E (v/c ratio = 0.88)
- Segment N4: Northbound Nuevo Road On-Ramp – LOS F (v/c ratio = 1.11)
- Segment N5: I-215 Mainline between Northbound Nuevo Road On-Ramp and Northbound Placentia Avenue Off-Ramp – LOS E (v/c ratio = 0.92)
- Segment N6: Northbound Placentia Avenue Off-Ramp – LOS E (v/c ratio = 0.89)
- Segment N8: Northbound Placentia Avenue On-Ramp – LOS F (v/c ratio = 1.07)
- Segment N9: I-215 Mainline between Northbound Placentia Avenue On-Ramp and Ramona Expressway Off-Ramp – LOS E (v/c ratio = 0.92)

Comment A6.10: This comment states that the Traffic Impact Analysis Report uses RIVCOM model outputs for General Plan 2045 volumes but does not clarify if select zone checks or model calibration validation were performed and requests confirmation.

Response A6.10: Because the RIVCOM model base and future years have been validated using traffic counts, it is not necessary to "re-calibrate" the model, as suggested by the commenter. Additional traffic volume adjustment worksheets using the Iterative Directional Volume Estimation Methodology from NCHRP Report 765, based on methodology outlined in NCHRP Report 255 are included in Appendix B to the Traffic Impact Analysis Report (included as Appendix B to this Final EIR) to confirm that forecast volumes reasonably match existing counts and known growth trends.

Comment A6.11: This comment states that the Traffic Impact Analysis Report outlines trip distribution percentages for industrial and commercial components and requests that the City provide the distribution tables and justify assumptions to ensure alignment with regional travel patterns and RIVCOM outputs.

Response A6.11: The Project trip distribution was prepared using select zone assignments from RIVCOM. RIVCOM select zone output bandwidth plots for industrial and commercial components respectively are provided in Figure 10 through Figure 12 of Appendix A to the Traffic Impact Analysis Report (included as Appendix B to this Final EIR) and were approved as part of the scoping agreement for the Traffic Impact Analysis Report. Use of the calibrated RIVCOM model for the trip distribution ensures alignment with existing and future regional travel patterns.

Comment A6.12: This comment requests clarification on how cumulative project volumes were integrated with ambient growth and RIVCOM forecasts to avoid double-counting, ensuring consistency in future year forecasts.

Response A6.12: Cumulative project volumes and ambient growth rates were utilized to develop the Opening Year I 2026 and Opening Year II 2030 turning movement volumes. RIVCOM forecasts (not including cumulative project volumes and ambient growth rates) were utilized to develop the General Plan 2045 turning movement volumes. Additionally, the General Plan 2045 turning movement volumes were adjusted by using the Opening Year II 2030 turning movement volumes when 2045 forecast volumes were observed to be lower than the respective Opening Year II 2030 turning movement volumes.

Comment A6.13: This comment states that passenger car equivalent (PCE) factors significantly affect volume-to-capacity results and asks for confirmation what PCE factors were used.

Response A6.13: Regionally adopted PCE factors by Riverside County, which are based on the C*ounty of Riverside Transportation Analysis Guidelines for Level of Service and Vehicles Mile Traveled* (December 2020), were used for high-cube and parcel hub truck volumes. These PCE factors can be found on page 10 of the aforementioned document.

Comment A6.14: This comment states that turning movement sheets need to be reformatted as they are displayed incorrectly and requests that all turning movement diagrams are clearly readable with correct orientation, labels, and scaling.

Response A6.14: In response to this comment, the turning movement sheets included in Appendix B to the Traffic Impact Analysis Report (included as Appendix B to this Final EIR) have been reformatted to ensure that all turning movement diagrams are clearly readable, with correct orientation, labels, and scaling for professional review and permit processing.

Comment A6.15: This comment states that the Caltrans Queuing and Safety Analysis references volumes from the Traffic Impact Analysis Report but does not document detailed RIVCOM model validation or select zone checks to confirm reasonableness. The commenter recommends providing model validation summaries supporting these forecasted volumes for Caltrans review.

Response A6.15: In response to this comment, additional traffic volume adjustment worksheets are included in Appendix B to the Traffic Impact Analysis Report (included as Appendix B to this Final EIR) to confirm that forecast volumes reasonably match existing counts and known growth trends in support of these forecasted volumes for Caltrans review. These worksheets use the Iterative Directional Volume Estimation Methodology from NCHRP Report 765, based on methodology outlined in NCHRP Report 255.

Comment A6.16: This comment states that truck trip percentages are based on ITE and South Coast AQMD data but are not compared with regional SCAG goods movement or Caltrans truck forecasts. The comment recommends crosschecking these percentages with regional data to ensure consistency with Caltrans freight forecasts.

Response A6.16: Truck trip percentages were reviewed and approved by the City during the scoping agreement process. The truck percentages utilize the latest ITE data, which includes Southern California data, as well as vehicle splits from the South Coast AQMD, which is based solely on Southern California truck data. Therefore, an additional crosscheck and verification of data is not necessary.

Comment A6.17: This comment states that PCE factors were applied to convert truck trips, affecting forecasted volumes for queue analysis. The comment recommends confirming these PCE factors are consistent with Caltrans guidelines or District 8 practice.

Response A6.17: As described within the Traffic Impact Analysis Report (Appendix B to this Final EIR), regionally-adopted PCE factors by Riverside County based on the C*ounty of Riverside Transportation Analysis Guidelines for Level of Service and Vehicles Mile Traveled* (December 2020) were applied for high-cube and parcel hub truck volumes within the Traffic Impact Analysis. These PCE factors were approved by the City of Perris as part of the scoping agreement process.

Comment A6.18: This comment states to ensure consistency between baseline (2024), Opening Year 1 (2026), Opening Year II (2030) volumes used in the analysis with the Traffic Impact Analysis Report forecast years and RIVCOM outputs.

Response A6.18: Consistency between baseline (2024), Opening Year I (2026), and Opening Year II (2030) volumes used in this queue analysis with the Traffic Impact Analysis Report forecast are confirmed.

Comment A6.19: This comment states that truck distribution maps need to be larger for readability.

Response A6.19: Detailed trip distribution maps in the Traffic Impact Analysis Report (included as Appendix B to this Final EIR) have been reformatted to ensure all turning movement diagrams are clearly readable, with correct orientation, labels, and scaling for professional review and permit processing.

Comment A6.20: This comment states that in the VMT analysis truck trip percentages are based on ITE and South Coast AQMD data but are not compared with regional SCAG goods movement or Caltrans truck forecasts. The comment recommends crosschecking these percentages with regional data to ensure consistency with Caltrans freight forecasts.

Response A6.20: Truck trip percentages were reviewed and approved by the City during the scoping agreement process. The truck percentages utilize the latest ITE data, which includes Southern California data, as well as vehicle splits from the South Coast AQMD, which is based solely on Southern California truck data. Therefore, additional crosscheck, as requested, is not necessary.

Comment A6.21: This comment states that RIVCOM model inputs, select zone checks, and network changes are not fully documented in the VMT analysis and asks that the City provide that data.

Response A6.21: Detailed RIVCOM model inputs, assumptions, and network changes are fully documented in Section 4.3 RIVCOM Model Configuration of the VMT analysis. RIVCOM select zone output bandwidth plots for industrial and commercial components respectively are provided in Figure 10 thru Figure 12 of Appendix A to the Traffic Impact Analysis Report (included as Appendix B to this Final EIR).

Comment A6.22: The comment states that baseline VMT is interpolated between 2018 and 2045 without comparison to interim forecasts and recommends comparing the interpolation with interim model years or SCAG forecasts for accuracy.

Response A6.22: It is industry standard practice to interpolate Baseline VMT between 2018 and 2045. RIVCOM is the most applicable regional travel demand model for projects in Riverside County. No interim model year scenario is available for RIVCOM. Therefore, no revisions to the VMT Analysis are necessary.

Comment A6.23: This comment states that trip generation rates and distributions are not fully documented to show consistency with regional travel patterns and requests supporting data for these assumptions.

Response A6.23: Detailed trip generation rates and distributions to show consistency with regional travel patterns are provided in full within the Traffic Impact Analysis Report included as Draft EIR Appendix R and Appendix B to this Final EIR.

Comment A6.24: This comment states that if any Caltrans facilities are impacted, they must comply with ADA standards upon Project completion, and the Project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase.

Response A6.24: This comment does not raise a specific issue with the adequacy of the Draft EIR. The Project would not result in any modifications to Caltrans facilities that would require them to comply with ADA standards upon completion. In regard to pedestrian and bicyclist accessibility during construction, sidewalks and bike lanes are currently limited within the Specific Plan area with a Class II bike lane only existing on Placentia Avenue. Sidewalks currently exist along the north side of Orange Avenue, east side of Barrett Avenue, east side of Perris Boulevard, and both sides of Indian Avenue. Project contractors would ensure that sidewalks remain open or alternative routes are provided during Project construction.

Comment A6.25: This comment states that any work or temporary traffic control that encroaches into Caltrans' right-of-way requires Caltrans-issued encroachment permit and provides information regarding encroachment permits.

Response A6.25: This comment is informational in nature does not raise a specific issue with the adequacy of the Draft EIR. Regarding the need for an encroachment permit, it is acknowledged that an encroachment permit for any work performed within Caltrans right-of-way would need to be obtained. Construction of additional lanes along Frontage Road may require an encroachment permit as work would be needed within the existing storm drain facility within Caltrans' right-of-way. At the time this improvement needs to be implemented, the City and Project Applicant would coordinate with Caltrans and an encroachment permit would be obtained as required.

Comment A6.26: This comment thanks the City for including Caltrans in the review process and provides contact information for questions or future notifications.

Response A6.26: Caltrans District 8 will remain on the mailing list for the Project and will receive notification of availability of the Final EIR, in addition to all other public notices for development projects that could potentially impact Caltrans facilities.

Comment Letter O1: Supporters Alliance for Environmental Responsibility (SAFER), 2 pages

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Via Email

June 17, 2025

Albert Armijo, Senior Planner
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Re: Comment on Draft Environmental Impact Report, Harvest Landing Retail Center & Business Park Project (SCH 2024080337)

Dear Mr. Armijo:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Draft Environmental Impact Report ("DEIR") prepared for the Harvest Landing Retail Center & Business Park Project (SCH 2024080337, Specific Plan Amendment (SPA) 22-05250; General Plan Amendment (GPA) 24-05175; Zone Change 24-05176; Development Plan Reviews (DPR) 22-00023, 22-00024, 22-00025, 22-05235, 22-05238, 23-00017, 24-00008, 24-00009; Conditional Use Permits (CUP) 22-05050, 23-05235; Tentative Tract Maps (TTM) 38810 and 38811; and Development Agreement (DAA) 17-05136) which proposes the construction of a 139.89-acre business park with one parcel hub, three high cube warehouses, and three light industrial buildings totaling 1,727,579 square feet; a 22.16-acre community shopping center with a major retail building and eight retail pads totaling 250,457 square feet; and a 24.33-acre commercial big box retail site with a new 167,050-square-foot, free-standing big box discount store with a 12-pump gas station and two approximately 5,500-square-foot fast food restaurants, located with I-215 to the west, Perris Boulevard to the east, Nuevo Road to the south, and Placentia Avenue to the north in the City of Perris ("Project"). O1.1

SAFER is concerned that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. SAFER requests that the Community Development Department address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project. O1.2

SAFER reserves the right to supplement these comments during the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997). O1.3

Sincerely,

Richard Drury
Lozeau Drury LLP

Response to Comment Letter O1: Supporters Alliance for Environmental Responsibility, June 17, 2025

Comment O1.1: This comment states that the letter is written on behalf of Supporters Alliance for Environmental Responsibility (SAFER) and provides a summary of the Project Description.

Response O1.1: This comment is introductory in nature and does not raise a specific issue r the adequacy of the Draft EIR. Because this comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment O1.2: This comment states that the Draft EIR fails to include all feasible mitigation measures to reduce the Project's impacts. The comment states that the shortcomings should be addressed in a revised Draft EIR.

Response O1.2: The commenter's assertion that the Draft EIR does not implement all feasible mitigation measures is unsubstantiated and vague. As detailed throughout the Draft EIR and this Final EIR , the proposed Project would implement all feasible mitigation measures which would reduce potentially significant impacts and significant impacts. As discussed, Project impacts related to regional and cumulative air quality, GHG, off-site traffic noise, and VMT were found to be significant and unavoidable after the implementation of mitigation measures. The commenter does not provide any additional data or specific mitigation measures for consideration or incorporation to reduce these impacts. This comment does not contain any information requiring changes to the Draft EIR. Thus, no further response is warranted.

Comment O1.3: This comment states that SAFER reserves the right to supplement these comments during the administrative process.

Response O1.3: The comment is informational in nature and does not raise any specific concerns with the adequacy of the Draft EIR or raise any other specific CEQA issue. Thus, no further response is warranted. As of the close of the public comment period (July 14, 2025) no further letters have been received from SAFER.

Comment Letter O2: Californians Allied for a Responsible Economy (CARE CA), 120 pages

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June 23, 2025

VIA EMAIL AND U.S. MAIL

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VIA EMAIL ONLY

Albert Armijo, Project Planner
Email: aarmijo@cityofperris.org

Re: Request for Immediate Access to Public Records – Harvest Landing Retail Center & Business Park Project (SCH No. 2024080337)

Dear Mr. Phung, Ms. Salazar, and Mr. Armijo:

We are writing on behalf of Californians Allied for a Responsible Economy ("CARE CA") to request ***immediate access*** to any and all public records referring or related to the Harvest Landing Retail Center & Business Park Project (SCH No. 2024080337) ("Project"), proposed by HIP SoCal Properties LLC ("Applicant"). This request includes, but is not limited to, any and all file materials, applications, correspondence, resolutions, memos, notes, analysis, email messages, files, maps, charts, and any other documents related to the Project. *This request does not include the Draft Environmental Impact Report ("DEIR") or documents referenced or relied upon in the DEIR, which we have requested in a separate letter pursuant to the California Environmental Quality Act.* O2.1

The Project includes a Specific Plan Amendment to annex three parcels (Assessor's Parcel Numbers 305-060-042, 305-060-036, and 305-060-037) to the Specific Plan Area and designate them as Multiple Business Use (MBU) as well as add an MBU Overlay to APN 305-060-038, increasing the total Specific Plan area to O2.2

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358.28 acres. In addition, the Specific Plan Amendment is proposed to change the existing land use plan of the Specific Plan area to replace residential uses with MBU and commercial uses. The proposed Phase 1 development would include a 139.89-acre business park with one parcel hub, three high cube warehouses, and three light industrial buildings totaling 1,727,579 square feet; a 22.16-acre community shopping center with a major retail building and eight retail pads totaling 250,457 square feet; and a 24.33-acre commercial big box retail site with a new 167,050-square-foot, free-standing big box discount store with a 12-pump gas station and two approximately 5,500-square-foot fast food restaurants. O2.2 cont.

The Project site is located in the central portion of the City of Perris and Riverside County. The Project site includes approximately 358.28 acres and is generally bounded by I-215 to the west, Perris Boulevard to the east, Nuevo Road to the south, and Placentia Avenue to the north.

CARE CA is a non-profit organization which advocates for a sustainable construction industry and protecting the environment and health of its communities' workforces. The organization includes 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 and around the City of Perris and Riverside County.

This request is made pursuant to the California Public Records Act (Government Code §§ 7920.000, et seq.). This request is also made pursuant to Article I, section 3(b) of the California Constitution, which provides a Constitutional right of access to information concerning the conduct of government. Article I, section 3(b) provides that any statutory right to information shall be broadly construed to provide the greatest access to government information and further requires that any statute that limits the right of access to information shall be narrowly construed. O2.3

We request ***immediate access*** to review the above documents pursuant to section 7922.525 of the Public Records Act, which requires public records to be "open to inspection at all times during the office hours of a state or local agency" and provides that "every person has a right to inspect any public record." Therefore, the 10-day response period applicable to a "request for a copy of records" under Section 7922.535(a) does not apply to this request.

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We request access to the above records in their original form, as maintained by the agency. Pursuant to Government Code Section 7922.570, if the requested documents are in electronic format, please upload them to a file hosting program such as Dropbox, NextRequest or a similar program. Alternatively, if the electronic documents are 10 MB or less (or can be easily broken into sections of 10 MB or less), they may be emailed to me as attachments.

We reserve the right to have a copy service make copies of any and all of the requested documents depending on the volume. Please contact me to arrange for transmission/duplication of the responsive records.

O2.3 cont.

Please use the following contact information for all correspondence:

U.S. Mail
Sheila M. Sannadan
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email
ssannadan@adamsbroadwell.com

If you have any questions, please call me at (650) 589-1660 or email me at ssannadan@adamsbroadwell.com. Thank you for your assistance with this matter.

Sincerely,

Sheila M. Sannadan
Legal Assistant

SMS:ljl

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VIA EMAIL ONLY

Albert Armijo, Project Planner
Email: aarmijo@cityofperris.org

Re: Request for Immediate Access to Documents Referenced in the Draft Environmental Impact Report - Harvest Landing Retail Center & Business Park Project (SCH No. 2024080337)

Dear Mr. Phung, Ms. Salazar, and Mr. Armijo:

We are writing on behalf of Californians Allied for a Responsible Economy ("CARE CA") to request ***immediate access*** to any and all documents referenced, incorporated by reference, and relied upon in the Draft Environmental Impact Report ("DEIR") prepared for the Harvest Landing Retail Center & Business Park Project (SCH No. 2024080337) ("Project"), proposed by HIP SoCal Properties LLC ("Applicant"). *This request excludes a copy of the DEIR and any documents that are currently available on the City of Perris website, as of today's date*.[1] O2.4

The Project includes a Specific Plan Amendment to annex three parcels (Assessor's Parcel Numbers 305-060-042, 305-060-036, and 305-060-037) to the Specific Plan Area and designate them as Multiple Business Use (MBU) as well as add an MBU Overlay to APN 305-060-038, increasing the total Specific Plan area to O2.5

[1] Accessed https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-528#docfold_1206_1313_479_528 on June 23, 2025.

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358.28 acres. In addition, the Specific Plan Amendment is proposed to change the existing land use plan of the Specific Plan area to replace residential uses with MBU and commercial uses. The proposed Phase 1 development would include a 139.89-acre business park with one parcel hub, three high cube warehouses, and three light industrial buildings totaling 1,727,579 square feet; a 22.16-acre community shopping center with a major retail building and eight retail pads totaling 250,457 square feet; and a 24.33-acre commercial big box retail site with a new 167,050-square-foot, free-standing big box discount store with a 12-pump gas station and two approximately 5,500-square-foot fast food restaurants. O2.5 cont.

The Project site is located in the central portion of the City of Perris and Riverside County. The Project site includes approximately 358.28 acres and is generally bounded by I-215 to the west, Perris Boulevard to the east, Nuevo Road to the south, and Placentia Avenue to the north.

Our request for ***immediate access*** to all documents referenced in the DEIR is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced, incorporated by reference, and relied upon in an environmental review document be made available to the public for the entire comment period.[2]

Please use the following contact information for all correspondence: O2.6

U.S. Mail
Sheila M. Sannadan Adams
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601 Gateway Boulevard, Suite 1000
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ssannadan@adamsbroadwell.com

[2] *See* Public Resources Code § 21092(b)(1) (stating that "all documents referenced in the draft environmental impact report" shall be made "available for review"); 14 Cal. Code Reg. § 15087(c)(5) (stating that all documents incorporated by reference in the EIR . . . shall be readily accessible to the public"); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442, as modified (Apr. 18, 2007) (EIR must transparently incorporate and describe the reference materials relied on in its analysis); *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 ("[W]hatever is required to be considered in an EIR must be in that formal report. . ."), internal citations omitted.

June 23, 2025
Page 3

If you have any questions, please call me at (650) 589-1660 or email me at ssannadan@adamsbroadwell.com. Thank you for your assistance with this matter. O2.6 cont.

Sincerely,

Sheila M. Sannadan
Legal Assistant

SMS:ljl

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July 14, 2025

Via Email and Overnight Mail

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Re: Preliminary Comments on Draft Environmental Impact Report for Harvest Landing Retail Center & Business Park Project (SCH No. 2024080337)

Dear Mr. Phung and Mr. Armijo:

On behalf of Californians Allied for a Responsible Economy ("CARE CA"), we submit these preliminary comments regarding the Draft Environmental Impact Report ("DEIR") prepared by the City of Perris ("City") for the Harvest Landing Retail Center & Business Park Project (SCH No. 2024080337) ("Project"), proposed by HIP SoCal Properties LLC ("Applicant").

The Project seeks a Specific Plan Amendment to annex three parcels (APNs 305-060-042, 305-060-036, and 305-060-037) to the Harvest Landing Specific Plan Area ("Specific Plan Area") and designate them as Multiple Business Use ("MBU").[1] The Project also seeks to add a MBU Overlay to APN 305-060-038, increasing the total Specific Plan area to 358.28 acres.[2] In addition, the Specific Plan Amendment is proposing to change the existing land use plan of the Specific Plan area to replace residential uses with MBU and Commercial uses.[3] The proposed Phase 1 development would include a 139.89-acre business park with one parcel hub, three high cube warehouses, and three light industrial buildings totaling 1,727,579 square feet; a 22.16-acre community shopping center with a major retail building and eight

O2.7

[1] DREI, p. 1-1.
[2] *Id.*
[3] *Id.*

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retail pads totaling 250,457 square feet; and a 24.33-acre commercial big box retail site with a new 167,050-square-foot, free-standing big box discount store with a 12-pump gas station and two approximately 5,500 square foot fast food restaurants.[4]

The Project site is located within the central portion of the City of Perris.[5] The City of Perris is located within Riverside County, approximately 24 miles south of Downtown San Bernardino, 35 miles east of Irvine, and 62 miles southeast of downtown Los Angeles.[6] Regional access to the site is provided via Interstate 215 (I-215) and State Route 74 (SR-74).[7] The Project site includes approximately 358.28 acres and is generally bounded by I-215 to the west, Perris Boulevard to the east, Nuevo Road to the south, and Placentia Avenue to the north.[8] O2.7 cont.

Based on CARE CA's review of the DEIR, it is clear that the DEIR fails as an informational document and does not comply with the requirements of the California Environmental Quality Act ("CEQA").[9] The DEIR lacks substantial evidence to support its conclusions that the Project's significant impacts would be mitigated to the greatest extent feasible. There is also substantial evidence demonstrating that the Project's potentially significant environmental impacts are far more extensive than disclosed in the DEIR. Commenters and their expert consultants have identified numerous potentially significant impacts that the DEIR either mischaracterizes, underestimates, or fails to identify. Moreover, many of the mitigation measures described in the DEIR will not, in fact, mitigate impacts to the extent claimed. O2.8

First, the DEIR's project description is inadequate because the DEIR does not provide sufficient information about the three high cube warehouses and three industrial buildings that will be constructed during Phase 1 of the Project. As a result, the DEIR's impact analysis is missing critical information about the scope of the Project's Phase 1 impacts. Second, the DEIR fails to analyze cumulative air quality and health risks impacts because it does not adequately analyze the impacts associated with the Project's emissions combined with the emissions generated by O2.9

[4] DREI, p. 1-2.
[5] DREI, p. 3-2.
[6] *Id.*
[7] *Id.*
[8] *Id.*
[9] Public Resources Code ("PRC") § 21100 et seq.

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nearby warehouses. CARE CA's air quality expert found that, when calculated pursuant to South Coast Air Quality Management District ("SCAQMD") methodology, the Project's cumulative impacts from operational emissions are significant and unmitigated. Third, the DEIR fails to disclose potentially significant impacts associated with disturbance of Valley Fever spores and public health impacts to workers and nearby communities from exposure, and substantially underestimates emissions associated with warehouse truck trips. Fourth, the DEIR fails to adequately analyze or mitigate significant transportation impacts because it does not properly analyze VMT mitigation and overestimates the benefits of the proposed mitigation. Finally, the DEIR fails to adequately analyze or mitigate significant noise impacts associated with nighttime construction and relies on unsupported assumptions regarding operational noise levels. O2.9 cont.

We reviewed the DEIR, its technical appendices, and reference documents with the assistance of air quality expert Dr. James J. Clark, Ph.D. of Clark & Associates Environmental Consulting Inc.,[10] transportation expert Norm Marshall, President at Smart Mobility,[11] and noise expert Dr. Jack Meighan of Wilson Ihrig.[12] These consultant comments and curriculum vitae are attached hereto as Exhibits A, B, and C and are fully incorporated by reference as if fully set forth herein and must be considered part of the record for this Project. O2.10

CARE CA urges the City to remedy the deficiencies in the DEIR by preparing a legally adequate revised DEIR and recirculating it for public review and comment. CARE CA reserves the right to provide supplemental comments at any and all later proceedings related to this Project.[13] O2.11

[10] See **Exhibit A**, James J. Clark, Comment Letter on the Draft Environmental Impact Report for the Harvest Landing Retail Center & Business Park Project (July, X, 2025) ("Clark Comments").
[11] See **Exhibit B**, Norm Marshall, Harvest Landing Retail Center and Business Park (July X, 2025) ("Marshall Comments").
[12] See **Exhibit C**, Jack Meighan, Review and Comment on Noise Analysis, (July X, 2025) ("Meighan Comments").
[13] Gov. Code § 65009(b); PRC § 21177(a); Bakersfield Citizens for Local Control v. Bakersfield (2004) 124 Cal. App. 4th 1184, 1199-1203; see Galante Vineyards v. Monterey Water Dist. (1997) 60 Cal. App. 4th 1109, 1121.

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I. STATEMENT OF INTEREST

CARE CA is a non-profit organization which advocates for a sustainable construction industry and protecting the environment and health of its communities' workforces. The organization includes Perris residents Brett Sanchez, Jorge Surez, Alejandro Villanis, the Southern California Pipe Trades District Council 16 and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in and around the City of Perris and 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 and around the City of Perris, Riverside County, and its 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. O2.12

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.

II. LEGAL BACKGROUND

CEQA requires public agencies to analyze the potential environmental impacts of their proposed actions in an EIR.[14] "The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to O2.13

[14] PRC § 21100 et seq.

afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[15]

CEQA has two primary purposes. First, CEQA is designed to inform decisionmakers and the public about the potential significant environmental effects of a project.[16] "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.'"[17] 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."[18] 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."[19] O2.13 cont.

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.[20] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."[21] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to

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[15] *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal ("Laurel Heights I")* (1988) 47 Cal.3d 376, 390 (internal quotations omitted).
[16] PRC § 21061; CEQA Guidelines §§ 15002(a)(1); 15003(b)-(e); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517 ("[T]he basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.").
[17] *Citizens of Goleta Valley,* 52 Cal.3d at p. 564 (quoting *Laurel Heights I,* 47 Cal.3d at 392).
[18] *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; *see also Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*") (purpose of EIR is to inform the public and officials of environmental consequences of their decisions *before* they are made).
[19] CEQA Guidelines § 15003(b).
[20] CEQA Guidelines § 15002(a)(2), (3); *see also Berkeley Jets, 91 Cal.App.4th at 1354; Citizens of Goleta Valley,* 52 Cal.3d at p. 564.
[21] CEQA Guidelines § 15002(a)(2).

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the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[22]

While courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[23] As the courts have explained, a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process."[24] "The ultimate inquiry, as case law and the CEQA Guidelines make clear, is whether the EIR includes enough detail 'to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"[25] O2.13 cont.

III. THE PROJECT DESCRIPTION IS INADEQUATE

The DEIR does not meet CEQA's requirements because it fails to include an accurate and complete Project description, rendering the analysis inadequate. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[26] CEQA requires that a project be described with enough particularity that its impacts can be assessed.[27] Without a complete project description, the O2.14

[22] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
[23] *Berkeley Jets*, 91 Cal.App.4th at p. 1355 (emphasis added) (quoting *Laurel Heights I*, 47 Cal.3d at 391, 409, fn. 12).
[24] *Berkeley Jets*, 91 Cal.App.4th at p. 1355; *see also San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722 (error is prejudicial if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process); *Galante Vineyards*, 60 Cal.App.4th at p. 1117 (decision to approve a project is a nullity if based upon an EIR that does not provide decision-makers and the public with information about the project as required by CEQA); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946 (prejudicial abuse of discretion results where agency fails to comply with information disclosure provisions of CEQA).
[25] *Sierra Club*, 6 Cal.5th at p. 516 (quoting *Laurel Heights I*, 47 Cal.3d at 405).
[26] *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* ("*CBE v. Richmond*") (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.
[27] 14 CCR § 15124; *see, Laurel Heights I, supra,* 47 Cal.3d 376, 192-193.

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environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[28] Accordingly, a lead agency may not hide behind its failure to obtain a complete and accurate project description.[29]

CEQA Guidelines section 15378 defines "project" to mean "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[30] "The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term project does not mean each separate governmental approval."[31] Courts have explained that a complete description of a project must "address not only the immediate environmental consequences of going forward with the project, but also all "reasonably foreseeable consequence[s] of the initial project."[32] "If a[n]...EIR...does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decision making cannot occur under CEQA and the final EIR is inadequate as a matter of law."[33] O2.14 cont.

A. The DEIR Fails to Identify Reasonably Foreseeable Uses of the Business Park Site Which Could Result in Potentially Significant and Undisclosed Impacts

The Project is being developed for unknown future tenants, but for reasonably foreseeable future uses. The Applicant is proposing to develop the Phase 1 area of the Specific Plan with a 139.89-acre business park, 22.16-acre community shopping center, 24.33-acre commercial big box retail store, a 12.91-acre water quality basin, and 36.5 acres of roadway improvements.[34] Within the 139.89-acre Phase 1 Business Park site, the two existing residential structures would be O2.15

[28] *Id.*
[29] *Sundstrom v. County of Mendocino* ("*Sundstrom*") (1988) 202 Cal.App.3d 296, 311.
[30] CEQA Guidelines § 15378.
[31] *Id.*, § 15378(c).
[32] *Laurel Heights I,* 47 Cal. 3d 376, 398 (emphasis added); *see also Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.
[33] *Riverwatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal. App. 4th 1186, 1201.
[34] DEIR, p. 3-15.

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demolished and seven business park buildings including one parcel hub, three high cube warehouses, and three light industrial buildings would be constructed in the northern portion of the Phase 1 area.[35] The DEIR's vague reference to construction of "three high cube warehouses, and three light industrial buildings" does not disclose the intended warehousing or light industrial uses proposed for the buildings, the intensity of use, or any other factors relevant to assessing the nature and severity of the Project's operational impacts.

The DEIR merely states under Business Park Operations, that "building occupants are assumed to be warehouse distribution and logistics operators and parcel hub operators [and that] the buildings are not proposed or designated to accommodate any warehouse cold storage or refrigerated uses but that the proposed development is assumed to be operational 24 hours a day, 7 days a week."[36] This description is limited and vague and does present details regarding what the three warehouses and three industrial buildings would be used for, or what sort of activities would occur in these buildings. Importantly, the DEIR does not discuss or analyze any other proposed uses apart from warehouse construction and falls short of describing the warehouses' proposed use or providing alternative uses that could reduce impacts on the environment. The only information provided in the Business Park Site Development Summary is a general table numbering buildings, vaguely describing the building types as "parcel hub," "high-cube warehouse," and "light industrial."[37] The DEIR's failure to properly describe the Project and to analyze all reasonably foreseeable uses and impacts associated with operation of the warehouses and light industrial buildings is a violation of CEQA and a failure to analyze the whole of the action proposed by the Project. By failing to describe all foreseeable uses, the impact analysis discussed in the DEIR underestimates the Project's impacts. O2.15 cont.

Additionally, while the DEIR asserts that the Project facilities would not include cold storage or other refrigerated uses,[38] the description for the Business Park is in conflict with the Community Shopping Center Site Development Summary, which shows that at least one supermarket is planned for the Project.[39] O2.16

[35] *Id.*
[36] DEIR, p. 3-22 – 23.
[37] DEIR, p. 3-15.
[38] DEIR, p. 3-22 to 3-23.
[39] *Id.* at p. 3-17.

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The Business Park Operations section states that "the buildings are not proposed or designated to accommodate any warehouse cold storage or refrigerated uses," yet the undisclosed supermarket in the Project description will be dependent on refrigeration units onsite and transportation refrigeration units to keep food from spoiling.[40]

The failure to analyze impacts associated with reasonably foreseeable intensive warehouse operations and refrigeration/cold storage uses undermines the assumptions in the DEIR. For example, by assuming that the Project would not involve any refrigerated uses,[41] the DEIR's Air Quality Analysis fails to consider the use of Transport Refrigeration Units ("TRUs") onsite. TRUs are refrigeration systems powered by diesel internal combustion engines designed to refrigerate or heat perishable products that are transported in various containers, including truck vans, semi-truck trailers, and shipping containers.[42] CARB defines diesel exhaust as a complex mixture of inorganic and organic compounds that exists in gaseous, liquid, and solid phases. CARB and U.S. EPA identify 40 components of the exhaust as suspected human carcinogens, including formaldehyde, 1,3-butadiene, and benzo[a]pyrene.[43] These uses, as pointed out by CARB, can result in highly significant environmental impacts associated with backup generator use for cold storage. However, there is no evidence that the DEIR analyzed the impacts associated with the operation of a supermarket or warehouses and light industrial buildings. As a result, the DEIR underestimated criteria pollutants, greenhouse gas ("GHG") emissions, and toxic air contaminant ("TAC") emissions associated with these reasonably foreseeable uses. The DEIR must be revised to evaluate the potential impacts of these activities. O2.16 cont.

Because the DEIR does not evaluate impacts associated with the whole of the Project, including but not limited to potential refrigerated uses with the operation of a supermarket and undisclosed uses and activities in the warehouses and light industrial buildings, the DEIR's environmental impacts analyses underestimate potentially significant environmental impacts. As a result of the inadequate project description, the DEIR's impact analyses are flawed and misleading.

[40] Clark Comments, p. 20.
[41] DEIR, pp. 3-22 to 3-23.
[42] *Id.*
[43] *Id.*

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IV. THE DEIR FAILS TO ADEQUATELY ANALYZE, DISCLOSE, AND MITIGATE POTENTIALLY SIGNIFICANT AIR QUALITY AND PUBLIC HEALTH IMPACTS

An EIR must fully disclose all potentially significant impacts of a Project and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead agency's significance of determination with regard to each impact must be supported by accurate scientific and factual data.[44] An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[45]

The failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.[46] Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.[47] In reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence, the court will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."[48] O2.17

A. The DEIR Fails to Adequately Disclose and Mitigate Significant Air Quality Impacts

1. The DEIR Fails to Analyze Cumulative Air Quality and Health Risk Impacts

The DEIR fails to adequately analyze cumulative air quality and health risk impacts associated with the Project's emissions combined with the emissions generated by nearby warehouses. O2.18

[44] CEQA Guidelines § 15064(b).
[45] *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.
[46] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.
[47] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[48] *Id., Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.

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EIRs must evaluate and disclose cumulative impacts if the project's incremental effect combined with the effects of other projects is "cumulatively considerable."[49] This determination is based on an assessment of the project's incremental impacts "viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."[50] Proper cumulative impact analysis is vital because "the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact."[51] CEQA also requires analysis of human health impacts, including whether the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."[52] With regard to air quality, CEQA requires a detailed analysis of the human health impacts from exposure to air pollutants that would be generated by a development project.[53] O2.18 cont.

The DEIR's Air Quality analysis fails to consider cumulative impacts in light of existing pollution levels and cumulative emissions from other nearby projects. In particular, the DEIR fails to incorporate a quantitative analysis of public health risks associated with the Project and the nearby warehouses located just 5 kilometers ("km") from the Project Site.[54] Instead, the DEIR relies on SCAQMD's outdated cumulative threshold, which looks only at project-specific emissions rather than emissions from cumulative sources and assumes that "the project-specific and cumulative significance thresholds are the same."[55] The DEIR's approach does not comply with CEQA's requirement to consider cumulative considerable emissions, and ignores SCAQMD's new regulatory guidance on cumulative impact analysis.

[49] CEQA Guidelines § 15130(a).
[50] CEQA Guidelines §§ 15065(a)(3), 15355(b).
[51] *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 114.
[52] PRC § 21083(b)(3), (d).
[53] *Sierra Club v County of Fresno* (2018) 6 Cal.5th 502, 518–522.
[54] Clark Comments, p. 6.
[55] DEIR, p. 5-3-26.

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Dr. Clark explains that, currently, there are 87 existing warehouses covering 33,285,000 square feet across the Cities of Perris, Mead Valley, Good Hope, and Nuevo.[56] There are 5 more vacant warehouses (totaling 1,715,000 sq ft) and 21 approved projects (totaling 7,500,000 sq ft) and 6 projects (including this Project) under-going CEQA review (totaling 10,400,000 sq ft).[57] The existing projects within 5 km of the Project site located within the area generate 22,000 daily truck trips, producing 30.4 lbs. of diesel particulate matter ("DPM") per day and 3,428 lbs. of oxides of nitrogen ("NOx") per day.[58] Dr. Clark calculates that the 21 approved projects will generate an additional 5,000 daily truck trips, producing 6.9 lbs. of DPM per day and 779 lbs. of NOx per day.[59] The 6 projects undergoing CEQA review will generate an additional 7,000 daily truck trips, producing 9.7 lbs. of DPM per day and 1,091 lbs. of NOx per day.[60]

Dr. Clark concludes that the 5,298 lbs. of NOx, 47 lbs. of DPM, and 34,000 daily truck trips associated with the warehouses represent a significant cumulative air impact on the communities of Mead Valley, Good Hope, Nuevo, and Perris. The development of 5,735,535 square feet of business uses and 428,507 square feet of commercial uses (the Project Site) also adds a substantial number of truck trips, a substantial increase in localized daily DPM emissions, and significantly increases NOx emissions to an already heavily impacted region.[61] These cumulative air quality and health risks are not adequately disclosed, analyzed, or mitigated in the DEIR. O2.19

An EIR must fully disclose all potentially significant individual and cumulative impacts of a Project and implement all feasible mitigation to reduce those impacts to less than significant levels. Here, the City did not analyze the Project's cumulative air quality and public health impacts in the context of emissions from other nearby warehouse projects. The DEIR therefore fails to consider whether the Project's emissions are cumulatively considerable.

[56] Clark Comments, p. 6.
[57] *Id.*
[58] *Id.*
[59] *Id.*
[60] *Id.*
[61] *Id.*

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The courts have also held that an environmental review document must disclose a project's potential health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health.[62] The Supreme Court has explained that CEQA requires the lead agency to disclose the health consequences that result from exposure to a project's air emissions.[63]

The DEIR does not properly disclose cumulative health risks to a degree of specificity necessary to inform the public because it omits critical information relating to the existing warehouses, their proximity to the Project, and the Project's substantial contribution to the number of truck trips, daily DPM emissions, and NOx emissions, which will exacerbate health risk in local overburdened communities. In *Bakersfield Citizens for Local Control v. City of Bakersfield*, the court found that the EIR's description of health risks were insufficient and that after reading it, "the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."[64] Here, the DEIR's discussion of health risks is similarly insufficient because the DEIR does not account for health effects from exposure of local sensitive receptors to the 5,298 lbs. of NOx, 47 lbs. of DPM, and other emissions from 34,000 daily truck trips associated with the existing warehouses and does not meaningfully examine the Project's cumulative contribution to those impacts from its proposed three warehouses. O2.20

Moreover, the DEIR's unsupported assertion that the Project will not result in cumulative air quality or public health impacts simply because its construction and operational emissions fall below SCAQMD'S project-level significance thresholds, violates CEQA and ignores SCAQMD's new regulatory guidance on cumulative impact analysis.

First, by looking only at the Project's individual emissions, the DEIR relies on a "drop in the bucket" approach, which has been rejected by the courts for failing to comply with CEQA's requirement that a project mitigate impacts that are

[62] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.
[63] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 523.
[64] *Id.* at 1220.

"cumulatively considerable."[65] A leading case on this issue is *Kings County Farm Bureau v. City of Hanford*.[66] In *Kings County*, the city prepared an EIR for a 26.4-megawatt coal-fired cogeneration plant.[67] Notwithstanding the fact that the EIR found that the project region was out of attainment for PM_{10} and ozone, the city failed to incorporate mitigation for the project's cumulative air quality impacts from project emissions because it concluded that the Project would contribute "less than one percent of area emissions for all criteria pollutants."[68] The city reasoned that, because the project's air emissions were small in ratio to existing air quality problems, that this necessarily rendered the project's "incremental contribution" minimal under CEQA.[69] The court rejected this approach, finding it "contrary to the intent of CEQA."[70] O2.20 cont.

Second, the DEIR fails to discuss or evaluate the Project in light of SCAQMD's recommended revisions to its cumulative impact thresholds. Guidance from SCAQMD's November 6, 2024 Working Group recommends that agencies use a more stringent health risk significance threshold for SB 535 Disadvantaged Communities and AB 617 communities.[71] The draft SCAQMD protocols lower the cancer risk threshold (from 10 in one million) if certain factors reflecting high pollution burden are met.[72] O2.21

Dr. Clark explains that, when SCAQMD's proposed cumulative impact evaluation process is followed, the result is an adjusted cumulative cancer risk threshold of 3 in one million, rather than the 10 in one million threshold used in the DEIR.[73] The first step in the SCAQMD Working Group process is to identify the background cancer risk affecting the Project area via the SCAQMD Multiple Air O2.22

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[65] Pub. Res. Code § 21083(b)(2); CEQA Guidelines § 15130; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 719-21.
[66] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692 ("Kings County"); *see also, Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42.
[67] *Kings County, supra,* at 707.
[68] *Kings County, supra,* at 719.
[69] *Kings County, supra,* at 720.
[70] *Id.* at 721,
[71] https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new); https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13.
[72] *Id.*
[73] Clark Comments pp, 24-25.

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Toxics Exposure Study (MATES).[74] According to SCAQMD's MATES V study, zip code 92571 (the location of the Project Site) has a cumulative cancer risk of 308 in 1 million placing it in the top 15% of communities in the South Coast Air Basin (SCAB) impacted by TACs. Dr. Clark found that more than 68% of that risk is from exposure to DPM.[75] Areas experiencing background excess cancer risk in the 90th percentile would result in an initial drop of the Cancer Risk Threshold from 10 in one million to 3 in one million, or 5 in one million for an air toxics cancer risk higher than 85%, like the Project site.[76] The second step is to determine whether one or more listed criteria is met causing an adjustment to the initial threshold. The criteria include an assessment of whether the project involves a high-volume of diesel-fueled trucks or is located within a health sensitive population.[77] Dr. Clark explains that the Project meets the second criteria because it is in both a SB 535 disadvantaged community and an AB 617 community.[78] Therefore, Dr. Clark explains that the Project's cumulative impacts should be evaluated against an adjusted cumulative threshold of 3 in one million.[79]

O2.22 cont.

The DEIR's cancer risk assessment is inadequate because it only analyzes cancer risks associated with the project-level 10 in one million threshold, and does not evaluate cumulative impact factors specified by SCAQMD. Thus, the DEIR fails to provide accurate cumulative cancer risk information and does not meet CEQA's information and analytical requirements. As a result, the Project's cumulative air quality and public health impacts are not properly analyzed under CEQA and the DEIR does not present an accurate assessment of cumulative air quality and health impacts.

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[74] Clark Comments, p. 21, citing https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13.
[75] *Id.*
[76] Clark Comments, p. 22.
[77] Clark Comments, p. 23.
[78] *Id.*
[79] *Id.* at p. 25.

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a. The Project Has Significant Cumulative Impacts from Operational Emissions that the DEIR Fails to Disclose or Mitigate

Dr. Clark concludes that, when compared to the adjusted cumulative cancer risk threshold of 3 in one million, the Project exceeds the operational risk threshold for residential and school area receptors, resulting in a significant, unmitigated impact. Fore residential are receptors, Dr. Clark explains that the maximum exposed individual receptor ("MEIR") is identified as being located 96 feet east of the Project site at the residences currently under construction at Barrett Avenue and West Placentia Avenue. Without mitigation, the operational-source TAC emissions is estimated at 12.99 in one million under the Without Overlay scenario and 12.32 in one million under the With Overlay scenario, which exceed the new cumulative cancer risk threshold of 3 in one million.[80] The Health Risk Analysis states that with Mitigation Measure HRA-1, the cancer risk at the MEIR is reduced to 8.69 in one million without the overlay and 6.32 in one million with the overlay.[81]

For nearby school children, the Health Risk Analysis states that, without the overlay the nearest potential school is the Val Verde Elementary School (represented by Location R9), located approximately 66 feet north of the Project site.[82] With the overlay, the nearest potential school would be Perris Early Head Start (represented by Location R5), located approximately 720 feet east of the Project site.[83] At the maximally exposed individual school child ("MEISC") location, under the school child exposure scenario and without mitigation the maximum incremental cancer risk impact attributable to the Project is calculated to be 11.54 in one million at Location R9 without the overlay, and 2.73 in one million at Location R5 with the overlay.[84] With mitigation, the DEIR concludes that cancer risk at the MEISC is estimated at 7.72 in one million at Location R9 without the overlay.[85] However, Dr. Clark explains that the DEIR's mitigation measures, including MM AQ-20, would not reduce these cancer risks to less than significant

O2.23

[80] Clark Comments, p. 26.
[81] *Id.*; DEIR, Appendix C, p. 2.
[82] Clark Comments, p. 26.
[83] *Id.*
[84] *Id.*
[85] *Id.*

levels because the measures do not reduce impacts below the adjusted 3 in one million threshold.

Dr. Clark concludes that the risk from the operational emissions from the Project remains significant and unmitigated for residential and school receptors nearest to the Project.[86] The DEIR must re-evaluate the Project's operational emissions and must present accurate findings in a revised DEIR.

O2.23 cont.

2. The Project is Likely to Result in Significant Public Health Impacts from Exposure to Valley Fever Which the DEIR Fails to Disclose or Mitigate

The DEIR fails to include any discussion or analysis of *Coccidiodes Immitis* ("Valley Fever"), which is known to occur in the vicinity of the Project site. As a result, the DEIR fails to provide critical information about the environmental setting of the Project with respect to potential health impacts during Project construction. The DEIR's failure to disclose existing conditions at the Project site with respect to Valley Fever results in the failure to analyze the potential impacts of Valley Fever exposure on Project construction workers and sensitive receptors and a corresponding failure to mitigate its potentially significant impacts on human health.

O2.24

Valley Fever is a disease that can spread when persons are exposed to *Coccidioides immitis* ("*Cocci*") fungus spores during ground disturbance.[87] Impacts to human health from Valley Fever can be severe, cause long lasting health problems, and can even result in death.[88] The fungus lives in the top 2 to 12 inches of soil, and when disturbed by activities such as digging, construction activities (e.g. site preparation and grading), dust storms, or during earthquakes, the fungal spores become airborne.[89] Here, construction of Phase 1 will include 17 days of site preparation which will disturb 119 acres, and 43 days of grading which will disturb 1,032 acres of land.[90] When soil containing this fungus is disturbed by activities

[86] Clark Comments, p. 26.
[87] Clark Comments, pp. 13-14.
[88] California Department of Public Health ("CDPH"), Valley Fever Basics (May 7, 2020), available at https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ValleyFeverBasics.aspx.
[89] Clark Comments, p. 14.
[90] DEIR, p. 5.3-28; EIR Appendix B, p. 88.

such as digging, vehicles, construction activities, dust storms, or during earthquakes, the fungal spores become airborne.[91] The most at-risk populations are construction and agricultural workers. Here, construction workers are the very population that would be most directly exposed by the Project. A refereed journal article on occupational exposures notes that "[l]abor groups where occupation involves close contact with the soil are at greater risk, especially if the work involves dusty digging operations."[92]

According to the California Department of Public Health ("CDPH"), the Valley Fever case rate in Riverside County has steadily increased from a case rate of 2.7 cases per 100,000 residents in 2016 to 18.7 per 100,000 residents in 2021, and 14.3 per 100,000 residents in 2022 and the County had the tenth highest rate of cases among California's 58 counties in 2021 and the eleventh highest in 2022.[93] In Riverside County, there were 455 and 349 Valley Fever cases in 2021 and 2022 respectively.[94] On August 29, 2024, CDPH published a press release ("CDPH Notice") notifying the public of a potential increased risk for Valley Fever in the California.[95]

O2.24 cont.

Despite the known presence of Valley Fever in the Project's vicinity and the potential impacts posed by exposure to the fungus spores, the DEIR fails to provide any information regarding the prevalence of *Cocci* fungus spores in the Project's vicinity, fails to discuss available construction worker Valley Fever training,[96] and

[91] Clark Comments, p. 14.
[92] Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation's Health*, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1.
[93] California Department of Public Health, Epidemiologic Summary of Valley Fever (Coccidioidomycosis) in California, 2022 (hereinafter "Valley Fever Report") (November 2023) p. 5. Available at https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2022.pdf.
[94] *Ibid.*
[95] California Department of Public Health, During Valley Fever Awareness Month, CDPH Warns of Increased Risk through Fall (hereinafter "CDPH Notice") (August 29, 2024) available at https://www.cdph.ca.gov/Programs/OPA/Pages/NR24-22.aspx
[96] California Labor Code § 6709 mandates that employers at worksites in counties where Valley Fever is highly endemic (i.e. where the annual incidence rate is greater than 20 cases per 100,000 persons per year) provide effective awareness training on Valley Fever to all employees. Labor Code § 6709(a-d). Although Riverside County Valley Fever incidents have not yet reached 20 per 100,000,

fails to include any Valley Fever-specific mitigation in the Project's Mitigation Monitoring and Reporting Program ("MMRP"). The lack of information precludes meaningful analysis and mitigation of the potential health impacts the Project will cause to onsite construction workers and other individuals in close proximity to the Project site from disturbing soils which may be contaminated with *Cocci* spores site during Project construction.

Dr. Clark explains that the proposed dust control measures in the DEIR fail to effectively mitigate the significant Valley Fever exposure risks.[97] The standard fugitive dust mitigation measures proposed in the DEIR are not adequate to protect construction workers and nearby sensitive receptors from exposure to Valley Fever spores. For example, compliance with SCAQMD Rule 403 includes requirements for a Dust Control Plan, signage and fencing requirements, as well as surface watering and stabilization with chemicals, gravel and asphaltic pavement to eliminate visible fugitive dust from vehicular travel and wind erosion. However, Dr. Clark explains that both Rule 403 and the mitigation measures outlined in the DEIR allow for a percentage of dust that could be generated to migrate offsite.[98] O2.24 cont.

Based on the mitigation measures outlined in the CalEEMOD model (utilized in the DEIR), Dr. Clark explains that watering exposed areas twice a day would reduce PM_{10} and $PM_{2.5}$ emissions by 61 percent (61%). Increasing the watering frequency to 3 times per day would reduce PM_{10} and $PM_{2.5}$ emissions by 74%.[99] Conventional dust control measures primarily focus on visible dust or larger dust particles—the PM_{10} fraction—and fail to address the very fine particles that transport Valley Fever spores, which are approximately 5 times smaller than typical PM_{10} particles and remain airborne much longer.[100] These fine particles, when disturbed by soil-disturbing activities, spread widely beyond site, posing a significant risk to both onsite workers and nearby communities.[101]

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they are steadily rising, indicating that the Valley Fever worker awareness training described in Section 6709 should be used at the Project site.

[97] Clark Comments, pp. 17-18.

[98] *Id.*

[99] *Id.*

[100] Clark Comments, p. 17

[101] *Id.* at p. 17.

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Additionally, Dr. Clark clarifies that the proposed compliance with the South Coast AQMD Rule 403, which relies on a visual opacity readings for dust control, is insufficient to prevent exposure to Valley Fever spores. This rule is based on smoke-monitoring methods (U.S. EPA Methods 9 and 22) that require active monitoring by certified observers, rely on subjective observation, and are affected by variable such as lighting, distance, and weather conditions.[102] Due to these limitations, Dr. Clark concludes that opacity readings do not provide accurate, continuous data on fine airborne particles. O2.24 cont.

The City must prepare and recirculate a revised DEIR which includes a discussion of the potential for the presence of *Cocci* fungus spores at the Project site in order to accurately analyze and mitigate the Project's potentially significant health risk impacts from Valley Fever. The City cannot rely on SCAQMD Rule 403 to mitigate Valley Fever impacts because this rule is insufficient to protect workers and nearby communities from exposure.

3. The DEIR Underestimates Truck Trip Lengths in the Air Quality Analysis Resulting in Underreported Emissions

The DEIR states that, to determine emissions from trucks for the proposed industrial uses, the analysis incorporated for Scenario A, truck trip lengths based on the SCAQMD's WAIRE Program recommended truck trip length of 15.3 miles for 2-axle (LHDT1 and LHDT2), 14.2 miles for 3-axle (MHDT) trucks and 40 miles for 4+-axle (HHDT) trucks and weighting the average trip lengths using traffic trip percentages taken from Harvest Landing Retail Center & Business Park Project Traffic Analysis. This trip length assumption is higher than the CalEEMod default trip length.[103] O2.25

However, both Dr. Clark and Mr. Marshall explain that the 40-mile truck trip length is not recommended by SCAQMD.[104] It was used in calculations of possible mitigation in Second Draft Staff Report Proposed Rule 2305 WAIRE Program. The reference for the 40-mile number is the 2016 SCAG travel demand model and there is no indication that these numbers are intended for any use

[102] *Id.* at p. 18.
[103] DEIR Appendix B, p. 59.
[104] Clark Comments, pp. 7-8; Marshall Comments, p. 8.

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beyond this single document. The 40-mile heavy truck trip length also appears in a 2014 slide presentation. However, these numbers are presented as general recommendations for warehouse EIRs and are not intended to replace site-specific analysis.[105]

Mr. Marshall explains that SCAQMD itself has clarified that the 40-mile distance is a default that should not replace a more accurate site-specific analysis. SCAQMD's November 22, 2023 comments recommended a longer truck length for the Hemlock Warehouse Development Project Draft SEIR[106] in the City of Fontana which also used a 40-mile truck trip length, writing:

> However, it is essential to note that the distance from the Proposed Project site to the Port of Los Angeles or Long Beach is approximately 70 miles one-way. Thus, South Coast AQMD staff is concerned about underestimating truck emissions due to the shorter distance that HHDT is analyzed in the Draft SEIR. Hence, it is recommended that the Lead Agency revise the truck emissions analysis using the more conservative trip length between 40 to 70 miles, of which 40 miles could be used for local and 70 miles for Port trips and include the revision in the final CEQA document. Tailoring these parameters and assumptions to be based on project-specific data will ensure a more accurate assessment of emissions, accounting for the unique circumstances and logistical realities of the Proposed Project.

O2.25 cont.

In this case, the Project site is about 80 miles from the Ports of Los Angeles and Long Beach – double the trip length analyzed in the DEIR. Mr. Marshall explains that, under these circumstances, the SCAQMD recommended heavy truck trip length is 80 miles.[107] Dr. Clark explains that using Project-specific data would increase the trip length by 100% (80 miles, the approximate distance from the Project site to the Ports), resulting in substantially higher (double) truck emissions

[105] Marshall Comments, p. 8.
[106] South Coast Air Quality Management District, *Draft Subsequent Environmental Impact Report for the Hemlock Warehouse Development Project*, (November 22, 2023), p. 2, available at https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2023/november-2023/SBC231011-05.pdf
[107] Marshall Comments, p. 9.

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than analyzed in the DEIR, which "would create an even greater NOx problem for the Region."[108]

The DEIR's conclusions regarding operational air quality impacts rely on erroneous and underreported truck emission estimates. The DEIR's trip and air quality analyses must be revised to evaluate and mitigate emissions associated with actual truck trip lengths to and from the Project site. O2.25 cont.

4. The DEIR's Air Quality Mitigation Measures Are Inadequate and Fail to Reduce Impacts to the Greatest Extent Feasible

CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid a project's potentially significant environmental impacts[109] and describe those mitigation measures in the EIR.[110] A public agency may not rely on mitigation measures of uncertain efficacy or feasibility.[111] "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.[112] Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.[113] Finally, before an impact can be declared significant and unavoidable, the lead agency must first adopt all feasible mitigation to reduce the impact to the greatest extent feasible, and must consider feasible mitigation recommended by commenters, when such measures would substantially lessen a significant environmental effect.[114] O2.26

The DEIR includes mitigation measures directed at reducing the Project's construction and operational emissions, yet concludes that air quality and public health impacts would remain significant and unavoidable.[115] This conclusion is

[108] Clark Comments, p. 8.
[109] PRC §§ 21002, 21081(a).
[110] PRC § 21100(b)(3); CEQA Guidelines section 15126.4.
[111] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).
[112] CEQA Guidelines § 15364.
[113] *Id.* at §15126.4(a)(2).
[114] *Covington v Great Basin Unif. Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 879-883.
[115] DEIR, p. 5.3-76.

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unsupported, because many of the DEIR's air quality mitigation measures are open-ended, unenforceable, or less stringent than necessary, and the DEIR fails to require all feasible mitigation to reduce impacts to the greatest extent feasible, as required by CEQA.

Mitigation Measures AQ-1 through AQ-7 require that construction use super-compliant low VOC paints, use of Tier 4 construction equipment over 50 horsepower, provision of a community liaison, limiting the amount of ground disturbance, use of newer construction equipment, and provision of meal options for construction workers.[116] The DEIR concludes that with implementation of these mitigation measures, Project construction-source VOC emissions would be reduced to a less than significant level.[117] However, the DEIR NOx emissions would continue to exceed South Coast AQMD regional significance thresholds during construction of Phase 1.[118] Thus, the DEIR concludes that a significant and unavoidable impact from regional construction emissions would occur.

The DEIR makes similar conclusions with regard to mitigation measures for mobile-source vehicle and truck emissions (MM AQ-5 and MM AQ-12), truck idling (MM AQ-8), electric vehicle ("EV") charging (MM AQ-9), and solar power generation (MM AQ-14). However, none of these measures include the most stringent feasible mitigation, and several include unenforceable terms. As Dr. Clark explains, the City should modify at least 5 of the DEIR's air quality mitigation measures to further decrease NOx and other air emissions.[119] Dr. Clark proposes that MM AQ-2 should be changed to restrict the use of all off-road equipment greater than 25 horsepower (hp) to Tier 4 final technology, rather than restricting equipment greater that 50 hp to Tier 4 final technology, and that MM AQ-5 and MM AQ-12 should be modified to restrict all on-road heavy duty trucks and all trucks entering the Project site greater than 14,000 lbs. to be model year 2018 or newer.[120] Dr. Clark also proposes that MM AQ-8 should be altered to restrict idling times from 5 minutes to 3 minutes, which would reduce idling emissions by 40 percent ((1-(3/5) = 0.40) and comply with California Government code section 65098.3, which requires idling of

O2.26 cont.

[116] DEIR, p. 5.3-33.
[117] *Id.*
[118] *Id.*
[119] Clark Comments, p. 9.
[120] *Id.*

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heavy-duty truck engines be restricted to 3 minutes at logistics sites.[121] These are all technologically and economically feasible measures that are used on other projects, and in some cases, required by law. The DEIR should be revised and recirculated to include all of these measures. O2.26 cont.

The DEIR also fails to demonstrate that the proposed mitigation measures would be enforceable through permit conditions, agreements, or other legally binding instruments by including vague terms which would allow the Applicant to circumvent mitigation, such as only requiring low-emission trucks and equipment where "equipment is widely available and economically feasible."[122]

The Court in *Sierra Watch v. County of Placer* (2021) 60 Cal.App.5th 86 found that mitigation that provided measures "where feasible" was vague and therefore inadequate. Here, the DEIR's proposition that mitigation measures are recommended "where feasible" is a violation of CEQA. Implementation of the proposed Project would result in long-term regional emissions of criteria air pollutants and ozone precursors associated with area sources, such as natural gas consumption, landscaping, applications of architectural coatings, consumer products from operation of the proposed buildings.[123] As a result of the exceedances of the SCAQMD thresholds of significance, Mitigation Measures AQ-8 through AQ-19 have been included, which implement idling regulations and require electric vehicle charging and carpool parking, electric forklifts, use of newer trucks, truck charging infrastructure, solar infrastructure, rideshare programs, electric landscape equipment, truck route signage, California Air Resources Board ("CARM") training, and propagation of fleet incentive information.[124] O2.27

Moreover, implementation of the proposed air quality mitigation measures is not made clear in the DEIR. There is no plan and no enforcement design incorporated into the DEIR rendering these measures suggestive and inadequate. Although these mitigation measures would contribute to reducing emissions associated with the Project, there is no concrete plan to ensure that these measures will be followed and implemented, and language allowing implementation only

[121] Clark Comments, p. 13.
[122] DEIR, p. 1-9.
[123] DEIR, p. 5.3-35.
[124] DEIR, p. 5.3-44.

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when feasible, with no alternative mitigation required, may result in mitigation measures not being implemented at all. O2.27 cont.

Finally, even assuming implementation of all proposed DEIR air quality mitigation measures, the DEIR concludes that construction and operational emissions from the proposed Project would continue to exceed the SCAQMD's regional significance thresholds and would cumulatively contribute to the nonattainment designations in the South Coast Air Basin ("SCAB").[125] On this basis, the DEIR concludes that Project operational-source VOC, NOx, CO, PM_{10} and $PM_{2.5}$ emissions cannot be definitively reduced below applicable South Coast AQMD thresholds of significance and therefore are considered significant and unavoidable.[126] This conclusion is unsupported due to the City's failure to require all feasible mitigation to reduce the Project's air quality impacts to the greatest extent feasible. O2.28

CEQA requires agencies to commit to all feasible mitigation measures to reduce significant environmental impacts.[127] In particular, the lead agency may not make required CEQA findings, including finding that a project impact is significant and unavoidable, unless the administrative record demonstrates that it has adopted all feasible mitigation to reduce significant environmental impacts to the greatest extent feasible.[128] The DEIR must be revised to make all air quality mitigation measures binding and must adopt additional, feasible mitigation recommended herein and by Dr. Clark, to ensure that air quality and public health impacts have been reduced to the greatest extent feasible.

V. THE DEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE POTENTIALLY SIGNIFICANT TRANSPORTATION IMPACTS

The DEIR's transportation analysis is inadequate and fails to comply with CEQA. First, the DEIR's transportation analysis concludes, with respect to transportation and health risks, that the Project would result in significant VMT impacts that cannot be mitigated. Second, the DEIR also acknowledges that the O2.29

[125] DEIR, p. 5.3-53.
[126] *Id.*
[127] CEQA Guidelines § 15002(a)(2).
[128] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090, 15091; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

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Project would result in significantly greater VMT impacts than those reported in the adopted Harvest Landing Specific Plan. Yet, these greater impacts are not properly disclosed, and the DEIR fails to adopt all feasible mitigation to reduce VMT impacts to the greatest extent feasible. Third, the DEIR purports that the Project's vehicle trips would produce less air pollution than the adopted plan, but this conclusion is based on data and numbers developed with unsupported methodologies. Lastly, the DEIR's Traffic Analysis found multiple problems that the City claims cannot be addressed where "no feasible improvements" would result in "satisfactory LOS" and the DEIR underestimates truck trip lengths in the air pollution analysis. O2.29 cont.

A. The DEIR Does Not Properly Address VMT Impacts

1. The DEIR Does Not Properly Analyze the Efficacy of Proposed VMT Mitigation

The DEIR claims that the VMT mitigation program would reduce VMT by 12.94 percent.[129] Almost half the reduction shown, 6.14 percent[130] is from Measure T-2, Increase Job Density, from the 2021 California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity ("CAPCOA Handbook").[131] The DEIR Appendix S reproduces the discussion of Measure T-2 in the CAPCOA Handbook.[132] The description for Measure T-2 states that this measure accounts for the VMT reduction achieved by a project that is designed with a higher density of jobs compared to the average job density in the U.S. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. Increasing job density results in shorter and fewer trips by single-occupancy vehicles and thus a reduction in GHG emissions. O2.30

[129] DEIR, p. 5.16-26; Appendix S, p. 6.
[130] DEIR, Appendix S, p. 41 – 42.
[131] California Air Pollution Control Officers Association, *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (August 2021), available at https://www.airquality.org/ClimateChange/Documents/Handbook%20Public%20Draft_2021-Aug.pdf
[132] DEIR, Appendix S; CAPCOA Handbook p. 80-81.

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Transportation expert Mr. Marshall concludes that the DEIR's analysis of VMT mitigation is unsupported and contains errors. As explained by Mr. Marshall, it is inappropriate to apply this reduction because it is double-counting.[133] The Riverside County Transportation Analysis Model ("RIVCOM") used to estimate VMT without mitigation already accounts for the decrease in VMT with increased density.[134] O2.30 cont.

Furthermore, Mr. Marshall explains that any effect of increased density on VMT is weak in this case because residential development is excluded. The CAPCOA text regarding Measure T-2 states that when paired with Measure T-1, Increase Residential Density, the cumulative densification from these measures can result in a highly walkable and bikeable area, yielding increased co-benefits in VMT reductions, improved public health, and social equity.[135] O2.31

Mr. Marshall further explains that the second highest reduction taken is the maximum possible 4 percent for Measure T-5 Implement Commute Trip Reduction Program (Voluntary). The CAPCOA Handbook states that this should be adjusted downward if not all employees can participate. Employees who might not be able to participate could include those who work nighttime hours when transit and rideshare services are not available or employees who are required to drive to work as part of their job duties.[136] A large share of Project employees would work nighttime hours including workers at all of the commercial businesses and many of the warehouse and industrial workers. Therefore, taking the maximum 4 percent reduction is unwarranted. O2.32

Finally, Mr. Marshall finds that most of the remainder to the VMT reduction shown in the DEIR (2.32%) is from Measure T-18 Provide Pedestrian Network Improvement.[137] This measure is intended to increase the sidewalk coverage to improve pedestrian access. Providing sidewalks and an enhanced pedestrian network encourages people to walk instead of drive. This mode shift results in a reduction in VMT and GHG emissions. However, Mr. Marshall explains that taking credit for adding sidewalks in the Project is unwarranted. As shown in DEIR, the O2.33

[133] Marshall Comments, p. 5.
[134] *Id.*
[135] CAPCOA Handbook p. 66.
[136] Id. at 77.
[137] DEIR, p. 5.16-26.

Project has large blocks and there will be few opportunities, if any, to enter any Project building directly from a sidewalk, rather than by weaving through a parking lot, with some parking lots being very large.[138]

The DEIR's overcounting of assumed VMT reductions is misleading and results in unsupported assumptions about the efficacy of the DEIR's proposed VMT mitigation. The DEIR must be revised and must properly analyze the mitigation measures related to VMT. Failure to do so would be a violation of CEQA.

O2.33 cont.

2. The DEIR Fails to Adopt All Feasible Mitigation to Reduce VMT Impacts to the Greatest Extent Feasible

The DEIR states that VMT impact of the commercial component of the Project for Phase 1 would remain significant and unavoidable even with mitigation measures incorporated.[139] Moreover, the DEIR documents that the commercial portion of the Project would result in VMT per service population of more than 100 percent above the acceptable VMT threshold. Specifically, the DEIR notes that the Commercial (TAZ 1870) portion of the Project would have a VMT/SP 111.53% above the threshold under the Project Baseline (2024) condition and 108.55% above the threshold under the Cumulative (2045) condition.[140] Therefore, the Commercial component of the Project would result in a significant VMT impact, and mitigation would be required.

O2.34

Mr. Marshall explains that the proposed VMT mitigation measure is insufficient to fully mitigate the Project's VMT impacts. With mitigation incorporated, the Commercial component of the Project's VMT/SP would be 98.59% above the threshold under Project Baseline (2024) conditions and 95.61% above than the threshold under Cumulative (2045) conditions, while the Project as a whole's VMT/SP would be 1.18% above the threshold under Project Baseline (2024) conditions and 5.33% above the threshold under Cumulative (2045) conditions.[141] Upon implementation of existing regulatory requirements and feasible mitigation

[138] DEIR, p. 3-31.
[139] DEIR, p. 5.16-23; Appendix S, p. 44.
[140] DEIR p. 5.16-23, Appendix S, p. 3.
[141] DEIR, p. 5.16-25, Appendix S, p. 6; Marshall Comments, p. 4.

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measures, impacts related to VMT from development of the Commercial component of Phase 1 and Specific Plan buildout would remain significant and unavoidable.[142]

Before an impact can be declared significant and unavoidable, the lead agency must first adopt all feasible mitigation to reduce the impact to the greatest extent feasible, and must consider feasible mitigation recommended by commenters, when such measures would substantially lessen a significant environmental effect.[143] The DEIR must consider all feasible mitigation before declaring impact significant and unavoidable. The DEIR must be revised and must present other mitigation measures that would result in a lesser VMT impacts. O2.34 cont.

3. The DEIR Does Not Provide Enforceable Mitigation

The DEIR identifies TR-1 as the main mitigation measure addressing transportation concerns, but TR-A is inadequate and contains a level of implementation and close monitoring that would be difficult to implement. This implementation measure discusses a voluntary commute trip reduction program, a vague marketing plan to encourage commute trip reduction, an optional subsidized or discounted transit program, and future plans to provide end-of-trip bicycle facilities and employee-sponsored vanpool.[144] As mentioned above, mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. Here, TR-1 is not legally binding and provides a limited enforcement mechanism. The programs it purports to implement are suggestive, optional, and voluntary. O2.35

Thus, the DEIR fails to adequately address the significant transportation and VMT impacts associated with the project. The DEIR must be revised to make the Mitigation Measure binding and to showcase that VMT impacts, although significant and unavoidable, have been reduced to the greatest extent feasible.

[142] DEIR, p. 5.16-33.
[143] *Covington v Great Basin Unif. Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 879-883.
[144] DEIR, p. 5.16-32 – 33.

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4. Stronger Mitigation Measures are Available and Must Be Considered

The DEIR concludes that it is impossible to fully mitigate the commercial VMT, which will be predominantly by shoppers traveling significant distances to regional retail in location with very poor transit service and limited population within walking distance.[145] Nevertheless, more can be done to reduce commuter VMT. The DEIR must be revised to incorporate additional, feasible mitigation to reduce VMT impacts to the greatest extent feasible.

As shown above, the DEIR applies CAPCOA Measure T-5 Implement Commute Trip Reduction Program (Voluntary) in its calculations for the entire Project. However, the DEIR Executive Summary only applies this measure to "tenants with less than 250 employees."[146] The rationale appears to be that businesses with 250 or more employees are subject to South Coast AQMD Rule 2202 and associated reporting that also is intended to reduce commute VMT.[147]

O2.36

Mr. Marshall concludes that the Project could require all employers to implement CAPCOA Measure T-6: Implement Commute Trip Reduction Program (Mandatory Implementation and Monitoring), with a maximum possible reduction of 26 percent vs. the 4 percent with the voluntary program.[148]

Mr. Marshall opines that, while it is not clear how the requirements of SCAQMD Rule 2202 compare to either CAPCOA Measure T-5 or T-6,T-6's mandatory reporting requirement makes it stronger than T-5.[149] Mr. Marshall also notes that, while the City of Perris is in Performance Zone 3 with a target Average Vehicle Ridership ("AVR") of 1.3, which is slightly lower than neighboring areas, including the City of Riverside, with a target AVR of 1.5, stronger VMT mitigation is still necessary for all Project employers to satisfy the requirements of SCAQMD for larger employers.

[145] Marshall Comments, p. 8.
[146] DEIR, p. 1-51.
[147] DEIR Appendix S, p. 4.
[148] Marshall Comments, p. 7.
[149] *Id.*

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The DEIR should be revised and recirculated to include stronger mitigation and a mandatory implementation program that would allow for greater reduction of VMT and better protection for workers and nearby communities. O2.36 cont.

VI. THE DEIR FAILS TO ADEQUATELY ANALYZE OR MITIGATE SIGNIFICANT NOISE IMPACTS

The DEIR's analysis of the Project's noise impacts is based on Appendix Q, the technical noise analysis performed by the City's consultant Urban Crossroads, Inc. The noise analysis is flawed and must be redone in a revised DEIR, as it does not analyze the Project as described in the DEIR. The DEIR's analysis and conclusions regarding the Project's noise impacts are based on incorrect assumptions and are therefore unsupported by substantial evidence.

The DEIR states that the primary source of noise associated with the operation of the proposed Project would be from vehicular and truck trips.[150] Secondary sources of onsite Project-related noise are expected to include drive thru speakerphones, gas station activity, loading dock activity, truck movements, roof-top air conditioning units, trash enclosure activity and parking lot vehicle movements.[151] Aside from noise levels, ground borne vibration would also be generated during construction of the Project by various construction-related activities and equipment and could be generated by truck traffic traveling to and from the Specific Plan Area.[152] The DEIR outlines the sources of noise caused by the Project, but does not fully account for other challenges concerning noise derived from the Project. O2.37

A. The DEIR Does Not Consider Nighttime Construction Noise Increases Over Ambient Levels

Mr. Meighan concludes that the DEIR's noise analysis is incomplete and accounts only for daytime noise impacts, but leaves nighttime noise unanalyzed.[153] Section 10 in Appendix Q details the analysis used by the DEIR to determine if O2.38

[150] DEIR, p. 5.12-20.
[151] DEIR, p. 5.12-21.
[152] *Id.*
[153] Meighan Comments, pp, 2-4.

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significance thresholds for construction noise are exceeded. Subsections 10.5, 10.8, and 10.11 all show compliance with modeled construction noise levels over thresholds based on ambient levels for different phases of the project. However, section 10.13, entitled *Nighttime Concrete Pour Noise Analysis,* does not have a corresponding section comparing modeled levels to thresholds based on ambient levels. Analyzing the Project's noise impact by providing only analysis for one component of the Project but not the other, results in an incomplete DEIR and wholistic noise analysis that can inform the public of the Project's overall impacts.

CEQA requires Applicants to assess if there will be a substantial increase in ambient levels. Here, the Applicant failed to abide by CEQA because it did not provide this assessment for all elements of the Project. The DEIR does not explain why thresholds based on ambient levels are required for daytime noise, but not for nighttime noise, which is inherently a more sensitive time as people sleep. This document's interpretation of this statute implies that for nighttime construction noise, any increase in noise is insignificant so long as the construction stays below 60 dBA.[154] The DEIR concludes that nighttime concrete pour noise levels are considered less than significant at the nearby noise-sensitive locations because all levels are below 60 dBA. However, this conclusion is flawed because the DEIR fails to consider ambient levels. O2.38 cont.

CARE CA's noise expert, Dr. Meighan, analyzed noise impacts for nighttime and concluded that nighttime construction noise is as high as 11 dBA over ambient levels.[155] Appendix Q cites the Caltrans Traffic Noise Protocol document for mobile noise significance thresholds, stating a "substantial noise increase occurs when the project's predicted noise level exceeds the existing ambient noise level by 12 dBA or more."[156]

The 12 dBA noise threshold cited is extreme. Typically, 3 or 5 dBA noise increases are used as impact thresholds, such as in the operational noise analysis in the same EIR. An increase of 10 dB is a doubling of perceived loudness and represents a ten-fold increase in the sound level.[157] To say that a proper threshold O2.39

[154] Meighan Comments, p. 2.
[155] Meighan Comments, p. 3.
[156] DEIR, Appendix Q p. 24.
[157] National Park Service, Understanding Sound, available at https://www.nps.gov/subjects/sound/understandingsound.htm

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of significance is increasing noise by more than double the currently existing environment goes against the principles of CEQA of preventing significant and avoidable environmental damage. O2.39 cont.

Dr. Meighan notes that as it stands, the project has the potential to have significant impacts on nighttime noise during concrete pours. Thus, Mitigation should be studied and presented as an option in an updated DEIR, with an analysis showing that mitigation, such as a required temporary sound wall, would reduce levels below significance thresholds. O2.40

B. The DEIR's Noise Analysis Relies on Unsupported Assumptions Regarding HVAC Source Levels

The DEIR does not present realistic and worst case scenarios to properly analyze HVAC source levels. In the City of Perris, the average daily temperature can reach a high of over 96 degrees Fahrenheit in August.[158] As a result, Dr. Meighan believes that under worst-case conditions, rooftop HVAC systems could be running constantly. However, Mr. Meighan explains that the DEIR presents a different case and does not account for an alternative scenario where the rooftop HVAC systems will be required to run consistently throughout the day.

When analyzing source level and assumptions for the air conditioning units, Section 9.2.3 of Appendix Q states that at a uniform reference distance of 50 feet the roof-top air conditioning units generate a reference noise level of 57.7 dBA Lmax.[159] Based on the typical operating conditions observed over a four-day measurement period, the roof-top air conditioning units are estimated to operate for and average 39 minutes per hour during the daytime hours, and 28 minutes per hour during the nighttime hours.[160] This analysis does not appear to be realistic as it does not account for the high temperatures described by Dr. Meighan. O2.41

Additionally, the cited sound level corresponds to a sound power level of 89 dBA, but rooftop HVAC units can have a sound power level as high as 95 dBA. If

[158] The Weather Network, Historical Averages – Perris CA, available at https://www.theweathernetwork.com/us/historical/california/perris.
[159] DEIR, Appendix Q p. 62.
[160] *Id.*

worst-case conditions were used (95 dBA running for an hour straight at night), source levels could be underestimated by as much as 9 dB.[161] The nosiest rooftop mechanical units may need less units than presented in the analysis due to their size. However, if the noise analysis is underestimated by almost 10 dB, the DEIR must be updated to make sure it accounts for all worst-case scenarios regarding potential significant noise impacts. O2.41 cont.

VII. CONCLUSION

For the reasons discussed above, the DEIR for the Project is wholly inadequate under CEQA. It must be revised to provide legally adequate analysis of, and mitigation for, all of the Project's potentially significant impacts. These revisions will necessarily require that the DEIR be recirculated for additional public review. Until the DEIR has been revised and recirculated, as described herein, the City may not lawfully approve the Project. O2.42

Thank you for your consideration of these comments. Please include them in the record of proceedings for the Project.

Sincerely,

Isabel Tahir
Associate Attorney

Attachments
IT:acp

[161] Meighan Comments, p. 4.

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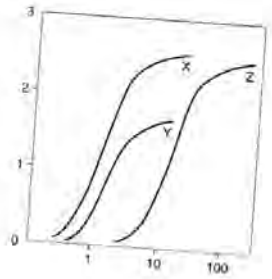
EXHIBIT A



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July 14, 2025

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Attn: Ms. Isabel Tahir

Subject: Comment Letter on Draft Environmental Impact Report (DEIR) Harvest Landing Retail Center & Business Park Project, City of Perris, Riverside County, California, State Clearinghouse Number (SCH No. 2024080337)

Dear Ms. Tahir:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the May 2025 City of Perris (City) DEIR for the above referenced project.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description:

According to the DEIR, the project includes a proposed Specific Plan Amendment and other land use entitlements to facilitate the maximum feasible buildout for development of 5,735,535 square feet of business uses and 428,507 square feet of commercial uses. Phase 1 of the proposed buildout includes a 139.89-acre business park with one parcel hub, three high cube warehouses, and three light industrial buildings totaling 1,727,579 square feet; a 22.16-acre community shopping center with a major retail building and eight retail pads totaling 250,457 square feet; and a 24.33-acre commercial big box retail site with a new 167,050-square-foot, free-standing big box discount store with a 12-pump gas station and two approximately 5,500-square-foot fast food restaurants. O2.43

The Project site is located within the central portion of the City of Perris. The City of Perris is located within Riverside County, approximately 24 miles south of downtown San Bernardino, 35 miles east of Irvine, and 62 miles southeast of downtown Los Angeles. Regional access to the site is provided via Interstate 215 (I-215) and State Route 74 (SR-74). The Project site includes approximately 358.28 acres and is generally bounded by I-215 to the west, Perris Boulevard to the east, Nuevo Road to the south, and Placentia Avenue to the north. The Project site includes the current Harvest Landing Specific Plan (Specific Plan) area and three parcels proposed to be annexed into the Specific Plan.

Figure 1: Regional Location Of PRoject

O2.43 cont.

Figure 2: Local Vicinity Map

O2.43 cont.

The City of Perris is located within the South Coast Air Basin (SCAB) which is guided by the Air Quality Management Plan (AQMP) of the South Coast Air Quality Management District (SCAQMD). The SCAB, is a non-attainment area for both the federal and state standards for ozone and $PM_{2.5}$. The SCAB is in attainment for the state and federal standards for PM_{10}, nitrogen dioxide, and carbon monoxide. SCAQMD has adopted a series of AQMPs to meet the State and federal

O2.44

ambient air quality standards. AQMPs are updated regularly to more effectively reduce emissions, accommodate growth, and minimize any negative fiscal impacts of air pollution control on the economy. The current AQMP was adopted by the SCAQMD Governing Board on December 2, 2022. The AQMP control measures and related emission reduction estimates are based on emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Accordingly, conformance with the AQMP for development projects is determined by demonstrating compliance with local land use plans and/or population projections. The City's conclusion states that the proposed modifications "do not conflict with the overall Riverside County Vision; and that they would not create an internal inconsistency among the elements of the General Plan." However, this conclusion fails to assess how the Project will conflict with the AQMP for the SCAB. O2.44 cont.

The proposed project would result in the emission of criteria pollutants (ozone (O3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulates less than 10 and 2.5 microns in diameter (PM_{10} and $PM_{2.5}$), and toxic air contaminants (TACs), such as diesel particulate matter, during the construction phase and operational phase of the Project. Construction activities such as demolition, clearing, grading and excavation would generate diesel and dust emissions. Construction equipment that would generate criteria air pollutants includes excavators, graders, dump trucks, and loaders. Diesel particulate matter and gasoline dispensing emissions would occur from use of construction equipment and from heavy-duty diesel trucks traveling to and from the site and maneuvering onsite. Construction emissions are associated with development of the proposed Project by estimating the types of equipment (including the number) that would be used on-site during each of the construction phases. Construction emissions are analyzed using the regional thresholds established by the SCAQMD and published in the CEQA Air Quality Handbook. Operational O2.45

activities associated with the Project would result in emissions of VOCs, NO_x, SO_x, CO, PM_{10}, and $PM_{2.5}$. Operational emissions are generated by area, energy and mobile sources.

The SCAQMD has developed specific quantitative thresholds that apply to projects within the SCAB. The current thresholds of significance were published by the SCAQMD in March 2023. The following significance thresholds apply to short-term construction activities:

- 75 pounds per day of VOC
- 100 pounds per day of NO_X
- 550 pounds per day of CO
- 150 pounds per day of SO_X
- 150 pounds per day of PM_{10}
- 55 pounds per day of $PM_{2.5}$

The following significance thresholds apply to long-term operational emissions:

- 55 pounds per day of VOC
- 55 pounds per day of NO_X
- 550 pounds per day of CO
- 150 pounds per day of SO_X
- 150 pounds per day of PM_{10}
- 55 pounds per day of $PM_{2.5}$

O2.45 cont.

Specific Comments

1. The City's Cumulative Impact Analysis Fails To Incorporate A Quantitative Analysis of The Substantial Public Health Impacts From Nearby Warehouse Projects.

The DEIR fails to incorporate a quantitative analysis of public health risks associated with the emissions from nearby warehouses. According to data from the Redford Conservancy at Pitzer

O2.46

College and Radical Research LLC (presented on the Warehouse CITY website)[1], within 5 km of the Project Site in the City of Perris, Mead Valley, Good Hope, and Nuevo area there are 87 existing warehouses covering 33,285,000 square feet. There are 5 more vacant warehouses (totaling 1,715,000 sq ft). Additionally, there are 21 approved projects totaling 7,500,000 sq ft and 6 projects (including this Project) under-going CEQA review totaling 10,400,000 sq ft. The existing projects within 5 kilometers (km) of the Project site located within the area generate 22,000 daily truck trips, producing 30.4 lbs of diesel particulate matter (DPM) per day and 3,428 lbs of oxides of nitrogen (NO_x) per day. The 21 approved projects will generate an additional 5,000 daily truck trips, producing 6.9 lbs of DPM per day and 779 lbs of NO_x per day. The 6 projects undergoing CEQA review will generate an additional 7,000 daily truck trips, producing 9.7 lbs of DPM per day and 1,091 lbs of NO_x per day.

O2.46 cont.

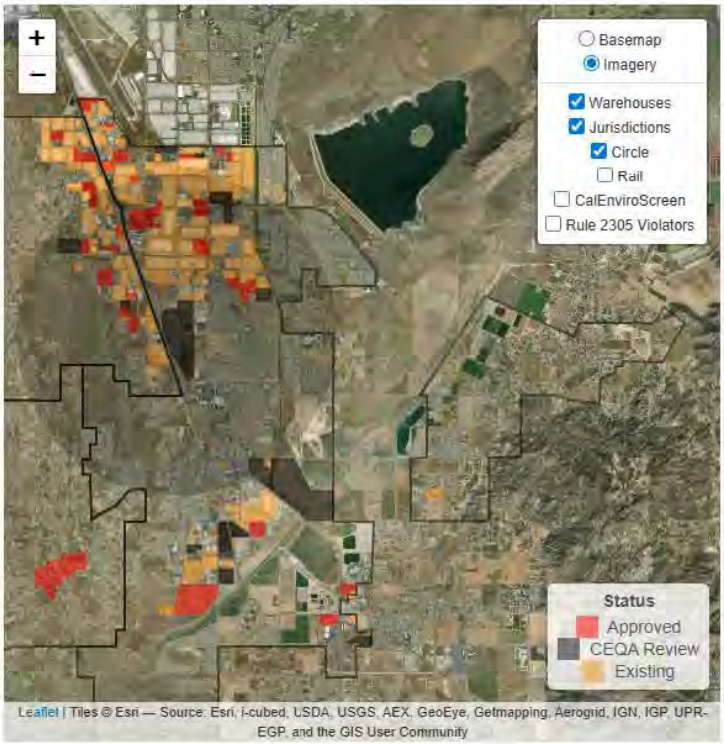

Figure 3: Existing, Approved And Project Undergoing CEQA Review Within 5 km of Site

[1] Warehouse City v. 1.21. Accessed July 6, 2025. https://radicalresearch.shinyapps.io/WarehouseCITY/

The total impacts from the existing, approved, and projects undergoing CEQA review are summarized below. The 5,298 lbs of NOx, 47 lbs of DPM, and 34,000 daily truck trips associated with the warehouses represent a significant impact on the communities of Mead Valley, Good Hope, Nuevo, and Perris.

Category	Warehouse count	Warehouse floor space (Sq.Ft.)	Daily Truck trips	Daily Diesel PM (pounds)	Daily NOx (pounds)
Approved	21	7,500,000	5,000	6.9	779
CEQA Review	6	10,400,000	7,000	9.7	1,091
Existing	87	33,285,000	22,000	30.4	3,428
Vacant	5	1,715,000			

O2.46 cont.

The development of 5,735,535 square feet of business uses and 428,507 square feet of commercial uses (the Project Site) clearly adds a substantial number of truck trips, daily DPM emissions, and NOx emissions to an already heavily impacted region, which the DEIR did not account for.

2. The DEIR Underestimates The Average Truck Trip Length By Relying on 40 Mile-Length Trips In The Air Quality Analysis.

The underreporting of the number of truck trips and the length of the truck trips correlate to an underreporting of the mobile source emissions for the Project. The DEIR's reliance on the approximate 40-mile trip length does not comport with the reality of where warehoused materials will ship from in the region. It must be pointed out that the largest source(s) of containerized products, and therefore the primary sources of heavy-duty truck traffic, on the West Coast of the United States are the Ports of Los Angeles and Long Beach, located approximately 80 miles away from the Project Site. "In 2020, the Ports of Los Angeles, Long Beach, and Oakland collectively accounted for over 34% of all United States international container trade. The Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day. Accordingly, the South Coast Air Basin now contains approximately 3,000 warehouses of over 100,000 square feet each, with a total warehouse capacity of approximately 700 million square feet, an increase of 20 percent over the last five years"),[2] citing Data from the Bureau of Transportation Statistics, Container TEUs (Twenty-foot Equivalent

O2.47

[2] Available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf

Units)[3] from 2020, the Ports of Los Angeles, Long Beach, and Oakland combined for 14.157 million TEUs, 34% of 41.24 million TEUs total nationwide.[4]

SCAQMD has also rejected the approach used in this DEIR to calculate truck trips based on the 40-mile average trip distance for warehouses located at similar distances from the Ports of Los Angeles and Long Beach. For example, in November 2023, SCAQMD commented on the SEIR prepared for the Hemlock Warehouse Development Project, located approximately 70 miles from the Ports of Los Angeles and Long Beach, that the city's reliance on the same 40-mile trip length used in the Ellis Project DEIR resulted in an underestimation of truck trip emissions, and recommended calculating emissions using project-specific data.[5] O2.47 cont.

In this case, using Project-specific data would increase the trip length by 100% (80 miles, the approximate distance from the Project site to the Ports). At this length, truck emissions would create an even greater NO_x problem for the Region. The City must revise the DEIR's air quality analysis to accurately calculate emissions using fact-based, reasonably foreseeable truck trip lengths.

3. The Mitigation Measures Identified In The DEIR Do Not Go Far Enough To Reduce Criteria and Toxic Air Contaminant Emissions During The Construction Phase And Operational Phases Of The Project.

The DEIR states that the air quality impacts are significant and unavoidable, even with the mitigation measures identified in the DEIR. The 21 mitigation measures to reduce criteria pollutants and reduce the impacts of TACs do not go far enough to improve air quality in the region. Even after the implementation of mitigation measures in the DEIR, the construction phase of the Project would release significant amounts of NOx during the first year of construction. O2.48

[3] https://data.bts.gov/stories/s/Container-TEU/x3fb-aeda/

[4] U.S. Dept. of Transportation, Federal Highway Administration, FHWA Operations Support – Port Peak Pricing Program Evaluation (2020), available at https://ops.fhwa.dot.gov/publications/fhwahop09014/sect2.htm

[5] City of Fontana, Hemlock Warehouse Development Project (SCH 2009091089), SEIR SCAQMD comments, FSEIR p. 2-6, available at https://www.fontanaca.gov/DocumentCenter/View/43908/Hemlock-Final-SEIR-Feb-2024.

Table 5.3-11: Maximum Peak Daily Construction Emissions - with Overlay - with Mitigation

Source	Emissions (lbs/day)					
	VOC	NOx	CO	SOx	PM_{10}	$PM_{2.5}$
Summer						
2026	34.50	119.39	254.63	0.31	18.52	5.53
2027	1.73	27.35	40.39	0.11	4.62	1.26
2028	2.32	53.05	78.90	0.22	10.30	3.72
2029	7.50	52.57	132.38	0.22	24.54	6.07
2030	27.68	47.38	169.30	0.14	29.52	7.37
Winter						
2025	69.60	32.26	135.88	0.11	13.81	6.75
2026	37.41	257.74	328.20	1.08	47.46	16.40
2027	1.71	33.95	62.43	0.12	12.67	5.90
2028	2.29	53.70	78.39	0.22	12.67	5.90
2029	6.47	53.18	108.24	0.22	24.54	6.07
2030	27.31	48.67	143.10	0.14	29.52	7.37
Total Maximum Daily Emissions	**69.60**	**257.74**	**328.20**	**1.08**	**47.46**	**16.40**
South Coast AQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	**No**	**Yes**	**No**	**No**	**No**	**No**

Source: EIR Appendix B

Figure 4: Maximum Peak Daily Construction Emissions With Mitigation

O2.48 cont.

The mitigation measures for the construction should modify at least 5 of the mitigation measures to decrease NOx emissions. MM AQ-2 should be changed to restrict the use of all off-road equipment greater than 25 horsepower (hp) to Tier 4 final technology,[6] rather than restricting equipment greater that 50 hp to Tier 4 final technology. MM AQ-5 and MM AQ-12 should be modified to restrict all on-road heavy duty trucks and all trucks entering the Project site greater than 14,000 lbs to be model year 2018 or newer. Using the California Air Resources Board's (CARB) EMission FACtor (EMFAC) model, it is possible to estimates the emissions from onroad mobile sources in California, including but not limited to heavy duty trucks. The model calculates emissions factors and emissions inventories for: O2.49

- Carbon monoxide (CO)
- Nitrogen oxides (NOx)
- Hydrocarbons (HC): HC can be expressed as TOG (total organic gases), ROG (reactive organic gases), THC (total hydrocarbon), or CH4 (methane). The TOG class includes all organic gases emitted into the atmosphere. The ROG class is same as EPA's VOC (volatile organic compounds) definition and does not contain compounds exempt from regulation.

[6] See e.g. CARB In-Use Off-Road Diesel-Fueled Fleets Regulation Info sheet, available at https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation.

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- Particulate matter (PM): PM estimates are provided for total suspended particulates for particulate matters 10 microns or less in diameter (PM10), and particulate matters 2.5 microns or less in diameter (PM2.5).
- Sulfur oxides (SOx): Emissions of oxides of sulfur are a function of the sulfur content of fuel. The model calculates these emissions by multiplying the fuel consumption by the weight fraction of sulfur in a gallon of fuel.
- Greenhouse Gases (GHG): GHG emissions consist of complete combustion CO2, Nitrous Oxide (N2O) and Methane (CH4). These are the greenhouse gases that are now included in the EMFAC2017 but not in EMFAC2014 or prior versions.

O2.49 cont.

In my analysis the emissions for NOx, $PM_{2.5}$ as exhaust, PM_{10} as exhaust, and ROGs for vehicles with model years 2014 through 2024 are presented in the table below.

Table 4: EMFAC Emission Estimates For MHDT And HHDT Vehicles For Model Years 2014 Through 2024

Region	Calendar Year	Vehicle Category	Model Year	Speed	Fuel	NOx RUNEX	NOx IDLEX	NOx STREX	PM2.5 RUNEX	PM2.5 IDLEX	PM10 IDLEX	ROG RUNEX	ROG IDLEX
Riverside (MD/SCAQMD)	2024	HHDT	2014	Aggregate	Diesel	2.39E+00	8.73E+01	4.25E-02	3.01E-02	4.44E-02	3.15E-02	2.52E-02	7.39E+00
Riverside (MD/MDAQMD)	2024	HHDT	2014	Aggregate	Diesel	2.47E+00	8.75E+01	4.26E-02	3.01E-02	4.45E-02	3.15E-02	2.55E-02	7.40E+00
Riverside (SS)	2024	HHDT	2014	Aggregate	Diesel	2.29E+00	7.88E+01	3.17E-02	2.71E-02	3.31E-02	2.84E-02	2.05E-02	6.67E+00
Riverside (SC)	2024	HHDT	2014	Aggregate	Diesel	2.12E+00	3.83E+01	2.66E-02	1.32E-02	2.78E-02	1.38E-02	1.83E-02	3.24E+00
Riverside (MD/SCAQMD)	2024	HHDT	2015	Aggregate	Diesel	1.95E+00	8.78E+01	3.93E-02	3.03E-02	4.11E-02	3.16E-02	2.48E-02	7.43E+00
Riverside (MD/MDAQMD)	2024	HHDT	2015	Aggregate	Diesel	2.02E+00	8.73E+01	3.93E-02	3.01E-02	4.11E-02	3.14E-02	2.51E-02	7.39E+00
Riverside (SS)	2024	HHDT	2015	Aggregate	Diesel	1.95E+00	7.54E+01	2.92E-02	2.60E-02	3.05E-02	2.72E-02	1.97E-02	6.38E+00
Riverside (SC)	2024	HHDT	2015	Aggregate	Diesel	1.80E+00	3.87E+01	2.38E-02	1.33E-02	2.48E-02	1.39E-02	1.73E-02	3.27E+00
Riverside (MD/SCAQMD)	2024	HHDT	2016	Aggregate	Diesel	1.96E+00	1.03E+02	3.97E-02	3.54E-02	4.15E-02	3.70E-02	2.49E-02	8.69E+00
Riverside (MD/MDAQMD)	2024	HHDT	2016	Aggregate	Diesel	2.04E+00	1.03E+02	3.98E-02	3.54E-02	4.16E-02	3.70E-02	2.52E-02	8.69E+00
Riverside (SS)	2024	HHDT	2016	Aggregate	Diesel	1.98E+00	9.91E+01	3.03E-02	3.41E-02	3.16E-02	3.57E-02	2.01E-02	8.38E+00
Riverside (SC)	2024	HHDT	2016	Aggregate	Diesel	1.81E+00	5.69E+01	2.54E-02	1.96E-02	2.65E-02	2.05E-02	1.76E-02	4.81E+00
Riverside (MD/SCAQMD)	2024	HHDT	2017	Aggregate	Diesel	1.86E+00	9.52E+01	3.69E-02	3.28E-02	3.86E-02	3.43E-02	2.40E-02	8.05E+00
Riverside (MD/MDAQMD)	2024	HHDT	2017	Aggregate	Diesel	1.93E+00	9.35E+01	3.70E-02	3.22E-02	3.87E-02	3.37E-02	2.43E-02	7.91E+00
Riverside (SS)	2024	HHDT	2017	Aggregate	Diesel	1.88E+00	8.87E+01	2.81E-02	3.06E-02	2.93E-02	3.19E-02	1.93E-02	7.50E+00
Riverside (SC)	2024	HHDT	2017	Aggregate	Diesel	1.72E+00	4.91E+01	2.44E-02	1.69E-02	2.55E-02	1.77E-02	1.71E-02	4.15E+00
Riverside (MD/SCAQMD)	2024	HHDT	2018	Aggregate	Diesel	1.77E+00	1.04E+02	3.47E-02	3.60E-02	3.62E-02	3.76E-02	2.32E-02	8.84E+00
Riverside (MD/MDAQMD)	2024	HHDT	2018	Aggregate	Diesel	1.84E+00	1.04E+02	3.47E-02	3.57E-02	3.63E-02	3.73E-02	2.35E-02	8.76E+00
Riverside (SS)	2024	HHDT	2018	Aggregate	Diesel	1.79E+00	9.67E+01	2.62E-02	3.33E-02	2.74E-02	3.48E-02	1.86E-02	8.18E+00
Riverside (SC)	2024	HHDT	2018	Aggregate	Diesel	1.65E+00	5.51E+01	2.21E-02	1.90E-02	2.31E-02	1.98E-02	1.65E-02	4.66E+00
Riverside (MD/SCAQMD)	2024	HHDT	2019	Aggregate	Diesel	1.66E+00	1.06E+02	3.19E-02	3.66E-02	3.33E-02	3.82E-02	2.22E-02	8.99E+00
Riverside (MD/MDAQMD)	2024	HHDT	2019	Aggregate	Diesel	1.73E+00	1.05E+02	3.19E-02	3.62E-02	3.34E-02	3.78E-02	2.25E-02	8.89E+00
Riverside (SS)	2024	HHDT	2019	Aggregate	Diesel	1.68E+00	9.81E+01	2.41E-02	3.38E-02	2.52E-02	3.53E-02	1.78E-02	8.30E+00
Riverside (SC)	2024	HHDT	2019	Aggregate	Diesel	1.56E+00	5.70E+01	2.05E-02	1.96E-02	2.14E-02	2.05E-02	1.59E-02	4.82E+00
Riverside (MD/SCAQMD)	2024	HHDT	2020	Aggregate	Diesel	1.54E+00	1.07E+02	2.87E-02	3.70E-02	3.00E-02	3.87E-02	2.11E-02	9.09E+00

O2.49 cont.

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Region	Calendar Year	Vehicle Category	Model Year	Speed	Fuel	NOx RUNEX	NOx IDLEX	NOx STREX	PM2.5 RUNEX	PM2.5 IDLEX	PM10 IDLEX	ROG RUNEX	ROG IDLEX
Riverside (MD/MDAQMD)	2024	HHDT	2020	Aggregate	Diesel	1.61E+00	1.06E+02	2.88E-02	3.66E-02	3.01E-02	3.83E-02	2.14E-02	9.00E+00
Riverside (SS)	2024	HHDT	2020	Aggregate	Diesel	1.56E+00	9.93E+01	2.17E-02	3.42E-02	2.27E-02	3.58E-02	1.70E-02	8.41E+00
Riverside (SC)	2024	HHDT	2020	Aggregate	Diesel	1.45E+00	5.81E+01	1.84E-02	2.00E-02	1.93E-02	2.09E-02	1.51E-02	4.92E+00
Riverside (MD/SCAQMD)	2024	HHDT	2021	Aggregate	Diesel	1.42E+00	1.10E+02	2.53E-02	3.77E-02	2.64E-02	3.95E-02	2.00E-02	9.27E+00

O2.49 cont.

Note: Units: g/mile for RUNEX, g/vehicle/day for IDLEX

Based on the averaged emissions from the table above it is clear that changing the minimum allowable model year from 2040 to 2018 would result in:

- An 18% reduction in NOx emissions from HHDT vehicles operating on site. (Average of 2014 to 2024 = 1.62; Average of 2018 to 2024 = 1.33; and reduction equal to 18% (1-(1.33/1.62)).
- A 23% reduction in diesel particulate matter (DPM) emissions from HHDT vehicles measured as particulate matter less than 2.5 microns ($PM_{2.5}$) operating on site. (Average of 2014 to 2024 = 2.57E-02; Average of 2018 to 2024 = 1.96E-02; and reduction equal to 23% (1-(1.96E-02/2.57E-02)).
- A 19% reduction in diesel particulate matter (DPM) emissions from HHDT vehicles measured as particulate matter less than 10 microns (PM_{10}) operating on site. (Average of 2014 to 2024 = 2.54E-02; Average of 2018 to 2024 = 2.05E-02; and reduction equal to 19% (1-(2.05E-02/2.54E-02)).

O2.49 cont.

From the DEIR's air quality assessment of criteria pollutants, it is clear the largest sources of NOx are mobile emissions from heavy duty vehicles using the site. As explained below, the DEIR underestimates the reasonably foreseeable length of onroad truck trips, resulting in underestimated operational NOx emissions (as well as other truck emissions). Implementing this one change in mitigation measures AQ-5 and AQ-12 would bring the NOx emissions substantially lower and closer to compliance with the SCAQMD thresholds when truck trip lengths are accurately calculated.

To supplement the emission reductions from MM AQ-5 and AQ-12, MM AQ-8 should be altered to restrict idling times from 5 minutes to 3 minutes. This would reduce idling emissions by 40 percent ((1-(3/5) = 0.40). It must be noted that California Government code section 65098.3 requires idling of heavy-duty truck engines be restricted to 3 minutes at logistics sites.

These changes in the mitigation measures outlined in the DEIR would have a substantial impact on the total emissions and should be included in a revised DEIR for the Project.

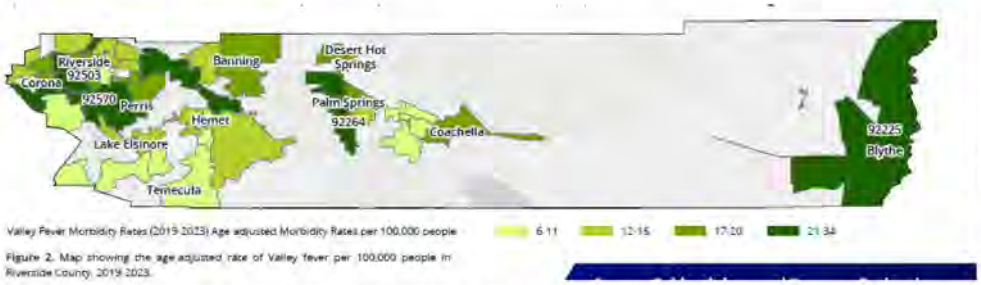
O2.50

4. The DEIR Fails To Address The Significant Health Impacts From Valley Fever Spores Present In The Soils Of Riverside County.

During the construction phase of the Project, in addition to exposing the community to criteria pollutants and TACs, a significant risk from exposure to Valley Fever spores is present that will negatively impact the community. Dust exposure is one of the primary risk factors for

O2.51

contracting Valley Fever (via *Coccidiodes imimitis (cocci)* exposure).[7] When soil containing the *cocci* spores are disturbed by construction activities, the fungal spores become airborne, exposing construction workers and other nearby sensitive receptors.[8] Valley Fever is on the rise in Riverside County and in Palm Springs in particular. According to the CA Dept of Public Health, Valley Fever rates have increased 30% since 2022 (from 13 per 100,000 to 17 per 100,000). Based on a study by UCR (see figure below) it is evident that Mead Valley and Perris are hot spots for the County of Riverside with rates of Valley Fever at 21 per 100,000 to 34 per 100,000.



O2.51 cont.

Figure 3: Rates of Valley Fever In Riverside County 2019-2023

Dust exposure is a primary risk factor for contracting Valley Fever (via *Coccidiodes imimitis (cocci)* exposure). When soil containing the *cocci* spores are disturbed by construction activities, the fungal spores become airborne, exposing construction workers and other nearby sensitive receptors. The fungus lives in the top 2 to 12 inches of soil. When soil containing this fungus is disturbed by activities such as digging, vehicles, construction activities, dust storms, or during earthquakes, the fungal spores become airborne. The most at-risk populations are construction and agricultural workers.[9] Here, construction workers are the very population that would be most directly exposed by the Project. A refereed journal article on occupational exposures notes that

[7] RUH-SHPH. 2024. Valley Fever (2019-2023) Riverside County. Riverside University Health System Public Health (RUH-SHPH).

[8] *Ibid.*

[9] Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation's Health*, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1.

"[l]abor groups where occupation involves close contact with the soil are at greater risk, especially if the work involves dusty digging operations."[10]

The potentially exposed population in surrounding areas is much larger than construction workers because the nonselective raising of dust during Project construction will carry the very small spores, 0.002–0.005 millimeters ("mm"), into nonendemic areas, potentially exposing large non-Project-related populations.[11],[12] These very small particles are not controlled by conventional construction dust control mitigation measures because standard dust control largely focuses on visible dust or larger dust particles—the PM_{10} fraction—not the very fine particles where the Valley Fever spores are found.[13] O2.51 cont.

A study in Antelope Valley identified a clear link between soil disturbance - due to large-scale renewable energy construction projects, agricultural management practices and PM_{10} fugitive dust emissions - and increased incidence of coccidioidomycosis.[14]

O2. cont.

[10] *Ibid.*, p. 110.

[11] Schmelzer and Tabershaw, 1968, p. 110; Pappagianis and Einstein, 1978

[12] Pappagianis and Einstein, 1978, p. 527 ("The northern areas were not directly affected by the ground level windstorm that had struck Kern County but the dust was lifted to several thousand feet elevation and, borne on high currents, the soil and arthrospores along with some moisture were gently deposited on sidewalks and automobiles as 'a mud storm' that vexed the residents of much of California." The storm originating in Kern County, for example, had major impacts in the San Francisco Bay Area and Sacramento).

[13] Frederick S. Fisher, Mark W. Bultman, and Demosthenes Pappagianis, Operational Guidelines (version 1.0) for Geological Fieldwork in Areas Endemic for Coccidioidomycosis (Valley Fever). U.S. Geological Survey Open-File Report 00-348, 2000, pp. 5, 7; https://pubs.usgs.gov/of/2000/0348/pdf/of00-348.pdf.

[14] Colson. 2017. Large-Scale Land Development, Fugitive Dust, and Increased Coccidioidomycosis Incidence in the Antelope Valley of California, 1999-2014. https://knowthecause.com/wp-content/uploads/2017/03/Colson2017FugitiveDustCoccidiodes.pdf

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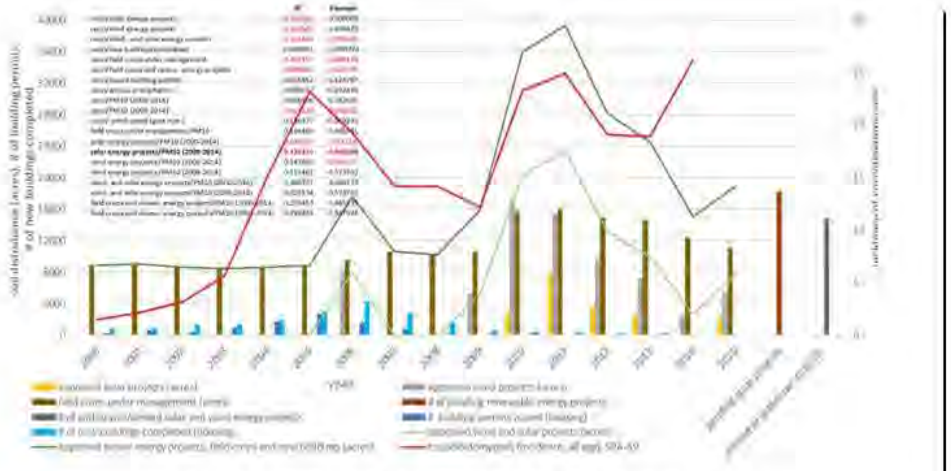


Figure 4: Valley Fever Incidence And Soil Disturbance

O2.51 cont.

It is evident from the figure above that, as the number of acres of soil in the Antelope Valley were disturbed, the incidence rate of Valley Fever also increased. The mass disturbance of soils anticipated by the proposed Project will create the same conditions that were detailed in the study by Colson.[15]

Valley Fever often manifests as a mild respiratory illness, but it can progress to serious chronic forms, especially in immunocompromised individuals, and may even become disseminated, impacting organs including the skin, bones, brain, and spinal cord. Disseminated Valley Fever is associated with severe symptoms like meningitis, painful lesions, and swollen joints. The potentially exposed population in areas surrounding the Project site is much larger than just its construction workers because the nonselective raising of dust during Project construction will carry the very small spores, 0.002–0.005 millimeters ("mm"), into nonendemic areas, potentially exposing large non-Project-related populations.[16],[17] For a particle entrained the relative air speed determines the

[15] *ibid*

[16] Schmelzer and Tabershaw, 1968, p. 110; Pappagianis and Einstein, 1978

[17] Pappagianis and Einstein, 1978, p. 527 ("The northern areas were not directly affected by the ground level windstorm that had struck Kern County but the dust was lifted to several thousand feet elevation and, borne on high currents, the soil and arthrospores along with some moisture were gently deposited on sidewalks and automobiles as 'a mud storm'

distance it will travel before settling. At a relatively low speed of 3 miles per hour (mph) a particle could travel 0.85 miles in less than 17 minutes. Given the wind flows within the area, it is clear that entrained particles could travel well into residential neighborhoods from the Project site. Given that there is no minimum threshold concentration for exposure to Valley Fever spores, any level of exposure could pose significant health risks to construction workers and nearby residents. The City must disclose this potentially significant impact and require effective mitigation measures to ensure that construction workers and residents are not exposed.

O2.51 cont.

5. The Proposed Dust Control Measures In The DEIR Fail To Effectively Mitigate Significant Valley Fever Exposure Risks.

The standard fugitive dust mitigation measures proposed in the DEIR are not adequate to protect construction workers and nearby sensitive receptors from exposure to Valley Fever spores. Rule 403 includes requirements for a Dust Control Plan, signage and fencing requirements, as well as surface watering and stabilization with chemicals, gravel and asphaltic pavement to eliminate visible fugitive dust from vehicular travel and wind erosion. All the mitigation measures outlined above allow for a percentage of dust that could be generated to migrate offsite. Based on the mitigation measures outlined in the CalEEMOD model (utilized in the DEIR) watering exposed areas twice a day would reduce PM_{10} and $PM_{2.5}$ emissions by 61 percent (61%). Increasing the watering frequency to 3 times per day would reduce PM_{10} and $PM_{2.5}$ emissions by 74%. Conventional dust control measures primarily focus on visible dust or larger dust particles—the PM_{10} fraction—and fail to address the very fine particles that transport Valley Fever spores, which are approximately 5 times smaller than typical PM_{10} particles and remain airborne much longer.[18] These fine particles, when disturbed by soil-disturbing activities, spread widely beyond site, posing a significant risk to both onsite workers and nearby communities.

O2.52

The proposed compliance with SCAQMD Rule 403, which relies on a visual opacity readings for dust control, is insufficient to prevent exposure to Valley Fever spores. This rule is based on smoke-monitoring methods (U.S. EPA Methods 9 and 22) that require active monitoring by certified

that vexed the residents of much of California." The storm originating in Kern County, for example, had major impacts in the San Francisco Bay Area and Sacramento).

[18] See, e.g., Cummings and others, 2010, p. 509; Schneider et al., 1997, p. 908 ("Primary prevention strategies (e.g., dust-control measures) for coccidioidomycosis in endemic areas have limited effectiveness.").

observers, rely on subjective observation, and are affected by variable such as lighting, distance, and weather conditions. Due to these limitations, opacity readings do not provide accurate, continuous data on fine airborne particles.

To address these shortcomings, the City should require active monitoring with dust monitors (particle measuring devices) immediately outside of the facility and around its perimeter. Continuous particle measures would offer several advantages. It eliminates the subjectivity inherent in visual opacity readings, leading to more reliable and consistent data. It allows for real-time tracking of dust particle levels, enabling prompt corrective actions if thresholds are exceeded. And it offers robust data sets that can be used for repeatability test and to validate compliance with air quality standards. Incorporating active dust monitoring systems would ensure that air quality impacts are accurately assessed and mitigated, fulfilling the intent of the mitigation measures and conditions of compliance to protect public health and the environment.

Additionally, sampling for and removal of impacted soils is the best solution to *Coccidiodes immitis* spores. Since *Coccidiodes immitis* resides in soils and are not subject to degradation, entrainment of the potentially impacted soils may cause additional issues to further development of the site. O2.52 cont.

The City should require that the Applicant implement mitigation measures to actively suppress the spread of Valley Fever by implementing the following methods:

1. Include specific requirements in the Project's Injury and Illness Prevention Program (as required by Title 8, Section 3203) regarding safeguards to prevent Valley Fever.
2. Control dust exposure:
   - Rule 403 requires application of nontoxic chemical soil stabilizers according to manufacturers' specifications to inactive construction areas. Additionally, chemical stabilizers should be applied at least 24-hours prior to high wind event.
   - In addition to Rule 403's requirement to apply water to all disturbed areas a minimum of three times per day, watering frequency should be increased to a minimum of *four times per day* if there is any evidence of visible wind-driven fugitive dust.
   - Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
   - Half-face respirators equipped with a minimum N-95 protection factor for use

during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.

- Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.
- Avoid outdoor construction operations during unusually windy conditions or in dust storms.
- Consider limiting outdoor construction during the fall to essential jobs only, as the risk of cocci infection is higher during this season.

3. Prevent transport of cocci outside endemic areas:
   - Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations.
   - Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate.
   - Load all haul trucks such that the freeboard is not less than six inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable cover.
   - Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
   - Clothing should be changed after work every day, preferably at the work site.
   - Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.
   - Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.
4. Improve medical surveillance for employees:
   - Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
   - Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.

O2.52 cont.

- Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
- Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.
- Skin testing is not recommended for evaluation of Valley Fever.[19]
- If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

O2.52 cont.

The City must disclose the risk of Valley Fever exposure as a significant impact and should adopt these evidence-based mitigation measures – proven effective in similar construction projects in endemic areas – in a revised DEIR to ensure comprehensive protection of public health. Standard dust control measures are insufficient for preventing Valley Fever exposure, and only concrete, enforceable steps like those listed above will safeguard both onsite workers and surrounding communities.

6. The DEIR Fails To Analyze The Project's Health Impacts from Diesel Particulate Matter Emissions Consistent With The Latest SCAQMD Working Group Guidance On The Aggregation Of Warehouses.

The DEIR's air quality analysis fails to consider cumulative impacts in light of existing pollution levels or emissions from other nearby projects. Instead, the DEIR relies on SCAQMD's outdated cumulative threshold which looks only at project-specific emissions rather than emissions from cumulative sources. The DEIR describes SCAQMD's cumulative impact approach as "the project-specific and cumulative significance thresholds are the same."[20] This approach does not follow CEQA's requirement to consider cumulative considerable emissions, and the DEIR's approach ignores SCAQMD's new regulatory guidance on cumulative impact analysis.

O2.53

[19] Short-term skin tests that produce results within 48 hours are now available. See Kerry Klein, NPR for Central California, New Valley Fever Skin Test Shows Promise, But Obstacles Remain, November 21, 2016; available at http://kvpr.org/post/new-valley-fever-skin-test-shows-promise-obstacles-remain.

[20] DEIR, p. 5-3-26.

For cumulative impacts, SCAQMD has initiated a public process to update existing guidance due to community concerns about high-risk health impacts from air toxics, particularly from aggregation of warehouses. Since 2022, SCAQMD has held six Working Group (WG) meetings to develop additional guidance for analyzing such potential impacts.[21] The first two WG meetings focused on Information Gathering and Analysis as well as the Initial Objective and Scope of the WGs. The third WG meeting was specific to the Initial Objective and Scope of the WGs and pushed into the Conceptual/Potential Cumulative Health Risk Assessment protocols. WG meetings #4 and #5 focused only on the Conceptual/Potential Cumulative Health Risk Assessment protocols. WG meeting #6 (WG 6), held in November of 2024, refined the proposed the Conceptual/Potential Cumulative Health Risk Assessment protocols based on public comments. The result of WG 6 was a draft process/analysis flow diagram which is intended to be used to inform the drafting of a planned Draft Guidance Document for conducting Cumulative Health Risk Assessments in the South Coast Air Basin.

O2.53 cont.

Step 1 of the WG 6 process for determining the cumulative significance threshold is to identify the background cancer risk affecting the Project area via the SCAQMD Multiple Air Toxics Exposure Study (MATES).[22] According to SCAQMD's MATES V study, zip code 92571 (the location of the Project Site) has a cumulative cancer risk of 308 in 1 million placing it in the top 15% of communities in the South Coast Air Basin (SCAB) impacted by TACs. More than 68% of that risk is from exposure to DPM.

[21] https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new).

[22] https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13.

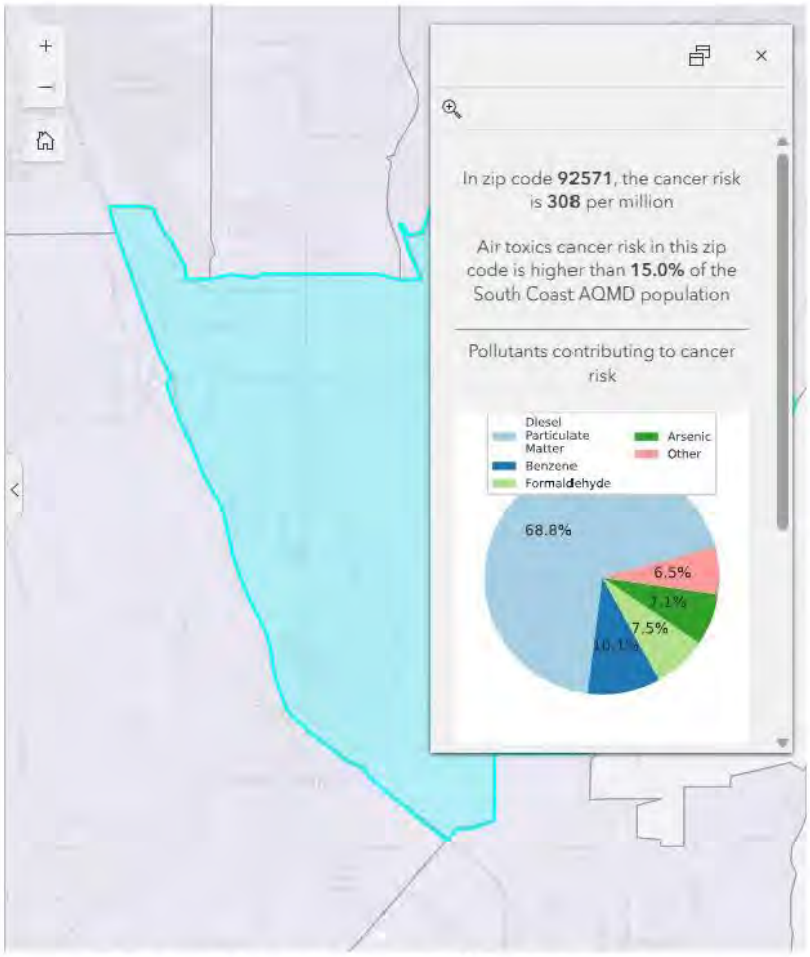
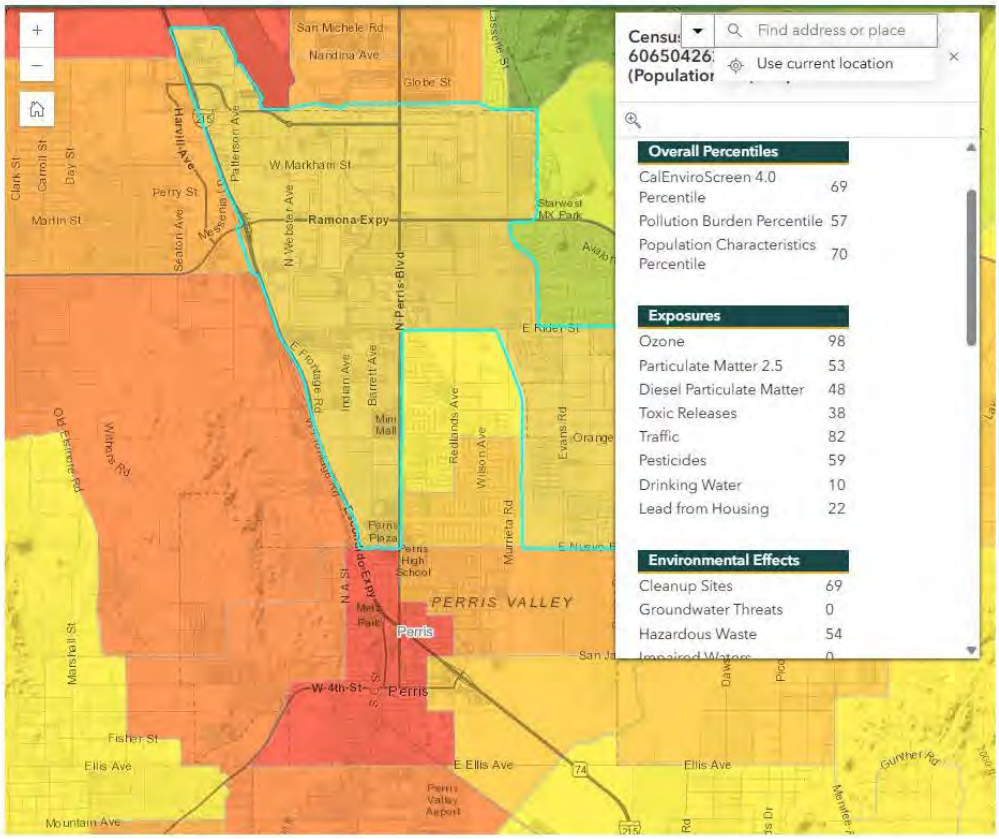


Figure 5: MATES Cancer Risk Analysis Of Project Location

O2.53 cont.

Per WG 6, areas experiencing background excess cancer risk in the 90th percentile would result in a drop of the Cancer Risk Threshold from 10 in one million to 3 in one million. Because the zip code where the Project resides has an air toxics cancer risk higher than 85%, the initial threshold would be 5 in one million.



O2.53 cont.

Figure 6: EnviroScreen Designation For Communities Affected

Step 2 of the WG 6 flow diagram is to determine whether one or more of the listed criteria is met causing an adjustment to the initial threshold. The additional criteria include an assessment of whether the project involves a high-volume of diesel-fueled trucks or is located within a health sensitive population. Here, the Project meets the second criteria because it is in both a SB 535 disadvantaged community and an AB 617 community.

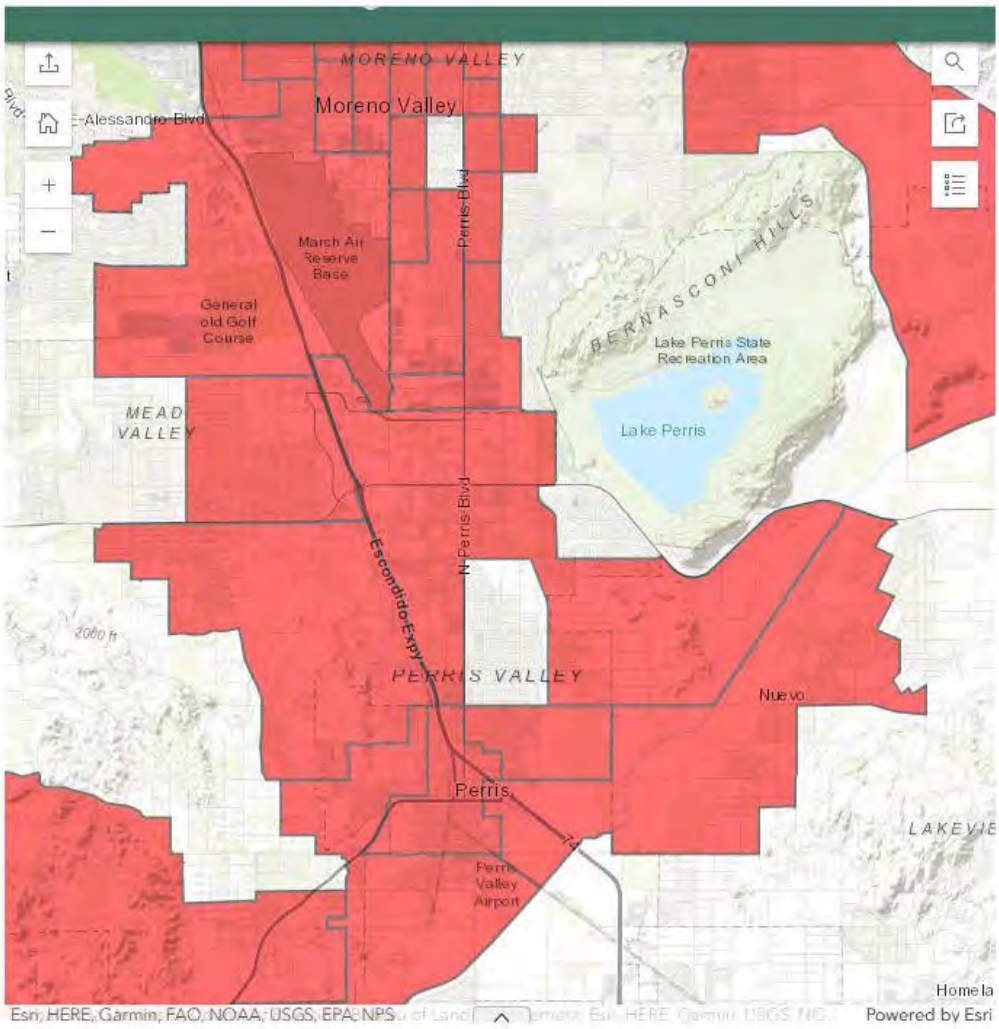


Figure 7: SB 535 Classification Of Project Area

O2.53 cont.

The DEIR's attempt to analyze cumulative impacts without considering these background conditions or comparing cumulative exposures against SCAQMD's new draft threshold is unsupported, fails to provide basic information related to the Project, and is contrary to SCAQMD's draft guidance on cumulative impacts. To comply with the SCAQMD's Working Group guidance,

the Project's cumulative impacts should be evaluated against an adjusted cumulative cancer risk threshold of 3 in one million rather than the 10 in one millions cited in the DEIR.

Table 5.3-47: Operation Related Cancer and Non-Cancer Health Risks with Mitigation

Scenario	Time Period	Location	Maximum Lifetime Cancer Risk (Risk per Million)	Significance Threshold (Risk per Million)	Exceeds Significance Threshold
Without Overlay	30 Year Exposure	Maximum Exposed Residential Receptor (Location R7)	8.69	10	No
	25 Year Exposure	Maximum Exposed Worker Receptor (Location R10)	2.06	10	No
	9 Year Exposure	Maximum Exposed School Child (Location R9)	7.72	10	No
With Overlay	30 Year Exposure	Maximum Exposed Residential Receptor (Location R7)	6.32	10	No
	25 Year Exposure	Maximum Exposed Worker Receptor (Location R10)	2.08	10	No
	9 Year Exposure	Maximum Exposed School Child (Location R5)	2.60	10	No
Scenario	Time Period	Location	Maximum Hazard Index	Significance Threshold	Exceeds Significance Threshold
Without Overlay	Annual Average	Maximum Exposed Residential Receptor (Location R7)	≤0.01	1.0	No
	Annual Average	Maximum Exposed Worker Receptor (Location R10)	≤0.01	1.0	No
	Annual Average	Maximum Exposed School Child (Location R9)	≤0.01	1.0	No
With Overlay	Annual Average	Maximum Exposed Residential Receptor (Location R7)	≤0.01	1.0	No
	Annual Average	Maximum Exposed Worker Receptor (Location R10)	≤0.01	1.0	No
	Annual Average	Maximum Exposed School Child (Location R5)	≤0.01	1.0	No

Source: EIR Appendix C.

Figure 8: Risk Summary Table With Mitigation From Air Quality Analysis Of Project

O2.53 cont.

Mitigation Measure AQ-20 (MM AQ-20), is insufficient to change the impacts of the Project on the sensitive receptors identified in the DEIR. According to the DEIR, MM AQ-20 would require either: a minimum 1,000-foot setback between building loading docks and the residential development east of Barrett Avenue and between Val Verde Elementary School to any future MBU development on the Phase 2 block east of Indian Avenue; restriction of diesel powered trucks accessing any future MBU development on the Phase 2 block east of Indian Avenue; or preparation of a site specific HRA prior to approval of any future MBU development on the Phase 2 block east of Indian Avenue

O2.54

demonstrating that significant cancer risk impacts could be avoided without implementation of setbacks or diesel truck restrictions. The primary reason that MM AQ-20 will not succeed is that the significance threshold that the mitigation measures should be compared against is the 3.0 in 1,000,000 threshold not the 10 in 1,000,000 threshold. Clearly, the City must re-evaluate the effectiveness of the mitigation measures against this lower health risk threshold in a revised DEIR. O2.54 cont.

7. The SCAQMD's Working Group Conceptual/Potential Cumulative Health Risk Assessment Guidance Shows That The Project's Operational Emissions Exceed The Adjusted Cumulative Risk Threshold

As detailed above the Project's cumulative impacts should be evaluated against an adjusted cumulative cancer risk threshold of 3 in one million based on the process outlined by SCAQMD. According to the health risk analysis (HRA) prepared for the Project,[23] when compared to the adjusted cumulative cancer risk threshold, the Project exceeds the operational risk threshold for residential and school age receptors while the construction risk threshold is also exceeded.

For the first scenario, the maximum exposed individual receptor (MEIR) is identified as being located 96 feet east of the Project site at the residences currently under construction at Barrett Avenue and West Placentia Avenue. Without mitigation the operational-source TAC emissions are estimated at 12.99 in one million under the Without Overlay scenario and 12.32 in one million under the With Overlay scenario, which exceed the new cumulative risk threshold of 3 in one million. Following mitigation, the HRA states that the cancer risk at the MEIR is reduced to 8.69 in one million without the overlay and 6.32 in one million with the overlay.[24] O2.55

For school children (another sensitive receptor population), the HRA states that "Without the overlay the nearest potential school is the Val Verde Elementary School (represented by Location R9), located approximately 66 feet north of the Project site. With the overlay, the nearest potential school would be Perris Early Head Start (represented by Location R5), located approximately 720 feet east of the Project site. At the maximally exposed individual school child (MEISC) location, under the school child exposure scenario and without mitigation the maximum incremental cancer risk impact

[23] Urban Crossroads. 2025. *Harvest Landing Retail Center & Business Park Project Construction and Operational Health Risk Assessment.* Pg 2

[24] *Ibid.*

attributable to the Project is calculated to be 11.54 in one million at Location R9 without the overlay, and 2.73 in one million at Location R5 with the overlay."[25] With mitigation, the cancer risk at the MEISC is estimated at 7.72 in one million at Location R9 without the overlay and 2.60 in one million with the overlay.[26]

TABLE ES-4: SUMMARY OF OPERATIONAL CANCER AND NON-CANCER RISKS – WITH MITIGATION

Scenario	Time Period	Location	Maximum Lifetime Cancer Risk (Risk per Million)	Significance Threshold (Risk per Million)	Exceeds Significance Threshold
Without Overlay	30 Year Exposure	Maximum Exposed Sensitive Receptor (Location R7)	8.69	10	NO
	25 Year Exposure	Maximum Exposed Worker Receptor (Location R10)	2.06	10	NO
	9 Year Exposure	Maximum Exposed Individual School Child (Location R9)	7.72	10	NO
With Overlay	30 Year Exposure	Maximum Exposed Sensitive Receptor (Location R7)	6.32	10	NO
	25 Year Exposure	Maximum Exposed Worker Receptor (Location R10)	2.08	10	NO
	9 Year Exposure	Maximum Exposed Individual School Child (Location R5)	2.60	10	NO

Figure 9: Risk Analysis Summary For Operational Emissions

O2.55 cont.

Clearly, the risk from the operational emissions from the Project are significant for residential and school receptors nearest to the Project. The City must re-evaluate the Project in light of this finding and present the results in a DEIR.

8. The Air Quality Analysis Fails To Analyze For Transportation Refrigeration Units (TRUs) Onsite During Normal Operations.

The AQ Study of the DEIR fails to consider the use of Transport Refrigeration Units (TRUs) onsite. TRUs are refrigeration systems powered by diesel internal combustion engines designed to refrigerate or heat perishable products that are transported in various containers, including truck vans, semi-truck trailers, and shipping containers. CARB defines diesel exhaust as a complex mixture of

O2.56

[25] *Ibid.* pg 3

[26] *Ibid.*

inorganic and organic compounds that exists in gaseous, liquid, and solid phases. CARB and U.S. EPA identify 40 components of the exhaust as suspected human carcinogens, including formaldehyde, 1,3-butadiene, and benzo[a]pyrene.

According to the Business Park Operations section of the DEIR, the "Building occupants are assumed to be warehouse distribution and logistics operators and parcel hub operators. The buildings are not proposed or designed to accommodate any warehouse cold storage or refrigerated uses. For purposes of evaluation in this Draft EIR, the proposed development is assumed to be operational 24 hours a day, 7 days a week, with exterior loading and parking areas illuminated at night."[27] This description for the Business Park section ignores the obvious conflict in the Community Shopping Center Site Development Summary which shows that at least one supermarket is planned for the Project. The supermarket and restaurants planned for the Community Shopping Center will be dependent on refrigeration units onsite and transportation refrigeration units to keep foods from spoiling.

O2.56 cont.

Table 3-5: Community Shopping Center Site Development Summary

Building No.	Commercial Use Type	Total Building Square Feet
Major A	Sporting Good Superstore	50,018
Major B	Shopping Center	55,056
Major B Mezzanine	Shopping Center	2,921
Major C	Shopping Center	23,248
Major D	Retail	15,012
Major E	Supermarket	23,256
Major F	Pet Supply Store	12,500
Major G	Shopping Center	5,000
Major H	Shopping Center	5,000
Major J	Shopping Center	5,376
Major K	Medical/Dental Office	5,500
Pad 1	Fast Casual Restaurant	4,472
Pad 2	Fast Casual Restaurant	4,100
Pad 3	Fast Casual Restaurant	4,834
Pad 4A	High-Turnover Sit-Down Restaurant	4,400
Pad 4B	Shopping Center	4,542
Pad 5	High-Turnover Sit-Down Restaurant	6,462
Pad 6	Coffee with Drive-thru, indoor seating	1,800
Pad 7A	Fast Casual Restaurant	2,408
Pad 7B	Shopping Center	4,555
Pad 7C	Shopping Center	2,145
Pad 8	High-Turnover Sit-Down Restaurant	7,852
	Total	250,457

Figure 10: Planned Community Shipping Center Development

[27] EPD. 2025. Draft Environmental Impact Report Harvest Landing Retail Center & Business Park Project, City of Perris, California, State Clearinghouse Number (SCH) No. 2024080337. Dated My 2025. Pg. 3-23.

On page 209 of Appendix 2.1 of the AQ analysis, there is a column analyzing TRU emissions (assumed to be 2.1 hours per day). The value cited is 0.00 meaning nothing is being emitted. This is a contradiction in the AQ analysis. To account for the TRUs, the model would need to include a line item in the sources to include the TRUs. Without that line item, it is improper to assume that the DPM emissions are accounted for when the model type is designated as a refrigerated warehouse. Emissions from TRUs are not addressed in either the baseline or the future operational emission analysis. O2.56 cont.

Given that the DEIR has failed to include the emissions from the refrigeration units from the restaurants and supermarket, it is therefore reasonable to conclude that TRUs are a foreseeable project component, even if the trucks entering the facility do so by appointment. The TRU emissions have not been quantified, resulting in an underestimation of the foreseeable health risk to the community as well as the associated GHG emissions from the operation of the TRUs.

9. The CalEEMod Analysis For The Operational Phase Does Not Include Fire Pumps And Back-Up Generators.

According to the AQ Study of the DEIR, "Onsite Equipment Emissions. It is common for industrial warehouse buildings and large commercial retailers (such as big box stores) to require cargo handling equipment to move empty containers and empty chassis to and from the various pieces of cargo handling equipment that receive and distribute containers. The City of Perris Good Neighbor Guidelines require that onsite motorized operational equipment for light industrial and warehousing uses to be zero emissions. Also, as detailed in the methodology section, it is anticipated that the proposed buildings would utilize diesel fire pumps and emergency generators. This analysis assumes that for operation of Phase 1 of the Project, seven diesel-fueled fire pumps would operate at 300 horsepower for 50 hours during the year and 5 emergency generators would operate at 300 horsepower for 50 hours during the year. For operation of Phase 2 of the Project, 16 diesel-fueled fire pumps would operate at 300 horsepower for 50 hours during the year and 16 emergency generators would operate at 300 horsepower for 50 hours during the year. Without implementation of the Overlay in Phase 2, the Project would operate 15 diesel-fueled fire pumps for 50 hours during the year and 15 emergency generators for 50 hours during the year."[28] O2.57

[28] EPD. 2025. DEIR. Pg 5.3-28

Similar language is utilized in the HRA for the Project, "The proposed Project, for both Scenario A and Scenario B was conservatively assumed to include installation of seven emergency fire pumps and five emergency generators in Phase 1, each diesel-powered and rated at 300-horsepower. Because building layouts and locations for Phase 2 are not known at this time, the analysis did not include potential emergency generators or fire pumps for Phase 2. The fire pumps and emergency generators were each estimated to operate for up to 1 hour per day, 1 day per week for up to 50 hours per year for maintenance and testing purposes. Emissions associated with the stationary diesel-powered emergency fire pumps and emergency generators were calculated using CalEEMod." O2.57 cont.

A review of the CalEEMod analyses that accompany the HRA fail to show where emissions from the stationary equipment, including fire pumps and back-up generators are quantified. Line items are inserted in the AERMOD analysis for Fire pumps and Generators, but no supporting information is provided in the analysis. The City must provide the supporting documentation regarding the stationary sources in a DEIR.

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project will result in significant impacts if allowed to proceed. O2.58

Sincerely,

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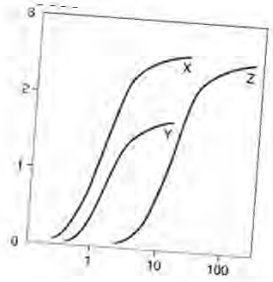

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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling
Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995
M.S., Environmental Health Science, University of California, 1993
B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: James Harold Caygle, et al, v. Drummond Company, Inc. Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama. Civil Action. CV-2009

Client: Environmental Litgation Group, Birmingham, Alabama

Dr. Clark performed an air quality assessment of emissions from a coke factory located in Tarrant, Alabama. The assessment reviewed include a comprehensive review of air quality standards, measured concentrations of pollutants from factory, an inspection of the facility and detailed assessment of the impacts on the community. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number 12001-11247

Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the

known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Immanent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research

were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment.*

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (*Mt*BE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of *Mt*BE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of *Mt*BE, and is suspected to be the primary cause of *Mt*BE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane

rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been were used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia. The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner

that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

O2.6

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)
Association for Environmental Health and Sciences (AEHS)
American Chemical Society (ACS)
California Redevelopment Association (CRA)
International Society of Environmental Forensics (ISEF)
Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark,** F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities.* Elsevier, Inc. Burlington, MA.

Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet.* Elsevier, Inc. Burlington, MA.

Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water.* Elsevier, Inc. Burlington, MA.

Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions.* Trafford Publishing, Victoria B.C.

Clark, J.J.J. 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment.* Art Diaz, Ed., Oxford University Press: New York.

Clark, J.J.J. 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment.* Edward Urbansky, Ed. Kluwer/Plenum: New York.

Clark, J.J.J. 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.

Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equialency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. Organohalogen Compounds, Volume 70 (2008) page 002254.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. Organohalogen Compounds, Volume 70 (2008) page 000527

Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research*. 105:194-199.

Rosenfeld, P.E., **Clark, J. J.,** Hensley, A.R., and Suffet, I.H. 2007 "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" Water Science & Technology. 55(5): 345-357.

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

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.

Clark, J.J.J. 2003. "Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophnoxyacetic Acid (2,4-D) in California Drinking Water Supplies." National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.

Rosenfeld, P. and **J.J.J. Clark**. 2003. "Understanding Historical Use, Chemical Properties, Toxicity, and Regulatory Guidance" National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Phoenix, AZ. February 21, 2003.

Clark, J.J.J., Brown A. 1999. Perchlorate Contamination: Fate in the Environment and Treatment Options. In Situ and On-Site Bioremediation, Fifth International Symposium. San Diego, CA, April, 1999.

Clark, J.J.J. 1998. Health Effects of Perchlorate and the New Reference Dose (RfD). Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.

Browne, T., **Clark, J.J.J.** 1998. Treatment Options For Perchlorate In Drinking Water. Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.

Clark, J.J.J., Brown, A., Rodriguez, R. 1998. The Public Health Implications of MtBE and Perchlorate in Water: Risk Management Decisions for Water Purveyors. Proceedings of the National Ground Water Association, Anaheim, CA, June 3-4, 1998.

Clark J.J.J., Brown, A., Ulrey, A. 1997. Impacts of Perchlorate On Drinking Water In The Western United States. U.S. EPA Symposium on Biological and Chemical Reduction of Chlorate and Perchlorate, Cincinnati, OH, December 5, 1997.

Clark, J.J.J.; Corbett, G.E.; Kerger, B.D.; Finley, B.L.; Paustenbach, D.J. 1996. Dermal Uptake of Hexavalent Chromium In Human Volunteers: Measures of Systemic Uptake From Immersion in Water At 22 PPM. Toxicologist. 30(1):14.

Dodge, D.G.; **Clark, J.J.J.**; Kerger, B.D.; Richter, R.O.; Finley, B.L.; Paustenbach, D.J. 1996. Assessment of Airborne Hexavalent Chromium In The Home Following Use of Contaminated Tapwater. Toxicologist. 30(1):117-118.

Paulo, M.T.; Gong, H., Jr.; **Clark, J.J.J.** (1992). Effects of Pretreatment with Ipratroprium Bromide in COPD Patients Exposed to Ozone. American Review of Respiratory Disease. 145(4):A96.

Harber, P.H.; Gong, H., Jr.; Lachenbruch, A.; **Clark, J.**; Hsu, P. (1992). Respiratory Pattern Effect of Acute Sulfur Dioxide Exposure in Asthmatics. American Review of Respiratory Disease. 145(4):A88.

McManus, M.S.; Gong, H., Jr.; Clements, P.; **Clark, J.J.J.** (1991). Respiratory Response of Patients With Interstitial Lung Disease To Inhaled Ozone. American Review of Respiratory Disease. 143(4):A91.

Gong, H., Jr.; Simmons, M.S.; McManus, M.S.; Tashkin, D.P.; Clark, V.A.; Detels, R.; **Clark, J.J.** (1990). Relationship Between Responses to Chronic Oxidant and Acute

Ozone Exposures in Residents of Los Angeles County. American Review of Respiratory Disease. 141(4):A70.

Tierney, D.F. and **J.J.J. Clark.** (1990). Lung Polyamine Content Can Be Increased By Spermidine Infusions Into Hyperoxic Rats. American Review of Respiratory Disease. 139(4):A41.

O2.66

O2.61

EXHIBIT B

O2.6

SMITH ENGINEERING & MANAGEMENT

June 26, 2025

Mr. Kevin Carmichael
Adams Broadwell Joseph & Cardozo
520 Capitol Mall, Suite 350
Sacramento, CA 95814

Subject: Addendum To The Certified Final EIR For Project Zach
P25002

Dear Mr. Carmichael:

Per your request, I reviewed the Addendum to the Final Environmental Impact Report (the "Addendum") for Project Zach (the "Project"), the Final Environmental Impact Report for the West Patterson Business Project Expansion Project for which it is the Addendum and supporting documentation in the City of Patterson (the "City"). My review is with respect to transportation and circulation considerations.

My qualifications to perform these reviews include over 50 years of professional consulting practice in traffic and civil engineering in transportation matters including the preparation and review of the transportation components of documents responding to requirements of the California Environmental Quality Act ("CEQA"). My professional resume is attached. O2.59

My comments follow.

The Addendum Is Prepared as a Tiered Document to the Certified Final Environmental Impact Report for the West Patterson Business Project Expansion Project (2012).

The City and Its Consultants assert that none of the conditions specified in CEQA Guidelines § 15162 that would require preparation of a supplemental or subsequent EIR would occur and that none of the conditions specified in California Public Resources Code Section 21166 that would require preparation

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of a supplemental or subsequent EIR would occur and that the Addendum is the appropriate environmental document in this case. Since the original FEIR was prepared in 2012, before the July 1, 2020 mandate to shift a metric of significant transportation impact from traffic congestion and delay measure ("level-of-service" or "LOS" to a "vehicle miles traveled" or "VMT" metric, the tiering of the Project Zach Addendum to it allows the Addendum transportation section to continue to rely on the LOS metric instead of the VMT metric. Had a VMT analysis been performed for Project Zach, given its location in an area where it would draw its workforce from a relatively small population dispersed over a quite large area where transit services are sparse and infrequent, and given its characteristics of round-the-clock operation, it would almost certainly been found to have significant VMT impact.

In subsequent sections we provide evidence why the Addendum is inappropriate.

The Addendum Asserts That the Project Will Conform To All the Mitigation Measures Identified In the FEIR. The DEIR States Implementation of All These Measures Will Render Transportation Impacts Less Than Significant. However, the Addendum Lacks Foundation and It is Objectively Implausible That MM Trans-6 Will Have Any Effectiveness Because of the Location and Operational Characteristics of Project Zach

O2.59 cont.

The DEIR identifies at page 3.13-57 seven potential components of a transportation demand management "TDM" program and MM-Trans-6 at page 3.13-58 requires that any development project within the West Patterson Business Project area as expanded commit to implementing at least one of the measures on the list or any other TDM project it can demonstrate effective.

The DEIR offers no quantitative assessment based on authoritative reference sources of the expected TDM effectiveness of these measures or plausible quantitative trip reduction goals hoped to be achieved. It simply speculates that implementation of one or more of them by each development would mitigate to less than significant any transportation impacts. Hence, the measures as originally contrived do not constitute valid mitigation under CEQA.

Below we examine how the suggested components of MM Trans-6 might specifically perform in the context of Project Zach.

• *Pedestrian facilities (e.g., internal pedestrian facilities that provide connectivity to sidewalks or nearby land uses).*

While providing pedestrian facilities is a commendable idea, current aerial and street-view photography indicates there are no residential, or retail commercial facilities within easy walking distance of the Project site, so this measure is likely

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to produce zero vehicle trip reduction. In addition, since Project Zach involves a warehousing facility that will operate 24/7, about two-thirds of the employees will have their shift start or end times in the dead of night hours when even employees living within reasonable walking range are unlikely to walk to and from work.

• *End-of-trip bicycle facilities (e.g., racks, lockers, changing/locker rooms, shower facilities).*

With relatively few residents in Patterson and the population of Stanislaus and San Joaquin Counties scattered over a broad area, a very small percentage are likely to reside within reasonable bicycling distance of the site. And since about two-thirds of the employees will have their shifts either begin or end in the deep night hours, because of nighttime safety issues, these workers are unlikely to even consider bicycling or other forms of active transportation with or without the end-of-trip facilities. Consequently, the only workers likely to be influenced by end-of-trip facilities are the few who are reasonably fit, live within reasonable bicycling range and work on the day shift.

• *Alternative (flex-time) work schedules that allow non-peak travel by Employees.*

O2.59 cont.

A three-shift operation is inherently a staggering of the total workforce. But in an industrial operation such as proposed, the hand-off of responsibility from workers on one shift to the next has to be carefully timed or there will be chaos. Flex-time is useful in avoiding congestion but doesn't reduce the number of vehicle trips.

• *Commute Trip Reduction Programs that provide incentives for employees to carpool, use transit, ride bicycles, or use other modes of non-single-occupant vehicle transportation.*

The California Air Pollution Control Officers' Association ("CAPCOA") publication *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*, December 2021 edition documents that industrial workers on the night shifts are unresponsive to carpooling incentives. This is likely because employees would not want to be dropped off or picked up at midnight at a darkened park-n-pool lot or roadside meeting spot. Night shift workers are unresponsive to transit incentives because transit isn't operating at the time of their commute either to or from work. We have already mentioned nighttime safety considerations that overwhelm any incentives for bicycling or other active transportation for those on the night shifts. Even for those on the day shift, transit incentives are useless if transit is inaccessible at the home or job end of trip or both or is too infrequent and ill-timed; biking and walking are out of the question if they live too far from the job

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site and, according to the cited CAPCOA document, workers in suburban areas are only half as responsive to pooling information and incentives as in denser urban areas and in rural areas aren't responsive at all.

• *Multi-Modal Transportation Guides that provide information to employees regarding various routes to a particular location via different modes of transportation.*

The same information as above describes why Project Zach's location and nature of operation renders providing this type of Guides ineffective.

• *The establishment of a Transportation Management Association for a large employer or a group of employers. The association would provide transportation (e.g., employee shuttles) for employees of companies that participate in the organization.*

This type of shuttle would be effective if there were a concentrated area of worker residences or a point of concentrated transit lines servicing a number of residential areas. But in the case of Project Zach, no such points are evident.

O2.59 cont.

• *Telecommute (or work-from-home) options for employees who can work remotely.*

The nature of Project Zach, an industrial warehousing operation, is such that the amount of work that can be performed remotely is miniscule.

• *Any other Transportation Demand Management measure not specified on this list.*

This is mere hand-waving as it fails to provide any reduction in transportation impacts.

Given all of the above, it is clear that implementing any or several of these TDM measures will have no meaningful effect on Project Zach's transportation characteristics. As a result, the Addendum's conclusion that with implementation of MM Trans-6 transportation impacts will be reduced to less than significant is incorrect.

Furthermore, MM Trans-6 has an escape clause whereby if the Project Sponsor provides documentation to City staff that none of the components of the suggested mitigation are feasible or effective due to the location, nature of Project operations and circumstances, the project can be relieved of its obligations to implement MM Trans-6. Since the FEIR found that there were transportation impacts that required MM Trans-6 to reduce to less than

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significance, the Addendum cannot conclude it is consistent with the FEIR and conclude with an ineffective and possibly waivable MM Trans-6 and that transportation impacts are reduced to less than significance.

Conclusion

O2.59 cont.

This concludes my current comments on the Addendum. The Addendum is inadequate as constituted and must conclude there is significant transportation impact.

Sincerely,

Smith Engineering & Management
A California Corporation

Daniel T. Smith Jr., P.E.
President

Attachment: Resume of Daniel T. Smith Jr.

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Mr. Kevin Carmichael
Adams Broadwell Joseph & Cardozo
June 25, 2025
Page 6

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil, Ret.) Washington No. 29337 (Civil, Ret.)
California No. 938 (Traffic) Arizona No. 22131 (Civil, Ret.)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.). Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21'st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.
Transportation Centers. Project manager for Daly City Intermodal Study which developed a $7 million surface bus

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terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques
and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al*. Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard et al., U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

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EXHIBIT B

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July 14, 2025

Isabel Tahir
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: **Harvest Landing Retail Center and Business Park Project**

Dear Ms. Tahir,

I have reviewed the Draft Environmental Impact Report ("DEIR") for the Harvest Landing Retail Center and Business Park Project in the City of Perris dated May 2025. Regarding vehicle miles traveled ("VMT"), air pollution and traffic, I make the following findings:

1) The Project would Result in significantly greater VMT Impacts than the adopted plan and falsely "presumes" that the impacts are "similar."

2) The DEIR overestimates the benefits of the proposed VMT mitigation.

3) Stronger VMT mitigation is needed to further reduce impacts.

4) The DEIR underestimates truck trip lengths in the air pollution analysis.

5) The DEIR purports that the Project would produce less air pollution than the adopted plan, but this conclusion is based on trip numbers developed with unsupported methodologies. The air pollution analysis should be redone with all alternatives analyzed consistently.

6) The DEIR's traffic analysis found multiple problems which the City asserts cannot be addressed because "no feasible improvements" would result in "satisfactory LOS." But the City has not adequately analyzed this issue. The City should prepare a corresponding traffic analysis of the adopted plan to determine whether these perceived problems are attributable to the Project and can be further mitigated.

O2.60

1

The Project Would Result in Significantly Greater VMT Impacts than the Adopted Plan and Falsely "Presumes" that the Impacts are "Similar"

The DEIR analyzes "No Project/Buildout of the Existing Harvest Landing Specific Plan" as Alternative 2. (DEIR, p. 1-3) The table below summarizes the development under the Project vs Alternative 2:

Development: Project vs. Existing Specific Plan

	Existing Specific Plan (p. 8-14)	Proposed Project
Residential units	1,860	0
Multiple Business Use (MBU)	1,233,401 sq. ft.	5,735,535 sq. ft.
Commercial uses	89,881 sq. ft.	438,507 sq. ft.

As shown in the table above, the Project eliminates all residential development, multiplies the size of the Multiple Business Use (MBU) by a factor of 4.65, and the size of the commercial uses by a factor of 4.88.

The DEIR documents that the commercial portion of the Project would result in VMT per service population of more than 100% above the acceptable VMT threshold, stating:

> The Commercial (TAZ 1870) portion of the Project would have a VMT/SP 111.53% above the threshold under the Project Baseline (2024) condition and 108.55% above the threshold under the Cumulative (2045) condition. Therefore, the Commercial component of the Project would result in a significant VMT impact, and mitigation would be required. (DEIR, Appendix S, p. 3)

O2.61

In purporting to assess the VMT impacts of the Project and Alternative 2, the DEIR states:

> With respect to VMT, due to the continued inclusion of commercial uses and additional inclusion of residences compared to the Project, this alternative is unlikely to avoid the Project's significant and unavoidable Project-specific VMT impact. Therefore, it would be presumed that this alternative would result in significant and unavoidable impacts related to VMT, consistent with the proposed Project. Therefore, impacts from this alternative would be similar to the Project. (DEIR, p. 8-14).

The DEIR "presumes" that the VMT impacts of the two alternatives are similar "due to the continued inclusion of commercial uses and additional inclusion of residences." This presumption is unsupported and it does not make sense. As documented above, the DEIR documents that the excessive VMT with the Project is primarily due to commercial use, and the Project includes almost five times as much commercial use as in Alternative 2.

Furthermore, the retail use in the Project includes a 167,050 sq. ft. large format retail anchor and a 189,845 sq. ft. shopping center that are clearly regional-serving whereas the 73,181 sq. ft. shopping center in Alternative 2 that might be primarily local-serving. The Office of Policy and Research ("OPR") *Technical Advisory on Evaluating Transportation Projects in CEQA* (December 2018) states:

> By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact. Regional-serving retail development, on the

2

> other hand, which can lead to substitution of longer trips for shorter ones, may tend to have a significant impact. Where such development decreases VMT, lead agencies should consider the impact to be less-than-significant. . .
>
> Specific information, such as market studies or economic impacts analyses that might bear on customers' travel behavior. Because lead agencies will best understand their own communities and the likely travel behaviors of future project users, they are likely in the best position to decide when a project will likely be local-serving. Generally, however, retail development including stores larger than 50,000 square feet might be considered regional-serving, and so lead agencies should undertake an analysis to determine whether the project might increase or decrease VMT. (p. 16-17).

This sentence from the OPR guidance document is particularly relevant: "Regional-serving retail development, on the other hand, which can lead to substitution of longer trips for shorter ones, may tend to have a significant impact."

Furthermore, research has shown that a mix of residential and non-residential uses reduces VMT because it allows some short trips to be made internally. Litman summarizes this research:

> More mixed development can affect travel in several ways: shorter travel distances increase walking and cycling mode shares; improved public transit access increases transit mode shares; shorter travel distances reduce total vehicle travel; and together these factors can reduce per capita vehicle ownership.
>
> Land use mix can be measured using entropy indices (the variety of different uses in a neighborhood) or dissimilarity indices (the number of adjacent parcels with different uses). Both methods result in scores from 0 (least mixed) to 1.0 (most mixed). Another way to measure mix is using the jobs/housing balance ratio (Stacy, et al 2019). A jobs/housing balance of about 1.0 tends to minimize average commute distance and per capita vehicle travel (Kuzmyak and Pratt 2003). Boarnet, Hsu and Handy (2011) conclude the elasticity of vehicle travel (both commute travel and total per capita VMT) with respect to jobs/housing balance is 0.29 to 0.35, so a 10% increase reduces VMT 2.9 to 3.5%. Crane and Chatman (2003) find that a 5% increase in fringe county employment reduces average commute distance 1.5% but increases non-work vehicle mileage.[1]

O2.61 cont.

The optimal jobs balance ratio of 1.0 given in this summary is similar to the jobs/balance in Alternative 2 ("No Project/Buildout of the Existing Harvest Landing Specific Plan") with 1,380 jobs (DEIR, p. 8-13) and 1,860 housing units (DEIR, p. 8-5). In sharp contrast, the Project has 6,427 jobs (DEIR, p. 8-13) and no housing units.

The DEIR VMT analysis should be revised to compare the VMT impacts of Alternative 2 with VMT impacts of the Project so that an apples-to-apples comparison is presented. Until this comparison is completed, it should be presumed that the Project VMT impacts would be significantly greater than the Alternative 2 VMT impacts.

[1] Litman, Todd. Land Use Impacts on Transportation: How Land Use Factors Affect Travel Behavior, p. 21. Victoria Transport Policy Institute. 2024.

The DEIR Overestimates the Benefits of Proposed VMT Mitigation

The DEIR states:

> With mitigation incorporated, the Commercial component of the Project's VMT/SP would be 98.59% above the threshold under Project Baseline (2024) conditions and 95.61% above than the threshold under Cumulative (2045) conditions. (DEIR, Appendix S, p. 6).

The DEIR claims that the VMT mitigation program would reduce VMT by 12.94% as shown in the Appendix S tables reproduced here.

Table 10: VMT Mitigation Results for Commercial component of the Project

	Baseline 2024	Cumulative 2045
% Above/Below Threshold	111.53%	108.55%
Impact?	**Yes**	**Yes**
Mitigation Measures	**VMT Reduction**	**VMT Reduction**
T-2: Increase Job Density	-6.14%	-6.14%
T-5: Implement Commute Trip Reduction Program (Voluntary)	-4.00%	-4.00%
T-6: Implement Commute Trip Reduction Program (Mandatory Implementation and Monitoring)	No VMT Reduction Credit Taken	
T-7: Implement Commute Trip Reduction Marketing	No VMT Reduction Credit Taken	
T-8: Provide Ridership Program	No VMT Reduction Credit Taken	
T-9: Implement Subsidized or Discounted Transit Program	No VMT Reduction Credit Taken	
T-10: Provide End-of-Trip Bicycle Facilities	No VMT Reduction Credit Taken	
T-11: Provide Employer-Sponsored Vanpool	No VMT Reduction Credit Taken	
T-18: Provide Pedestrian Network Improvement.	-2.32%	-2.32%
T-19-A: Construct or Improve Bike Facility.	-0.20%	-0.20%
T-20 :Expand Bikeway Network	-0.02%	-0.02%
T-27: Implement Transit-Supportive Roadway Treatments	-0.01%	-0.01%
Total VMT Reduction with Mitigation Measures	-12.94%	-12.94%
% Above/Below Threshold with Mitigation	98.59%	95.61%
Impact with Mitigation?	**Yes**	**Yes**

Source: RIVCOM & CAPCOA

O2.62

Table 2: VMT Mitigation Results for Project as a Whole

	Baseline 2024	Cumulative 2045
% Above/Below Threshold	14.12%	18.27%
Impact?	**Yes**	**Yes**
Mitigation Measures	**VMT Reduction**	**VMT Reduction**
T-2: Increase Job Density	-6.14%	-6.14%
T-5: Implement Commute Trip Reduction Program (Voluntary)	-4.00%	-4.00%
T-6: Implement Commute Trip Reduction Program (Mandatory Implementation and Monitoring)	No VMT Reduction Credit Taken	
T-7: Implement Commute Trip Reduction Marketing	No VMT Reduction Credit Taken	
T-8: Provide Ridership Program	No VMT Reduction Credit Taken	
T-9: Implement Subsidized or Discounted Transit Program	No VMT Reduction Credit Taken	
T-10: Provide End-of-Trip Bicycle Facilities	No VMT Reduction Credit Taken	
T-11: Provide Employer-Sponsored Vanpool	No VMT Reduction Credit Taken	
T-18: Provide Pedestrian Network Improvement.	-2.32%	-2.32%
T-19-A: Construct or Improve Bike Facility.	-0.20%	-0.20%
T-20 :Expand Bikeway Network	-0.02%	-0.02%
T-27: Implement Transit-Supportive Roadway Treatments	-0.01%	-0.01%
Total VMT Reduction with Mitigation Measures	-12.94%	-12.94%
% Above/Below Threshold with Mitigation	1.18%	5.33%
Impact with Mitigation?	**Yes**	**Yes**

Source: RIVCOM & CAPCOA

4

Almost half the reduction shown, 6.14% is from Measure T-2, Increase Job Density, from the 2021 California Air Pollution Control Officers Association (CAPCOA) ***Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity.*** DEIR Appendix S reproduces the discussion of Measure T-2 in the CAPCOA Handbook (PDF p. 80-81).

The description is:

> This measure accounts for the VMT reduction achieved by a project that is designed with a higher density of jobs compared to the average job density in the U.S. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. Increasing job density results in shorter and fewer trips by single-occupancy vehicles and thus a reduction in GHG emissions.

O2.62 cont.

It is inappropriate to apply this reduction because it is double-counting. The Riverside County Transportation Analysis Model (RIVCOM) used to estimate VMT without mitigation already accounts for the decrease in VMT with increased density.[2]

Furthermore, any effect of increased density on VMT is weak in this case because residential development is excluded. The CAPCOA text regarding Measure T-2 also states:

> When paired with Measure T-1, *Increase Residential Density*, the cumulative densification from these measures can result in a highly walkable and bikeable area, yielding increased co-benefits in VMT reductions, improved public health, and social equity.

O2.63

The degree of density embodied in Alternative 2 would have significant VMT reduction because of the combination of both job and residential density. In the Project, the density benefits would be small.

The second highest reduction taken is the maximum possible 4% for Measure T-5 Implement Commute Trip Reduction Program (Voluntary). The CAPCOA Handbook states that this should be adjusted downward if not all employees can participate:

> Employees who might not be able to participate could include those who work nighttime hours when transit and rideshare services are not available or employees who are required to drive to work as part of their job duties.

O2.64

A large share of Project employees would work nighttime hours including workers at all of the commercial businesses and many of the warehouse and industrial workers. Therefore, taking the maximum 4% reduction is unwarranted.

Most of the remainder to the VMT reduction shown in the DEIR (2.32%) is from Measure T-18 Provide Pedestrian Network Improvement. The CAPCOA definition is:

[2] The RIVCOM matches trip origins to trip destinations with a gravity model. In the gravity model, the strength of attraction between two Transportation Analysis Zones (TAZs) is positively related to the number of trips and negatively related to the travel time. In the gravity model, density increases the number of trips with short travel times, and reduces trips with longer travel times. Therefore, in the RIVCOM, higher density translates into shorter trips, on average, and lower VMT per Service Population.

5

This measure will increase the sidewalk coverage to improve pedestrian access. Providing sidewalks and an enhanced pedestrian network encourages people to walk instead of drive. This mode shift results in a reduction in VMT and GHG emissions.

Taking credit for adding sidewalks in the Project is unwarranted. As shown in DEIR Figure 3-6 copied below, the Project has large blocks and there will be few opportunities, if any, to enter any Project building directly from a sidewalk, rather than by weaving through a parking lot, with some parking lots being very large.

Proposed Harvest Landing Specific Plan

Harvest Landing Retail Center & Business Park Project
City of Perris

Figure 3-6

O2.64 cont.

6

Another reason the Project should not get credit for walkability is that the Project turns the existing elementary school (shown in the blue and red cross-hatched area in the northwest quadrant of the Project Plan graphic) into an island within an industrial area. Under the adopted plan, the school would be bordered by housing from which students easily could walk to school. O2.64 cont.

Stronger VMT Mitigation is Needed

While it may not be feasible to fully mitigate the commercial VMT, which will be predominantly by shoppers traveling significant distances to regional retail in location with very poor transit service and limited population within walking distance, more can be done to reduce commuter VMT which the DEIR fails to consider.

As shown above, the DEIR applies CAPCOA Measure T-5 Implement Commute Trip Reduction Program (Voluntary) in its calculations for the entire Project. However, the DEIR Executive Summary only applies this measure to "tenants with less than 250 employees." (DEIR, p. 1-51). The rationale appears to be that businesses with 250 or more employees are subject to Southern California Air Quality Management District (SCAQMD) Rule 2202 and associated reporting that also is intended to reduce commute VMT. (DEIR Appendix S, p. 4).

The project could require all employers to implement CAPCOA Measure T-6: Implement Commute Trip Reduction Program (Mandatory Implementation and Monitoring), with a maximum possible reduction of 26% vs. the 4% with the voluntary program, and penalties for non-compliance. The Handbook states: O2.65

> The mandatory CTR program must include all other elements (i.e., Measures T-7 through T-11) described for the voluntary program (Measure T-5) plus include mandatory trip reduction requirements (including penalties for non-compliance) and regular monitoring and reporting to ensure the calculated VMT reduction matches the observed VMT reduction.

It is not clear how the requirements of SCAQMD Rule 2202 compare to either CAPCOA Measure T-5 or T-6. As the rule requires reporting, it does appear stronger than the voluntary measure. On the other hand, the City of Perris is in Performance Zone 3 with a target Average Vehicle Ridership (AVR) of 1.3. Neighboring areas, including the City of Riverside, are in Performance Zone 2 with a target AVR of 1.5.[3] This means that a warehouse in Riverside requires 13.3% lower AVR than a warehouse in Perris to satisfy SCAQMD Rule 2202. Strong VMT mitigation should be required for all employers in the DEIR, and this would also satisfy the requirements of SCAQMD for larger employers.

The DEIR Underestimates Truck Trip Lengths in the Air Quality Analysis

The DEIR states: O2.66

> To determine emissions from trucks for the proposed industrial uses, the analysis incorporated for Scenario A, truck trip lengths based on the SCAQMD's WAIRE Program

[3] https://www.aqmd.gov/docs/default-source/transportation/supplemental-documents/clean-lp-revised-r2202-ef-methodology---03-05-19.pdf?sfvrsn=6,

7

> recommended truck trip length of 15.3 miles for 2-axle (LHDT1 and LHDT2), 14.2 miles for 3-axle (MHDT) trucks and 40 miles for 4+-axle (HHDT) trucks and weighting the average trip lengths using traffic trip percentages taken from *Harvest Landing Retail Center & Business Park Project Traffic Analysis*, as shown in Table 3-10. This trip length assumption is higher than the CalEEMod default trip length. (DEIR Appendix B, p. 59).

The 40-mile truck trip length is not recommended by SCAQMD. It was used in calculations of possible mitigation in Second Draft 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.[4] The reference for the 40-mile number is the 2016 SCAG travel demand model (p. 117) and there is no indication that these numbers are intended for any use beyond this single document. The 40-mile heavy truck trip length also appears in a 2014 slide presentation.[5] In neither case, are these numbers presented as general recommendations for warehouse EIRs.

To demonstrate that this is not a general SCAQMD recommendation for all warehouses, SCAQMD's November 22, 2023 comments recommended a longer truck length for the Hemlock Warehouse Development Project Draft SEIR in the City of Fontana which also used a 40-mile truck trip length, writing: O2.66 cont.

> However, it is essential to note that the distance from the Proposed Project site to the Port of Los Angeles or Long Beach is approximately 70 miles one-way. Thus, South Coast AQMD staff is concerned about underestimating truck emissions due to the shorter distance that HHDT is analyzed in the Draft SEIR. Hence, it is recommended that the Lead Agency revise the truck emissions analysis using the more conservative trip length between 40 to 70 miles, of which 40 miles could be used for local and 70 miles for Port trips and include the revision in the final CEQA document. Tailoring these parameters and assumptions to be based on project-specific data will ensure a more accurate assessment of emissions, accounting for the unique circumstances and logistical realities of the Proposed Project. (p. 2)

The Project site is about 80 miles from the Ports of Los Angeles and Long Beach and the SCAQMD recommended heavy truck trip length is 80 miles.

The Air Pollution Analysis Should be Corrected to Ensure Trips from All Alternatives Are Analyzed Consistently, and Especially the Adopted Plan

DEIR Table 8-1 (p. 8-10) shows Project emissions for several pollutants as lower than emissions for Alternative. However, the DEIR admits that "some of variations in emissions are due to changes in methodology from URBEMIS to CaleEEMod." (DEIR, p. 8-10). This is followed by a sentence attributing the higher Alternative 2 emissions to "mobile source emissions associated with the additional vehicle trips." (DEIR, p. 8-10). This statement appears to be simply wrong as is discussed above, the Project would result in significant more vehicle trips than Alternative 2. O2.67

[4] www.aqmd.gov/docs/default-source/planning/fbmsm-docs/pr-2305_sr_2nd-draft_4-7-21_clean.pdf
[5] https://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/sclc_warehouse-presentation-final.pdf

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The DEIR's air pollution analysis should be revised so that an apples-to-apples comparison with Project 2 is presented. Until this comparison is completed, it should be presumed that the Project air pollution impacts would be significantly greater than the Alternative 2 VMT impacts, particularly given that the share of truck trips is significantly higher. O2.67 cont.

Traffic Comparison of Project to the Adopted Plan Also Should be Done

As discuss above, DEIR Alternative 2 ("No Project/Buildout of the Existing Harvest Landing Specific Plan") would have significantly lower daily trip generation than the Project. Alternative 2 also would have lower AM and PM peak trip generation, and more balanced entering and exiting traffic during peak periods (DEIR, Table 8-2, p. 8-14 vs. DEIR Appendix S, Table 3d, p. 22).

The DEIR states that future Project traffic would result in eight intersections where "No feasible improvements would result in the ... intersections operation with satisfactory LOS." (DEIR, Appendix R, p. 221) and also two intersections where "No feasible improvements would result in the ... intersections operating with satisfactory queueing." (DEIR, Appendix, p 226). O2.68

The DEIR analyzes Project traffic conditions vs. No Project traffic conditions but does not compare Project vs. Alternative 2 traffic conditions. Given the unmitigable deficiencies with the Project, a comparison with Alternative 2 should be done to determine whether these problems are directly attributable to the Project.

Sincerely,

Norman L Marshall

Norman L. Marshall

9

Resume

NORMAN L. MARSHALL, PRESIDENT

nmarshall@smartmobility.com

EDUCATION:

Master of Science in Engineering Sciences, Dartmouth College, Hanover, NH, 1982
Bachelor of Science in Mathematics, Worcester Polytechnic Institute, Worcester, MA, 1977

PROFESSIONAL EXPERIENCE: (37 Years, 23 at Smart Mobility, Inc.)

Norm Marshall helped found Smart Mobility, Inc. in 2001. Prior to this, he was at RSG for 14 years where he developed a national practice in travel demand modeling. He specializes in analyzing the relationships between the built environment and travel behavior and doing planning that coordinates multi-modal transportation with land use and community needs.

Regional Land Use/Transportation Scenario Planning

Portland Area Comprehensive Transportation System (PACTS) – the Portland Maine Metropolitan Planning Organization. Updating regional travel demand model with new data (including AirSage), adding a truck model, and multiclass assignment including differentiation between cash toll and transponder payments.

Loudoun County Virginia Dynamic Traffic Assignment – Enhanced subarea travel demand model to include Dynamic Traffic Assignment (Cube). Model being used to better understand impacts of roadway expansion on induced travel.

Vermont Agency of Transportation-Enhanced statewide travel demand model to evaluate travel impacts of closures and delays resulting from severe storm events. Model uses innovate Monte Carlo simulations process to account for combinations of failures.

California Air Resources Board – Led team including the University of California in $250k project that reviewed the ability of the new generation of regional activity-based models and land use models to accurately account for greenhouse gas emissions from alternative scenarios including more compact walkable land use and roadway pricing. This work included hands-on testing of the most complex travel demand models in use in the U.S. today.

Climate Plan (California statewide) – Assisted large coalition of groups in reviewing and participating in the target setting process required by Senate Bill 375 and administered by the California Air Resources Board to reduce future greenhouse gas emissions through land use measures and other regional initiatives.

Chittenden County (2060 Land use and Transportation Vision Burlington Vermont region) – led extensive public visioning project as part of MPO's long-range transportation plan update.

Flagstaff Metropolitan Planning Organization – Implemented walk, transit and bike models within regional travel demand model. The bike model includes skimming bike networks including on-road and off-road bicycle facilities with a bike level of service established for each segment.

Chicago Metropolis Plan and Chicago Metropolis Freight Plan (6-county region)— developed alternative transportation scenarios, made enhancements in the regional travel demand model, and used the enhanced

model to evaluate alternative scenarios including development of alternative regional transit concepts. Developed multi-class assignment model and used it to analyze freight alternatives including congestion pricing and other peak shifting strategies.

Municipal Planning

City of Grand Rapids – Michigan Street Corridor – developed peak period subarea model including non-motorized trips based on urban form. Model is being used to develop traffic volumes for several alternatives that are being additional analyzed using the City's Synchro model

City of Omaha - Modified regional travel demand model to properly account for non-motorized trips, transit trips and shorter auto trips that would result from more compact mixed-use development. Scenarios with different roadway, transit, and land use alternatives were modeled.

City of Dublin (Columbus region) – Modified regional travel demand model to properly account for non-motorized trips and shorter auto trips that would result from more compact mixed-use development. The model was applied in analyses for a new downtown to be constructed in the Bridge Street corridor on both sides of an historic village center.

City of Portland, Maine – Implemented model improvements that better account for non-motorized trips and interactions between land use and transportation and applied the enhanced model to two subarea studies.

City of Honolulu – Kaka'ako Transit Oriented Development (TOD) – applied regional travel demand model in estimating impacts of proposed TOD including estimating internal trip capture.

City of Burlington (Vermont) Transportation Plan – Led team that developing Transportation Plan focused on supporting increased population and employment without increases in traffic by focusing investments and policies on transit, walking, biking and Transportation Demand Management.

Transit Planning

Regional Transportation Authority (Chicago) and Chicago Metropolis 2020 – evaluated alternative 2020 and 2030 system-wide transit scenarios including deterioration and enhance/expand under alternative land use and energy pricing assumptions in support of initiatives for increased public funding.

Capital Metropolitan Transportation Authority (Austin, TX) Transit Vision – analyzed the regional effects of implementing the transit vision in concert with an aggressive transit-oriented development plan developed by Calthorpe Associates. Transit vision includes commuter rail and BRT.

Bus Rapid Transit for Northern Virginia HOT Lanes (Breakthrough Technologies, Inc and Environmental Defense.) – analyzed alternative Bus Rapid Transit (BRT) strategies for proposed privately-developing High Occupancy Toll lanes on I-95 and I-495 (Capital Beltway) including different service alternatives (point-to-point services, trunk lines intersecting connecting routes at in-line stations, and hybrid).

Roadway Corridor Planning

I-30 Little Rock Arkansas – Developed enhanced version of regional travel demand model that integrates TransCAD with open source Dynamic Traffic Assignment (DTA) software, and used to model I-30 alternatives. Freeway bottlenecks are modeled much more accurately than in the base TransCAD model.

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South Evacuation Lifeline (SELL) – In work for the South Carolina Coastal Conservation League, used Dynamic Travel Assignment (DTA) to estimate evaluation times with different transportation alternatives in coastal South Caroline including a new proposed freeway.

Hudson River Crossing Study (Capital District Transportation Committee and NYSDOT) – Analyzing long term capacity needs for Hudson River bridges which a special focus on the I-90 Patroon Island Bridge where a microsimulation VISSIM model was developed and applied.

PUBLICATIONS AND PRESENTATIONS (partial list)

DTA Love: Co-leader of workshop on Dynamic Traffic Assignment at the June 2019 Transportation Research Board Planning Applications Conference.

Forecasting the Impossible: The Status Quo of Estimating Traffic Flows with Static Traffic Assignment and the Future of Dynamic Traffic Assignment. *Research in Transportation Business and Management* 2018.

Assessing Freeway Expansion Projects with Regional Dynamic Traffic Assignment. Presented at the August 2018 Transportation Research Board Tools of the Trade Conference on Transportation Planning for Small and Medium Sized Communities.

Vermont Statewide Resilience Modeling. With Joseph Segale, James Sullivan and Roy Schiff. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

Assessing Freeway Expansion Projects with Regional Dynamic Traffic Assignment. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

Pre-Destination Choice Walk Mode Choice Modeling. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

A Statistical Model of Regional Traffic Congestion in the United States, presented at the 2016 Annual Meeting of the Transportation Research Board.

12

EXHIBIT C

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #25-001.27

July 10th, 2025

Isabel Tahir
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

SUBJECT: 7947 Harvest Landing Retail Project DEIR
Perris, California
Review and Comment on Noise Analysis

Dear Ms. Tahir

Per your request, we have reviewed the information regarding the noise and vibration impact analysis of the Draft Environmental Impact Report (DEIR) for the Harvest Landing Specific Plan in Perris, CA. The proposed project involves a general plan for an undeveloped area with plans to build residential, business, commercial, and open space uses. This DEIR details parcels added to the Specific Plan and changes some land uses. The Project site is approximately 358 acres and is generally bounded by I-215 to the west, Perris Boulevard to the east, Nuevo Road to the south, and Placentia Avenue to the north. The project is surrounded by noise-sensitive uses, including multiple residential neighborhoods to the east of the project. This letter is based primarily on Appendix Q of the DEIR, the noise and vibration analysis prepared by Urban Crossroads. O2.69

This letter contains our comments on the noise analysis in the subject document. Wilson Ihrig is an Acoustical Consulting firm that has practiced exclusively in the field of acoustics since 1966. During our 59 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.

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 O2.70

[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)

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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.

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. O2.70 cont.

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.

The DEIR does not Consider Nighttime Construction Noise Increases Over Ambient Levels

Section 10 in Appendix Q details the analysis used by the DEIR to determine if significance thresholds for construction noise are exceeded. Subsections 10.5, 10.8, and 10.11 all show compliance with modeled construction noise levels over thresholds based on ambient levels for different phases of the project. However, section 10.13, entitled *Nighttime Concrete Pour Noise Analysis*, does not have a corresponding section comparing modeled levels to thresholds based on ambient levels.

The DEIR does not explain why thresholds based on ambient levels are required for daytime noise, but not for nighttime noise, which is inherently a more sensitive time as people sleep. The DEIR's interpretation implies that for nighttime construction noise, any increase in noise is insignificant so long as the construction stays below 60 dBA. CEQA requires the project applicants to assess if there will be a substantial increase in ambient levels, which was not done for all elements of this project. O2.71

Table 10-12 in Appendix Q shows compliance with a set nighttime construction noise threshold of 60 dBA. The DEIR considers "nighttime concrete pour noise levels are considered less than significant at the nearby noise-sensitive receiver locations" (Appendix Q, page 93) since all levels are below 60 dBA without discussion of ambient levels.

Taking the ambient levels from Table 9-19, which describes nighttime ambient noise levels that were used for the construction noise analysis, and the modeled nighttime construction noise results presented in Table 10-12, a comparison between current and modeled nighttime noise can be made, which is presented in Table 1.

Table 1: Comparison of Modeled Nighttime Construction Noise Levels and Measured Nighttime Noise

Receiver Location	Reference Ambient Noise Level	Modeled Exterior Noise Levels	Increase over Ambient
R1	63.9	53.1	10.8
R2	61.8	50.9	10.9
R3	62.1	55.9	6.2
R4	51.3	51.0	0.3
R5	51.3	50.8	0.5
R6	59.0	51.2	7.8
R7	53.4	56.8	-3.4
R8	55.0	50.3	4.7

The nighttime construction noise is as high as 11 dBA over ambient levels. Appendix Q cites the Caltrans Traffic Noise Protocol document for mobile noise significance thresholds, stating a "substantial noise increase occurs when the project's predicted noise level exceeds the existing ambient noise level by 12 dBA or more" (DEIR, Appendix Q page 24). O2.71 cont.

The 12 dBA noise threshold cited is extreme and unsupported, as adverse impacts can occur at much lower increases. Typically, 3 or 5 dBA noise increases are used as impact thresholds, such as in the operational noise analysis in the same EIR. An increase of 10 dB is a doubling of perceived loudness and represents a ten-fold increase in the sound level[2]. To say that a proper threshold of significance is increasing noise by more than double the currently existing environment is inconsistent with industry standards for noise analysis, is not supported by any evidence in the DEIR, is likely to mask significant impacts that occur at lower levels, and goes against the principles of CEQA of preventing significant and avoidable environmental damage.

As it stands, the project has the potential to have significant impacts on nighttime noise during concrete pours. Mitigation should be studied and presented as an option in an updated DEIR, with an analysis showing that mitigation, such as a required temporary sound wall, would reduce levels below significance thresholds.

The Construction Vibration Assessment Fails to Assess the Potential for Human Annoyance to Vibration.

The construction vibration assessment fails to address potential impacts associated with human annoyance. The construction vibration assessment compares estimated construction vibration levels to a 0.30 PPV threshold, which is the level set by *Caltrans Transportation and Construction Vibration Guidance Manual*[3] for older residential structures. This is not an appropriate threshold for assessing annoyance. According to the Federal Transit Administration's (FTA) *Transit Noise and Vibration* O2.72

[2] https://www.nps.gov/subjects/sound/understandingsound.htm
[3] https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf

Impact Assessment Manual, cited by Appendix Q of the DEIR, "a vibration level that causes annoyance is well below damage risk threshold for typical buildings" [FTA page 118].

The same cited Caltrans *Transportation and Construction Vibration Guidance* manual also provides thresholds for human annoyance in Table 20. For 'Continuous/Frequent Intermittent Sources,' a 'distinctly perceptible' response is felt at 0.04 PPV. The vibration experienced at R9, the Val Verde Elementary School, is modeled at 0.049 in Table 10-14 of Appendix Q of the DEIR. This means that construction vibrations would be felt at the school and may constitute a significant impact. O2.72 cont

Adverse community reactions to this level of vibration are possible and could potentially be classified as a significant impact. Therefore, we assert that the assessment does not adequately address the potential for human annoyance to vibration during construction. Mitigation should be included, such as the implementation of a construction vibration control and monitoring plan, prepared by a qualified acoustic engineer.

Analysis has Unsupported Assumptions Regarding HVAC Source Levels

Section 9.2.3 of Appendix Q details source levels and assumptions for the air conditioning units and states that at a "uniform reference distance of 50 feet the roof-top air conditioning units generate a reference noise level of 57.7 dBA Lmax. Based on the typical operating conditions observed over a four-day measurement period, the roof-top air conditioning units are estimated to operate for and average 39 minutes per hour during the daytime hours, and 28 minutes per hour during the nighttime hours."

The DEIR lacks supporting evidence for this low estimate, which is not realistic for conditions in the Project vicinity. In Perris, the average daily temperature can reach a high of over 96 degrees Fahrenheit in August[4]. As a result, we believe that under worst-case conditions, rooftop HVAC systems could be running constantly. Additionally, the cited sound level corresponds to a sound power level of 89 dBA, but rooftop HVAC units can have a sound power level as high as 95 dBA[5]. If worst-case conditions were used (95 dBA running for an hour straight at night), source levels could be underestimated by as much as 9 dB. It is worth noting that the nosiest rooftop mechanical units may need less units than presented in the analysis due to their size. However, if the noise analysis is underestimated by almost 10 dB, the DEIR should be updated to make sure to account for all worst-case scenarios regarding potential significant noise impacts. O2.73

Not all Mitigation was Studied for Significant and Unavoidable Impacts

On page 1-47 of the DEIR, Impact NOI-1 is identified as significant and unavoidable since there is a "substantial temporary or permanent increase in ambient noise levels." However, mitigation is listed as not feasible. Page 5.12-44 in the DEIR states "noise increases from truck traffic would be cumulatively considerable and would remain significant and unavoidable after implementation of mitigation." O2.74

The DEIR argues that two potential mitigation measures would not reduce noise below significance thresholds since the source of truck noise is 11.5 feet high. Two mitigation options are discussed – rubberized pavement and noise barriers. The DEIR argues that rubberized pavement would not

[4] https://www.theweathernetwork.com/us/historical/california/perris
[5] https://www.trane.com/content/dam/Trane/Commercial/global/products-systems/equipment/chillers/air-cooled/PROD-SLB049-EN_05122020.pdf

reduce exhaust noise, and that the barrier height required to block line of sight from an exhaust stack of a truck is not allowed in City Code.

First, the cited 11.5-foot height may not be a correct assumption. The DEIR states on page 5.12-30 that "heavy duty (4+ axle trucks) are prohibited from using Barrett Avenue." 4-Axel trucks are typically assumed to have the aforementioned 11.5 source height while 2-axel medium trucks have a much shorter 5-foot exhaust assumption, according to Caltrans guidelines.[6]

Next, the 11.5-foot-tall source height is only one of two source heights typically assumed for truck noise – part of the noise emission comes from the exhaust stack while part comes from the wheel-road interface. Additionally, current research published by the national Transportation Research Board (TRB) states that "recent field measurement studies indicate that the upper (12 feet) sub-source may be overestimating the height of the sound energy from heavy truck.[7]" The implementation of rubberized pavement would result in the lessening of a significant and unavoidable impact.

Finally, the assertion of sound walls not providing a break in line of sight is not accurate. First floor receivers are typically assumed to be 1.5 meters tall. If noise barriers were built along the western edge of Bartlett Road, trucks in the northbound lane would be 9 meters from the wall, and the wall would be 6 meters from the edge of first row buildings. If the truck exhaust is assumed at 3.5 meters, any noise barrier 3 meters (roughly 10 feet) tall would block line of sight, as seen in the diagram below. This is before accounting for wheel-pavement noise having complete line of sight blocked. First-floor receivers would receive benefits from potential mitigation. A 5 dB reduction is cited by the DEIR on page 54 of Appendix Q, as "simple to attain when blocking the line-of-sight from the noise source to the receiver" and thus would reduce the 5.8 dB increase shown in Table 5.12-15 in the DEIR to below significance thresholds. O2.74 cont.

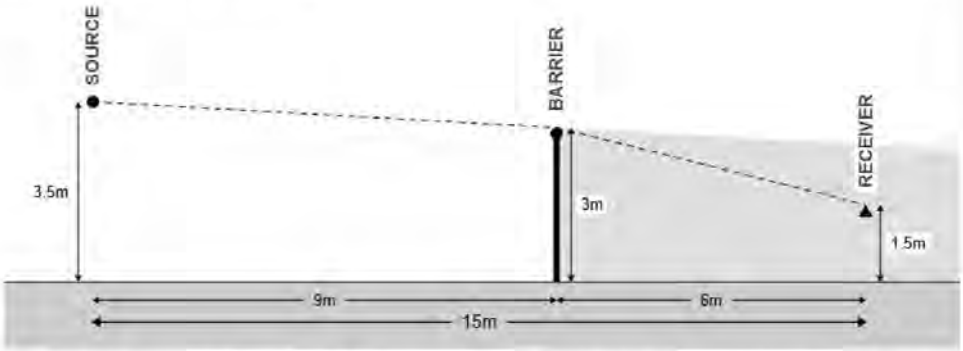

Figure 1: Demonstration of the Effectiveness of Noise Barriers for Residences along Bartlett Ave

[6] https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf page 4-15
[7] https://trid.trb.org/view/1759720

Conclusion

The Project may result in potentially significant, unmitigated noise impacts. The DEIR includes an incomplete nighttime construction noise analysis, does not study human responses to construction vibration, has optimistic assumptions regarding rooftop mechanical noise, and does not consider all feasible mitigation options. The potential for significant increases exists, and the DEIR should be updated to correct these errors and study potential mitigation,

O2.75

Very truly yours,

WILSON IHRIG

Jack Meighan

Associate

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WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

JACK MEIGHAN

Associate

Jack joined Wilson Ihrig in 2021 and is an experienced acoustics engineer with expertise in projects involving rail transit systems, highways, CEQA analysis, environmental noise reduction, mechanical drawing reviews, and construction noise and vibration mitigation. He has hands-on experience with project management, including client coordination and presentations, as well as in designing, developing, and testing MATLAB code used in acoustics applications. Additionally, his expertise includes taking field measurements, developing test plans and specifying, purchasing, setting up and repairing acoustic measurement equipment. He has experience in using Traffic Noise Model (TNM), CadnaA, EASE, Visual Basic, LabView, and CAD software.

Education

- B.S. in Mechanical Engineering, University of Southern California, Los Angeles, CA

Project Experience

Metro Regional Connector, Los Angeles CA
Planned, took, and processed measurements as part of a team to determine the effectiveness of floating slab trackwork for a new subway in downtown Los Angeles that travels below the Walt Disney Concert Hall and the Colburn School of Music.

Rodeo Credit Enterprise CEQA Analysis for New Construction, Palmdale, CA
Wrote an accepted proposal and executed it for a noise study project to determine noise mitigation requirements on a new housing development. Led all aspects of the project and managed the budget during all phases of project completion. Completed 5 separate projects of this type for this developer.

Blackhall Studios, Santa Clarita, CA
Led the vibration measurement effort for a new soundstage directly adjacent to an existing freight and commuter rail line. Tested equipment, processed data, and analyzed results to determine the vibration propagation through the soil to the proposed soundstage locations, and was part of the team that developed mitigation techniques for the office spaces directly next to the rail line.

Octavia Residential Condos CEQA Study, San Francisco, CA
Calculated the STC ratings for the proposed windows to meet Title 24 requirements, modeled the acoustic performance of floor and ceiling structures, researched noise codes, helped with a mechanical design review, and wrote a report summarizing the results for a new Condominium project being developed in San Francisco.

San Diego International Airport Terminal I Replacement, CA
Conducted interior noise and vibration measurements, analyzed measurement data to help determine project criteria, modeled the existing and future terminals in CadnaA, and was part of a team that did a complete HVAC analysis of the entire terminal, as part of a CEQA analysis where a new terminal for the airport is being designed.

Five Points Apartments Noise Study, Whittier, CA
Took measurements, researched sound data and solutions, and recommended mitigation for a new apartment complex that was located next to an existing car wash, as part of a CEQA review.

USC Ellison Vibration Survey, Los Angeles, CA
Conducted vibration measurements as part of a survey to determine the effectiveness of vibration isolation platforms that are used to insulate cell growth in a cancer research facility. Determined the effectiveness and presented this information to the client. Researched and recommended a permanent monitoring system so the client could view data in real time.

TEN50 Condos 'Popping' Noise Investigation, Los Angeles, CA
Was part of a team that investigated the noise source of an unwanted popping noise in luxury condos in Downtown Los Angeles. Helped isolate the noise source location with accelerometers to determine where vibrations were occurring first and used an acoustic camera to determine where in the condo the noise was coming from.

2000 University Project, Berkely, CA
Wrote a construction noise monitoring plan based on environmental noise calculations, wrote a report summarizing the results, and attending a meeting with the client to discuss options.

Bay Area Rapid Transit (BART) On-Track, CA, San Francisco Bay Area, CA*
Day to day project manager, responsible for meetings, presentations, and coordination with the client for an ongoing noise study on the BART system. Developed MATLAB code to process measurements and determine areas where high corrugation was present, contributing to excessively high in-car noise levels. Performed noise measurements inside both the right of way and the vehicle cabin, in addition to rail corrugation measurements.

California I-605/SR-60 Interchange Improvement, Los Angeles, CA*
Developed a noise model of the area that predicted sound levels for abatement design, in addition to conducting noise measurements and analysis. Led the Team in use of the FHWA Traffic Noise Model Software for the project, involving three major highways and two busy interchanges extending over 17 miles in southern California.

Sound Transit On-Track, Seattle, WA*
Took measurements, fixed equipment, and developed software in MATLAB to process Corrugation Analysis Trolley measurements as part of an ongoing noise study on the Sound Transit Link system. Tested vibration data to determine the best measurement and processing techniques to store the data in an online database for in-car measurements.

LA Metro CRRC Railcar Testing, Los Angeles, CA*
Led the effort to plan the measurements, determine measurement locations and finalize the test plan. Formulated a method to capture speed data directly from legacy train vehicles. Executed noise and vibration specification measurements for new rail cars delivered by CRRC.

City of Los Angeles, Pershing Square Station Rehabilitation Noise Monitoring, CA*
Built noise models, wrote a construction noise plan, and assisted in on-site construction noise issues as they arose for a renovation of the Pershing Square metro station in downtown Los

*Work done prior to working for Wilson Ihrig

Angeles. Trained construction personnel in techniques for noise reduction and how to conduct noise monitoring measurements to meet project specifications.

City of Orange Metrolink Parking Garage Construction Monitoring, CA*
Wrote an adaptive management vibration monitoring plan, set up equipment to monitor live vibration levels, and generated weekly reports as part of an effort to build a new parking garage. Designed, planned, and completed measurements to predict and mitigate pile driving construction impacts at three historic building locations adjacent to the construction site. Coordinated with the client whenever an on-site problem arose.

LA Metro Westside Subway Construction, Los Angeles, CA*
Planned, organized, and processed noise measurements for the Purple Line extension construction. Implemented both long term microphones to measure noise levels and accelerometers to measure vibration levels in existing subway tunnels. Oversaw noise monitoring at sensitive construction sites for the project and worked with the contractor to find ways to reduce construction noise levels by approximately 10dB.

Montreal Réseau Express Métropolitain, Canada*
Conducted vibration propagation measurements used to create models to predict operational vibration levels for an under-construction transit line. Managed equipment, solved problems in the field, and wrote parts of the report summarizing the findings of the acoustic study.

NHCRP Barrier*
Took on-highway measurements and wrote, designed, developed, and tested MATLAB code to identify specific spectrograms to use for analyses for a project evaluating barrier reflected highway traffic noise differences in the presence of a single absorptive or reflective noise barrier.

Siemens Railcar Testing for Sound Transit, Seattle, WA*
Measured in-car noise and vibration for new rail cars delivered by Siemens. Developed new internal techniques for measurements based on the written specifications. Contributed to the team that helped identify issues that new cars had in meeting the Sound Transit specifications for noise and vibration. Participated in developing the test plan and specified then acquired new equipment for the measurement.

Toronto/Ontario Eglinton Crosstown Light Rail, Final Design, Canada*
Assisted in vibration propagation measurements, analysis, and recommendations for mitigation for a 12-mile light-rail line both on and under Eglinton Avenue. Set up and ran equipment for at-grade measurements with an impact hammer for underground measurements with an impact load cell that was used during pre-construction borehole drilling.

** Work done prior to working for Wilson Ihrig*

Response to Comment Letter O2: Californians Allied for a Responsible Economy (CARE CA), June 23, 2025

Comment O2.1: This comment states that the letter is written on behalf of Coalition for Californians Allied for a Responsible Economy (CARE CA) requesting access to all public records related to the proposed Project.

Response O2.1: In response to the request for information, the documentation was compiled, and a link to a OneDrive shared folder was emailed by City staff in June of 2025 to the provided contact. The comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment O2.2: The comment provides a summary of the proposed Project and the location of the Project site.

Response O2.2: The comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment O2.3: This comment reiterates that CARE CA requests immediate access to all public record documents related to the proposed Project pursuant to the California Public Records Act and the California Constitution.

Response O2.3: Please refer above to Response O2.1 regarding the City's provision of a OneDrive shared folder with the requested documentation to the commenter.

Comment O2.4: This comment states that the letter is written on behalf of CARE CA requesting access to documents referenced or incorporated by reference within the Draft EIR.

Response O2.4: Please refer above to Response O2.1 regarding the City's provision of a OneDrive shared folder with the requested documentation to the commenter.

Comment O2.5: The comment provides a summary of the proposed Project and the location of the Project site.

Response O2.5: The comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment O2.6: This comment reiterates that CARE CA requests immediate access to all documents referenced or incorporated by reference within the Draft EIR pursuant to CEQA.

Response O2.6: Please refer above to Response O2.1 regarding the City's provision of a OneDrive shared folder with the requested documentation to the commenter.

Comment O2.7: This comment provides an introduction to the comment letter and states that the comment is submitted on behalf of CARE CA. Additionally, the comment provides a summary of the proposed Project and its location.

Response O2.7: The comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment O2.8: This comment states that based on the commenter's review, the Draft EIR fails as an informational document as it lacks substantial evidence to support its conclusions that the Project's impacts

would be mitigated to the greatest extent feasible and that there is substantial evidence demonstrating the Project's potentially significant impacts are far more extensive than disclosed. The comment states that commenters and their expert consultants have identified numerous significant impacts that the Draft EIR underestimates or fails to identify, and that many mitigation measures described in the Draft EIR will not mitigate impacts to the extent claimed.

Response O2.8: As discussed in Responses O2.9 through O2.75, the Draft EIR complies with the requirements of CEQA and the analysis within the Draft EIR accurately reflects the proposed Project and subsequent potential environmental impacts. Further, the "substantial evidence" presented by the commenter and their experts is based on argument, speculation, unsubstantiated narrative, and evidence which is clearly inaccurate. Therefore, this comment does not provide substantial evidence of any environmental impact.

Comment O2.9: This comment states that the Draft EIR's project description is inadequate because it does not provide sufficient information on the three high cube warehouses and three industrial buildings that would be constructed as part of Phase 1, which leads to the analysis missing critical information. The comment states that the Draft EIR fails to analyze cumulative air quality and health risk impacts as it does not analyze combined emissions resulting from the Project and nearby warehouses. The comment states that the experts found that, when calculated pursuant to South Coast Air Quality Management District (AQMD) methodology, the Project's cumulative impacts from operational emissions are significant and unmitigated. The comment states that the Draft EIR does not disclose impacts related to Valley Fever, underestimates emissions associated with truck trips, does not properly analyze VMT, and overestimates the benefit of VMT mitigation. The comment states that the Draft EIR fails to adequately analyze or mitigate significant noise impacts associated with nighttime construction and relies on unsupported assumptions regarding operational noise levels.

Response O2.9: This comment is introductory in nature. Regarding the Draft EIR's project description, the commenter is referred to Responses O2.14 through O2.16. Related to cumulative air quality and health risk assessment, the commenter is referred to Responses O2.18 through O2.23. Regarding Valley Fever, the commenter is referred to Responses O2.24, O2.51, and O2.52. Regarding truck trips and related emissions, the commenter is referred to Responses O2.25 through O2.28. Related to the Draft EIR's VMT analysis, the commenter is referred to Responses O2.29 through O2.36 and O2.60 through O2.65. Related to the Draft EIR's noise analysis, the commenter is referred to Responses O2.37 through O2.41 and O2.71 through O2.74.

Comment O2.10: This comment states that the commenter reviewed the Draft EIR, its appendices, and reference documents with the assistance of an air quality expert, transportation expert, and noise expert, and that their comments are incorporated herein and must be considered part of the record for this Project.

Response O2.10: This comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. The commenter's consultants' comments and the responses to the comments are incorporated herein.

Comment O2.11: This comment states that CARE CA urges the City to remedy the deficiencies in the Draft EIR by revising the Draft EIR and recirculating it for public review. The comment states that CARE CA reserves the right to provide supplemental comments.

Response O2.11: In reviewing the comments provided within CARE CA's letter and making the appropriate revisions, when necessary, no significant new information was required, and further, the impacts disclosed in the Draft EIR accurately reflect the proposed Project. Therefore, pursuant to CEQA Guidelines and CA Code of Regulations 15088.5, Draft EIR recirculation would not be warranted.

Comment O2.12: This comment provides a statement of interest from CARE CA and states that the commenter has an interest in enforcing environmental laws that encourage sustainable development. The comment also states that environmental degradation can cause construction moratoriums and other restrictions on growth.

Response O2.12: The comment is not related to the EIR process and does not raise a specific issue with the adequacy of the Draft EIR evaluation or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment O2.13: This comment states that the two primary purposes of CEQA are to inform decisionmakers and the public about the potential significant environmental effects of a project and requires public agencies to avoid or reduce environmental damage when feasible. The comment also states that the ultimate inquiry as case law is whether the EIR includes enough detail to enable those who did not participate in its preparation to understand and consider meaningfully the issues raised by the proposed Project.

Response O2.13: The comment summarizes the intent of CEQA but does not raise a specific issue with the adequacy of the Draft EIR evaluation or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment O2.14: This comment states that the Draft EIR does not meet CEQA's requirements because it does not include an accurate or complete Project description, rendering the analysis inadequate. The comment provides discussion on case law related to project descriptions and CEQA requirements for project descriptions.

Response O2.14: The comment provides the commenter's opinion that the Draft EIR does not include an accurate or complete Project description but it does not identify how the Draft EIR assertedly does not include a complete/accurate project description. Therefore, no further response is required or can be provided.

Comment O2.15: This comment states that the Project is being developed for unknown tenants, but for reasonably foreseeable uses. The comment summarizes the proposed land uses and states that the Draft EIR vaguely references construction of three high cube warehouses and three light industrial buildings but does not disclose the intended warehousing or light industrial uses proposed, the intensity of use, or any other factors relevant to assessing operational impacts. The comment states that the Draft EIR does not discuss or analyze any other proposed uses that would reduce impacts on the environment and does not analyze all reasonably foreseeable uses.

Response O2.15: The City disagrees with the assertion that the Draft EIR does not include an accurate and complete Project description. Section 3.0, *Project Description*, of the Draft EIR provides a description of the Project sufficient to meet CEQA's informational requirements under CEQA Guidelines Section 15124. As the end users and future tenants of the proposed Project are unknown and have the potential to change over time, the analysis contained within the Draft EIR relies on proposed land uses and related trip rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition and the Transportation Uniform Mitigation Fee (TUMF) High-Cube Warehouse Trip Generation Study. The level of detail needed for the evaluation of the proposed Project by the public and decisionmakers and for the review of the Project's environmental impacts is adequate within the Draft EIR Project Description, and extensively detailed descriptions of all potential future uses or building operations are not required. As demonstrated by *Citizens for a Sustainable Treasure Island v City & County of San Francisco (2014) 227 CA4th 1036, 1053,* the Draft EIR's description of the proposed Project should identify the Project's main features and other information needed for an analysis of the Project's environmental impacts. As long as the requirements set forth in CEQA Guidelines Section 15124 are met, the Project Description may allow for the flexibility needed to respond to changing conditions that could impact the Project's final design.

Regarding the Draft EIR not discussing or analyzing proposed uses that would reduce impacts, as substantiated by CEQA case law, the Draft EIR is not required to analyze impacts from hypothetical buildout

conditions as this analysis would be speculative (*Rodeo Citizens Ass'n v County of Contra Costa* (2018) 22 CA5th 214, 226; *Anderson First Coalition v City of Anderson* (2005) 130 CA4th 1173; *Marin Mun. Water Dist. v KG Land Cal. Corp.* (1991) 235 CA3d 1652, 1662).

Comment O2.16: This comment states that the while the Draft EIR asserts that Project facilities would not include cold storage or other refrigerated uses, the Community Shopping Center would include at least one supermarket. The comment states that the supermarket will be dependent on refrigeration units and transport refrigeration units and the failure to analyze impacts associated with reasonably foreseeable intensive warehouse operations and refrigeration/cold storage uses undermines the Draft EIR. The comment states that since the Draft EIR does not account for transport refrigeration units, it underestimates impacts related to criteria pollutants, greenhouse gas emissions, and toxic air contaminants and the Draft EIR must be revised to assess these activities. The comment states that as the Draft EIR does not evaluate impacts associated with potential refrigerated uses with operation of the supermarket and undisclosed uses/activities in the warehouses and light industrial buildings, the analysis underestimates potentially significant environmental impacts.

Response O2.16: As discussed on Draft EIR pages 3-22 to 3-23, none of the business park buildings are proposed to accommodate any warehouse cold storage or refrigerated uses. Further, as described in Response O2.15, the Draft EIR properly characterizes and analyzes the potential uses within both the Phase 1 business park and Phase 2 MBU area. The proposed Project would be conditioned to prohibit cold storage uses within the Phase 1 MBU area without additional technical and CEQA analysis. Therefore, should future developments within the MBU land use of the Specific Plan area propose cold storage, refrigerated uses, or other operations involving transport refrigeration units (TRUs), additional CEQA would be required to evaluate (and thus model) the potential impacts related to the cold storage and TRUs.

The commenter is correct in stating that the commercial component of the Project would contain a supermarket and a big box retail store, both of which would require refrigerated storage and transport refrigeration units. Therefore, in response to this comment and in order to clarify the project description, the Draft EIR has been revised to include a discussion of the proposed refrigerated storage and transport refrigeration units, as included in Section 3.0, *Revisions to the Draft EIR*, of the Final EIR. Lastly, CARB has approved regulation that require zero-emission technologies be adopted by all truck TRU fleets by 2029.[2] In order to account for the potential emissions associated with TRUs accessing the commercial portion of the Project, the Health Risk Analysis has been updated in Appendix A to this Final EIR and Section 3.0, *Revisions to the Draft EIR*, to conservatively include TRUs. As shown, the results of the updated analysis indicate that the resulting health risk at the maximally exposed individual receptor, maximally exposed individual worker, and maximally exposed individual school child locations would not increase compared to those identified in the Draft EIR as a result of the inclusion of these TRUs. The combined construction and operational impacts of the proposed Project at the closest effected receptor is estimated to be 6.48 in one million without the proposed Overlay on Val Verde Elementary School and 7.55 in one million with the Overlay, which is less than the South Coast AQMD significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable South Coast AQMD significance threshold of 1.0. As such, the proposed Project would result in emissions that are below existing SCAQMD significance thresholds.

Comment O2.17: This comment provides a discussion of the requirements for an EIR to disclose all potentially significant impacts and implement all feasible measures to reduce those impacts. The comment states that all significance determinations must be supported by substantial evidence and states that failure to provide

[2] California Air Resources Board (CARB). (2024). *Transport Refrigeration Unit (TRU or Reefer) Regulation*. Accessed September 4, 2025 at https://ww2.arb.ca.gov/transport-refrigeration-unit-tru-or-reefer-regulation-truckstop

information required by CEQA is a procedural error, which is held to a less deferential standard than challenges to an agency's factual conclusions.

Response O2.17: The comment is general in nature and does not raise a specific issue with the adequacy of the Draft EIR evaluation or raise any other CEQA issue. The commenter provides no evidence within the comment that the City did not proceed in a manner required by CEQA or that the Draft EIR does not contain all necessary information required by CEQA. Further, all of the commenter's assertions are related to the analysis and factual conclusions set forth in the Draft EIR and not the City's procedural requirements under CEQA.

Comment O2.18: This comment states that the Draft EIR fails to adequately analyze cumulative air quality and health risk impacts associated with the Project's emissions combined with the emissions generated by nearby warehouses. The comment provides a discussion of the requirements for the analysis of cumulative impacts and human health impacts related to air quality. The comment states that the Draft EIR's air quality analysis fails to consider cumulative impacts in light of existing pollution levels and warehouse development as it does not incorporate a quantitative analysis of public health risks associated with the Project and warehouses within 5 kilometers of the Project site. The comment states that the Draft EIR relies on the South Coast AQMD's outdated cumulative threshold and ignores the South Coast AQMD's new regulatory guidance on cumulative impact analysis.

Response O2.18: As of September 2025, the South Coast AQMD has not adopted any new guidance on cumulative air quality or health risk impact analysis. As discussed in the South Coast AQMD's *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, the South Coast AQMD uses the same significance thresholds for project-specific and cumulative impacts for all environmental topics analyzed in a CEQA document. As such, project emissions that exceed the project-specific significance thresholds are also considered by the South Coast AQMD to be cumulatively considerable. This is the document and methodology that is currently published for use and reference on the South Coast AQMD's website (https://www.aqmd.gov/docs/default-source/agendas/environmental-justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf?sfvrsn=69761d61_2).

For project-specific and cumulative regional air quality impacts, the South Coast AQMD utilizes the significance thresholds set forth in Table 5.3-4 of the Draft EIR. As described on pages 5.3-68 through 5.3-69 of the Draft EIR, the geographic area for analysis of cumulative air quality impacts is the South Coast Air Basin. As described in Impact AQ-2 in the Draft EIR, after implementation of Mitigation Measures AQ-1 through AQ-7, NOx emissions would continue to exceed South Coast AQMD regional significance thresholds during construction. Also, after implementation of Mitigation Measures AQ-8 through AQ-19 operational emissions from Phase 1 would exceed thresholds of significance for VOC, NOx, CO and PM_{10}, and operational emissions from Phase 2 with and without the Overlay would exceed thresholds of significance for VOC and NOx under Scenario A, and also impacts to PM_{10} under Scenario B. Additionally, after implementation of mitigation measures, operational impacts from buildout of the Specific Plan with and without the Overlay under both scenarios would exceed thresholds of significance for emissions of VOC, NOx, CO, PM_{10} and $PM_{2.5}$. The large majority of operational-source emissions (by weight) would be generated by Project vehicles and consumer products that neither the Project applicant nor the City have the ability to reduce emissions of. Therefore, both construction and operational-source emissions from implementation of the proposed Project would be cumulatively considerable and cumulative air quality impacts would be significant and unavoidable.

For project-specific and cumulative health risk impacts, the South Coast AQMD utilizes a cancer risk significance threshold of 10 in 1 million. To ensure that both Phase 1 and Phase 2 impacts would be less than significant, Mitigation Measure AQ-20 requires either: a minimum 1,000-foot setback between building loading docks and the residential development east of Barrett Avenue and between Val Verde Elementary School to any future MBU development on the Phase 2 block east of Indian Avenue; restriction of diesel

powered trucks accessing any future MBU development on the Phase 2 block east of Indian Avenue; or preparation of a site-specific health risk analysis prior to approval of any future MBU development on the Phase 2 block east of Indian Avenue demonstrating that significant cancer risk impacts could be avoided without implementation of setbacks or diesel truck restrictions. As shown in Draft EIR Table 5.3-47, with implementation of Mitigation Measure AQ-20 and Mitigation Measure AQ-8 (limiting idling to 3 minutes), the cancer risk would be reduced to 5.74 in one million without the Overlay and 7.05 in one million with the Overlay, which would not exceed the South Coast AQMD project level and cumulative significance threshold of 10 in one million. Therefore, pursuant to current South Coast AQMD methodology, the proposed Project would not result in a cumulative health risk impact.

Nevertheless, an analysis of the potential for emissions from nearby warehouse uses to cumulative combine with proposed Project operations to result in health risk impacts was prepared. As shown in Figure 5.3-2, there are 10 cumulative projects located within 1,000 feet of the proposed Project site or Project truck routes. Of these 10 cumulative projects, eight are commercial in nature and would not generate a significant quantity of truck trips or diesel particulate matter emissions. The two remaining industrial projects include the following:

- Project 1: PP23170, 287,000 square foot warehouse, 110 daily truck trips
- Project 19: Orbis Industrial Truck Yard, 26-acre truck storage yard, 1,512 daily passenger car equivalent (PCE) trips

Compared to the approximately 2,626 daily truck trips anticipated to be generated by the proposed Project, the 110 daily truck trips generated by Project 1 would not be anticipated to significantly affect the cumulative health risk. Similarly, Project 19 would not result in a significant number of truck trips, and due to the storage lot nature of this project, would not result in significant idling emissions occurring on the site. As such, due to the relatively small size and small number of truck trips associated with these two projects, any cumulative impacts would be minimal and be less than cumulatively considerable.

In 2022, the South Coast AQMD initiated a public process to update their recommended methodology for analyzing cumulative impacts from toxic air contaminants in CEQA documents. However, the methodology has not been finalized or approved by the South Coast AQMD Governing Board. The last meeting of the working group developing the updated guidance was on November 6, 2024, and there has been no update on the effort since then.

It should also be noted that the South Coast AQMD reviewed the Draft EIR for the proposed Project and submitted a comment letter to the City (Letter A of this Final EIR). While South Coast AQMD staff did provide comments and questions, they did not state that the methodology used to evaluate cumulative air quality impacts in the Draft EIR was incorrect or that there was new regulatory guidance on cumulative impact analysis that should have been used for the Draft EIR. Therefore, the commenter's statement that the South Coast AQMD has new regulatory guidance on cumulative impact analysis is incorrect.

Comment O2.19: This comment states that currently there are 87 existing warehouses totaling 33,285,000 square feet within Perris, Mead Valley, Good Hope, and Nuevo with 5 more vacant warehouses, 21 approved warehouses, and 6 warehouse projects undergoing CEQA review. The comment states that the existing warehouses within 5 kilometers of the Project site result in 22,000 daily truck trips, the approved projects will generate an additional 5,000 truck trips, and the 6 projects undergoing CEQA review will generate 7,000 additional truck trips. The comment states that the expert concludes that 5,298 lbs. of NOx, 47 lbs. of diesel particulate matter emissions, and 34,000 daily truck trips associated with the warehouses represent a significant cumulative air impact on the communities of Mead Valley, Good Hope, Nuevo, and Perris. The comment states that the Project adds a substantial amount of truck trips, as well as an increase in diesel particulate matter and NOx emissions, and these cumulative air quality and health risks are not adequately disclosed, analyzed or mitigated in the Draft EIR.

Response O2.19: Please refer above to Response O2.18 regarding the South Coast AQMD's recommended methodology to evaluate cumulative air quality impacts.

Because the proposed Project would exceed the applicable regional significance thresholds for construction (NOx) and operation (VOC, NOx, CO, PM_{10}, and $PM_{2.5}$) even with mitigation, the Project's cumulative impacts would be considered significant and unavoidable, as described in Section 5.3, Air Quality of the Draft EIR. As discussed in the Health Risk Assessment prepared for the proposed Project, as described in amicus briefs filed by the South Coast AQMD and the San Joaquin Valley Air Pollution Control District in *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502 (Friant Ranch), it is not feasible at this time to tie a project's cumulative to likely health impacts in an accurate or reliable manner at this time. Specifically, the amicus briefs noted technical challenges in modeling pollutants such as ozone and particulate matter, which are formed from chemical reactions in the atmosphere that often occur far from the source and are influenced by meteorological conditions and reaction to sunlight. Further, once these chemicals are formed in the atmosphere, they can be transported long distances by winds. As such, it is not technically feasible at this time to accurately and reliably model the potential health effects of criteria pollutants emitted by the proposed Project.

As detailed in the Project Health Risk Assessment, the South Coast AQMD does not have an approved methodology for evaluating cumulative toxic air contaminant health impacts. The Project Health Risk Assessment evaluated cumulative projects located within 1,000 feet of the proposed Project site and proposed Project truck routes. As stated in the Project Health Risk Assessment, the 1,000-foot evaluation distance is supported by research-based findings concerning toxic air contaminant emission dispersion rates from roadways and large sources showing that emissions diminish substantially between 500 and 1,000 feet from emission sources. To support the 1,000-foot evaluation distance, the Project Health Risk Assessment references traffic-related studies, CARB and South Coast AQMD emissions and modeling analysis, the Waters Bill, and the 2021 report *Evaluating Siting Distances for New Sensitive Receptors Near Warehouses*, prepared by the Ramboll Group.

It should be noted that the analysis evaluated nearby facilities located within 1,000 feet of the Project site or Project truck routes and found that there were no facilities located within this distance of the facility with the potential to generate significant diesel particulate matter emissions.

Comment O2.20: This comment states that courts have held that an environmental review document must disclose a project's health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health. The comment states that the Draft EIR does not disclose cumulative health risks to a degree of specificity necessary to inform the public because it omits critical information. The comment states that the Draft EIR does not account for health effects from exposure of local sensitive receptors to the 5,298 lbs. of NOx, 47 lbs. of diesel particulate matter, and other emissions from 34,000 daily truck trips associated with the existing warehouses and does not meaningfully examine the Project's cumulative contribution to those impacts from its proposed warehouses. The comment states that its assertion that it will not result in cumulative air quality or public health impacts simply because it falls under South Coast AQMD's thresholds violates CEQA and ignores the South Coast AQMD's new guidance. The comment states that the Draft EIR relies on a drop in the bucket approach, which has been rejected by the courts and cites the *Kings County Farm Bureau v. City of Hanford* case.

Response O2.20: As discussed in Response O2.18, the South Coast AQMD initiated a public process in 2022 to update their recommended methodology for analyzing cumulative impacts from toxic air contaminants in CEQA documents. However, the methodology has not been finalized or approved by the South Coast AQMD Governing Board. The last meeting of the working group developing the updated guidance was on November 6, 2024, and there has been no update on the effort since then. And the South Coast AQMD did not state that the methodology used to evaluate cumulative air quality impacts in the Draft EIR was incorrect or that there was new regulatory guidance on cumulative impact analysis that should have been used for

the Draft EIR. Therefore, the commenter's assertion that the South Coast AQMD has new guidance on cumulative impact analysis is incorrect.

Comment O2.21: The comment states that the Draft EIR fails to evaluate the Project in light of the South Coast AQMD's recommended revisions to its cumulative impact thresholds from their November 6, 2024 working group. The comment states that the draft South Coast AQMD protocols lower the cancer risk threshold from 10 in one million if certain factors reflecting high pollution burden are met.

Response O2.21: As discussed in Response O2.18, the South Coast AQMD initiated a public process in 2022 to update their recommended methodology for analyzing cumulative impacts from toxic air contaminants in CEQA documents. However, the methodology has not been finalized or approved by the South Coast AQMD Governing Board. The last meeting of the working group developing the updated guidance was on November 6, 2024, and there has been no update on the effort since then. And the South Coast AQMD did not state that the methodology used to evaluate cumulative air quality impacts in the Draft EIR was incorrect or that there was new regulatory guidance on cumulative impact analysis that should have been used for the Draft EIR. Therefore, the commenter's assertion that the South Coast AQMD has new guidance on cumulative impact analysis is incorrect.

Comment O2.22: The comment states that the South Coast AQMD's recommended revisions to its cumulative impact thresholds lower the cancer risk threshold for cumulative analysis and that utilizing this guidance would result in a cumulative threshold of 3 in one million rather than 10 in one million. The comment outlines the steps to set the cumulative threshold pursuant to the South Coast AQMD Working Group suggestions. The comment states that the Draft EIR's cancer risk assessment is inadequate because it only analyzes cancer risks associated with the project-level 10 in one million threshold and does not look at cumulative impact factors and, therefore, does not present a proper analysis under CEQA.

Response O2.22: The EIR analysis considered cumulative air quality and health risk impacts consistent with current South Coast AQMD guidance. The commenter is referred to Response O2.19. The comment does not provide substantial evidence of any new environmental impact.

Comment O2.23: This comment states that Dr. Clark concludes that, when compared to the adjusted cumulative risk threshold of 3 in one million, the Project exceeds the operational risk threshold for residential and school receptors, resulting in a significant and unmitigated impact. The comment summarizes the health risk analysis results that are included in the Draft EIR and states that Mitigation Measure AQ-20 would not reduce these emissions to below the adjusted 3 in one million cumulative health risk threshold. The comment states that the Draft EIR must reevaluate the Project's operational emissions and must present accurate findings within a revised Draft EIR.

Response O2.23: The EIR analysis considered cumulative air quality and health risk impacts consistent with current South Coast AQMD guidance. Pursuant to adopted South Coast AQMD guidance, the project-level and cumulative significance threshold is 10 in one million. The commenter is referred to Response O2.19. The comment does not provide substantial evidence of any environmental impact.

Comment O2.24: This comment states that the Draft EIR fails to disclose the potential presence of Cocci fungus spores at the Project site and fails to discuss Valley Fever, which is known to occur in the vicinity of the Project site. The comment further states that sensitive receptors on or near Project site are at risk from exposure from disturbed dust during Project construction, including construction and agricultural workers which are the most at-risk populations, according to air quality and health risk expert, Dr. Clark. The comment concludes that small fungus spore particles are not controlled by conventional dust-control measures under the South Coast AQMD thus there is a significant risk to exposure and the Draft EIR must be revised to include an analysis of the Project's Valley Fever impacts and include relevant mitigation measures to reduce Valley Fever impacts.

Response O2.24: The comment does not provide substantial evidence of any environmental impact as it relies on inaccurate evidence. The air quality analysis contained in Section 5.3, *Air Quality*, of the Draft EIR and Appendix B to the Draft EIR were prepared following the guidelines set forth by the South Coast AQMD for CEQA analyses. Neither the South Coast AQMD CEQA Air Quality Guidelines nor the State CEQA Guidelines include requirements or thresholds of significance for addressing Valley Fever. The proposed Project would be required to comply with South Coast AQMD Rule 403, which would reduce dust and travel of any potential spores from the Project site to surrounding sensitive receptors or onsite construction workers. Dust from construction of the Project is not anticipated to exacerbate or significantly add to the current exposure of people to Valley Fever.

The comment cites data from the California Department of Public Health from 2022. California Department of Public Health data shows that the rate of Valley Fever in Riverside County was 465 residents overall for the entire county in 2024 which equates to a rate of approximately 19.0 for every 100,000 residents.[3] For context, this is an extremely low rate of occurrence in general as well as compared to counties where Valley Fever is more prevalent: the highest is Kern County (3,873 cases) and the second highest is Los Angeles County (1,749 cases). Therefore, in accordance with the CEQA Guidelines, it is appropriate for the City not to focus the Draft EIR's analysis on this issue. Further, as stipulated by a footnote to the comment, Riverside County Valley Fever incidents have not yet reached 20 per 100,000 persons per year. Therefore, the proposed Project would not be required under state law to provide any Valley Fever awareness training. CEQA also does not require mitigation, such as testing onsite for Valley Fever spores, where there would be no significant impact. Section 5.3, *Air Quality*, of the Draft EIR appropriately analyzed air quality per the CEQA Guidelines which does not include requirements or thresholds of significance for addressing Valley Fever. Therefore, no further revisions would be required and no further response is warranted.

Comment O2.25: This comment discusses the Draft EIR's analysis of truck trip lengths and summarizes Scenario A's assumptions which utilizes truck trip lengths based on the South Coast AQMD's WAIRE Program. The comment states that the 40-mile truck trip length is not recommended by the South Coast AQMD but was utilized in calculations for potential mitigation in the WAIRE program. The comment states that the 40-mile truck trip length is a default and not accurate for a site-specific analysis as the Project site is approximately 80 miles from the Ports of Los Angeles and Long Beach. The comment states that using Project-specific data would increase the trip length by 100 percent resulting in a doubling of truck trip emissions. The comment states that the Draft EIR's conclusions rely on underreported truck emission estimates and the air quality analysis must be revised to evaluate and mitigate emissions associated with truck trip lengths to and from the Project site.

Response O2.25: As acknowledged by the commenter, the truck trip distance of 39.9 miles per truck trip is taken from South Coast AQMD Rule 2305, which is the South Coast AQMD's indirect source review program used to help control and minimize air quality impacts from mobile source emissions associated with trucks from warehouses. In addition, the 39.9-mile trip length was based on the South Coast AQMD's own research that concluded that the average heavy duty truck trip length in the entire South Coast Air Basin was 39.9 miles. As discussed in Section 3.0, *Project Description*, of the Draft EIR, with the exception of Building 1, there are no known tenants for the proposed warehouses. Therefore, the specific type of businesses that would occupy the proposed warehouses and their associated fleet operations are unknown.

The types of warehousing within the proposed Project could vary from high-cube warehouses to light manufacturing. In addition, goods can have various points of entry into Southern California and could arrive via port through the Port of Los Angeles or Long Beach or by air via Ontario or March Inland Port Airport.

[3] California Department of Public Health (DPH) 2024. Valley Fever in California Year-end Data Dashboard, accessed September 4, 2025 at https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ValleyFeverDashboard.aspx

Thus, the use of the South Coast AQMD's 39.9 mile per one-way truck trip is a means to conservatively reflect the uncertainty of how goods would be transported to and from the Project site. In addition, the Draft EIR provided a conservative analysis above utilizing solely the South Coast AQMD's recommended truck trip lengths by also utilizing Scenario B, which assumes truck trip lengths obtained from StreetLight, which is based on truck trip length survey data for the Project vicinity. The StreetLight data indicated that LHDT and MHDT trucks travel approximately 31 miles and HHDT trucks travel approximately 71 miles. As the StreetLight truck trip length is derived from truck trip length surveys from warehouses proximate to the proposed Project site, is supported by substantial evidence and would more accurately align with anticipated truck trip lengths than the length of 80 miles as recommended by the commenter. Therefore, the Draft EIR's analysis within Section 5.3, *Air Quality*, provides an accurate and conservative analysis of potential truck emissions resulting from the proposed Project.

As disclosed by the Draft EIR, emissions from operation of Phase 1 would exceed the South Coast AQMD's thresholds of significance for VOC, NOx, CO, and PM_{10} after implementation of regulatory requirements and mitigation measures. Emissions from operation of Phase 2 would exceed the South Coast AQMD's thresholds of significance for VOC and NOx after implementation of regulatory requirements and mitigation measures. Emissions from Specific Plan buildout would exceed the South Coast AQMD's thresholds of significance for VOC, NOx, CO, PM_{10}, and $PM_{2.5}$ after implementation of regulatory requirements and mitigation measures. A majority of operational-source emissions (by weight) would be generated by motor vehicles that neither the Project applicant nor the City have the have regulatory authority to control. Therefore, operational-source VOC, NOx, CO, PM_{10}, and $PM_{2.5}$ emissions would be significant and unavoidable on a Project-level and a cumulative basis. Therefore, the Draft EIR adequately discloses potential impacts related to truck trip lengths and no revisions to the Draft EIR are warranted.

Comment O2.26: This comment provides a summary of the requirements for mitigation measures under CEQA and states that the Draft EIR includes mitigation measures directed at reducing the Project's construction and operational emissions and concludes that air quality and public health impacts would remain significant and unavoidable, which is unsupported. The comment states that the Draft EIR's air quality mitigation measures are open ended, unenforceable, or less stringent than necessary, and the Draft EIR fails to require all feasible mitigation to reduce impacts to the greatest extent feasible. The comment summarizes the findings of the Draft EIR and Mitigation Measures AQ-1 through AQ-7 for construction emissions. The comment states that Mitigation Measures AQ-5, AQ-8, AQ-9, AQ-12, and AQ-14 do not include the most stringent feasible mitigation, and several include unenforceable terms. The comment states that the City should modify several of the mitigation measures to further reduce NOx such as:

- Mitigation Measure AQ-2 should be changed to restrict the use of all off-road equipment greater than 25 horsepower (hp) to Tier 4 final technology, rather than restricting equipment greater than 50 hp to Tier 4 final technology.
- Mitigation Measure AQ-5 and AQ-12 should be modified to restrict all on-road heavy duty trucks and all trucks entering the Project site greater than 14,000 lbs. to be model year 2018 or newer.
- Mitigation Measure AQ-8 should be altered to restrict idling times from 5 minutes to 3 minutes.

Response O2.26: The City disagrees with the commenter's assertion that the air quality mitigation measures are open-ended and unenforceable. CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project's significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible.

Regarding modifying Mitigation Measure AQ-2 to restrict the use of all off-road equipment greater than 25 horsepower (hp) to Tier 4 final technology, under this measure a majority of the construction equipment would be required to meet Tier 4 Final standards. Because equipment over 50 hp represents the largest pieces of equipment used during Project construction, requiring this equipment to be Tier 4 Final would result in the greatest reduction in emissions relative to equipment with smaller engines. Requiring equipment in the 25 to 49 hp range to meet Tier 4 Final emission standards would not result in significant emission reductions.

Regarding restricting all on-road heavy duty trucks and all trucks entering the Project site greater than 14,000 lbs. to be model year 2018 or newer, as the majority of buildings are speculative, it is unknown whether the building operators would own their own fleets. As it is unknown whether the warehouse or light industrial operators own their own fleets, the type of trucks that would access the site would be dependent on third-party operators. Further, given the Project buildout year of 2030, a majority of trucks accessing the Specific Plan would be model year 2018 or newer as a result of natural fleet turnover. Therefore, revising this measure would not be expected to result in significant emission reductions.

In response to this comment, Mitigation Measure AQ-8 has been revised as follows and as further detailed in Final EIR Section 3.0, *Revisions to the Draft EIR:*

> **Mitigation Measure AQ-8: Idling Regulations.** The Project plans and specifications shall include signs at loading dock facilities that include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers to restrict idling to no more than 3~~5~~ minutes once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged pursuant to Title 13 of the California Code of Regulations, Section 2485; and 3) telephone numbers of the building facilities manager, South Coast AQMD and CARB to report violations. Signs shall be installed prior to receipt of an occupancy permit.

Comment O2.27: This comment states that the Draft EIR does not demonstrate that mitigation measures would be enforceable through permit conditions, agreements, or other legally binding instruments and include vague terms which would allow the Project Applicant to circumvent mitigation such as only requiring low emission trucks and equipment where "equipment is widely available and economically feasible". The comment states that the Draft EIR's use of "where feasible" is in violation of CEQA. The comment states that although mitigation measures would contribute to reducing emissions associated with the Project, there is no concrete plan to ensure that these measures would be followed or implemented.

Response O2.27: While the commenter alleges that multiple measures utilize the term "where feasible", only Mitigation Measure AQ-5 utilizes such terminology. In response to this comment, Mitigation Measure AQ-5 has been revised as follows and as further detailed in Final EIR Section 3.0, *Revisions to the Draft EIR:*

> **Mitigation Measure AQ-5:** Project construction plans and specifications shall require on-road heavy-duty haul trucks to be model year 2014 or newer if diesel-fueled~~, if such equipment is widely available and economically feasible,~~ pursuant to CARB's particulate matter filter requirements

The commenter does not provide any specific comments on how other measures are unenforceable or will not be implemented. All of the mitigation measures are included in the Project's Mitigation Monitoring and Reporting Program, which is a legally binding instrument of the Final EIR, to ensure implementation along with the Specific Plan. Further, adherence to the mitigation measures would be included as a condition of approval for the Project. No further response is warranted.

Comment O2.28: This comment states that the Draft EIR concludes that construction and operational emissions from the Project would continue to exceed the South Coast AQMD's significance thresholds. The comment states that the Draft EIR concludes that emissions cannot be definitively reduced below significance thresholds and Project air quality impacts are significant and unavoidable, which is unsupported as the City does not require all feasible mitigation to reduce the Project's air quality impacts to the greatest extent feasible. The

comment states that the lead agency may not make required CEQA findings unless the administrative record has adopted all feasible mitigation to reduce significant impacts to the maximum extent feasible. The comment states that the Draft EIR must be revised to make all air quality mitigation measures binding and adopt additional feasible mitigation recommended by the commenter and their experts.

Response O2.28: As discussed in Response O2.26, CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project's significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible. Response O2.26 nevertheless discusses the feasibility or infeasibility of the commenter's proposed mitigation revisions. Furthermore, as discussed in Response O2.27, all of the mitigation measures are included in the Project's Mitigation Monitoring and Reporting Program, which is a legally binding instrument of the Final EIR, to ensure implementation along with the Specific Plan. Further, adherence to the mitigation measures will be included as a condition of approval on the Project. Therefore, the City can legally make the necessary CEQA finding that all feasible mitigation measures have been adopted for the Project to minimize the Project's significant impacts.

Comment O2.29: This comment states that the Draft EIR's transportation analysis is inadequate and fails to comply with CEQA as it concludes that VMT impacts cannot be mitigated and would result in greater VMT than reported in the adopted Harvest Landing Specific Plan. The comment states that those greater impacts are not disclosed and the Draft EIR fails to adopt all feasible mitigation to reduce VMT impacts to the greatest extent feasible. The comment states that the Draft EIR purports that the Project's vehicle trips would produce less air pollution than the adopted specific plan, which is unsupported. The comment states that the Draft EIR's Traffic Impact Analysis Report found multiple problems that the City claims have no feasible improvements to result in satisfactory level of service (LOS). The comment states that the Draft EIR underestimates truck trip lengths in the air quality analysis.

Response O2.29: Regarding VMT impacts, as disclosed in Section 5.16, *Transportation*, the existing City of Perris baseline vehicle miles traveled (VMT)/Service Population is 32.2 VMT/Service Population. A project would result in a significant project-generated VMT impact if the project VMT exceeds 32.2 VMT/Service Population (hereafter referred to as VMT/SP). As shown in Draft EIR Table 5.16-6, the VMT/SP for the Commercial portion of Phase 1 would be 111.53 percent above the threshold under Project Baseline (2024) conditions and 108.55 percent above the threshold under General Plan buildout (2045) conditions. As shown in Draft EIR Table 5.16-8, the VMT/SP for buildout of the Specific Plan would be 14.12 percent above the threshold under Project Baseline (2024) conditions and 18.27 percent above the threshold under General Plan buildout (2045) conditions. Draft EIR Table 5.16-9 shows that with implementation of the design features and mitigation measures, the commercial component of Phase 1 would still have a VMT/SP that is 98.59 percent above the threshold in Baseline (2024) conditions and 95.91 percent above the threshold during General Plan buildout (2045) conditions. Draft EIR Table 5.16-10 shows that with implementation of the design features and recommended mitigation measures, buildout of the Specific Plan would still result in a VMT/SP that is 1.18 percent above the threshold in Baseline (2024) conditions and 5.33 percent above the threshold during General Plan buildout (2045) conditions. Therefore, despite implementation of mitigation measures, impacts related to VMT from the commercial component of Phase 1 and buildout of the Specific Plan would be significant and unavoidable.

Regarding the Draft EIR not analyzing VMT impacts compared to the existing Harvest Landing Specific Plan, this comment is incorrect. A No Project/Buildout of Existing Harvest Landing Specific Plan alternative was included as Alternative 2 in the Draft EIR. Section 8.0, *Alternatives* of the Draft EIR provides a comparison of

the impacts associated with the proposed Project and the No Project/Buildout of Existing Harvest Landing Specific Plan alternative.

Regarding the Draft EIR not adopting all feasible mitigation measures to reduce VMT, the City of Perris and Project Applicant explored all possible CAPCOA VMT Reduction Measures, as shown in Table 9 of Appendix S, *VMT Analysis*, to the Draft EIR. As shown in Table 9 of the VMT Analysis, not all CAPCOA mitigation measures are applicable to the proposed Project due to limitations on transit infrastructure, proposed land use, and economic infeasibility, among others.

Regarding the Project's vehicle trips producing less air pollution than the adopted Harvest Landing Specific Plan, as shown in Table 8-2 of the Draft EIR, buildout of existing Harvest Landing Specific Plan would result in approximately 23,544 daily trips, which is a reduction compared to the 40,321 daily trips resulting from buildout of the proposed Specific Plan Amendment. As such, the Draft EIR acknowledges that the proposed Project would result in greater vehicle trips and discloses in Table 8-1 that the Project would result in increased NOx emissions (emissions resulting from vehicle travel) compared to those resulting from buildout of the existing Specific Plan. Overall, the Draft EIR never alleges that the proposed Project's vehicle trips would produce less air pollution than the adopted Specific Plan.

Regarding the analysis within the Traffic Impact Analysis Report, as part of the 2019 amendments to the CEQA Guidelines, SB 743 directed that the revised CEQA Guidelines "shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses" (Public Resources Code Section 21099[b][1]); and that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment" (Public Resources Code Section 21099[b][2]). As such, pursuant to Public Resources Code Section 21099(b)(2), the Draft EIR is not allowed to analyze impacts, including cumulative impacts, related to traffic congestion. Therefore, no response to the comment related to LOS is warranted.

Regarding truck trip lengths, the commenter is referred to Response O2.25.

Comment O2.30: This comment states that the Draft EIR claims that the VMT mitigation would reduce VMT by 12.94, with almost half of the reduction coming from Measure T-2, Increase Job Density. The comment summarizes Measure T-2 and states that the retained expert concludes that the analysis of VMT mitigation is unsupported and contains errors. The comment states that it is inappropriate to rely on this reduction because it is double counting as RIVCOM already accounts for the decrease in VMT with increased density.

Response O2.30: While the RIVCOM model is a regional travel demand model that captures general land use patterns and trip distributions, it operates at the Traffic Analysis Zone (TAZ) level, and the TAZs in the RIVCOM model—particularly in western Riverside County—are relatively large. As a result, employment density within individual projects or subareas of a TAZ are not directly represented in the base model output.

Therefore, applying CAPCOA Measure T-2 to account for increased on-site employment density — when such density materially exceeds the TAZ average — does not constitute double-counting, but rather serves to reflect project-specific conditions more accurately. Furthermore, even with mitigation, the proposed Project's impact on VMT would remain significant and unavoidable. Therefore, even if Measure T-2 was removed, the conclusions of the analysis would not change and the proposed Project would continue to have a significant and unavoidable impact on VMT.

Comment O2.31: This comment states that any effect of increased density on VMT is weak because residential development is not included in the Project. The comment states that the CAPCOA text regarding Measure T-2 states that when paired with Measure T-1, Increase Residential Density, the cumulative densification from these measures can result in a highly walkable and bikeable area, yielding increased co-benefits in VMT reductions, improved public health, and social equity.

Response O2.31: Please see Response 02.30. As noted in that comment, the mitigation does not reduce the VMT impact to less than significant; therefore, even with removal of Measure T-2, the conclusions of the Draft EIR would not change.

Comment O2.32: The comment states that the second highest reduction taken is the maximum possible four percent for Measure T-5, Implement Commute Trip Reduction Program (Voluntary). The comment states that according to the CAPCOA Handbook, this should be adjusted down if not all employees can participate. The comment states that a large share of Project employees would work nighttime hours including workers at all of the commercial businesses and warehouse workers. The comment states that taking the maximum four percent reduction is unwarranted.

Response O2.32: The CAPCOA guidance for Measure T-5 identifies a potential maximum VMT reduction of four percent for implementation of voluntary commute trip reduction strategies. As noted in the CAPCOA handbook, this reduction is based on programs that target eligible employees, which are defined as those who are eligible to participate in such programs, rather than those who will participate in practice. Additionally, some elements of the commute trip reduction program, such as ridesharing, vanpool and bicycling, do not rely on transit; and therefore, can be implemented even by those who work nighttime hours.

Comment O2.33: This comment states that the expert finds that most of the remainder of the VMT reduction comes from Measure T-18, Provide Pedestrian Network Improvement, and summarizes the measure. The comment states that taking credit for adding sidewalks is unwarranted as the Project would result in large blocks and there would be few opportunities for entering a Project building directly from the sidewalk. The comment states that the Draft EIR's overcounting of VMT reductions is misleading and the Draft EIR must be revised to properly analyze the mitigation measures related to VMT.

Response O2.33: The calculation of VMT reduction from Measure T-18 is based on the standard methodology provided in the CAPCOA handbook. It is acknowledged that the calculation does not account for adjacent land uses, urban form, or other factors that could affect mode choice. However, the calculation used is the industry standard for calculating VMT reduction resulting from elimination of gaps in the pedestrian network. Note that the 2.32 percent reduction is relatively minor when compared to the significant and unavoidable VMT impact of the Project. Even with implementation of this measure, Project VMT impacts would remain significant and unavoidable. Therefore, any change to the calculation to lessen the VMT reduction would not change the conclusions of the Draft EIR.

Comment O2.34: This comment summarizes the analysis of VMT impacts from the commercial component of the Project and states that the proposed mitigation is insufficient to fully mitigate the Project's VMT impacts. The comment states that before an impact can be declared significant and unavoidable, the lead agency must consider feasible mitigation measures, such as those recommended by commenters, when those measures would substantially lessen significant environmental impacts. The comment states that the Draft EIR must be revised and present other mitigation measures that would lessen VMT impacts.

Response O2.34: The comment does not provide any suggested feasible mitigation measures that should be adopted for the proposed Project. CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project's significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible.

Comment O2.35: This comment states that the Draft EIR identifies Mitigation Measure TR-1 as the main mitigation measure addressing transportation concerns, but this measure is inadequate and would not be

possible to implement. The comment states that Mitigation Measure TR-1 is not legally binding and provides a limited enforcement mechanism. The comment states that the programs it purports to implement are optional or voluntary. The comment states that the Draft EIR fails to adequately address significant transportation and VMT impacts associated with the Project and the Draft EIR must be revised to make Mitigation Measure TR-1 binding and show that VMT impacts have been reduced to the greatest extent possible.

Response O2.35: The VMT analysis provides specific strategies for implementation of Mitigation Measure TR-1, including participation in the Inland Empire (IE) Commuter program. This program is funded by the Riverside County Transportation Commission and the San Bernardino County Transportation Authority, and provides rideshare matching, vanpool subsidies, commuter incentives, guaranteed ride home, and other programs that would fulfil the requirements of Mitigation Measure TR-1. IE Commuter also includes a reporting program, which meets the requirements of the South Coast AQMD and would ensure that Mitigation Measure TR-1 is being implemented.

Comment O2.36: This comment states that more can be done to reduce commuter VMT and the Draft EIR must be revised to incorporate additional feasible mitigation measures. The comment states the Executive Summary only applies CAPCOA Measure T-5 to tenants with less than 250 employees as South Coast AQMD Rule 2022 are also intended to reduce commute VMT. The comment states that the Project could require all employers to implement a mandatory commute trip reduction program and it is not clear how the requirements of South Coast AQMD Rule 2202 compare to CAPCOA Measures T-5 or T-6. The comment states the Draft EIR should be revised and recirculated to include a mandatory commute trip reduction program.

Response O2.36: The comment notes that implementation of CAPCOA Measure T-6 (Mandatory Commute Trip Reduction Program) would result in a reduction of 26 percent. This is incorrect. As noted in the CAPCOA Guidance, the 26 percent reduction was based on based on the Genentech South San Francisco Campus TDM and Parking Report, November 2014 Survey, prepared by Nelson Nygaard. The Nelson Nygaard study tracks the yearly effectiveness of the Genentech TDM program and includes data from 2006 to 2014. This data indicates a 26% reduction in drive alone commute trips resulting from implementation of the TDM program. Table T-3.1 in the CAPCOA Guidance shows the average transit and vehicle mode share by core statistical area. This is the percentage of commuters who travel to and from work using transit or personal vehicle for different areas throughout the state of California. The baseline vehicle mode share for the San Francisco-Oakland-Hayward area, which includes the Genentech campus, is 86.96%, while the baseline vehicle mode share for the Riverside-San Bernardino-Ontario area, which includes the Project site, is 96.88%. It is unlikely that any commute trip reduction program could achieve a 26 percent reduction in VMT in the City of Perris. It should also be noted that requiring a mandatory commute trip reduction program for a project of this size with multiple different tenants encompassing different land uses and employment types, would be difficult to implement. The mitigation that is prescribed requires employers to participate in commute trip reduction activities, while maintaining flexibility to ensure that the measure can be feasible implemented.

Comment O2.37: This comment states that the Draft EIR's analysis of the Project's noise impacts is flawed as it does not analyze the Project as described in the Draft EIR and the impacts are based on incorrect assumptions and are not supported by substantial evidence. The comment states that the Draft EIR discusses that the primary source of noise during operations would be vehicular and truck trips with secondary sources such as speakerphones, gas station activity, loading dock activity, truck movements, roof-top air conditioning, trash enclosure activity, and parking lot vehicle movements. The comment states that ground borne vibration would be generated during construction. The comment states that the Draft EIR does not fully account for other challenges concerning noise derived from the Project.

Response O2.37: This comment is general in nature and provides no evidence that the Draft EIR's noise analysis is based on incorrect assumption or that it is not supported by substantial evidence. For a more

detailed discussion of the noise analysis, refer to Responses O2.38 through O2.41. No further response is warranted.

Comment O2.38: This comment states that the Draft EIR does not consider nighttime construction noise increases over ambient levels. The comment states that CEQA requires applicants to assess if there will be a substantial increase in noise over ambient levels and the Draft EIR only analyzes daytime ambient noise increases. The comment states that the expert analyzed noise impacts for nighttime and concluded nighttime construction noise is as high as 11 dBA over ambient levels.

Response O2.38: In response to this comment, the Draft EIR has been revised in Section 3.0 of this Final EIR to include Table 5.12-8b, which details that the potential nighttime construction noise level increases at nighttime sensitive receptors are anticipated to range from 0.3 to 5.2 dBA Leq. These increases are considered "readily perceptible" but do not approach the Caltrans substantial 12 dBA Leq threshold. In addition, the analysis assumes concrete pour activity at the limits of the construction areas. In practice, it is expected that concrete pour activities would generally be limited to the building structure itself, further reducing the nighttime construction noise levels. Therefore, the nighttime construction noise levels presented in Table 5.12-8b likely overstate the potential noise level increases at sensitive receptors.

The comment suggests that the nighttime construction noise level increases as high as 11 dBA. However, the comment letter incorrectly calculates the nighttime noise level increase. As shown on Table 5.12-8b, the nighttime ambient noise level at receptor R1 is 63.9 dBA Leq. The estimate nighttime construction noise level is calculated to be 53.1 dBA Leq, representing an increase of 0.3 dBA Leq, not the 10.8 dBA Leq as suggested in the comment.

The unmitigated nighttime construction noise analysis shows that the nearest receiver locations would not exceed Caltrans substantial 12 dBA Leq noise increase significance threshold. Therefore, nighttime construction noise increases due to Project construction noise would be less than significant.

Comment O2.39: The comment states that the 12 dBA increase threshold is extreme as 3 or 5 dBA noise increases are typically used for thresholds, such as those used for the operational phase of the Project.

Response O2.39: As described in Appendix Q to the Draft EIR, a *substantial* noise increase occurs when a project's predicted noise level exceeds the existing ambient noise level by 12 dBA or more. The use of 12 dB was established by Caltrans (and approved by the Federal Highway Administration) many years ago and is based on the concept that a 10 dB increase generally is perceived as a doubling of loudness.[4] This threshold takes into account the fact that construction is temporary in nature. Operational phase increase thresholds, which the commenter refers to, would not be accurate for analyzing impacts related to ambient noise level increases during construction.

Comment O2.40: This comment states that the Project has the potential to result in significant impacts related to nighttime noise during concrete pours and mitigation should be presented as an option in an updated Draft EIR.

Response O2.40: As discussed in Responses O2.38 and O2.39, daytime and nighttime construction noise increases due to Project construction noise are considered to be less than significant. Therefore, there would be no nexus for requiring mitigation for construction noise.

Comment O2.41: The comment states that the Draft EIR does not present realistic and worst-case scenarios to properly analyze HVAC source levels and HVAC systems could run all day. The comment states that the

[4] Caltrans, 2020. Traffic Noise Analysis Protocol, accessed September 22, 2025 at https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/traffic-noise-protocol-april-2020-a11y.pdf

Draft EIR's noise analysis assumes roof-top air conditioning systems operating for an average 39 minutes per hour during daytime hours and 28 minutes per hour during nighttime hours. The comment states that the Draft EIR's noise analysis assumes a sound power level of 89 dBA, but HVAC units can have a sound power level as high as 95 dBA. The comment states that if worst-case conditions were used, source levels could be underestimated by as much as 9 dB and the Draft EIR must be updated to ensure it accounts for all worst-case scenarios regarding potential significant noise impacts.

Response O2.41: Draft EIR Tables 5.12-18 and 5.12-19 show the operational noise levels associated with the 72 HVAC units shown on Exhibit 9-A of Draft EIR Appendix Q (page 60). As future tenants are unknown, the noise study includes a conservative analysis of the proposed Project uses. The HVAC operating assumptions are based on reference noise level measurement data collected over a period of 96 hours. The 88.9 dBA reference noise levels represent actual data collected in the field for large 10-ton Lennox SCA120H4ME packaged rooftop HVAC units. It is important to recognize that HVAC systems cycle on and off for several hours daily, depending on factors like outdoor temperatures, thermostat settings, insulation, and system efficiency. HVAC systems are designed to cycle on and off for optimal performance and energy efficiency. In addition, it is unreasonable to assume that all 72 HVAC units are operating continuously for all hours of day and night. During any given time, a portion of these HVAC will be cycled off. Therefore, no revisions to the noise analysis are necessary.

Comment O2.42: This comment states that for the reasons provided in the letter, the Draft EIR is inadequate under CEQA and must be revised to provide legally adequate analysis of, and mitigation for, all potentially significant impacts. The comment states that these revisions will require the Draft EIR be recirculated for additional public review and that until this is done, the City may not legally approve the Project.

Response O2.42: As substantiated by the responses above and below, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. No new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented, there is no substantial increase in the severity of an environmental impact, no feasible project alternative or mitigation measure considerably different from others previously analyzed would lessen the environmental impacts of the proposed Project, and the Draft EIR is not fundamentally inadequate and conclusory in nature.

Comment O2.43: This comment states that at the request of Adams Broadwell Joseph & Cardazo, Clark and Associates has reviewed the Project materials. The comment summarizes the Project description.

Response O2.43: The comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment O2.44: This comment summarizes the Project's location in the South Coast Air Basin, which is under the jurisdiction of the South Coast AQMD. The comment discusses the current South Coast AQMD Air Quality Management Plan (AQMP). The comment states that the City concludes that the Project does not conflict with the overall Riverside County vision and it would not create an internal inconsistency among the elements of the General Plan. The comment states that the conclusion fails to assess how the Project will conflict with the South Coast AQMD AQMP.

Response O2.44: As discussed on pages 5.3-29 through 5.3-31 of the Draft EIR, the proposed Project would result in VOC, NOx, CO, PM_{10}, and $PM_{2.5}$ emissions that exceed the South Coast AQMD's significance thresholds and would result in significant and unavoidable air quality impacts despite the implementation of all feasible mitigation measures. Therefore, the proposed Project would result in conflict with, or obstruct, implementation of the applicable AQMP. As such, the Draft EIR properly assesses how the Project would conflict with the South Coast AQMD AQMP.

Comment O2.45: This comment includes a discussion of emissions that would result from construction and operation of the Project and the associated South Coast AQMD significance thresholds used for analyzing air quality impacts.

Response O2.45: The comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment O2.46: This comment states that the Draft EIR does not include a quantitative analysis of public health risks associated with the emissions from nearby warehouses. This comment states that currently there are 87 existing warehouses totaling 33,285,000 square feet within Perris, Mead Valley, Good Hope, and Nuevo with 5 more vacant warehouses, 21 approved warehouses, and 6 warehouse projects undergoing CEQA review. The comment states that the existing warehouses within 5 kilometers of the Project site result in 22,000 daily truck trips, the approved projects will generate an additional 5,000 truck trips, and the 6 projects undergoing CEQA review will generate 7,000 additional truck trips. The comment states that the expert concludes that 5,298 lbs. of NOx, 47 lbs. of diesel particulate matter, and 34,000 daily truck trips associated with the warehouses represent a significant cumulative air impact on the communities of Mead Valley, Good Hope, Nuevo, and Perris. The comment states that the Project adds a substantial amount of truck trips, as well as an increase in diesel particulate matter and NOx emissions and these cumulative air quality and health risks are not adequately disclosed, analyzed or mitigated in the Draft EIR.

Response O2.46: Refer to Response O2.19.

Comment O2.47: This comment states that underreporting the number of truck trips and the length of such trips results in underreporting mobile source emissions from the Project. The comment states that the 40-mile truck trip length is a default and not accurate for a site-specific analysis as the Project site is approximately 80 miles from the Ports of Los Angeles and Long Beach. The comment states that using Project-specific data would increase the trip length by 100 percent resulting in a doubling of truck trip emissions. The comment states that the Draft EIR's conclusions rely on underreported truck emission estimates and the air quality analysis must be revised to evaluate and mitigate emissions associated with truck trip lengths to and from the Project site.

Response O2.47: As acknowledged by the commenter, the trip distance of 39.9 miles per truck trip is taken from South Coast AQMD Rule 2305, which is the South Coast AQMD's indirect source review program used to help control and minimize air quality impacts from mobile source emissions associated with trucks from warehouses. In addition, the 39.9-mile trip length was based on the South Coast AQMD's own research that concluded that the average heavy duty truck trip length in the entire South Coast Air Basin was approximately 39.9 miles. As discussed in Section 3.0, *Project Description*, of the Draft EIR, with the exception of Building 1, there are no known tenants for the proposed warehouses. Therefore, the specific type of businesses that would occupy the proposed warehouses and their associated fleet operations are unknown.

The types of warehousing within the proposed Project could vary from high-cube warehouses to light manufacturing. In addition, goods can have various points of entry into Southern California and could arrive via port through the Port of Los Angeles or Long Beach or by air via Ontario or March Inland Port Airport. Thus, the use of the South Coast AQMD's 39.9 miles per one-way truck trip is a means to conservatively reflect the uncertainty of how goods would be transported to and from the Project site. In addition, the Draft EIR provided a conservative analysis above utilizing solely the South Coast AQMD's recommended truck trip lengths by also utilizing Scenario B, which assumes truck trip lengths obtained from StreetLight, which is based on truck trip length survey data for the Project vicinity. The StreetLight data indicated that LHDT and MHDT trucks travel approximately 31 miles and HHDT trucks travel approximately 71 miles. As the StreetLight truck trip length is derived from truck trip length surveys from warehouses proximate to the proposed Project site, is supported by substantial evidence and would more accurately align with anticipated truck trip lengths

than the length of 80 miles as recommended by the comment. Therefore, the Draft EIR's analysis within Section 5.3, *Air Quality*, provides an accurate and conservative analysis of potential truck emissions resulting from the Project.

As disclosed by the Draft EIR, emissions from operation of Phase 1 would exceed the South Coast AQMD's thresholds of significance for VOC, NOx, CO, and PM_{10} after implementation of regulatory requirements and mitigation measures. Emissions from operation of Phase 2 would exceed the South Coast AQMD's thresholds of significance for VOC and NOx after implementation of regulatory requirements and mitigation measures. Emissions from Specific Plan buildout would exceed the South Coast AQMD's thresholds of significance for VOC, NOx, CO, PM_{10}, and $PM_{2.5}$ after implementation of regulatory requirements and mitigation measures. A majority of operational-source emissions (by weight) would be generated by Project vehicles that neither the Project applicant nor the City have the have regulatory authority to control. Therefore, operational-source VOC, NOx, CO, PM_{10}, and $PM_{2.5}$ emissions would be significant and unavoidable on a Project-level and a cumulative basis. Therefore, the Draft EIR adequately discloses potential impacts related to truck trip lengths and no revisions to the Draft EIR are warranted.

Comment O2.48: This comment states that the mitigation measures included in the air quality analysis do not go far enough to improve the air quality in the region. The comment states that despite implementation of mitigation, the construction phase of the Project would release significant amounts of NOx during the first year of construction.

Response O2.48: The comment does not provide any suggested additional feasible mitigation measures that the Project could implement to further reduce impacts. CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project's significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible.

Comment O2.49: This comment states that at least five of the mitigation measures should be modified to further reduce emissions. The comment states that the City should modify several of the mitigation measures to further reduce NOx such as:

- Mitigation Measure AQ-2 should be changed to restrict the use of all off-road equipment greater than 25 horsepower (hp) to Tier 4 final technology, rather than restricting equipment greater than 50 hp to Tier 4 final technology.
- Mitigation Measure AQ-5 and AQ-12 should be modified to restrict all on-road heavy duty trucks and all trucks entering the Project site greater than 14,000 lbs. to be model year 2018 or newer.

The comment states that changing the allowable model year from 2014 to 2018 would result in an 18 percent reduction in NOx, a 23 percent reduction in $PM_{2.5}$, and a 19 percent reduction in PM_{10}.

Response O2.49: CEQA does not require adoption of every potential mitigation measure and only requires adoption of feasible mitigation that will "substantially lessen" a project's significant impacts (CEQA Guidelines Section 15041). An EIR must describe feasible measures that could minimize a project's significant adverse impacts (CEQA Guidelines Section 15126(a)(1)). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact and need not identify or discuss mitigation measures that are infeasible. Nor must the document analyze in detail mitigation measures it concludes are infeasible.

Regarding modifying Mitigation Measure AQ-2 to restrict the use of all off-road equipment greater than 25 horsepower (hp) to Tier 4 final technology, under this measure a majority of the construction equipment

would be required to meet Tier 4 Final standards. Because equipment over 50 hp represents the largest pieces of equipment used during Project construction, requiring this equipment to be Tier 4 Final would result in the greatest reduction in emissions relative to equipment with smaller engines. Requiring equipment in the 25 to 49 hp range to meet Tier 4 Final emission standards would not result in significant emission reductions.

Regarding restricting all on-road heavy duty trucks and all trucks entering the Project site greater than 14,000 lbs. to be model year 2018 or newer, as the majority of buildings are speculative, it is unknown whether the building operators would own their own fleets. As it is unknown whether the warehouse or light industrial operators own their own fleets, the type of trucks that would access the site would be dependent on third-party operators. Further, while limiting trucks to model year 2018 or newer would result in a reduction in emissions compared to 2014 trucks, this measure is not quantifiable in CalEEMod. Further, given the Project buildout year of 2030, a majority of trucks accessing the Specific Plan would be model year 2018 or newer as a result of natural fleet turnover. Therefore, revising this measure would not be expected to result in significant emission reductions.

Comment O2.50: The comment states that the Draft EIR underestimates the length of truck trips, resulting in underestimated operational NOx emissions. The comment states that modifying Mitigation Measures AQ-5 and AQ-12 would substantially lower NOx emissions. The comment states that Mitigation Measure AQ-8 should be altered to restrict idling times from 5 minutes to 3 minutes, which would further reduce emissions and is in line with California Government Code Section 65098.3.

Response O2.50: Regarding truck trip lengths, the commenter is referred to Response O2.47. Regarding Mitigation Measures AQ-5 and AQ-12, the commenter is referred to Response O2.49.

In response to this comment, Mitigation Measure AQ-8 has been updated to reflect a three-minute idling time restriction, as opposed to a five-minute idling time as was included in the Draft EIR. It should be noted that this does not materially affect the emissions presented in the Air Quality Impact Analysis included in Appendix B to the Draft EIR, as this is not a quantifiable mitigation measure in CalEEMod. However, a supplemental memo has been prepared, included as Appendix A to this Final EIR, to present updated health risk assessment results based on a three-minute idling time for trucks.

Comment O2.51: This comment states that Project construction would expose the community to Valley Fever spores within dust. The comment states that rates have increased since 2022 and Mead Valley and Perris are hot spots for Valley Fever within the County. The comment summarizes potential impacts of Valley Fever and states the Draft EIR must be revised to include an analysis of the Project's Valley Fever impacts and include relevant mitigation measures to reduce Valley Fever impacts.

Response O2.51: The commenter is referred to Response O2.24.

Comment O2.52: This comment states that South Coast AQMD measures are not adequate to protect construction workers and nearby sensitive receptors from exposure to Valley Fever. The comment states that the City should require active monitoring with dust monitors along the Project perimeter. The comment states that sampling for and removal of impacted soils is the best solution for Valley Fever spores and the City should require the Applicant to implement mitigation measures and provides recommendation. The comment states that the City must disclose the risk of Valley Fever as a significant impact.

Response O2.52: The commenter is referred to Response O2.24.

Comment O2.53: This comment states that the Draft EIR's air quality analysis fails to consider cumulative impacts in light of existing pollution levels from nearby projects and relies on South Coast AQMD's outdated cumulative threshold, which does not follow CEQA's requirement to consider cumulative considerable emissions or South Coast AQMD's new regulatory guidance on cumulative impact analysis. The comment summarizes South Coast AQMD's working group meetings to develop additional guidance for analyzing

cumulative health risk impacts. The comment summarizes the draft South Coast AQMD cumulative health risk threshold guidance and states that the Project's cumulative health risk threshold would be 3 in one million rather than 10 in one million.

Response O2.53: The commenter is referred to Response O2.19.

Comment O2.54: This comment states that Mitigation Measure AQ-20 is insufficient to change the impacts of the Project on the sensitive receptors identified in the Draft EIR and summarizes the requirements of Mitigation Measure AQ-20. The comment states that the primary reason that Mitigation Measure AQ-20 would not succeed is that the significance threshold for mitigated emissions should be 3 in one million instead of 10 in one million. The comment states that the City must reevaluate the effectiveness of the measure against this lower threshold in a revised Draft EIR.

Response O2.54: As discussed in Response O2.18, the South Coast AQMD has yet to formalize or adopt a new methodology for analyzing cumulative impacts from toxic air contaminants in CEQA documents. Therefore, Mitigation Measure AQ-20 is adequate to reduce health risk impacts to below the currently adopted South Coast AQMD significance threshold, as shown in Draft EIR Table 5.3-47.

Comment O2.55: This comment states that the Project's cumulative impacts should be evaluated against an adjusted cumulative cancer risk threshold of 3 in one million, which would result in the Project exceeding the operational risk threshold for residential and school age receptors and construction risk threshold. The comment states that without mitigation operational cancer risk for residential receptors are estimated to be 12.99 in one million in the Without Overlay and 12.32 in one million under the With Overlay scenario. The comment states that after mitigation, the maximally exposed individual receptor is reduced to 8.69 in the Without Overlay scenario and 6.32 in one million with the overlay. The comment states that the school age receptor risk is 11.54 in one million in the Without Overlay scenario and 2.73 in the With Overlay scenario and with mitigation the risk is 7.72 in one million Without Overlay and 2.60 With Overlay. The comment states that the risk from operational emissions from the Project are significant for residential and school receptors and the City must reevaluate the Project in light of this finding.

Response O2.55: The comment does not provide substantial evidence of any environmental impact. The commenter is referred to Response O2.19 regarding the adjusted cumulative health risk threshold. As noted in the Health Risk Assessment included as Appendix C to the Draft EIR, because detailed site plans are not available for the Phase 2 portion of the Project, the analysis conservatively utilized emission sources covering the entire Phase 2 area. Per Mitigation Measure AQ-20, Phase 2 of the Project shall be designed such that a 1,000-foot setback is incorporated between building loading docks and the residences east of Barrett Avenue and Val Verde Elementary School or a site specific health risk assessment shall be prepared demonstrating that the Phase 2 development would not exceed South Coast AQMD significance thresholds. With implementation of this measure, the analysis indicates that the risk at all receptors would be less than 10 in one million and, thus, be less than significant.

Comment O2.56: This comment states that the Draft EIR fails to consider the use of transport refrigeration units. This comment states that the while the Draft EIR asserts that business park facilities would not include cold storage or other refrigerated uses, the Community Shopping Center would include at least one supermarket. The comment states that the supermarket will be dependent on refrigeration units and transport refrigeration units. The comment states that the air quality analysis does not include transport refrigeration units and transport refrigeration units are a foreseeable Project component. The comment states that since transport refrigeration units have not been quantified, there is an underestimation of foreseeable health risk to the community as well as GHG emissions.

Response O2.56: The commenter is correct in stating that the commercial component of the Project would contain a supermarket and a big box retail store, both of which would require refrigerated storage and

transport refrigeration units. Therefore, in response to this comment and in order to clarify the Project description, the Draft EIR has been revised to include a discussion of the proposed refrigerated storage and transport refrigeration units, as included in Section 3.0, *Revisions to the Draft EIR*, of the Final EIR.

Also, CARB has approved regulation that require zero-emission technologies be adopted by all truck TRU fleets by 2029.[5] In order to account for the potential emissions associated with TRUs accessing the commercial portion of the Project, the Health Risk Assessment analysis has been updated in Appendix A to this Final EIR and Section 3.0, *Revisions to the Draft EIR*, to conservatively include TRUs. As shown, the results of the updated analysis indicate that the resulting health risk at the maximally exposed individual receptor, maximally exposed individual worker, and maximally exposed individual school child would not increase as a result of the inclusion of these TRUs. The combined construction and operational impacts of the proposed Project at the closest effected receptor is estimated at 6.48 in one million without the proposed Overlay on Val Verde Elementary School and 7.55 in one million with the Overlay, which is less than the South Coast AQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the South Coast AQMD's significance threshold of 1.0. As such, the proposed Project would result in emissions that are below existing South Coast AQMD significance thresholds.

Comment O2.57: This comment summarizes the Air Quality Impact Analysis discussion of onsite equipment emissions, which discusses how many fire pumps and emergency generators are assumed for the Project. The comment states that a review of the CalEEMod analysis that accompanies the Health Risk Assessment fails to show where emissions from fire pumps and emergency generators are quantified. The comment states that line items are inserted into the AERMOD analysis for fire pumps and emergency generators, but no supporting information is provided, and the City must provide the supporting documentation regarding the stationary sources in a Draft EIR.

Response O2.57: Emissions associated with the emergency engines were based on PM_{10} exhaust emissions calculated in CalEEMod, and these model outputs are included in the appendices for the Air Quality Impact Analysis, included as Appendix B to the Draft EIR. The appendices for the Health Risk Assessment, included as Appendix C to the Draft EIR, erroneously omitted the operational CalEEMod runs, and only included the model outputs for construction. However, as mentioned above, these outputs for operational CalEEMod runs were included in the appendices to Appendix B of the Draft EIR. Therefore, this supporting information was included as part of the Draft EIR.

Comment O2.58: This comment states that the facts identified and referenced in the comment letter lead the author to conclude that the Project will result in significant impacts if allowed to proceed.

Response O2.58: The Draft EIR details that the proposed Project would result in significant air quality impacts after implementation of existing regulations and mitigation measures. However, as detailed in previous responses, this comment letter does not identify any new or increased impacts not already discussed within the Draft EIR.

Comment O2.59: This comment states that the commenter has reviewed the Addendum to the Final Environmental Impact Report for the Project Zach. The comment summarizes the commenters' qualifications and provides comments on an Addendum that tiers from the Certified Final Environmental Impact Report for the West Patterson Business Project Expansion Project.

Response O2.59: This comment discusses a different project than the one proposed and analyzed within the Draft EIR. No further response is warranted.

[5] California Air Resources Board (CARB). (2024). *Transport Refrigeration Unit (TRU or Reefer) Regulation*. Accessed September 4, 2025, at https://ww2.arb.ca.gov/transport-refrigeration-unit-tru-or-reefer-regulation-truckstop.

Comment O2.60: This comment states that the commenter has reviewed the Draft EIR for the Harvest Landing Retail Center and Business Park Project. The comment states that the Project would result in significantly greater VMT impacts than the adopted plan and falsely presumes that impacts are similar. The comment states that the Draft EIR overestimates the benefits of the proposed VMT mitigation and stronger VMT mitigation is needed to further reduce impacts. The comment states that the Draft EIR underestimates truck trip lengths and trip numbers are developed with unsupported methodologies. The comment states that the air pollution analysis should be redone with all alternatives analyzed consistently. The comment states that the City has not adequately analyzed LOS and an analysis of the adopted plan should be prepared to show if impacts are attributable to the Project.

Response O2.60: The commenter is referred to Responses O2.61 through O2.68 for thorough responses to the commenter's statements. No further response is required.

Comment O2.61: This comment states that the Draft EIR analyzes No Project/Buildout of the Existing Harvest Landing Specific Plan as Alternative 2 and summarizes the proposed alternative. The comment states that according to the Draft EIR, the commercial Project would result in a VMT per service population of more than 100 percent above the City's threshold. The comment states that the Draft EIR assumes that Alternative 2 would result in significant and unavoidable impacts related to VMT, consistent with the Project. The comment states that the assumption is unsupported as the VMT is primarily due to the commercial use and the Alternative would include a local-serving commercial use with reduced square footage. The comment summarizes guidance on VMT and states that a mix of residential and non-residential uses reduces VMT because some trips may be made internally. The comment states that the Draft EIR's VMT analysis should be revised to compare the VMT impacts of Alternative 2 to those from the Project or it should be presumed that the Project VMT impacts would be significantly greater than Alternative 2 VMT impacts.

Response O2.61: The Draft EIR never states that the Project's VMT per service population would be less than the VMT per service population resulting from Alternative 2. In addition, Alternative 2's commercial use would not be considered local-serving as it is over 50,000 square feet.

Pursuant to CEQA Guidelines Section 15126.6(a), an EIR must describe a reasonable range of alternatives to a proposed project or to a project's location that would feasibly avoid or lessen its significant environmental impacts while attaining most of the proposed project's objectives. CEQA does not require an exhaustive analysis of alternatives within an EIR and only requires "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project" (CEQA Guidelines Section 15126.6[d]).

The assertion that VMT impacts would be different from the Project impacts because of the inclusion of residential units is incorrect. The VMT metric and threshold for non-residential projects would still be applied to the non-residential portion of the Project alternative, resulting in the same significant and unavoidable impact as identified in the Draft EIR. Inclusion of housing units in the Project could reduce the VMT per Service Population of the non-residential portion by a small percentage, but it would not a large enough change to mitigate the impact of 108% over baseline. Because the metric of VMT per Service Population is a per person metric, it would not be significantly changed even if the non-residential portion of the Project was half of the Project. An efficiency metric, such as that adopted as the VMT threshold, is more affected by project location than by the size of the project.

Furthermore, the comment states that the 73,181-square-foot shopping center in Alternative 2 would be local serving, however this is contrary to the City's VMT screening thresholds which define local serving as "Retail < 50 thousand square feet". Therefore, the smaller retail would not screen out of VMT analysis and the jobs associated with the retail would have a similar VMT per Service Population as the Project. The comment provides additional information about jobs/housing balance, elasticity of vehicle travel and other factors associated with measurement of VMT; however, evaluation of VMT for CEQA must follow the City's

guidelines, which require use of the RIVCOM model and City adopted thresholds. These additional factors are not relevant to the finding of impact under CEQA. Finally, CEQA does not require full technical analysis of Project alternatives. The quantitative evaluation is sufficient and as has been shown in this response, was prepared appropriately per the City's metrics and significance thresholds.

Comment O2.62: This comment states that the Draft EIR claims the VMT mitigation program would reduce VMT by 12.94 percent, as shown in Tables 2 and 10 of Appendix S to the Draft EIR. The comment states that almost half of the reduction is from Measure T-2, Increase Job Density, and it is inappropriate to rely on this reduction because RIVCOM already accounts for the decrease in VMT with increased density.

Response O2.62: Please see Response O2.30.

Comment O2.63: This comment states that any effect of increased density is weak because residential development is excluded. The comment states that Alternative 2 would have a significant VMT reduction because of the combination of both job and residential density.

Response O2.63: Please see Response O2.61. The additional residential that would be provided in Alternative 2 would not be significant enough to reduce the non-residential VMT to a less than significant level. Suggesting so indicates that the commenter has completely ignored the substantial number of residential units in the vicinity of the Project site and would contribute workers for the non-residential portions of Alternative 2.

Comment O2.64: This comment states that the second highest reduction is 4 percent for Measure T-5, Implement Voluntary Commute Trip Reduction Program. The comment states that a large share of employees would work nighttime hours and the maximum 4 percent reduction is unwarranted. The comment states that the remainder of the VMT reduction is from Measure T-18, Provide Pedestrian Network Improvement, and taking credit for sidewalks is unwarranted given the large blocks and few opportunities for pedestrians to enter the Project. The comment states that the Project should not get credit for walkability as it turns the existing elementary school into an island within an industrial area.

Response O2.64: Please refer to Responses O2.32 and O2.33.

Comment O2.65: This comment states that while it may not be feasible to fully mitigate the commercial VMT, more can be done to reduce commuter VMT. The comment states that the Project could require all employers to implement a mandatory commute trip reduction program and it is unclear how the requirements of South Coast AQMD Rule 2202 compare to CAPCOA Measure T-5 or T-6.

Response O2.65: Requiring a mandatory commute trip reduction program for a project of this size with multiple different tenants encompassing different land uses and employment types, would be difficult to implement. The mitigation that is prescribed requires employers to participate in commute trip reduction activities, while maintaining flexibility to ensure that the measure can be feasibly implemented. Employers with over 250 employees would be subject to South Coast AQMD Rule 2202, which is more stringent than Measure T-5. South Coast AQMD Rule 2202 requires employers to meet specific emission reduction targets, thereby making it a mandatory program, rather than voluntary.

Comment O2.66: This comment states that the Draft EIR underestimates truck trip lengths in the air quality analysis and the 40-mile truck trip length is not recommended by the South Coast AQMD. The comment states that the South Coast AQMD recommends a longer truck trip length for other warehouse projects. The comment states that the recommended truck trip length is 80 miles.

Response O2.66: The commenter is referred to Response O2.25.

Comment O2.67: This comment states that Draft EIR Table 8-1 shows Project emissions for several pollutants as lower than emissions for Alternative 2. The comment states that the Draft EIR attributes higher Alternative

2 emissions to mobile source emissions associated with the additional vehicle trips, which is incorrect as the Project would result in more vehicle trips than Alternative 2. The comment states that the air pollution analysis should be redone so that an apples-to-apples comparison with Alternative 2 is presented and, until such an analysis is completed, it should be presumed that Project impacts would be greater than Alternative 2 impacts.

Response O2.67: Regarding the Project's vehicle trips producing less air pollution than the adopted Harvest Landing Specific Plan, as shown in Table 8-2 of the Draft EIR, buildout of existing Harvest Landing Specific Plan would result in approximately 23,544 daily trips, which is a reduction compared to the 40,321 daily trips resulting from buildout of the proposed Specific Plan Amendment. As such, the Draft EIR acknowledges that the proposed Project would result in greater vehicle trips and discloses in Table 8-1 that the Project would result in increased NOx emissions (emissions resulting from vehicle travel) compared to those resulting from buildout of the existing Specific Plan. Further, the Draft EIR states on page 8-10 that the operational emissions resulting from the previously approved specific plan would be less than emissions generated by the Project, primarily due to the Project's additional vehicle trips. Overall, the Draft EIR never alleges that the Project's vehicle trips would produce less air pollution than the adopted Specific Plan. No revisions or additional analysis are necessary.

Comment O2.68: This comment states that Draft EIR Alternative 2 would have significantly lower daily trips than the Project, as well as lower AM and PM peak trips. The comment states that the Draft EIR states that future Project traffic would result in eight intersections where no feasible improvements exist to result in satisfactory LOS and two intersections where no feasible improvements exist to result in satisfactory queuing. The comment states that the Draft EIR should analyze the Project compared to Alternative 2 traffic conditions.

Response O2.68: As part of the 2019 amendments to the CEQA Guidelines, SB 743 directed that the revised CEQA Guidelines "shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses" (Public Resources Code Section 21099[b][1]); and that "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment" (Public Resources Code Section 21099[b][2]). As such, pursuant to Public Resources Code Section 21099(b)(2), the Draft EIR is not allowed to analyze impacts, including cumulative impacts, related to traffic congestion. Therefore, no analysis of traffic from the Project compared to traffic from Alternative 2 is warranted.

Comment O2.69: This comment states that the commenter has reviewed the noise and vibration analysis for the Harvest Landing Specific Plan Project and summarizes the Project. The comment summarizes the experience of the commenting firm.

Response O2.69: The comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment O2.70: This comment summarizes the health effects of noise, which include noise-induced hearing loss, speech interference, sleep disturbance, cardiovascular and physiological effects, and impaired cognitive performance.

Response O2.70: The comment is informational in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment O2.71: This comment states that the Draft EIR does not consider nighttime construction noise increases over ambient levels nor does it explain why thresholds based on ambient levels are not needed for nighttime levels. The comment states that CEQA requires projects to assess if there will be a substantial

increase in ambient levels. The comment compares ambient nighttime noise levels to the modeled nighttime construction noise results and states that nighttime construction noise is as high as 11 dBA over ambient levels. The comment states that the 12 dBA noise threshold utilized by the noise analysis is extreme and unsupported as a 3 or 5 dBA noise increase is normally used as an impact threshold. The comment states that the Project has the potential to result in significant impacts on nighttime noise during construction pours and mitigation should be required.

Response O2.71: The commenter is referred to Response O2.38.

Comment O2.72: This comment states that the construction vibration assessment fails to address the potential impacts associated with human annoyance and Caltrans uses a threshold for human annoyance of 0.04 PPV. The comment states that the vibration experienced at Val Verde Elementary School is modeled at 0.049 PPV and construction vibrations at the school may constitute a significant impact. The comment states that mitigation should be included, such as a construction vibration control and monitoring plan.

Response O2.72: Section 10.14 of the Noise and Vibration Analysis, included as Appendix Q to the Draft EIR, presents a summary of the construction equipment vibration levels. Human annoyance due to vibration is generally considered when evaluating comfort and quality of life, typically for long-term or operational sources of vibration (like rail transit or industrial equipment). For short-term construction vibration, the focus should primarily be on building damage thresholds, with human annoyance considered only if prolonged exposure could significantly affect nearby residents. Children at Val Verde Elementary School would not be exposure to prolonged vibration as construction vibration would only occur intermittently. This is consistent with the approach outlined in Section 10.14.

The long-term Project operational vibration impacts will include heavy trucks moving on site to and from the loading dock areas. According to the FTA Transit Noise Impact and Vibration Assessment trucks rarely create vibrations that exceed 70 VdB (0.0032 PPV in/sec) (unless there are bumps due to frequent potholes in the road). Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. Since the trucks transiting on site will be travelling at very low speeds on smooth surfaces, delivery truck vibration impacts at nearby receiver locations would be less than significant.

Comment O2.73: The comment states that the Draft EIR lacks supporting evidence for the low HVAC operating time as, under worst-case conditions, rooftop HVAC could be assumed to be running constantly and HVAC units can have a sound power level as high as 95 dBA. The comment states that noise may be underestimated by as much as 9 dB and the Draft EIR should be updated to make sure to account for all worst-case scenarios.

Response O2.73: The commenter is referred to Response O2.41.

Comment O2.74: This comment states that not all mitigation was studied for significant and unavoidable impacts related to truck noise. The comment states that 2-axle trucks have a shorter 5-foot exhaust assumption than 4-axle trucks and that rubberized asphalt could reduce impacts. The comment states that the assertion of sound walls not providing a break in line of sight is not accurate as a 10-foot wall would block line of site for a 1.5-meter-tall receptor. The comment states that a sound wall would result in a reduction of noise levels to below significance thresholds.

Response O2.74: The comment letter argues that the cited 11.5-foot high may not be a correct assumption. However, Caltrans requires the use of the 11.5-foot-high stack height for designing and evaluating noise barriers.[6] Regardless of exhaust height, as discussed on page 5.12-30 of the Draft EIR, neither the applicant nor the City can autonomously require the construction of off-site walls or other features at property owned

[6] Caltrans. (2017). *Highway Design Manual, Chapter 1100 Highway Traffic Noise Abatement.*

or controlled by others. In addition, the multi-family residential land use located east of Barrett Avenue does not include any private outdoor living areas (backyards) or common areas of frequent human use that would benefit from the construction of off-site noise barriers. Therefore, the analysis appropriately finds that the off-site traffic noise impacts would remain significant and unavoidable for Barrett Avenue between Placentia Avenue and Orange Avenue.

Comment O2.75: This comment states that the Project may result in potentially significant, unmitigated noise impacts and the Draft EIR includes an incomplete nighttime construction noise analysis, does not study human responses to construction vibration, has optimistic assumptions for HVAC noise, and does not consider all feasible mitigation options. The comment states that the Draft EIR should be updated to correct these errors and study potential mitigation.

Response O2.75: As substantiated by the responses above, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. No new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented, there is no substantial increase in the severity of an environmental impact, no feasible project alternative or mitigation measure considerably different from others previously analyzed would lessen the environmental impacts of the proposed Project, and the Draft EIR is not fundamentally inadequate and conclusory in nature.