

**Date:** February 3, 2026  
**Prepared by:** Meaghan Truman, Senior Environmental Planner  
**To:** Albert Armijo, City of Perris  
**Site:** Harvest Landing Retail Center and Business Park Project  
**Subject:** **Responses to Californians Allied for Responsible Economy (CARE CA), Letter L5**

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This memo contains responses to comments related to the Environmental Impact Report (EIR) that the City of Perris received on December 17, 2025, prior to the City’s City Council meeting on February 11, 2026 for which the Project is on the agenda. It should be noted that similar comments have been previously submitted in a comment letter to the Draft EIR, and responded to in the Final EIR, as detailed below.

As further detailed in the individual responses to comments below, none of the comments indicate that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, or that there would be any of the other circumstances requiring recirculation as described in 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 EIR is not fundamentally inadequate and conclusory in nature.

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December 17, 2025

**Via Email and Hand Delivery**

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**Re: Comments on Planning Commission Agenda Item 6.A. and the Final Environmental Impact Report for the Harvest Landing Retail Center & Business Park Project (SCH No. 2024080337)**

Dear Chair Hammond, Commissioners, Mr. Phung, Mr. Armijo:

On behalf of Californians Allied for a Responsible Economy (“CARE CA”), we submit these comments on the City of Perris (“City”) Planning Commission Agenda Item 6.A.<sup>1</sup> and the Final Environmental Impact Report (“FEIR”) prepared by the City for the Harvest Landing Retail Center & Business Park Project (SCH No. 2024080337) (“Project”), proposed by HIP SoCal Properties LLC (“Applicant”).<sup>2</sup>

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<sup>1</sup> City of Perris, Planning Commission, Agenda Item 6.A. Staff Report (hereinafter “Staff Report”) (December 17, 2025) available at <https://www.cityofperris.org/government/city-government/city-council-city-council-committee-planning-commission-meetings>

<sup>2</sup> City of Perris, Harvest Landing Retail Center & Business Park Project (SCH No. 2024080337) Final Environmental Impact Report (December 2025) (hereinafter “FEIR”) available at [https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-/folder-560#docfold\\_1206\\_1313\\_479\\_560.7947-008j](https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-/folder-560#docfold_1206_1313_479_560.7947-008j)

The Project that is currently before the Planning Commission is substantially different than the warehouse project that was presented to the public and analyzed in the Draft EIR (“DEIR”) and cannot be recommended for approval at this time.

The original Project was a warehouse and distribution center project, with ancillary retail and parcel hub uses. On December 9, 2025, the City Council adopted a 45-day moratorium on approval of warehouses and distribution centers. In response, the Applicant substantially changed the Project to remove the warehouse and distribution buildings and replace them with an office, research and development, and business park. The Applicant also increased the size of the parcel hub facility. These are major changes to the size and scope of the Project which were not presented to the public until now, and were not analyzed in the DEIR. The revised Project will have different, and potentially more severe, environmental, public health, and land use impacts than the original Project including, *inter alia*, transportation impacts from passenger vehicles. The City’s adoption of the Warehouse Ordinance, and the supporting evidence underlying its adoption, is also significant information about the Project and its impacts which were not analyzed in the DEIR. As a result of these deficiencies, the DEIR was fundamentally and basically inadequate, such that meaningful public review and comment on the Project were precluded.<sup>3</sup>

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In this circumstance, the California Environmental Quality Act (“CEQA”)<sup>4</sup> mandates that the City revise and recirculate a new DEIR for public comment before the Project can be approved. The courts have held that, when, as here, a detailed project analysis is not prepared until the FEIR stage, the CEQA document must be recirculated for public comment: “If we were to allow the deficient analysis in the [DEIR] to be bolstered by a document that was never circulated for public comment...we would be subverting the important public purposes of CEQA.”<sup>5</sup> The City must revise the EIR to analyze the revised Project, and must give the public the opportunity to comment on new DEIR, before the Planning Commission may move forward with an approval recommendation.

Moreover, as discussed herein, the FEIR also remains fundamentally inadequate in its disclosure and mitigation of the original Project’s impacts. The City has not complied with CEQA and lacks substantial evidence to support the findings required to approve either version of the Project.

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<sup>3</sup> Pub. Resources Code (“PRC”) § 21092.1; 14 Cal Code Regs. (“CCR”) §15088.5; *Mountain Lion Coal. v. Fish and Game Comm’n* (“*Mountain Lion*”) (1989) 214 Cal.App.3d 1043

<sup>4</sup> Public Resources Code (“PRC”) § 21100 et seq.

<sup>5</sup> *Mountain Lion*, 214 Cal.App.3d at 1052.  
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CARE CA respectfully requests that the Planning Commission remand the Project to City Staff to prepare and circulate a legally adequate DEIR which analyzes the current version of the Project, and which fully discloses and mitigates the Project's potentially significant impacts related to air quality, health risks, GHG emissions, noise, and transportation.

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## I. SUMMARY AND BACKGROUND

The Project proposes 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").<sup>6</sup> The Project also seeks to add a MBU Overlay to APN 305-060-038, increasing the total Specific Plan area to 358.28 acres.<sup>7</sup> In addition, the Specific Plan Amendment proposes to change the existing land use plan of the Specific Plan area to replace residential uses with MBU and Commercial uses.<sup>8</sup>

The Project originally proposed the Phase 1 development to 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.<sup>9</sup>

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On December 9, 2025, the Perris City Council adopted Interim Urgency Ordinance No. 1466 ("Warehouse Moratorium") placing a 45-day moratorium on approval, establishment, and expansion of all industrial warehouse and distribution uses in the City of Perris.<sup>10</sup> The Warehouse Moratorium pauses issuance or approval of any subdivisions, use permits, variances, grading permits, building permits, development plan reviews, or any other entitlement for use for approval, establishment, or expansion of any warehousing or distribution use.<sup>11</sup> The City Council adopted the Warehouse Moratorium based on evidence demonstrating that there is a current and immediate threat to public health, safety, and welfare posed

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<sup>6</sup> DEIR, p. 1-1.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> DEIR, p. 1-2.

<sup>10</sup> City of Perris, City Council Agenda Item 10.I., Interim Urgency Ordinance No. 1466 (Warehouse Moratorium Ordinance") (December 9, 2025) available at <https://www.cityofperris.org/home/showpublisheddocument/26214/639004624406516221>

<sup>11</sup> *Id.* at PDF p. 243.  
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by continued approval, establishment and expansion of warehousing and distribution developments and uses in the City, due to the high demand for such uses and the insufficiency of the City's current General Plan, specific plan and zoning regulations.<sup>12</sup>

As a result of the adoption of the Warehouse Moratorium, City staff are now recommending that the Planning Commission move forward with a recommendation to the City Council to approve a modified version of Alternative 4.<sup>13</sup> While Alternative 4 is discussed in the FEIR, it was not discussed or analyzed in detail in the DEIR, and has been modified from the alternative the DEIR discussion. The revised Alternative 4 “would prohibit industrial warehouse and distribution uses but would retain the regional shopping center and increase the parcel hub facility to 391,725 square feet on 70 acres for last-mile delivery of goods to customers.”<sup>14</sup> Additionally, as revised in the FEIR, Alternative 4 will allow for the development of approximately 2,829,125 square feet of light industrial, and/or manufacturing uses under the Multiple Business Use designation.<sup>15</sup>

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The revised Alternative 4 is substantially different than the Project analyzed in the DEIR, and will have different and more severe impacts than disclosed in the DEIR. Before making a recommendation on approving the revised Alternative 4, the City must first revise and recirculate the DEIR to comply with CEQA.<sup>16</sup>

Additionally, CARE CA’s review of the FEIR demonstrates that the FEIR still fails as an informational document and does not comply with the requirements of CEQA. The City lacks substantial evidence to support its conclusions that the Project’s significant impacts would be mitigated to the greatest extent feasible and there is also substantial evidence demonstrating that the Project’s potentially significant environmental impacts are far more extensive than disclosed in the FEIR. Moreover, many of the mitigation measures described in the DEIR will not, in fact, mitigate impacts to the extent claimed.

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<sup>12</sup> *Ibid.*

<sup>13</sup> Staff Report, PDF p. 13; *See generally* FEIR, pp. 3-47 – 3-68..

<sup>14</sup> *Ibid.*

<sup>15</sup> FEIR, p. 3-47.

<sup>16</sup> PRC § 21092.1; 14 CCR §15088.5.  
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CARE CA reviewed the FEIR, its technical appendices, reference documents and the Staff Report with the assistance of air quality expert Dr. James J. Clark, Ph.D. of Clark & Associates Environmental Consulting Inc.,<sup>17</sup> transportation expert Norm Marshall, President at Smart Mobility,<sup>18</sup> and noise expert Dr. Jack Meighan of Wilson Ihrig.<sup>19</sup> 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.

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As explained more fully below, the FEIR's changes to Alternative 4 constitute significant new information triggering a requirement to conduct additional analysis of the Project. Additionally, the FEIR fails to meaningfully disclose and analyze all significant air quality, GHG, transportation, and noise impacts that will result from construction of the Project and fails to adopt all feasible mitigation measures before concluding the Project's impacts are significant and unavoidable. The City cannot approve the Project or adopt a statement of overriding considerations until these errors are corrected and a revised DEIR is recirculated for public review and comment.

## II. 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.

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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

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<sup>17</sup> See **Exhibit A**, James J. Clark, Comment Letter on the Final Environmental Impact Report for the Harvest Landing Retail Center & Business Park Project (December 16, 2025) ("Clark Comments").

<sup>18</sup> See **Exhibit B**, Norm Marshall, Harvest Landing Retail Center and Business Park (December 16, 2025) ("Marshall Comments").

<sup>19</sup> See **Exhibit C**, Jack Meighan, Review and Comment on Noise Analysis, (December 16, 2025) ("Meighan Comments").

surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

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

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### **III. THE REVISED PROJECT IS SIGNIFICANT NEW INFORMATION WHICH REQUIRES THE CITY TO PREPARE AND CIRCULATE A REVISED DRAFT EIR FOR PUBLIC REVIEW**

Lead agencies are required to recirculate an EIR for further public review and comment if significant new information is added to the EIR after notice of public review but before certification.<sup>20</sup> Recirculation is required when the addition of new information deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.<sup>21</sup> New information can include "changes in the project or environmental setting as well as additional data or other information."<sup>22</sup> The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it.<sup>23</sup>

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Recirculation is also required where significant new information surfaces prior to certification of an EIR but the lead agency failed to add that information to the EIR.<sup>24</sup> Such information must be added to the EIR—and the EIR must be recirculated—if the information would trigger the recirculation requirement under CEQA Guidelines section 15088.5. Failure to include such information thwarts the goals of the EIR process by not disclosing to the public and government agencies critical information necessary to evaluate the significance of the Project's impacts.<sup>25</sup>

<sup>20</sup> Pub. Resources Code § 21092.1; 14 CCR § 15088.5.

<sup>21</sup> 14 CCR § 15088.5(a).

<sup>22</sup> *Id.*

<sup>23</sup> *Spring Valley Lake Ass'n v. City of Victorville* (2016) 248 Cal.App.4th 91, 108.

<sup>24</sup> *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95.

<sup>25</sup> *Id.*

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The passage of the Warehouse Moratorium, and the subsequent changes to Alternative 4 as presented in the FEIR's Chapter 3: Revisions to the DEIR, constitute significant changes requiring recirculation of the EIR for the revised Project. The original version of the Project that was analyzed in the DEIR is no longer viable due to the City's moratorium on warehouse development. The revised version of Alternative 4 expands the proposed parcel hub use by approximately 70,000 square feet, and proposes a total buildout of 2,829,125 square feet of MBU uses, excluding warehousing and distribution.<sup>26</sup>

Additionally, the revised version of Alternative 4 fails to include supporting documentation to substantiate the conclusions in the FEIR. For example, Dr. Clark found that the revised health risk analysis prepared for the FEIR fails to analyze the revised Alternative 4 and is inconsistent with the Interim Ordinance prohibiting warehouse use.<sup>27</sup> Where the FEIR does provide updated analysis, such as in FEIR Table 8-11 which presents updated regional operational emissions figures based on the revised Project description, the underlying data necessary to substantiate the conclusions are not provided to the public for review.<sup>28</sup> Similarly, the FEIR relies on unpublished data to substantiate the revised GHG emissions,<sup>29</sup> traffic noise level,<sup>30</sup> and transportation<sup>31</sup> impacts reported in the FEIR's revisions to Alternative 4.

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The City cannot rely on analysis that has not been made available to the public to justify the FEIR's conclusion that the Project's air quality, GHG emissions, noise and transportation impacts have been mitigated to the extent feasible. The updated analysis relied upon in the FEIR constitutes new information which requires recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

#### **IV. THE FEIR'S RESPONSES TO PUBLIC COMMENTS ON THE DEIR ARE INADEQUATE**

CEQA requires that a lead agency evaluate and prepare written responses to comments in a FEIR.<sup>32</sup> Agencies are required to provide "detailed written response to comments . . . to ensure that the lead agency will fully consider the

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<sup>26</sup> FEIR, p. 3-65.

<sup>27</sup> Clark Comments, pp. 8-9.

<sup>28</sup> FEIR, p. 3-52.

<sup>29</sup> FEIR, pp. 3-55 – 3-56.

<sup>30</sup> FEIR, pp. 3-59 – 3-61.

<sup>31</sup> FEIR, p. 3-62.

<sup>32</sup> PRC § 21091(d); 14 CCR §§ 15088(a), 15132.

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environmental consequences of a decision before it is made, that the decision is well informed and open to public scrutiny, and the public participation in the environmental review process is meaningful.”<sup>33</sup> When a comment raises a “significant environmental issue,” the written responses must describe the disposition of each such issue raised by commentators.<sup>34</sup> Specifically, the lead agency must address the comment “in detail giving reasons why” the comment was “not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice,”<sup>35</sup> particularly in response to comments are made by agencies or experts.<sup>36</sup> Failure of a lead agency to respond to comments raising significant environmental issues before approving a project frustrates CEQA’s informational purpose and may render the EIR legally insufficient.<sup>37</sup> As the court explained in *City of Long Beach*:

The requirement of a detailed written response to comments helps to ensure that the lead agency will fully consider the environmental consequences of a decision before it is made, that the decision is well informed and open to public scrutiny, and that public participation in the environmental review process is meaningful.<sup>38</sup>

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The City’s responses to comments in the FEIR fail to fulfill the City’s legal duty to provide reasoned responses to comments in several ways.

First, the Responses fail to meaningfully respond to the detailed technical comments of Dr. Clark and dismiss comments regarding the Project’s potentially significant health risk impacts from exposure to Valley Fever causing fungus spores and from the operation of backup generators, and fire pumps at the Project site. The FEIR’s responses also missed the main technical points of Dr. Clark’s comments and the lack of a detailed response to Dr. Clark’s comments fails to comply with CEQA.<sup>39</sup>

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<sup>33</sup> *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.4th 889, 904.

<sup>34</sup> PRC §21091(d); 14 CCR §§15088(c), 15132(d), 15204(a).

<sup>35</sup> 14 CCR § 15088(c); see *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1124 (“*Laurel II*”); *The Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal. App. 4th 603, 615.

<sup>36</sup> *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1367, 1371; *People v. County of Kern* (1976) 62 Cal.App.3d 761, 772).

<sup>37</sup> *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; *Rural Landowners Association v. City Council* (1983) 143 Cal.App.3d 1013, 1020.

<sup>38</sup> 176 Cal. App. 4th at 904.

<sup>39</sup> 14 CCR § 15088(c); *People v County of Kern* (1976) 62 CA3d 761.

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The Responses also fail to meaningfully respond to Mr. Meighan’s comments explaining that the Project has significant construction and operational noise impacts that require mitigation to lower noise levels encountered by sensitive receptors. In his DEIR comments, Mr. Meighan identified clear errors in the City’s noise analysis showing that the Project would result in a significant unmitigated impact from operation of rooftop HVAC units and explained that the City’s failed to implement feasible mitigation to reduce the Project’s significant noise impacts from mobile sources. In response to Mr. Meighan’s comments, the FEIR simply reiterates the DEIR’s unsupported conclusion that the noise analysis is correct, and that there is no feasible mitigation to reduce the Project’s significant mobile source noise impacts. The FEIR fails to respond to Mr. Meighan’s comment raising a “significant environmental issue,” and as a result, fails to mitigate this impact. This is a clear violation of CEQA.<sup>40</sup>

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Finally, the FEIR fails to meaningfully respond to Mr. Marshall’s comments on the DEIR’s failure to accurately estimate Project truck traffic and the resulting transportation and GHG emissions impacts.

The FEIR must be revised and recirculated to correct the significant errors and omissions in the City’s Responses.

**A. The FEIR Fails to Accurately Disclose and Mitigate the Project’s Potentially Significant Health Risk Impacts**

The FEIR continues to substantially underestimate the Project’s health risk impacts by relying on unsupported assumptions regarding Project operations. Additionally, the FEIR fails to respond to CARE CA’s comments regarding the potentially significant health risks stemming from exposure to Valley Fever.

**1. The FEIR Still Fails to Address Impacts from Valley Fever**

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CARE CA’s comments on the DEIR detailed the potential health risk to construction workers and nearby residents from exposure to *Coccidioides immitis* (“Cocci”) fungus spores which can spread a disease known as Valley Fever. The comments explained that the most at-risk populations are construction and agricultural workers and that 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 which measure 0.002–0.005 millimeters into nonendemic areas, potentially exposing large non-

<sup>40</sup> PRC §21091(d); 14 CCR §§15088(c), 15132(d), 15204(a).  
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Project-related populations. The City fails to respond to substantial evidence demonstrating the known presence of Valley Fever in the Project's vicinity and the potential impacts of exposure to the fungus spores.

The FEIR asserts that neither the South Coast AQMD ("SCAQMD") CEQA Air Quality Guidelines, nor the State CEQA Guidelines, include requirements or thresholds of significance for addressing Valley Fever.<sup>41</sup> Additionally, the FEIR states that the proposed Project would be required to comply with SCAQMD Rule 403, which would reduce dust and travel of any potential spores from the Project site to surrounding sensitive receptors or onsite construction workers and that dust from construction of the Project is not anticipated to exacerbate or significantly add to the current exposure of people to Valley Fever.<sup>42</sup>

Here, the FEIR disregards substantial evidence provided by CARE CA and Dr. Clark and relies on unsupported assumptions in its response. In his comments, Dr. Clark highlighted the fact that there is no safe level of exposure to Valley Fever spores, and explained 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.<sup>43</sup> Dr. Clark notes that smaller particles like spores require significantly longer to settle out of air.<sup>44</sup> For particles 10 um in diameter the settling time is measured in minutes, but for particles less than 10 um in diameter, the settling time is measured in hours.<sup>45</sup> *Cocci* spores are 2-5 um in diameter, thus allowing the spores to travel significantly further, thereby impacting receptors at greater distances. The FEIR's unsupported assumption that the spores would not reach sensitive receptors is not supported by substantial evidence and cannot be used as justification for the City's conclusion that the Project will not result in a significant health risk impact.

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Additionally, as detailed in our DEIR comments, conventional dust control measures, such as those required under SCAQMD Rule 403, are inadequate to control the spread of *Cocci* spores.

The FEIR still fails to provide any information regarding the prevalence of *Cocci* fungus spores in the Project's vicinity, fails to discuss applicable construction worker Valley Fever training requirements and fails to include any Valley Fever-specific mitigation in the MMRP. This continued lack of disclosure by the City prevents meaningful analysis and mitigation of the potential health impacts the

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<sup>41</sup> FEIR, p. 2-181.

<sup>42</sup> *Ibid.*

<sup>43</sup> Clark Comments, p. 5.

<sup>44</sup> Clark Comments, p. 6.

<sup>45</sup> Clark Comments, p. 6.

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 Valley Fever spores site during Project construction.

The City must prepare 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.

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**2. The FEIR Still Fails to Include Effective Mitigation Measures to Reduce the Project's Potentially Significant Health Risks from Valley Fever**

In his comments on the DEIR, Dr. Clark proposed a number of feasible mitigation measures the City should consider and adopt in the MMRP for the Project to reduce potential health impacts from Valley Fever. The City failed to provide any response to the proposed mitigation measures. CARE CA reiterates that the following mitigation measures must be included in the MMRP for the Project to reduce the potentially significant health risk impacts to construction workers and nearby sensitive receptors from exposure to *Cocci* spores during Project construction:

- (1) Include specific requirements in the Project's Injury and Illness Prevention Program regarding safeguards to prevent Valley Fever.**
- (2) Control dust exposure through the following methods:**
  - Apply chemical stabilizers at least 24-hours prior to high wind event;
  - Apply water to all disturbed areas a minimum of three times per day. Watering frequency should be increased to a minimum of four times per day if there is any evidence of visible wind-driven fugitive dust;
  - Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
  - Half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.
  - Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.

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- 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:**

- Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate;
- 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.
- 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.<sup>46</sup>

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<sup>46</sup> 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>.

- 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.

Based on the substantial evidence in the record, the City must disclose Valley Fever as a potentially significant health risk and must adopt feasible mitigation measures in the MMRP for the Project. The MMRP should include the measures proposed by Dr. Clark, and such measures should be fully enforceable through permit conditions, agreements or other legally binding instruments.<sup>47</sup> Failure to include enforceable mitigation measures is considered a failure to proceed in the manner required by CEQA.<sup>48</sup> In order to meet this requirement, the above mitigation measures must be incorporated directly into the EIR to be enforceable.<sup>49</sup>

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### **B. The FEIR Fails to Accurately Disclose and Mitigate the Project's Significant Transportation Impacts**

The FEIR continues to substantially underestimate the Project's transportation impacts by relying on unsupported assumptions regarding the Project's operations and failing to consider reasonably foreseeable uses of the Project.

Both CARE CA and SCAQMD provided comments that the DEIR severely underestimates truck trip lengths by failing to account for trips to/from the Ports of Los Angeles and Long Beach.<sup>50</sup> In response, the City claims it would be speculative to assume all Project truck trips would extend to the ports, and because the percentage of trips to the ports is unknown, the assumptions utilized were appropriate.<sup>51</sup> Reliance on the 39.9-mile truck trip lengths does not comport with the reality of where warehoused materials will ship from in the region given that the largest source of containerized products are the Ports of Los Angeles and Long Beach.<sup>52</sup> The City must prepare a revised EIR for the Project and include an analysis of the Project's reasonably foreseeable truck trip generation and VMT.

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The City must calculate emission based on actual distances to ensure meaningful disclosure of the Project's environmental impacts in a revised and recirculated DEIR.

<sup>47</sup> CEQA Guidelines §15126.4(a)(2).

<sup>48</sup> *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 672.

<sup>49</sup> *Lotus v. Dept of Transportation* (2014) 223 Cal. App. 4th 645, 651-52.

<sup>50</sup> FEIR, p. 2-181.

<sup>51</sup> FEIR, pp. 2-181 – 2-182.

<sup>52</sup> Clark Comments, pp. 7-8.

**C. The FEIR Fails to Accurately Disclose, Analyze, and Mitigate the Project's Potentially Significant HVAC Noise Impacts**

CARE CA's comments on the DEIR detailed that the noise analysis for the Project failed to consider impacts from the continuous operation of HVAC equipment. Specifically, the DEIR's noise analysis assumes roof-top air conditioning systems will operate for an average 39 minutes per hour during daytime hours and 28 minutes per hour during nighttime hours and do not account for the potential for longer operation during especially hot summer days and nights. Additionally, CARE CA's expert found that the DEIR incorrectly assumed that the Project's rooftop HVAC units would have a sound power level of 89 dBA, and provided substantial evidence that rooftop HVAC units can have a sound power level as high as 95 dBA. Based on Mr. Meighan's analysis, if the Project's HVAC units generating 95 dBA were running for an hour straight at night, the DEIR's noise source levels would be underestimated by as much as 9 dB resulting in a significant impact.

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In response, the FEIR states that it is unreasonable to assume that all 72 HVAC units are operating continuously for all hours of day and night and that during any given time, a portion of these HVAC will be cycled off.<sup>53</sup> Additionally, the FEIR states that the 88.9 dBA reference noise levels represent actual data collected in the field for large 10-ton Lennox SCA120H4ME packaged rooftop HVAC units.<sup>54</sup>

However, the FEIR fails to provide evidence that the HVAC units used in the analysis will be used at the Project. Additionally, the FEIR fails to provide evidence that the high nighttime temperatures that the City regularly experiences over the summer months will not require operation of Project HVAC units for periods longer than 28-minutes. As such, the FEIR's conclusion that the operational noise analysis is conservative and accurate is without merit. The City must revise the operational noise analysis based on real world conditions and provide additional mitigation to reduce the Project's significant noise impacts.

**1. The FEIR Still Fails to Mitigate Significant Noise Impacts to Less Than Significant Levels.**

CARE CA's comments on the DEIR explained that the City failed to implement feasible mitigation measures to reduce noise increases from truck traffic

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<sup>53</sup> FEIR, p. 2-189.

<sup>54</sup> *Ibid.*  
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which the DEIR found would be cumulatively considerable and would remain significant and unavoidable after implementation of mitigation. Mr. Meighan's comments explained that the City should require both rubberized pavement and noise barriers which the DEIR dismissed as not feasible.

In response the FEIR states that neither the Applicant nor the City can require construction of off-site walls or other features on property owned or controlled by others and that the noise impacts remain significant and unavoidable.

The FEIR fails to address Mr. Meighan's comments that the use of rubberized pavement would incrementally reduce noise impacts from Project-related mobile sources. Additionally, the FEIR fails to respond to evidence that even with a high truck source height, a 10-foot noise barrier would still provide shielding from traffic and would be an effective mitigation measure to reduce the Project's significant noise impacts.

The City must consider all feasible mitigation measures that would reduce the Project's significant noise impacts and include such measures in the Project's MMRP.

**D. The FEIR Fails to Consider the Office of The Attorney General's Best Practices and Mitigation Measures for Warehouse Projects**

SCAQMD's comments on the DEIR recommended that the City conduct a review of certain provided references and incorporate additional mitigation measures as applicable to the Project in order to reduce the Project's significant air quality impacts.<sup>55</sup> Specifically, SCAQMD recommended that the City review and implement the applicable measures outlined in the California Office of the Attorney General's ("OAG") *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* ("Best Practices").<sup>56</sup>

The Best Practices were developed to aid local agencies to achieve CEQA compliance, and promote environmentally-just development when they are considering warehouse project proposals.<sup>57</sup> The OAG developed the Best Practices based on knowledge gained from monitoring, providing comments on, and litigating,

<sup>55</sup> FEIR, p. 2-30

<sup>56</sup> California Office of the Attorney General, *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* (hereinafter "Best Practices") (September 2022) available at <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>

<sup>57</sup> Best Practices, p. 1.  
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L5.11

warehouse development projects in California.<sup>58</sup> The Best Practices state that while CEQA analysis is necessarily project-specific, the document provides feasible best practices and mitigation measures which were adapted from actual warehouse projects in California.<sup>59</sup> The purpose of the Attorney General's guidance is to ensure that warehouse projects reduce their individual and cumulative impacts on the communities in which they are located to the greatest extent feasible.

The Best Practices provide examples of environmentally superior methods of developing warehouse projects and offer sample mitigation measures that a local agency should consider when faced with a project such as the Project proposed here. For example, the Best Practices encourage local governing bodies to proactively plan for logistics projects by establishing industrial districts near major highway and rail corridors but away from sensitive receptors in order to help attract investment while avoiding conflicts between warehouse facilities and residential communities.<sup>60</sup>

The FEIR summarily dismisses SCAQMD's comment, stating that the City considered the references provided by the South Coast AQMD when developing the mitigation measures for the proposed Project and that SCAQMD does not specify which mitigation measures it is recommending within the references.

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However, many of the recommendations in the Best Practices are applicable to the Project and are feasible mitigation measures that would reduce the Project's significant GHG, air quality, and VMT impacts. For example, the FEIR does not consider many of the recommendations and fails to include mitigation measures that conform with the Best Practices, which for construction include:

- Requiring off-road construction equipment to be hybrid electric-diesel or zero- emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.

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<sup>58</sup> Best Practices, p. 1  
<sup>59</sup> Best Practices, p. 1.  
<sup>60</sup> Best Practices, p. 3.  
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- Forbidding idling of heavy equipment for more than three minutes.<sup>61</sup>

For operational air quality and GHG emissions impacts, the Best Practices recommend:

- Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.<sup>62</sup>

The FEIR fails to demonstrate that any of the above recommendations were considered prior to determining that the operational-source VOC, NOx, CO, PM10, and PM2.5 emissions cannot be definitively reduced below applicable South Coast AQMD thresholds of significance and therefore are considered significant and unavoidable.

The Best Practices also include several recommendations and suggested mitigation measures regarding warehouse noise and transportation impacts that the FEIR fails to consider.

The City must consider all of the recommendations of the OAG and incorporate any feasible measures recommended in the Best Practices as mitigation measures in a revised DEIR to further reduce the Project's potentially significant air quality, GHG emissions, transportation, and noise impacts.

## **V. THE PLANNING COMMISSION CANNOT MAKE THE FINDINGS REQUIRED FOR PROJECT APPROVAL**

The Project requires approval of a General Plan Amendment, Specific Plan Amendment, Zone Change, Development Agreement Amendment, Tentative Parcel Map, Conditional Use Permit, Development Plan Review. Pursuant to the PMC the

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<sup>61</sup> Best Practices, p. 8.

<sup>62</sup> Best Practices, pp. 8-10.  
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City Council has the authority to approve, conditionally approve, or deny the Project's applications based on specific sets of findings applicable to each permit.<sup>63</sup>

Under the City Code, the City Council must make the following findings in order to approve the Project's requested development plan review:

- a. The location, size, design, density and intensity of the proposed development and improvements are consistent with the city's general plan, any applicable specific plans, the purposes and provisions of this title, the purposes of the zone in which the site is located, and the development policies and standards of the city.
- b. The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of development proposed.
- c. The proposed development and the conditions under which it would be operated or maintained is compatible with abutting properties and will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- d. The architecture proposed is compatible with community standards and protects the character of adjacent development.
- e. The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.
- f. The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.<sup>64</sup>

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The City cannot make all of the above findings for the Project, thereby precluding approval of the Project's land use permits. As demonstrated in the foregoing comments, the Project has significant, unmitigated public health, environmental and land use impacts, and lacks substantial evidence demonstrating that the revised Project meets these standards. Therefore, the City Council cannot find that the Project is consistent with the Development Plan Review finding (f.) above.

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<sup>63</sup> PMC § 19.54.020.

<sup>64</sup> PMC § 19.54.040 (f)(8).  
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## VI. THE PROJECT FAILS TO COMPLY WITH THE SUBDIVISION MAP ACT

The FEIR lacks substantial evidence to support the Map Act's factual findings required to approve the Tentative Parcel Map, which require the City to find that a proposed subdivision is consistent with the general plan/specific plan, and does not have any detrimental environmental or public health effects.<sup>65</sup> As discussed herein, and in CARE CA's prior comments on the DEIR, there is substantial evidence demonstrating that the Project will result in significant impacts from Project related transportation, air quality, health risk, GHG emissions, and noise which are not adequately mitigated in the FEIR. As a result of these unmitigated impacts, the Project fails to comply with mandatory Map Act requirements and the City cannot make the requisite findings to approve the Project's Tentative Parcel Map.

The purpose of the Map Act is to regulate and control design and improvement of subdivisions with proper consideration for their relation to adjoining areas, to require subdividers to install streets and other improvements, to prevent fraud and exploitation, and to protect both the public and purchasers of subdivided lands.<sup>66</sup> Before approving a tentative map, the Map Act requires the agency's legislative body to make findings that the proposed subdivision map, together with the provisions for its design and improvement, is consistent with the general plan and any specific plan.<sup>67</sup> The Map Act also requires the agency's legislative body to deny a proposed subdivision map in any of the following circumstances:<sup>68</sup>

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- a) The proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b) The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c) The site is not physically suitable for the type of development.
- d) The site is not physically suitable for the proposed density of development.
- e) The ***design of the subdivision or the proposed improvements are likely to cause substantial environmental damage*** or substantially and avoidably injure fish or wildlife or their habitat.

<sup>65</sup> Gov Code §§66473.5, 66474.

<sup>66</sup> *Pratt v. Adams* (1964) 229 Cal.App.2d 602.

<sup>67</sup> Gov Code § 66473.5.

<sup>68</sup> Gov. Code § 66474 (emphasis added).

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- f) The ***design of the subdivision or type of improvements is likely to cause serious public health problems.***
- g) The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

CARE CA's experts provided substantial evidence demonstrating that the Project is likely to have significant, unmitigated impacts to public health from exposure to *Cocci* fungus spores; on the environment and public health from construction and operational noise; and on the climate from excess GHG emissions caused by unmitigated VMT. These impacts demonstrate that the Project is "likely to cause substantial environmental damage," and "is likely to cause serious public health problems."<sup>69</sup> These unmitigated impacts render the Project inconsistent with Map Act requirements. The Map Act therefore requires the City to deny the Project's Tentative Parcel Map pursuant to Government Code Sections 66473.5 and 66474(a), (b), (e), and (f).

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## VII. CONCLUSION

For the reasons stated herein, in CARE CA's comments on the DEIR, and in other comments from the public, CARE CA urges the Planning Commission to remand the Project to City Staff to prepare and circulate a legally adequate EIR which analyzes the current version of the Project, and which fully discloses and mitigates the Project's potentially significant impacts related to air quality, health risks, GHG emissions, noise, and transportation. The City must remedy all substantial defects in the FEIR, and in the Project as a whole, before the Project may be presented to the City's decision-making body at any future public hearing.

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Sincerely,



Kevin Carmichael

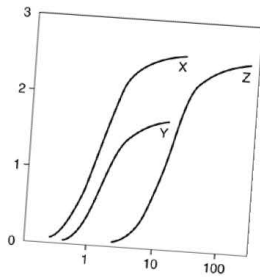
KTC:ljl

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<sup>69</sup> Gov. Code §§ 66474(a), (b), (e), and (f).  
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# EXHIBIT A

L5.15



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December 17, 2025

Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080

**Attn: Mr. Kevin Carmichael**

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

Dear Mr. Carmichael:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the December 2025 City of Perris (City) FEIR 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 included 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.

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Per the Staff Report included in the hearing package, Staff recommended approval of Alternative 4. Alternative 4 would prohibit industrial warehouse and distribution uses but would retain the regional shopping center and increase the parcel hub facility to 391,725 square feet on 70 acres for last-mile delivery of goods to customers. Alternative 4 would modify the boundaries of the Specific Plan Amendment to not include areas east of Indian Avenue, north of Orange Avenue, and west of Barrett Avenue. Therefore, the residential land uses, totaling up to 615 dwelling units, and a 16.5-acre sports park would be retained. The regional shopping center would include the following components: a 167,050-square-foot big box retail building with an associated gas-fueling component; two quick-serve restaurants; multitenant buildings with a major retail tenant. This revision to the Project plan will be dealt with in a separate comment below.

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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.

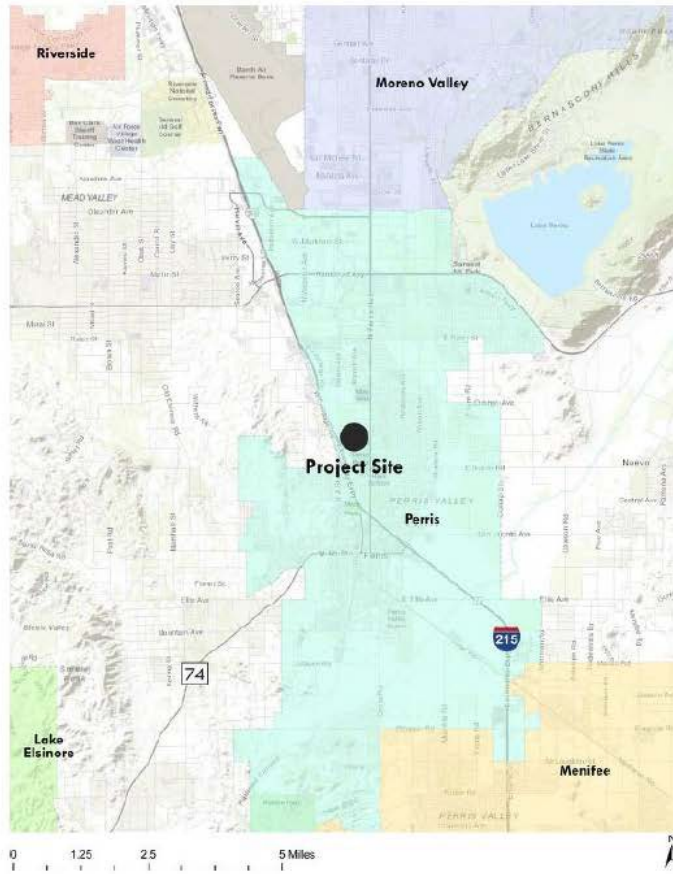


Figure 1: Regional Location Of Project

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**Figure 2: Local Vicinity Map**

As noted in my previous comments, the proposed project would result in the emission of criteria pollutants (ozone (O<sub>3</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulates less than 10 and 2.5 microns in diameter (PM<sub>10</sub> and PM<sub>2.5</sub>), 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

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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.

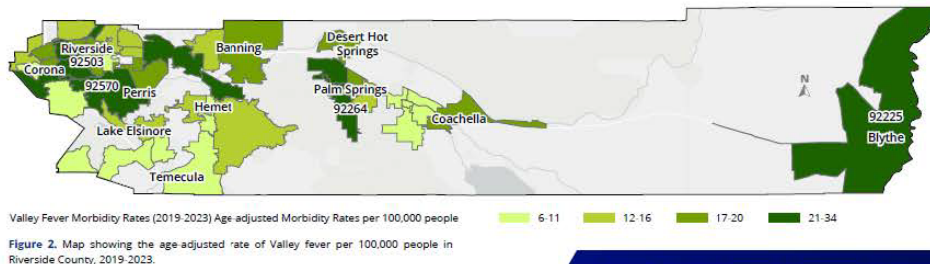
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**Specific Comments**

**1. Response To Comment O2.24/O2.51: The Significant Health Impacts From Valley Fever Spores Present In The Soils Of Riverside County.**

The City’s response in Comment O2.24/O2.51 states that the Valley Fever rate in Riverside County is 19.0 for every 100,000 people in 2024. As I pointed out in the comments provide previously, based on a study by the University of California Riverside (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. This rate is the highest in Riverside County and represents a significant threat to the health of construction workers at the Project Site and residents adjacent to the Project Site

L5.16



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

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.

As I previously stated in my comments, 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. Conventional dust control measures primarily focus on visible dust or larger dust particles—the PM<sub>10</sub> fraction—and fail to address the very fine particles that transport Valley Fever spores, which are approximately 5 times smaller than typical PM<sub>10</sub> particles and remain airborne much longer.<sup>1</sup> These fine particles, when disturbed by soil-disturbing activities, spread widely beyond site, posing a significant risk to both onsite workers and nearby communities.

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As I stated previously 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 along with a series of mitigation measures to reduce or prevent the exposure of workers to Valley Fever cocci. 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.

The additional measures I proposed in my previous letter which were not included in the FEIR's list of mitigation measures included:

1. A site-specific 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

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<sup>1</sup> 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.").

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.

L5.16  
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- 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.
  - 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.<sup>2</sup>
  - If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

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The City should include these requirements in a new list of mitigation measures for the Project and publish them in a revised FEIR.

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<sup>2</sup> 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://kypr.org/post/new-valley-fever-skin-test-shows-promise-obstacles-remain>.

**2. Response To Comment O2.18: The City’s Cumulative Impact Analysis Fails To Incorporate A Quantitative Analysis of The Substantial Public Health Impacts From Nearby Warehouse Projects.**

The City’s response to Comment O2.18 states that “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

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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.” This arbitrary assignment of a distance to other warehouses is not supported in the response.

As I pointed out previously, 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 <sup>3</sup>. These existing and planned warehouses are not accounted for in the FEIR. 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.

**3. Response To Comment O2.25: The FEIR Underestimates The Average Truck Trip Length By Relying on 40 Mile-Length Trips In The Air Quality Analysis.**

The City’s response to Comment O2.25 states that “The StreetLight data indicated that LHDT and MHDT trucks travel approximately 31 miles and HHDT trucks travel approximately 71 miles. As

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<sup>3</sup> Warehouse City v. 1.21. Accessed July 6, 2025. <https://radicalresearch.shinyapps.io/WarehouseCITY/>

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”. This comment ignores that the largest sources of criteria pollutant and diesel particulate matter from mobile sources associated is with the HHDT trucks that will be traveling from the Ports of Long Beach and Los Angeles. 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 FEIR’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. As I pointed out in my comment letter, SCAQMD 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. 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.<sup>4</sup> SCAQMD has made similar comments on other warehouse projects, explaining that warehouse projects that rely on default average distances, without adjusting for distance to the Ports, underestimate truck trips.<sup>5</sup> The City’s continued reliance on an average truck trip length which SCAQMD itself has explained should not be used for warehouse projects that are farther from the Ports is unsupported. The City must revise

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<sup>4</sup> 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>.

<sup>5</sup> See SCAQMD, Comments on Notice of Availability of a Recirculated Draft Environmental Impact Report (EIR) for Rubidoux Commerce Park Project (Proposed Project) (SCH No. 2020110449) (October 9, 2023), available at <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2023/october-2023/RVC230901-01.pdf>; SCAQMD, Comments on Draft Environmental Impact Report (DEIR) for the Optimus Logistics Center 2 (September 11, 2015), pg. 3, available at <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/september/deiroptimus.pdf?sfvrsn=2> (“Since the port areas are over 70 miles away from the project site and that trucks will be serving other destinations within the basin and out of state, the SCAQMD staff recommends, absent a tenant-specific analysis with trip length information, that all applicable analyses be revised in the Final EIR using a one-way trip length that more accurately estimates air quality emission and related impacts based on the anticipated activities and distances described in the DEIR.”); SCAQMD, Comments on Draft Environmental Impact Report (DEIR) for the Proposed Westgate Specific Plan (SCH No. 1995052002) (March 5, 2015), pg. 5, available at <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/march/deirwestgate.pdf?sfvrsn=4>; SCAQMD, Comments on Draft Mitigated Negative Declaration (Draft MND) for the Proposed Colton – DEXUS Project (February 1, 2013), available at <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2013/february/colton-dexus.pdf>.

the FEIR's air quality analysis to accurately calculate emissions using fact-based, reasonably foreseeable truck trip lengths.

L5.18  
Cont.

**4. Response To Comment O2.21-O2.23: Use Of The Latest SCAQMD Working Group Guidance On The Aggregation Of Warehouses.**

The City's response asserts that since SCAQMD's draft cumulative impact guidance for protecting public health from aggregation of warehouses and proposed lowering of the significance threshold for establishing cumulative health risk has not yet received final approval, the City is not required to consider evidence of health risk impacts calculated under the new SCAQMD methodology. The City's response ignores relevant guidance on identifying significant cumulative health risk and clearly places the development of businesses over the health of the community. Just because the SCAQMD has yet to finalize the guidance does not mean that the approach is not appropriate for the Project analysis. As detailed in my comment letter, based on the size of the project, the health status of the community, and the number of expected truck trips the Project's impacts should be evaluated against an adjusted cumulative cancer risk threshold of 3 in one million based on the process outlined by SCAQMD. Clearly, the risk from the operational emissions from the Project are significant for residential and school receptors nearest to the Project. The City must consider this relevant threshold and re-evaluate the Project's cumulative health risk in light of this finding and present the results in a revised FEIR.

L5.19

**5. The City Is Proposing To Advance A New Version of the Project That Was Not Analyzed in the Draft EIR.**

As noted in my introduction to this letter, per the Staff Report included in the hearing package, Staff recommended approval of Alternative 4. Alternative 4 would prohibit industrial warehouse and distribution uses but would retain the regional shopping center and increase the parcel hub facility to 391,725 square feet on 70 acres for last-mile delivery of goods to customers. Alternative 4 would modify the boundaries of the Specific Plan Amendment to not include areas east of Indian Avenue, north of Orange Avenue, and west of Barrett Avenue. Therefore, the residential land uses, totaling up to 615 dwelling units, and a 16.5-acre sports park would be retained. The regional shopping center

L5.20

would include the following components: a 167,050-square-foot big box retail building with an associated gas-fueling component; two quick-serve restaurants; multitenant buildings with a major retail tenant.

The DEIR did not analyze the construction or operational impacts of this revised project. The air quality analysis in the DEIR analyzed the buildout of 5,735,535 square feet of business uses and 428,507 square feet of commercial uses. Now, under Section 8.9 of the FEIR, the project is described as 2,829,125 square feet of MBU uses, 428,507 square feet of commercial retail uses, 615 dwelling units, and a 16.5-acre sports park. This is a substantially different project from the version analyzed in the DEIR. The FEIR states that the City performed a revised air quality analysis for which the results are presented in Table 8-11. The Table shows that the reduced plan will still violate significance thresholds for the operational phase for VOCs NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>.

**Table 8-11: Reduced Phase 1 MBU & Phase 2 Residential Alternative Regional Operational Emissions**

Source	Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Summer						
Mobile Source	153.87	190.02	956.50	3.25	253.14	66.97
Area Source	129.93	11.85	197.20	0.08	1.12	1.04
Energy Source	0.30	5.43	3.40	0.04	0.43	0.43
Stationary Source	12.30	34.40	31.38	0.06	1.81	1.81
Gasoline Dispensing	9.35	0	0	0	0	0
Onsite Carpool Equipment	1.45	4.71	202	0	0.38	0.35
<b>Total Maximum Daily Emissions</b>	<b>307.20</b>	<b>246.41</b>	<b>1,390.47</b>	<b>3.42</b>	<b>256.88</b>	<b>70.60</b>
South Coast AQMD Regional Thresholds of significance	55	55	550	150	150	55
Threshold Exceeded?	YES	YES	YES	NO	YES	YES

**Figure 3: Operational Emissions From Reduced Plan**

The City has failed to provide access to the CalEEMod model showing the inputs to the model and results of the model so the results cannot be verified. Even without the model, it is clear that Alternative 4 will have significant impacts that have not been mitigated.

Moreover, the results of the health risk analysis presented by the City has little meaning if the original project is not built. The revised Health Risk Assessment that is provided on the City's website assesses the impacts from the original Project envisioned in the DEIR. It does not assess the impacts from Alternative 4. The inconsistencies in the City's analysis and presentation of the results must be corrected in a new EIR for Alternative 4.

L5.20  
cont.

**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. These impacts are not adequately mitigated by the measures in the FEIR.

L5.21

Sincerely,



# **EXHIBIT B**

L5.22



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Norman Marshall, President  
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December 17, 2025

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

**Subject: Harvest Landing Retail Center and Business Park Project**

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Dear Mr. Carmichael,

In July 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 made 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.

Now I also have reviewed responses to these comments in Final Environmental Impact Report ("FEIR") dated December 2025, and the Staff Report prepared for the December 17, 2025 Planning Commission meeting and make additional findings.

L5.22  
cont.

The Parcel Hub Trip Generation Will Be Higher Than Analyzed in the DEIR and Could be Significantly Higher

The Staff Report states:

Since notification of the project, the developer is supportive of staff-recommended Alternative 4 to remove all allowances for industrial warehouse and distribution uses, but will retain residential land use to accommodate up to 615 residential dwelling units, the regions hopping center and the 391,725-square-foot Parcel Hub Facility on 70 acres for last-mile delivery of goods to customers . . .(PDF p. 11 of 152)

L5.23

This is a larger Parcel Hub Facility than what was analyzed in the DEIR Alternative 4, which was 322,079 square feet on 59.37 acres. (Staff Report, PDF p. 15 of 152) This increases the estimated daily trip generation for this component of the project from 1,491 (Appendix B, Revised Traffic Analysis, p. 126) to 1,814 (FEIR, p. 3-62)

These calculations applied a daily rate of 4.63 daily trips per 1000 square feet based on the Institute of Transportation Engineers (“ITE”) Trip Generation (11<sup>th</sup> Edition) category 156 “High-Cube Parcel Hub Warehouse.” However, a higher trip generation rate likely is applicable. Based on the Staff Report language of “last mile delivery of goods to customers,” it likely is best categorized as: High-Cube Fulfillment Center Warehouse” (156). The daily trip generation for ITE Category 156 with sorting is 6.44 per 1000 square feet. If the facility is best characterized as a fulfillment center warehouse with sorting, it would be estimated to generate 2,523 trips per day.

Extremely Significant VMT Impact

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)

L5.24

The FEIR states that “the City of Perris and Project Applicant explored all possible CAPCOA VMT Reduction Measures” and concludes that “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.” (FEIR, p. 2-184)

As a result, the FEIR’s proposed mitigation remains insufficient and its effectiveness is exaggerated as demonstrated in my comments on the DEIR.

Double-Counting VMT Reduction From Density

The DEIR estimates VMT using the RIVCOM model and then reduces it by applying CAPCOA Measure T-2 “Increase Job Density.” In my July comments I pointed out that this double counts the density effects because they are already built into the RIVCOM model. Based on my 35 years of regional travel demand modeling experience I included a footnote:

L5.25

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.

L5.25  
Cont.

The FEIR response asserts that this is not true, without evidence. ("FEIR, p 2-185) I stand by my comment.

#### Overestimating Other VMT Reductions

In my July comments, I also commented that the DEIR overestimates VMT reductions for pedestrian network improvements given the large blocks in the proposed project. Again, the FEIR disputes this, but also minimizes the importance of the trip reduction calculations, stating:

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. (FEIR, p. 2-186)

L5.26

It is always important to reduce a significant VMT impact to the maximum extent possible, and it is especially important in this case because the proposed project's large scale. Therefore, more should be done to mitigate the significant VMT impact.

#### Failure to Commit to Mandatory Trip Reduction

The FEIR states:

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. (FEIR, p. 2-196)

L5.27

Greater VMT migration is needed, even if it is "difficult to implement."

#### The Underestimated Truck Trip Lengths in the Air Quality Analysis

In my July comments, I documented why the DEIR assertion that a 40-mile trip length is inconsistent with SCAQMD recommendations. The FEIR simply reasserts the DEIR assertion without addressing the substance of my comments. (FEIR p. 2-196)

L5.28

In fact, SCAQMD also made similar comments regarding truck trip lengths, and the FEIR rejected those comments as well (FEIR, p. 2-25)

I stand by my comments.

Sincerely,



Norman L. Marshall

# **EXHIBIT C**





December 6<sup>th</sup>, 2025

Kevin Carmichael  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080

**SUBJECT: 7947 Harvest Landing Retail Project  
Perris, California  
Review and Comment on Final Environmental Impact Report**

Dear Mr. Carmichael,

Wilson Ihrig has reviewed the Responses to Comments (RTC) in the Final Environmental Impact Report (FEIR) dated December 2025 for the 7947 Harvest Landing Retail Project in Perris, California. Wilson Ihrig previously provided comments on the Draft Environmental Impact Report (DEIR) with emphasis on Appendix Q in July 2025.

Additionally, the updated Alternative 4 would permit development of the 358.28-acre Specific Plan Area with approximately 2,829,125 of MBU uses – which is down from the DEIR’s studied 3,403,877 square feet. This new alternative would have new impacts based on the remaining uses allowed under the MBU (Multiple Business Use) Overlay which contemplates a mix of professional office, light industrial, research, and development, business park, retail commercial, related storage and support services uses, paseos, and pedestrian linkages. However, the updated analysis lacks justification based on the changes in the proposed uses. If the City moves forward with Alternative 4, then there is a huge change in the Project – proposed uses are different as there will no longer be warehouses. As a result, the revisions to Alternative 4 are not substantiated in the FEIR nor does the FEIR include supplemental noise analysis necessary to evaluate the findings. The project as proposed does not consider noise as the noise studies do not analyze the chosen alternative. Additionally, the City failed to respond to comments on the FEIR and failed to implement additional feasible mitigation measures to reduce the significant impacts, as detailed below.

L5.29

**Response to Comment O2.38 and O2.39**

This response details our concerns that nighttime noise was not studied against an increase over ambient levels, of which the FEIR was amended to correct. The amended DEIR then concludes that increase in ambient nighttime noise “do not approach the Caltrans substantial 12 dBA Leq threshold”

L5.30

As stated in our original letter on the DEIR, and as repeated in the FEIR, the City’s reliance on a Caltrans Traffic Noise Protocol for mobile noise significance thresholds to assert that 12 dbA is a reasonable threshold to measure impacts from construction and operational noise is unsupported. Rather, a 12 dBA threshold is extreme, as adverse impacts can occur with much smaller noise level

increases. 12 dBA represents a more-than-doubling of loudness and thus would represent a significant and noticeable change in environmental conditions. This is especially true during the more sensitive nighttime hours.

L5.30  
Cont.

The operational noise analysis uses a more reasonable 3 to 5 dB increase. The revisions to the EIR state that noise increases could be as high as 10.1 dB. This noise increase would be a significant impact using a more reasonable 5 dB threshold, found elsewhere in the DEIR. We believe this is an unreported significant impact and mitigation, such as a temporary sound wall, should be erected to reduce unwanted noise while the community is trying to sleep.

#### Response to Comment 02.41

This response states that our concern over underestimated HVAC noise levels is “unreasonable”, due to the nature of HVAC systems, which are designed to cycle on and off. It is true that HVAC systems will indeed typically cycle on and off. However, this is no guarantee that conditions will stay stable such that the FEIR’s estimate that HVAC’s would only run 29 minutes/hour under very hot conditions found in Perris is unsupported. During hot summer months, the potential exists for conditions in which the HVAC may run for substantially longer periods of time. As a result, reasonably foreseeable HVAC noise is underrepresented by the FEIR’s analysis and could result in an unreported significant impact. As such, the analysis should be revised to reflect reasonably foreseeable hot weather conditions.

L5.31

#### Response to Comment 02.72

The FEIR says that construction vibration is inherently temporary and thus human annoyance should not be a concern for an environmental review. We agree that a threshold for annoyance to vibration is different for operational and construction sources, due to the amount of time that the community would be experiencing the impact. However, this can be accounted for in the different threshold levels provided in documents like the *Caltrans Transportation and Construction Vibration Guidance* manual, which was cited elsewhere in the DEIR. This document provides different thresholds for human annoyance, ranging from ‘barely perceptible’ to ‘severe.’ We agree it would be ridiculous to use a ‘barely perceptible’ threshold for a short-term construction event. However, that does not mean there is no level where short-term vibration events would provide an adverse impact on the community. It is the responsibility of the applicant to select these thresholds.

L5.32

We suggested one in our original letter, based on experience with similar projects. The FEIR declines to use this evidence-based threshold, and continues to assert that vibration is not a concern. To say that construction vibration would never be an impact – no matter how extreme – goes against the basic tenants of CEQA. The City must either identify an alternative threshold which is supported by substantial evidence and measure vibration impacts against the alternative threshold, or acknowledge that impacts are significant under the industry-supported threshold we identified and provide mitigation, such as a construction vibration control plan, to reduce and eliminate the adverse effects on the community,

#### Response to Comment 02.74

This response says that noise impacts remain significant and unavoidable since the source height of modeled truck noise uses Caltrans methodology, and that there is no feasible mitigation since sound walls cannot be constructed on land not controlled by the project.

L5.33

Sound walls could be built on City Rights of Way. The FEIR argues against the use of rubberized asphalt since it would only affect pavement noise, not exhaust noise. However, the feasibility of installing mitigation on city owned right of way was not discussed. If the applicant could theoretically provide mitigation by changing public pavement for the good of the community, then it stands to reason they could do the same thing by building soundwalls within land the city owns on the right of way.

Additionally, the lower source height of truck exhaust noise is supported by new research. The Transportation Research Board paper suggests the CalTrans methodology may need to be changed in the future to better represent real-life conditions. More research is to be done, but as it stands new developments in the field should be considered as part of the modeling process.

Finally, the response does not comment on our demonstration that even with a high truck source height, a 10-foot noise barrier would still provide shielding from traffic and would be an effective mitigation measure.

L5.33  
cont.

Very truly yours,  
WILSON IHRIG



Jack Meighan  
Associate

harvest landing feir responses.docx

**Response to Letter L5: Californians Allied for Responsible Economy (CARE CA), dated December 17, 2025**

This comment letter was received after the Draft EIR public review and comment period ended on July 14, 2025. As stated in Section 15088 of the CEQA Guidelines, Lead Agencies are not required to respond to letters received outside of the noticed comment period. However, the following responses have been prepared to provide clarity regarding the environmental concerns that have been raised and to enhance the administrative record for consideration of the Project by the City of Perris City Council.

**Comment L5.1:** This comment introduces 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 as described within the Draft EIR and states that the Project was substantially changed within the Final EIR and a new Draft EIR must be recirculated.

**Response L5.1:** CEQA requires recirculation of an EIR only when significant new information is added after public notice of the availability of the Draft EIR and before certification of the Final EIR, and only if that information deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible mitigation or alternative. (CEQA Guidelines Section 15088.5.) Recirculation is not required simply because a project is modified during the environmental review process, nor when changes reduce impacts, clarify analysis, or refine project details within the scope of the original environmental analysis. (Id.; Laurel Heights Improvement Assn. v. Regents of Univ. of Cal. (1993) 6 Cal.4th 1112.) The revisions to the Project do not constitute “significant new information” within the meaning of CEQA Guidelines section 15088.5. The Draft EIR analyzed development of a large commercial employment center with a mix of warehouse, logistics, parcel hub, retail, and employment-generating land uses on the Project site. The revised Project replaces warehouse and distribution uses with office, research and development, and business park uses—land uses that are generally associated with fewer heavy-duty truck trips, lower diesel emissions, and reduced operational air quality, health risk, noise, and greenhouse gas impacts compared to warehouse and distribution facilities. As disclosed in the Final EIR, the revised Project does not introduce a new type of environmental impact that was not already considered in the Draft EIR, nor does it result in impacts that are more severe than those previously disclosed.

In addition, changes in local policy or regulatory context such as the City’s current warehouse moratorium do not, by themselves, constitute significant new information requiring recirculation unless they reveal new significant environmental impacts of the project that were not previously analyzed. The moratorium is a legislative land use action and does not alter the physical environmental effects of the Project analyzed in the EIR.

**Comment L5.2:** The comment provides a summary of the proposed Project and the location of the Project site. The comment states that the revised Alternative 4 would result in more severe impacts than what was discussed within the Draft EIR. The comment further states that there are significant environmental impacts that are not fully mitigated and the Draft EIR fails to disclose all significant impacts.

**Response L5.2:** 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]). CEQA does not require that every alternative be fully developed, refined, or exhaustively analyzed in the Draft EIR, nor does it prohibit refinement or clarification of alternatives in the Final EIR.

A meaningful analysis of the proposed Alternative 4 is included within the Draft EIR and refined within Final EIR Chapter 3. Revisions to the Draft EIR, and the potential impacts of Alternative 4 are discussed in comparison to the proposed Project. As shown in Final EIR Table 8-9, Alternative 4 would reduce impacts in four impacts areas compared to the proposed Project: Air Quality, Greenhouse Gases, Hydrology and Water Quality, and Noise. Alternative 4 would increase potential impacts in Recreation and Utilities and Service Systems. In addition, while quantitative analysis is not required for CEQA alternatives, an updated regional operational emissions modeling, greenhouse gas emissions, trip generation, and traffic noise analysis was included within the revised Alternatives analysis. The Alternative would reduce impacts associated with heavy-duty truck activity relative to the originally proposed warehouse and distribution uses. A shift in the mix of land uses or trip characteristics, without the introduction of new or more severe impacts, does not trigger recirculation. (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112; CEQA Guidelines Section 15088.5(b).)

**Comment L5.3:** 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 L5.3:** 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 L5.4:** This comment states that the changes made within the Final EIR related to Alternative 4 constitute significant new information that should cause a recirculation of the Draft EIR. The comment further states that the Final EIR does not include supporting evidence to substantiate the conclusions within the Final EIR.

**Response L5.4:** As discussed above in Response to Comment L5.1, recirculation is not required simply because a project is modified during the environmental review process, nor when changes reduce impacts, clarify analysis, or refine project details within the scope of the original environmental analysis. (Id.; *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112.) The revisions to the Project do not constitute “significant new information” within the meaning of CEQA Guidelines section 15088.5. The Draft EIR analyzed development of a large commercial employment center with a mix of warehouse, logistics, parcel hub, retail, and employment-generating land uses on the Project site. The revised Project up for consideration in front of the City Council replaces warehouse and distribution uses with office, research and development, and business park uses—land uses that are generally associated with fewer heavy-duty truck trips, lower diesel emissions, and reduced operational air quality, health risk, noise, and greenhouse gas impacts compared to warehouse and distribution facilities. As disclosed in the Final EIR, the revised Project does not introduce a new type of environmental impact that was not already considered in the Draft EIR, nor does it result in impacts that are more severe than those previously disclosed.

In addition, changes in local policy or regulatory context like the City’s current warehouse moratorium do not, by themselves, constitute significant new information requiring recirculation unless they reveal new significant environmental impacts of the project that were not previously analyzed. The moratorium is a legislative land use action and does not alter the physical environmental effects of the Project analyzed in the EIR.

**Comment L5.5:** This comment states that the Response to Comments within the Final EIR are inadequate as they fail to provide reasoned responses to technical comments made by experts.

**Response L5.5:** This comment does not provide any substantial evidence of significant impacts not disclosed in the EIR. The comments proved in CARE CA’s July 14 letter were adequately responded to in Response to Comments O2.7 through O2.74. 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, as discussed in Final EIR Response to Comments O2.7 through O2.74, the “substantial evidence” presented by the commenter and their experts is based on argument, speculation, unsubstantiated narrative, and evidence which is clearly inaccurate. As defined in CEQA Guidelines Section 15384, argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, and evidence of social or economic impacts which does not contribute to or are not caused by physical impacts on the environment do not constitute substantial evidence. Therefore, this comment does not provide substantial evidence of any environmental impact.

**Comment L5.6:** This comment states that the Final EIR underestimates the Project’s health risk impacts and failed to respond to comments related to the health risks associated with Valley Fever.

**Response L5.6:** This comment does not provide any substantial evidence of significant impacts not disclosed in the EIR. As discussed within Final EIR Response O2.24, 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.<sup>1</sup> 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

**Comment L5.7:** This comments states that the Final EIR must include mitigation measures to reduce potential health risks impacts related to Valley Fever. The comment includes a suggested mitigation measure to include in the Mitigation Monitoring and Reporting Program to reduce impacts.

**Response L5.7:** See Response L5.6. In addition, CEQA 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 impacts 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 L5.8:** This comment states that the Final EIR underestimates the Project’s transportation impacts by using shorter trip lengths.

**Response L5.8:** This comment does not provide any substantial evidence of significant impacts not disclosed in the EIR. 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. 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 analyzing Scenario B, which assumes truck trip lengths obtained from StreetLight, which is based on truck trip length survey data for the Project vicinity.

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<sup>1</sup> 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>

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 L5.9:** This comment states that the Draft EIR fails to analyze noise impacts from continuous operation of HVAC equipment. The comment further states that longer operational times should have been utilized and incorrectly assumed the HVAC power volume level.

**Response L5.9:** This comment does not provide any substantial evidence of significant impacts not disclosed in the EIR. As discussed in Response O2.41 of the Final EIR, 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 would be cycled off. The commenter has failed to provide additional support for their previous comments and simply are restating their position, which was previously responded to within the Final EIR.

**Comment L5.10:** This comment states that the Final EIR fails to mitigate noise impacts as it does not include the use of rubberized pavement and noise barriers. The comment states that these measures are feasible and should be included to reduce the Project's impacts.

**Response L5.10:** 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 use of rubberized asphalt and noise barriers as mitigation was considered on Draft EIR page 5.12-30, which found that heavy truck engine and exhaust noise would not be reduced by rubberized pavement due to the height of the truck engine exhaust stack above the pavement. As the Project would result in the use of heavy trucks with a stack height of 11.5 feet off the ground, the tire/pavement noise reduction benefits associated with rubberized asphalt would not reduce primary truck-related noise sources (e.g., truck engine noise and exhaust stack noise). In addition, noise barriers were evaluated for reduction of vehicular noise impacts. Off-site noise barriers are estimated to provide a *readily perceptible* 5 dBA reduction which, according to the FHWA, is *simple* to attain when blocking the line-of-sight from the noise source to the receiver. Caltrans guidance in the Highway Design Manual, Section 1102.3(3), indicates that for design purposes, *the noise barrier should intercept the line of sight from the exhaust stack of a truck to the receptor*, and an 11.5-foot-high truck stack height is assumed to represent the truck engine and exhaust noise source. As a result, any noise barriers at noise-sensitive land uses affected by Project-related traffic noise increases would need to be sufficiently tall and long to obstruct the line-of-sight between the noise source (11.5 feet high, per Caltrans) and the receiver (5 feet high, per FHWA guidance) to achieve a 5 dBA noise reduction, as recommended by FHWA guidance. The Harvest Landing Specific Plan and Perris Municipal Code do not allow a wall exceeding 11 feet in height along Barrett Avenue between Placentia Avenue and Orange Avenue (Segment #4) adjacent to residential uses. Also, the City cannot autonomously require the construction of off-site walls or other features at property owned or controlled by others. In addition, the commenter provided no substantial evidence to support their claim that 10-foot-high walls would reduce impacts to a less than significant level. Thus, no further response is warranted.

**Comment L5.11:** This comment states that the Final EIR does not consider the Office of the Attorney General's best practices and mitigation measures for warehouse projects.

**Response L5.11:** The Draft EIR identifies that the proposed Project would result in significant air quality and GHG emissions even after implementation of mitigation and, thus, accurately classifies the impact as significant and unavoidable. The Draft EIR includes Mitigation Measures AQ-1 through AQ-19 and GHG-1 through GHG-5, which would work to reduce air quality and GHG emissions. The commenter does not provide any alternative or additional feasible mitigation measures that should be adopted for the Project that were not considered within the Draft or Final EIR. 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 the mitigation measures proposed by the commenter:

- Tier 4 construction equipment is already required under Mitigation Measure AQ-4.
- Requiring electric construction equipment is not a feasible mitigation measure as electric construction equipment is not readily commercially available and is not technologically feasible for most pieces of construction equipment. The commenter does not provide substantial evidence that requiring zero emission off road fleets is presently feasible for the regional construction market serving Perris, or that such a mandate would be consistent with market availability, contractor bidding practices, or CARB's own implementation timelines
- Mitigation Measure AQ-8 limits idling to three minutes in compliance with the California Attorney General's best practices.
- 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 a feasible mitigation measure, which is further detailed on pages 5.3-54 through 5.3-55 of the Draft EIR. Nevertheless, Mitigation Measure AQ-13 requires the installation of conduit to support future installation of charging stations when such trucks become commercially available.
- 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 a feasible mitigation measure, which is further detailed on pages 5.3-54 through 5.3-55 of the Draft EIR.
- Installing and maintaining an air monitoring station proximate to sensitive receptors would not reduce the Project's regional air quality emissions. Therefore, as it would not substantially lessen air quality emissions or impacts associated with those emissions, this mitigation measure is not required under CEQA.
- Restricting diesel powered backup generators is not a feasible or effective mitigation measure. Backup generators would only be utilized in emergency situations and would not result in a meaningful

contribution to Project emissions. Therefore, as it would not substantially lessen air quality emissions or impacts associated with those emissions, this mitigation measure is not required under CEQA.

**Comment L5.12:** This comment states that the City of Perris cannot make the necessary findings required to approve the proposed Project due to unmitigated public health, environmental and land use impacts, and lack of substantial evidence that the revised Project meets these standards.

**Response L5.12:** The findings necessary to approve the Project's requested development plan review do not require the absence of all environmental impacts. Rather, they require that impacts be disclosed, considered, and mitigated to the extent feasible through project design features, conditions of approval, and mitigation measures identified in the EIR. CEQA expressly contemplates that a project may be approved even if significant and unavoidable impacts remain, provided that the lead agency adopts a Statement of Overriding Considerations supported by substantial evidence. (Pub. Res. Code, § 21081; CEQA Guidelines Section 15093.) The City Council will evaluate the substantial evidence in the record and determine whether the Project incorporates safeguards to protect public health, safety, and general welfare to the maximum extent feasible. These safeguards include, but are not limited to, design standards, operational restrictions, mitigation measures, and conditions of approval that would be imposed through the entitlement process. Ultimately, the City Council retains discretion to determine whether the findings required by the Perris Municipal Code can be made based on the entire administrative record, including the Final EIR and any adopted mitigation measures and conditions of approval. The Final EIR provides sufficient information and substantial evidence to support the required findings, should the City Council determine that approval is appropriate.

**Comment L5.13:** This comment states that the Project fails to comply with the subdivision map act as the Project would result in significant impacts related to transportation, air quality, health risk, GHG emissions, and noise which are not adequately addressed in the FEIR.

**Response L5.13:** As discussed above in Response L5.12, the City Council will evaluate the substantial evidence in the record and determine whether the Project incorporates safeguards to protect public health, safety, and general welfare to the extent feasible. These safeguards include, but are not limited to, design standards, operational restrictions, mitigation measures, and conditions of approval that would be imposed through the entitlement process. As substantiated by the responses above and below, none of the comments provide substantial evidence of a 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 L5.14:** This comment concludes the letter by stating that the EIR be recirculated in order to fully disclose and mitigate the Project's impacts.

**Response L5.14:** As substantiated by the responses above and below, none of the comments provide substantial evidence of a 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 L5.15:** This comment introduces an attachment to the comment letter from Clark and Associates giving a brief description of the proposed Project and stating that the proposed Project would result in emissions of criteria air pollutants and diesel particulate matter.

**Response L5.15:** 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 L5.16:** This comment states that potential impacts related to Valley Fever exposure should be disclosed in the EIR and the mitigation outlined in the Draft EIR are insufficient in lowering impact levels. The comment further provides additional mitigation measures to be included.

**Response L5.16:** As discussed above in Response L5.6. 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.<sup>2</sup> 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 mitigate impacts related to Valley Fever.

**Comment L5.17:** This comment states that there are 87 existing warehouses within a 5 km radius of the Project site that should be accounted for within the Final EIR.

**Response L5.17:** This comment does not provide any substantial evidence of a significant impact not already disclosed in the Draft EIR or evidence that the EIR's air quality analysis is inaccurate. Because the proposed Project would exceed the applicable regional significance thresholds for construction (NO<sub>x</sub>) and operation (VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>) 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 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 L5.18:** This comment states that the Final EIR underestimates the potential truck trip distances for trucks accessing the Project site as it relies on a 40-mile truck trip length which does not account for trucks driving from the Ports of Los Angeles and Long Beach which would be approximately 80 miles.

**Response L5.18:** This comment does not provide any substantial evidence of a significant impact not already disclosed in the Draft EIR or evidence that the EIR's air quality analysis is inaccurate. As discussed above in Response L5.9, the trip distance of 39.9 miles per truck trip is taken from South Coast AQMD Rule 2305,

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<sup>2</sup> 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>

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. , 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 L5.19:** This comment states that the latest South Coast AQMD Working Group Guidance on cumulative health risk impacts is applicable to the proposed Project and would result in significant impacts.

**Response L5.19:** 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 A4 of the 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.

**Comment L5.20:** This comment states that the new Alternative 4 included in the Final EIR was not analyzed within the Draft EIR. The comment states that the CalEEMod modeling for the revised air quality analysis was not provided and the revised Health Risk Assessment does not analyze the Alternative.

**Response L5.20:** 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]). CEQA does not require that every alternative be fully developed, refined, or exhaustively analyzed in the Draft EIR, nor does it prohibit refinement or clarification of alternatives in the Final EIR.

A meaningful analysis of the proposed Alternative 4 is included within Draft EIR Section 8.0, *Alternatives*, and clarified in Final EIR Chapter 3. Revisions to the Draft EIR, and the potential impacts of Alternative 4 are discussed in comparison to the proposed Project. As shown in Final EIR Table 8-9, Alternative 4 would reduce impacts in four impact areas compared to the proposed Project: Air Quality, Greenhouse Gases, Hydrology and Water Quality, and Noise. Alternative 4 would increase potential impacts in Recreation and Utilities and Service Systems. In addition, while quantitative analysis is not required for CEQA alternatives, an updated regional operational emissions modeling, greenhouse gas emissions, trip generation, and traffic noise analysis was included within the revised Alternatives analysis. The Alternative would reduce impacts associated with heavy-duty truck activity relative to the originally proposed warehouse and distribution uses. A shift in the mix of land uses or trip characteristics, without the introduction of new or more severe impacts,

does not trigger recirculation. (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112; CEQA Guidelines Section 15088.5(b).)

**Comment L5.21:** This comment states that the Project would result in significant impacts that are not adequately analyzed.

**Response L5.21:** The comment is conclusory in nature and does not raise a specific issue with the adequacy of the Draft EIR evaluation. The commenter's concerns have been addressed above in Responses L5.15 through L5.21. In reviewing the above listed comments, no significant new information was incorporated, and further, the impacts disclosed in the Draft EIR accurately reflect the proposed Project and subsequent potential environmental impacts. Therefore, according to CEQA Guidelines Section 15088.5, Draft EIR recirculation would not be warranted.

**Comment L5.22:** This comment states that the additional findings related to VMT, air pollution, and traffic have been made after review of the Final EIR.

**Response L5.22:** Please refer to Final EIR Response to Comment O2.60 through O2.68 for responses to the commenter's July letter. The comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

**Comment L5.23:** This comment states that the proposed parcel hub facility could result in additional trips compared to what was analyzed within the Draft EIR.

**Response L5.23:** As shown on page 3-65 of the Final EIR, the revised Alternative 4 with the increased parcel hub square footage would result in fewer trips than the proposed Project. As shown on Table 8-8, Alternative 4 would result in 36,652 trips, while the proposed Project would result in 40,321 daily trips. Regarding the trip generation rates utilized, the same trip rates utilized within the analysis for Alternative were included in the scoping agreement, which was approved by the City of Perris Engineering Department, with exception of the residential trips rates. The residential trip rates included ITE Land use Code 210 for the low density residential, Land Use Code 220 for the medium density residential, and Land Use Code 221 for the high density residential allowed under the existing Harvest Landing Specific Plan. The trip generation is not required to analyze the worst-case scenario and provides an adequate representation of the number of trips resulting from Alternative 4.

**Comment L5.24:** This comment states that the proposed Project would result in a significant and unavoidable VMT impacts and includes insufficient mitigation.

**Response L5.24:** This comment does not provide any substantial evidence of a significant impact not already disclosed in the Draft EIR or evidence that the EIR's VMT analysis is inaccurate. The previous comments regarding VMT were responded to in Final EIR Responses to Comments O2.60 through O2.68. Since no further comments or supporting evidence is provided, no further response is warranted.

**Comment L5.25:** This comment states that CAPCOA Measure T-2 Increase Job Density double-counts the density effects as they are already built into the RIVCOM model.

**Response L5.25:** As described previously in Final EIR Response O2.30, 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 L5.26:** This comment states that the Draft EIR overestimates the VMT reductions from pedestrian network improvements due to the large blocks of the proposed Project.

**Response L5.26:** As described previously in Final EIR 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. As previously stated, even if the mitigation measure was utilized but never quantified as a reduction, the significant and unavoidable conclusions would remain.

**Comment L5.27:** This comment states that greater VMT mitigation is needed even if the measures are difficult to implement.

**Response L5.27:** Final EIR Response O2.65 states that while a mandatory trip reduction program is difficult given the Project conditions, the Project would require 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. Therefore, the Draft EIR has included mitigation similar to what was suggested by the commenter; however, the language was written in a way to allow greater flexibility, which would only increase the usefulness and feasibility of the measure.

**Comment L5.28:** This comment states that the Draft EIR use of 40-miles trip length is inconsistent with South Coast AQMD recommendations.

**Response L5.28:** As stated previously in Response L5.8, 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. , 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.

**Comment L5.29:** This comment introduced an attached letter and gives a brief description of the proposed Project. The comment further states that the Final EIR does not include supplemental noise analysis for the Alternative 4 discussion.

**Response L5.29:** This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Pursuant to CEQA Guidelines Section 15126.6(d), 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 does not require that every alternative be fully developed, refined, or exhaustively analyzed in the Draft EIR, nor does it prohibit refinement or clarification of alternatives in the Final EIR. Given the proposed land uses under revised Alternative 4 would not increase trips compared to what was analyzed in the Draft EIR, noise impacts would be consistent with those disclosed in Appendix W to the Draft EIR.

**Comment L5.30:** This comment states that the 12 dBA threshold is unsupported, and a smaller threshold would result in a significant impact that should be mitigated.

**Response L5.30:** The Draft EIR has been revised in Section 3.0 of the 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. 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.<sup>3</sup> 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 L5.31:** This comment states that the EIR underestimated the HVAC noise levels and states that there is no support for the 29 minutes/hour of run time under very hot conditions.

**Response L5.31:** 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. 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 would be cycled off. Therefore, no revisions to the noise analysis are necessary.

**Comment L5.32:** This comment states that the Final EIR fails to include analysis of short-term construction vibration annoyance impacts.

**Response L5.32:** 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. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The PPV is most frequently used to describe vibration impacts to buildings but is not always suitable for evaluating human response (annoyance) because it takes some time for the human body to respond to vibration signals. Impacts would be potentially significant if Project-related construction activities generate vibration levels which exceed the Caltrans vibration damage threshold of 0.3 PPV inch per second at receiver locations. Draft EIR Table 5.12-34 presents the expected Project construction related vibration levels at the nearby receiver locations. At distances ranging from 66 feet to 726 feet from construction activities, construction vibration levels are estimated to be between 0.001 and 0.049 inch per second PPV. As such, construction vibration levels would not exceed the threshold of 0.3 inch per second PPV threshold at any sensitive receiver locations. Therefore, potential impacts related to construction vibration would be less than significant.

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<sup>3</sup> 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>

**Comment L5.33:** This comment states that the use of rubberized pavement is a feasible mitigation measure as well as the inclusion of a 10-foot-high noise barrier to shield from traffic noise.

**Response L5.33:** 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 use of rubberized asphalt and noise barriers as mitigation was considered on Draft EIR page 5.12-30, which found that heavy truck engine and exhaust noise would not be reduced by rubberized pavement due to the height of the truck engine exhaust stack above the pavement. As the Project would result in the use of heavy trucks with a stack height of 11.5 feet off the ground, the tire/pavement noise reduction benefits associated with rubberized asphalt would not reduce primary truck-related noise sources (e.g., truck engine noise and exhaust stack noise). In addition, noise barriers were evaluated for reduction of vehicular noise impacts. Off-site noise barriers are estimated to provide a *readily perceptible* 5 dBA reduction which, according to the FHWA, is *simple* to attain when blocking the line-of-sight from the noise source to the receiver. Caltrans guidance in the Highway Design Manual, Section 1102.3(3), indicates that for design purposes, *the noise barrier should intercept the line of sight from the exhaust stack of a truck to the receptor*, and an 11.5-foot-high truck stack height is assumed to represent the truck engine and exhaust noise source. As a result, any noise barriers at noise-sensitive land uses affected by Project-related traffic noise increases would need to be sufficiently tall and long to obstruct the line-of-sight between the noise source (11.5 feet high, per Caltrans) and the receiver (5 feet high, per FHWA guidance) to achieve a 5 dBA noise reduction, as recommended by FHWA guidance. The Harvest Landing Specific Plan and Perris Municipal Code do not allow a wall exceeding 11 feet in height along Barrett Avenue between Placentia Avenue and Orange Avenue (Segment #4) adjacent to residential uses. Also, the City cannot autonomously require the construction of off-site walls or other features at property owned or controlled by others. Thus, no further response is warranted.