

Response to Late Comment Letter 2 – CARE CA

Adams Broadwell Joseph & Cardozo, attorneys at law previously submitted timely comments regarding the DEIR on behalf of Californians Allied for a Responsible Economy (CARE CA). Those comments and the responses thereto are included in the Final EIR (FEIR) as Comment Letter D, Comment Letter D Attachment 1, Comment Letter D Attachment 3 and [Response to Comment Letter D](#), [Response to Comment Letter D Attachment 1](#), and [Response to Comment Letter D Attachment 3](#), respectively. Late Comment Letter 2 and its attachments substantially duplicate the same issues as those raised in Comment Letter D and its attachments, which are included in the FEIR.

Response to Late Comment LC2-A:

This late comment is similar to Comment D-1.

The summary of the Project presented in Late Comment 2-A is consistent with the Project as described in the Draft EIR (DEIR).

This late comment does not question the content or conclusions of the DEIR, FEIR, or Staff Report.

Response to Late Comment LC2-B:

This late comment is similar to Comment D-2. As with Comment D-2, this late comment is noted and does not question the content or conclusions of the DEIR, FEIR, or Staff Report.

Response to Late Comment LC2-C:

This late comment alleges that the FEIR and Staff Report do not resolve all of the issues raised in Comment Letter ; and claims that the City Council therefore cannot take action on the proposed Project. Responses to the specifically identified concerns in subsequent late comments are provided herein and in the [Response to Comment Letter D](#).

Response to Late Comment LC2-D:

This late comment does not identify any specific issue with respect to the adequacy of the DEIR or FEIR.

No new environmental issues are raised by this late comment.

Response to Late Comment LC2-E:

This late comment is the same as Comment D-4. This late comment introduces CARE CA and its representative members and asserts CARE CA's interest in enforcing environmental laws.

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

Response to Late Comment LC2-F:

This late comment is similar to Comment D-7. As stated in [Response to Comment D-7](#), the City disagrees with the assertion that the DEIR does not include an accurate and complete Project description simply because the DEIR does not identify a specific tenant for the Project. Further, the City disagrees with the assertion that the Staff Report perpetuates the alleged omission. This late comment contains no specific examples to support the commenters assertion that the Project Description is inaccurate or incomplete. As stated in [Response to Comment D-7](#), Section 3.0, Project Description, of the DEIR provides a detailed description of the Project sufficient to meet CEQA's informational requirements and the evaluation of Project impacts.

This late comment incorrectly states the Project is being constructed to support cold storage uses. As stated in [Response to Comment D-8](#) and [Response to Comment D1-12](#), the Project is proposed as a non-refrigerated high-cube warehouse building. The Project Description does not identify cold storage as potential use because the Project applicant proposes a non-refrigerated building.

Further, the City disagrees with the commenter's opinion that the DEIR and FEIR omits information regarding the reasonably foreseeable operational impacts of the Project. Potential impacts resulting from heavy-duty diesel truck traffic and the operation of on-site equipment as a result of the proposed Project, are disclosed and evaluated in Sections 5.2 Air Quality, 5.7 Greenhouse Gas Emissions, and 5.13 Transportation. Additionally, the FEIR clarified and amplified the analysis in the DEIR in [Response to Comment B-8](#), [Response to Comment B1-6](#), [Response to Comment C-7](#), [Response to Comment D1-10](#), and [Response to Comment D1-11](#).

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-G:

This late comment is similar to Comment D-7 in that it contains no specific examples in support of its unsubstantiated assertion that the Project Description is not accurate. Refer to [Response to Comment D-7](#) and [Response to Comment D1-12](#) in the FEIR.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-H:

This late comment is similar to Comment D-8. The commenter's opinion that the transport of hazardous materials may result in potentially significant impacts is not supported by evidence. The commenter correctly notes that the DEIR disclosed the potential for the routine use, storage, or transport of hazardous material; however, this late comment did not include the entirety of the discussion regarding hazardous materials and completely omitted any consideration or discussion of the numerous federal, state, and local regulations regarding the use and transport of hazardous materials with which any future tenant of the Project must comply. Further, CEQA does not require an EIR or a lead agency to engage in speculation or conjecture regarding a potential future user and evaluate all of those possibilities. Additionally, the commenter's assertion that "...the Project is being designed to be capable of supporting warehouse, distribution, and hazardous material transport uses at the Project site..." is false. As stated in DEIR Section 3.3.4, Development Plan Review (DPR 21-0005):

The proposed Project involves the construction and operation of a 769,668-square-foot (SF) building on the approximate 35.7-net-acre Project site (see **Figure 3-9** – Development Plan Review No. 21-00005). The building is proposed to accommodate 749,668 SF of high-cube, non-refrigerated warehouse distribution uses with the remaining 20,000 SF for supporting office uses. The building includes 64 dock doors on the east side and 49 dock doors on the west side. The proposed Project would be constructed as a "spec" building; that is, there is not a specific tenant identified at this time. It is anticipated that the building could operate 24 hours a day, seven days a week. (DEIR, p. 3-15.)

There is nothing in the DEIR or on the Project's site plan to imply that hazardous material transport uses are proposed or envisioned.

The analysis for any transport of hazardous materials during construction is provided in DEIR Section 5.8.5 under Threshold A. Regarding the Project' construction phase, the DEIR concluded:

Construction contractors would be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited to requirements imposed by the EPA, California Department of Toxic Substances Control (DTSC), SCAQMD (discussed in Section 5.2, Air Quality, of this EIR), and RWQCB (discussed in Section 5.9, Hydrology and Water Quality, of this EIR). With mandatory compliance to applicable hazardous materials regulations, the Project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials during the construction phase. **Impacts would be less than significant from construction and no mitigation measures are required.** (DEIR, p.p. 5.8-14–5.8-15.)

Regarding the Project's operational phase, the DEIR concluded:

Operation of the Project would involve the use of materials common to all urban development that are labeled hazardous (e.g., solvents and commercial cleansers; petroleum products; and pesticides, fertilizers, and other landscape maintenance materials). There is the potential for routine use, storage, or transport of other hazardous materials; however, the precise materials are not known, as the tenants of the proposed warehouses are not yet known.

In the event that hazardous materials, other than those common materials described above, are associated with future warehouse operations, the hazardous materials would likely be stored and transported to and from the building sites. Exposure of people or the environment to hazardous materials during operation of the Project may result from (1) the improper handling or use of common hazardous substances; (2) transportation accidents; or (3) an unforeseen event (e.g., fire, flood, or earthquake). The severity of any such exposure is dependent upon the type and amount of the hazardous material involved; the timing, location, and nature of the event; and the sensitivity of the individuals or environment affected. As discussed above, the U.S. Department of Transportation prescribes strict regulations for hazardous materials transport, as described in Title 49 of the Code of Federal Regulations (i.e., the Hazardous Materials Transportation Act); these are implemented by Title 13 of the California Code of Regulations. It is possible that vendors may transport hazardous materials to and from the Project; and the drivers of the transport vehicles must comply with the Hazardous Materials Transportation Act. Hazardous materials or wastes stored on site are subject to requirements associated with accumulation time limits, amounts, and proper storage locations and containers, and proper labeling. The amount of materials that would be handled at any one time for the proposed warehouse operations would be relatively small. Additionally, for removal of hazardous waste from the site, hazardous waste generators are required to use a certified hazardous waste transportation company which must ship hazardous waste to a permitted facility for treatment, storage, recycling, or disposal.

Consistent with the conclusion of the PVCCSP EIR, with compliance with applicable regulations, operation of the Project would result **in a less than significant impact** related to a significant risk to the public or the environment through the potential routine

transport, use, or disposal of hazardous materials. **No mitigation measures are required.** (DEIR, p. 5.8-15.)

The commenter's citation of *Bakersfield Citizens for Local Control v. the City of Bakersfield (Bakersfield)* is not applicable to the Project. *Bakersfield* addressed issues of urban decay and cumulative impacts from two proposed commercial shopping centers; a Walmart Supercenter was proposed for each shopping center, but the EIR for one of the shopping centers stated that no tenants had been identified. The Court held that while the specific name of the tenant may be unnecessary, recognition of the characteristics of the shopping centers' tenants was a necessary prerequisite to accurate identification and analysis of the environmental consequences that would result from approval of the proposed projects; and that failing to disclose the types (emphasis added) of retailers envisioned for the project "is not only misleading and inaccurate, but it hints at mendacity." The Court made this finding because the EIR did not evaluate cumulative impacts "on general merchandise businesses" arising from operating both Supercenters; or urban decay that could result from closure of a nearby existing Walmart store.. These considerations are not applicable to the proposed Project. Impacts from potential tenants of a high-cube, non-refrigerated warehouse building are not likely to vary, as their operational characteristics would be substantially similar, and would not result in any unique impacts not already analyzed within the DEIR. Also, as stated in Response to Comment D-8, "...although it is not anticipated that the ultimate Project end users would transport hazardous materials, any such use would be required to comply with applicable regulatory permitting requirements, as outlined at DEIR p. 5.8-15."

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-I:

This late comment is similar to Comment D-16 and D-18 in that it contains no evidence that Valley Fever poses a significant risk to construction workers in the Project area. As stated in Response to Comment D-18, "The latest CDPH data does not include Riverside County as an area with high rates of Valley fever. Therefore, in accordance with the State CEQA Guidelines, it is appropriate for the City not to focus the DEIR's analysis on this speculative issue. CEQA also does not require mitigation where there is no significant impact. (State CEQA Guidelines 15126.4(a)(3))."

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-J:

This late comment is similar to Comment D-19 in that it restates the same recommended mitigation measures for Valley fever. As stated in Response to Comment D-19, "There is no evidence that Valley Fever is a significant health threat in the vicinity of the Project site. Because there is no significant impact, the City does not need to analyze the feasibility of the commenter's proposed mitigation."

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-K:

See Response to Late Comment LC2-I and LC2-J, above. Riverside County is not an area with high rates of Valley fever.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-L:

This late comment is similar to Comment DI-8 in that it asserts a fire flow pump analysis was not included in the DEIR. As stated in Response to Comment D1-8, Section 5.2, Air Quality, of the DEIR has been clarified to indicate that the fire flow pump is expected to be diesel-fueled and used during fire emergencies and routine testing, and because of the infrequent use, emissions would be negligible. Section 3.0 - Errata of this Final EIR clarifies the associated changes throughout the rest of the DEIR.

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

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

As clarified in the FEIR, emissions from the diesel fire flow pump would not be a large source of Project emissions, contrary to the commenter's assertion.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-M:

See Response to Late Comment LC2A1-3.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-N:

Per State CEQA Guidelines section 15126.4(a)(1)", "An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy" and stated in State CEQA Guidelines section 15126.4(a)(3), "Mitigation measures are not required for effects which are not found to be significant."

As stated in the DEIR and FEIR, the Project will implement applicable PVCCSP EIR mitigation measures and no potentially significant impacts to air quality or greenhouse gas emissions were identified. Because there are no significant adverse impacts resulting from Project implementation, additional mitigation is not required per State CEQA Guidelines section 15126.4(a)(3).

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-O:

As discussed in the Response to Late Comment LC2A3-6, the CARE CA consultant acknowledges the use of 68 dBA as a reasonable value for an HVAC system. Because HVAC noise was included in the Project's operational noise analysis and an appropriate reference sound level was used, the analysis of Project-related noise is complete and analysis has not been deferred.

The commenter is taking a portion of Perris Municipal Code 7.34.050(a) out of context and applying that as a threshold of significance. Chapter 7.34 – Noise Control of the Perris Municipal Code does not set forth significance thresholds for CEQA purposes. This chapter of the municipal code identifies noise levels that shall be considered a public nuisance. The analysis in the PVCCSP EIR and the DEIR and FEIR used the maximum noise levels in Section 7.34.040 as one of the thresholds for Project-related noise impacts.

To put Municipal Code section 7.34-050(a) into context, it is imperative to also look at Section 7.34.050(b). The entirety of Section 7.34.050 states (*emphasis added*):

- (a) It unlawful for any person to willfully make, cause or suffer, or permit to be made or caused, any loud excessive or offensive noises or sounds which unreasonably disturb the peace and quiet of any residential neighborhood or which are physically annoying to persons of ordinary sensitivity or which are so harsh, prolonged or unnatural or unusual in their use, time or place as to occasion physical discomfort to the inhabitants of the city, or any section thereof. The standards for dBA noise level in section 7.34.040 shall apply to this section. To the extent that the noise created causes the noise level at the property line to exceed the ambient noise level by more than 1.0 decibels, it shall be *presumed* that the noise being created also is in violation of this section.
- (b) *The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists should include, but not be limited to, the following:*
 - (1) The level of the noise;
 - (2) Whether the nature of the noise is usual or unusual;
 - (3) Whether the origin of the noise is natural or unnatural;
 - (4) The level of the ambient noise;
 - (5) The proximity of the noise to sleeping facilities;
 - (6) The nature and zoning of the area from which the noise emanates and the area where it is received;
 - (7) The time of day or night the noise occurs;
 - (8) The duration of the noise; and
 - (9) Whether the noise is recurrent, intermittent or constant.

It is clear from Municipal Code Section 7.34.050(b) that an increase in ambient noise, in and of itself, does not constitute a violation of the Perris Municipal Code. Rather, there are at least nine other factors that must be considered, before a determination is made that a noise source constitutes a public nuisance per Perris Municipal Code Chapter 7.34.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-P:

Per State CEQA Guidelines section 15126.4(a)(1), “An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy” and stated in State CEQA Guidelines section 15126.4(a)(3), “Mitigation measures are not required for effects which are not found to be significant.”

As stated in the DEIR and FEIR, the Project will implement PVCCSP EIR mitigation measures **MM Noise 1 through MM Noise 4** during Project construction. The noise analysis in the DEIR and the clarified and amplified analysis in the FEIR, which is supported by substantial evidence as discussed in the FEIR and these Responses to Late Comments, concluded that noise generated during Project construction and operation will not exceed the thresholds of significance established by the City and the PVCCSP with implementation of the PVCCSP EIR noise mitigation measures. Because there are no significant adverse noise impacts resulting from Project implementation, additional mitigation is not required per State CEQA Guidelines section 15126.4(a)(3).

Environmental Justice Goal 3.1 is applicable to disadvantaged communities. As stated in the FEIR **Response to Comment B-1**, the Project site and surrounding area is not within a disadvantaged community. (Refer to the City’s Environmental Justice Element Figure 1: Disadvantaged Communities in Perris.) Therefore, Environmental Justice Goal 3.1 is not applicable to the proposed Project and noise barriers and sound buffers are not required.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-Q:

The commenters continued assertion that the Project has potentially significant noise and vibration impacts has been addressed. The Project’s noise and vibration analysis, as demonstrated in the FEIR and these Responses to Late Comments, was based on accepted methodologies and reference noise levels. The CARE CA noise consultant acknowledged that the HVAC reference noise level is acceptable. The noise and vibration analysis concluded that all Project-related noise and vibration impacts will be less than significant with implementation of PVCCSP EIR mitigation measures **MM Noise 1 through MM Noise 4**. Therefore, the commenter’s request for a revised and recirculated FEIR that includes a vibration control and monitoring plan that sets forth a process by which complaints will be documented and resolved is not supported by substantial evidence and no additional analysis is required. Additionally, because the City has a mechanism in place for complaints regarding nuisance violations, which includes excessive noise, a new or revised process is not warranted.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-R:

This late comment is identical to Comment D-34. As stated in [Response to Comment D-34](#),

No new environmental issues are raised by this comment. The analysis in the DEIR is complete and thorough, and as demonstrated in the responses herein, environmental impacts including, but not limited to, air pollution, noise, and hazards have been appropriately evaluated and effective mitigation measures identified where applicable. (FEIR, p. 2-173.)

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-S:

This late comment is essentially identical to Comment D-34. No new environmental issues are raised by this comment. The analysis in the DEIR as amplified and clarified by the FEIR is complete and thorough, and as demonstrated in FEIR and the responses to late comments herein, environmental impacts including, but not limited to, air pollution, noise, and hazards have been appropriately evaluated and effective mitigation measures identified where applicable.

The fact that CARE CA and their consultants do not agree with the analysis and conclusions in the DEIR and FEIR does not mean the City has not complied with CEQA. As provided by CEQA Guidelines Section 15151, "An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. **Disagreement among experts does not make an EIR inadequate**, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure." (Emphasis added). In addition, by responding to the late comments provided by CARE CA, the City has exceeded the requirements for complying with CEQA.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-T:

This late comment is identical to Comment D-37 and, as with the original comments, does not provide substantial evidence that the Project's noise levels will exceed 40 to 45 dBA or that the Project is not in conformance with the General Plan. The CARE CA consultant's anecdotal opinion that that the noise from the Project's HVAC unit would result in an increase in ambient noise of more than 5 dBA does not constitute substantial evidence. In fact, the CARE CA consultant acknowledges the use of 68 dBA as a reasonable value for an HVAC system in Late Comment LC2A3-6. Refer to the [Response to Late Comment LC2A3-6](#) for additional information. The *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, February 2023, is supported by, and constitutes substantial evidence that noise impacts will be less than significant.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2-U:

As demonstrated in the responses to late comments herein and Response to Comment D-1 through Response to Comment D-38, no significant omissions or deficiencies were identified in the DEIR or FEIR.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment Letter 2, Attachment A1 – Clarke & Associates

Response to Late Comment LC2A1-1

The late comment is similar to Comment DI-3. As stated in Response to Comment D1-3:

Valley fever is more common in the Central Valley or coast of California; therefore, Assembly Bill 203 of 2019 requires construction workers and others in an area with Valley Fever high-risk rates to train workers to minimize the risk of Valley fever. The latest CDPH data does not include Riverside County as an area with high rates of Valley fever.¹ Accordingly, there is no evidence that Valley Fever is a significant impact in the vicinity of the Project site. State CEQA Guidelines 15143 states “[t]he EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.” There is no evidence that Valley Fever is a significant impact or a significant health threat in the vicinity of the Project site. Therefore, in accordance with the State CEQA Guidelines, it is appropriate for the City not to focus the DEIR’s analysis on this speculative issue. CEQA also does not require mitigation where there is no significant impact. CEQA Guidelines 15126.4(a)(3).

Although the number of cases of Valley fever may have increased over time in Riverside County, the County does not have a high rate of Valley fever, which is the number of cases per 100,000 people per year. Because there is no significant impact, the City does not need to analyze the feasibility of mitigation.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2A1-2

This late comment is similar to Comment DI-7. As stated in Response to Comment D1-7, the SCAQMD determined that truck trip lengths would vary by warehouse, and for each truck trip (some trip lengths may be longer, and some may be shorter) an average trip length of 40 miles was the most appropriate length to use for trucks in the basin. This means that some truck trip ends could be at the ports. It would be speculative to assume that all of the Project’s trucks will travel to or from the Ports. Not all trucks leaving the ports travel to a single destination. For SCAQMD Rule 2305, SCAQMD discounted truck emissions by 22.2 percent to account for the trips made in between warehouses by truck.² As further stated in Response to Comment D1-7, “Moreover, the average 40-mile truck trip length may actually result in an overestimation of the truck vehicle miles resulting from the Project and is therefore conservative, because it assumes that all truck trips to and from the Project are “new” within the context of the air basin, rather than redistributed truck trips within the basin.”

Lastly, the commenter’s identification of a 2019 DEIR for another warehouse project in San Bernardino County that used a 77-mile truck trip length is not substantial evidence that a longer truck trip length is appropriate. The 2019 DEIR cited in the comment precedes the data published by SCAQMD with Rule 2305 in 2021. As stated in Response to Comment D1-7, the air quality impacts were adequately modeled using current data available.

¹ <https://www.cdph.ca.gov/Programs/CCDCPHP/DEODC/OHB/Pages/Cocci.aspx#>

² <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2A1-3

This late comment is similar to Comment DI-11. As stated in Response to Comment D1-11, the DEIR included an HRA prepared according to the SCAQMD's *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*. This document provides guidance for analyzing cancer risks from diesel particulate matter (DPM) from mobile sources at facilities such as warehouse distribution centers. This guidance document does not include other air toxics. The DEIR concluded that health risk impacts were less than significant. Furthermore, the majority of emissions from the Project's passenger cars are not concentrated on the Project site, unlike the trucks. Rather, the majority of passenger car emissions occur along roadways traveling to and from the Project site.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2A1-4

As discussed in Response to Late Comment LC2A1-1 through Response to Late Comment LC2A-3 and Response to Comment D1-1 through Response to Comment D1-13, the commenter does not provide any substantial evidence concerning the existence of a significant environmental impact.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment Letter 2, Attachment 2 – James J. J. Clark

Response to Late Comment Letter 2, Attachment 2

This attachment is the curriculum vitae for James, J.J. Clark, and as such this attachment does not question the content or conclusions of the DEIR, FEIR, or staff report.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment Letter 2, Attachment 3 – Wilson Ihrig

Response to Late Comment LC2A3-1

Comment noted. This comment does not question the content or conclusions of the DEIR, FEIR, or staff report.

Response to Late Comment LC2A3-2

Comment noted. This clarification of Comment DIII-4 does not change the Response to Comment DIII-4 in the FEIR or question the content or conclusions of the DEIR, FEIR, or Staff Report.

Response to Late Comment LC2A3-3

Comment noted. This comment does not question the content or conclusions of the DEIR, FEIR, or staff report.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2A3-4

This comment appears to be in response to the first paragraph of Response to Comment DIII-5 in the FEIR and does not acknowledge that in order to amplify the analysis in the DEIR, additional construction noise modeling was done for the sensitive receptors at locations R1 and R3 as shown on DEIR **Figure 5.11-1 – Receptor and Monitoring Locations** and documented in *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, February 2023, hereinafter referred to as the *Noise and Vibration Study* (included as Attachment D to the FEIR).

As stated in the paragraphs 2 through 4 of Response to Comment DIII-5,

Nonetheless, to amplify the analysis in the DEIR, additional construction noise modeling was performed for the sensitive receptors at location R1 and R3 as shown on DEIR **Figure 5.11-1 – Receptor and Monitoring Locations** and documented in *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, February 2023 (See Attachment 4 of this FEIR). The discussion in DEIR Section 5.11.5 for **Threshold A: Would the Project result in generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in local general plan or noise ordinance, or applicable standards of other agencies?** under the subheading **Construction Noise Impacts**, commencing on DEIR p. 5.11-22 will be revised as follows.

Construction noise associated with the Project was analyzed using the RCNM model. It was assumed that the construction for the Project parcels would take place over eleven months. It was assumed that the Project development would occur in one phase and would consist of mass grading, building construction, paving, and painting activities. All construction activities would create temporary periods of noise when heavy construction equipment is in operation and would cause a short-term increase in ambient noise levels. It was assumed that daytime each construction activity would occur at the edge ~~the center~~ of the Project's proposed parking lots. Construction noise levels were evaluated at the nearest residential receivers to the west and east of the Project site, receivers R1 and R3. The distance used for daytime construction for receiver R1 is 170 feet

and the distance used for receiver R3 is 119 feet. (ENTECH 2023, Appendix D.) **Table 5.11-L, Construction Noise Levels by Construction Phase**, presents the noise levels in L_{max} for each construction phase for R1 and R3. Concrete pouring may occur during the daytime and nighttime hours during hot weather. Since the only nighttime construction activity is concrete pouring, it is assumed that nighttime construction will take place only at the proposed building's foundation. The distance used for nighttime construction for receiver R1 is 410 feet and the distance used for receiver R2 is 305 feet. (ENTECH 2023, Appendix D.) All other construction activities will occur during the daytime hours only. (ENTECH 2023, p. 32.) Since the use of properly operating and maintained mufflers consistent with manufacturer's standards are required by PVCCSP EIR mitigation measure **MM Noise 1**, the results presented in **Table 5.11-L** reflects the use of mufflers on all construction equipment.

Table 5.11-L – Construction Noise Levels by Construction Phase

Location	Phase	Construction Noise Level ^{1,2} dBA L_{max}		Exceeds Standard, 80 dBA L_{max}
		Daytime	Nighttime ^{2,3}	
R1 (West)	Grade	<u>64</u> 68	None	No
	Build	<u>53</u> 62	<u>43</u> 57	
	Pave	<u>53</u> 63	None	
	Arch Coat	<u>50</u> 54	None	
R3 (East West)	Grade	<u>65</u> 72	None	
	Build	<u>57</u> 66	<u>46</u> 64	
	Pave	<u>57</u> 67	None	
	Arch Coat	<u>54</u> 58	None	

Source: ENTECH 2023, Table 10-3.

Notes

- 1 Construction noise for daytime operations projected from edge of parking lot to the residential structure. Distance used for R1 = 170 feet; distance used for R3 = 119 feet. Construction noise for nighttime operations projected from edge of building pad to the residential structure. Distance for R1 = 410 feet; distance used for R3 = 305 feet Construction noise projected from center of Project site to nearest adjacent use (structure)
- 2 Noise levels reflect the use of mufflers on all construction equipment.
- 3 Concrete pours with cement pump trucks and mixers occur during the building construction phase at nighttime only.

Construction noise is considered a short-term, temporary impact and would be considered significant if construction activities are undertaken outside the allowable times and if construction noise exceeds the allowable decibels described in the Perris Municipal Code Section 7.34.060 – Construction noise. The Project will comply with the allowable construction hours identified in Section 7.34.060. However, Section 7.34.060 identified that construction noise shall not exceed 80 dBA L_{max} for residential properties within the City. As shown above in **Table 5.11-L**, the highest noise level experienced at receptor R3 is 65 dBA L_{max} , during grading activities. Thus, noise from construction activities would not exceed the established 80 dBA L_{max} standard identified by the Perris Municipal Code. Construction equipment is expected to operate on the Project site during

the allowed days and time period. Should construction activities need to occur outside of the hours permitted by the Perris Municipal Code, the Project Applicant would be required to obtain authorization from the City. In the event on-site concrete pouring activities need to occur at night to allow the concrete to set properly, pours would typically start at 1:00 a.m.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2A3-5

This comment appears to be in response to the *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California*, October 2022. As discussed in Response to Comment DIII-5 and Response to Comment D-24 in the FEIR, and Response to Late Comment LC2A3-4 above, in order to amplify the analysis in the DEIR, additional construction noise modeling was done for the sensitive receptors at locations R1 and R3 as shown on DEIR **Figure 5.11-1 – Receptor and Monitoring Locations** and documented in the *Noise and Vibration Study*.

As stated in Section 10.3 of the *Noise and Vibration Study*, construction noise was modeled using the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM). The output from the RCNM runs are included in Appendix D to the *Noise and Vibration Study*. The tables presenting the RCNM output includes the L_{max} of the reference noise level at 50 feet, the distance to the receptors, the L_{max} of the noise level at the receptor, and the L_{max} noise level at the receptors with mufflers. The RCNM noise model is readily available to anyone at no cost on the FHWA RCNM website at https://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/. Thus, sufficient information is available for anyone to recreate this analysis.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment LC2A3-6

This late comment correctly states there is no citation of HVAC equipment in Appendix D of the *Noise and Vibration Study*. Appendix D contains the construction noise analysis. Since the HVAC units are part of the Project's operational phase, it is not appropriate to include noise from HVAC units in the construction analysis. Because the Project will be constructed in a single phase (that is, construction and operational activities will not overlap) it is not reasonable to include an operational noise source in the analysis of construction noise.

This late comment acknowledges the use of 68 dBA as a reasonable value for an HVAC system. This is the reference noise level used in the analysis in the *Noise and Vibration Study Duke Warehouse at Patterson Avenue & Nance Street, Perris, California* (the *Noise and Vibration Study*). CEQA does not require analysis of a worst-case scenario. CEQA requires analysis of reasonably foreseeable changes in the physical environment resulting from a project. (State CEQA Guidelines § 15151.) The commenter acknowledges that the *Noise and Vibration Study* used a reasonable value for an HVAC system and that by omitting a parapet from the analysis, a conservative approach to this analysis was used. Therefore, the analysis in the *Noise and Vibration Study* is supported by substantial evidence.

Per Section 15151 of the State CEQA Guidelines, disagreement among experts does not make an EIR inadequate. Thus, by extension, disagreement among experts regarding a technical study does not

(i) render a technical study inadequate; (ii) deem a technical study inaccurate; or (iii) mean a technical study is not supported by substantial evidence.

No new environmental issues are raised by this late comment. No additional analysis or revisions to the DEIR, FEIR, or Staff Report are required.

Response to Late Comment Letter 2, Attachment 4 – Wilson Ihrig

Response to Late Comment Letter 2, Attachment 4

This attachment is the resume for Jack Meighan, and as such this attachment does not question the content or conclusions of the DEIR, FEIR, or Staff Report.