

Section 2.0 Comments and Responses to Draft EIR

This section includes all comments received by the City on the Draft Environmental Impact Report, including written comments and comments submitted via email to the City. The City circulated the Draft EIR for a minimum 45-day review period as required by CEQA. The review period ran from June 26, 2023 through August 14, 2023.

2.1 INTRODUCTION TO COMMENTS AND RESPONSES

In accordance with CEQA Guidelines §15132, **Table 2-1: Comments from Public Agencies and Organizations** below provides a list of those parties that provided written comments on the Draft EIR during the public review period. Copies of the written comments are provided in this section and have been annotated with the assigned letter along with a number for each comment. Each comment is followed by a corresponding written response.

Table 2-1: Comments from Public Agencies and Organizations

Reference	Commenter	Date
A	Agua Caliente Band of Cahuilla Indians Claritsa Duarte, Cultural Resources Analyst	July 17, 2023
B	Augustine Band of Cahuilla Indians Geramy Martin, Tribal Secretary	June 30, 2023
C	City of Colton Mario Suarez, AICP, CNU-A	August 14, 2023
D	City of Riverside Matthew Taylor, Principal Planner	August 14, 2023
E	Colton Joint Unified School District Owen Chang, Director of Facilities Planning and Construction	August 14, 2023
F	Pala Band of Mission Indians John Pepper, Lead Cultural Resources Monitor Shasta C. Gaughen, PhD	August 10, 2023
G	San Manuel Band of Mission Indians Bonnie Bryant	June 29, 2023
H	South Coast Air Quality Management District Evelyn Aguilar, Air Quality Specialist, CEQA-IGR	June 30, 2023
I	Southwest Mountain States Regional Council of Carpenters Mitchell M. Tsai, Attorney At Law	June 26, 2023
J	Supporters Alliance for Environmental Responsibility Lozeau Drury LLP - Rebecca Davis	August 10, 2023

This page intentionally left blank.

Comment Letter A – Agua Caliente Band of Cahuilla Indians
Claritsa Duarte, Cultural Resources Analyst

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-087-2023-001

June 28, 2023

[VIA EMAIL TO: gatewaydeir@grandterrace-ca.gov]

City of Grand Terrace
Konrad Bolowich

Grand Terrace, CA 92313

Re: DEIR The Gateway at Grand Terrace Specific Plan

Dear Konrad Bolowich,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the The Gateway at Grand Terrace Specific Plan project. The project area is not located within the boundaries of the ACBCI Reservation. However, it is within the Tribe's Traditional Use Area. For this reason, the ACBCI THPO requests the following:

*A copy of the records search with associated survey reports and site records from the information center.

*Copies of any cultural resource documentation (report and site records) generated in connection with this project.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 883-1134. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

Claritsa Duarte
Cultural Resources Analyst
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS

A-1

5401 DINAH SHORE DRIVE, PALM SPRINGS, CA 92264
T 760/699/6800 F 760/699/6924 WWW.AGUACALIENTE-NSN.GOV

From: Antonio Lopez <ALopez@grandterrace-ca.gov>
Sent: Friday, July 7, 2023 11:40 AM
To: THPO Consulting <ACBCI-THPO@aguacaliente.net>
Cc: Konrad Bolowich <Kbolowich@grandterrace-ca.gov>; waen.messner <waen.messner@lewismc.com>; Natalie Patty <natalie@lilburncorp.com>
Subject: Requested Documentation

**** This Email came from an External Source ****

Good morning, my name is Antonio, and I am the Planning Tech for the City of Grand Terrace. I wanted to confirm that we got the letter you sent Konrad and are now responding with the requested information. I've attached a Dropbox Link below where you can access the requested information as the files were too large to attach to this email. If you have any further questions, feel free to contact me through phone or email.

A-2

<https://www.dropbox.com/t/37DHMcWTxu9VUYku>

Antonio Lopez

Planning Tech
City of Grand Terrace
22795 Barton Rd. Grand Terrace, Ca, 92313
Phone: (909) 954 5176
<https://www.grandterrace-ca.gov/>



From: THPO Consulting <ACBCI-THPO@aguacaliente.net>
Sent: Monday, July 17, 2023 8:35 AM
To: Antonio Lopez <ALopez@grandterrace-ca.gov>
Subject: RE: Requested Documentation

Good morning Antonio,

Thanks for confirming that you received the letter. Could you please resend the information in the Dropbox Link, unfortunately the link expired.

A-3

Thank you,



Claritsa Duarte
Cultural Resources Analyst
cduarte@aguacaliente.net
C: (760) 985-7538 | D: (760) 883-1134
5401 Dinah Shore Drive, Palm Springs, CA 92264

From: Antonio Lopez <Alopez@grandterrace-ca.gov>
Sent: Tuesday, July 18, 2023 2:20 PM
To: THPO Consulting <ACBCI-THPO@aguacaliente.net>
Cc: Natalie Patty <natalie@lilburncorp.com>; Waen Messner <waen.messner@lewismc.com>; Konrad Bolowich <Kbolowich@grandterrace-ca.gov>
Subject: RE: Requested Documentation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, you can access the requested information from the link below.

<https://www.dropbox.com/t/pXiGkCUhE234IQ00>

Best,
Antonio Lopez
Planning Tech
909-954-5176

A-4

Responses to Comment Letter A – Agua Caliente Band of Cahuilla Indians
Claritsa Duarte, Cultural Resources Analyst

- A-1** The comment includes a request for a copy of the records search with associated survey reports and site records from the information center and a copy of any cultural resource document for the Project. No response is warranted.
- A-2** The City provided the commentor a Dropbox link of the requested documents. No further response is warranted.
- A-3** The commenter requested the files for a second time. No response is warranted.
- A-4** The City provided the commentor another Dropbox link of the requested documents. No further response is warranted.

Comment Letter B – Augustine Band of Cahuilla Indians Geramy Martin, Tribal Secretary

From: Anadalia Rios <ARios@augustinetribes.com>
Sent: Friday, June 30, 2023 11:55 AM
To: gatewaydeir@grandterrace-ca.gov
Subject: The Gateway at Grand Terrace Specific Plan
Attachments: K. Bolowich 06-30-2023.pdf

Hello,

Please see attached for response on The Gateway at Grand Terrace Specific Plan Project letter received via mail.

Also, we have updated our mailing address. I would like for you to update the mailing address on your records to:

Update:
Augustine Band of Cahuilla Indians
84001 AVENUE 54
TRIBAL ADMINISTRATION SUITE
COACHELLA, CA 92236-9780
United States

Previously:
Augustine Band of Cahuilla Indians
Po Box 846
Coachella, CA 92236-0846

Please send me confirmation that you have changed our address in your records.



Ana Rios
Administrative Assistant
Augustine Band of Cahuilla Indians

Office: (760) 398-4722 Ext 7498
Email: ARios@augustinetribes.com
Website: augustinetribes-nsn.gov





AUGUSTINE BAND OF CAHUILLA INDIANS
84-481 Avenue 54, Coachella CA 92236
Telephone: (760) 398-4722
Fax (760) 369-7161
Tribal Chairperson: Amanda Vance
Tribal Vice-Chairperson: Victoria Martin
Tribal Secretary: Geramy Martin

Date: 06/30/2023

Dear: Konrad Bolowich
City Manager/Acting Planning Director
City of Grand Terrace, Planning and Development Services Department

SUBJECT: The Gateway at Grand Terrace Specific Plan

Thank you for the opportunity to offer input concerning the development of the above-identified project. We appreciate your sensitivity to the cultural resources that may be impacted by your project and the importance of these cultural resources to the Native American peoples that have occupied the land surrounding the area of your project for thousands of years. Unfortunately, increased development and lack of sensitivity to cultural resources have resulted in many significant cultural resources being destroyed or substantially altered and impacted. Your invitation to consult on this project is greatly appreciated.

B-3

At this time, we are unaware of specific cultural resources that may be affected by the proposed project, however, in the event, you should discover any cultural resources during the development of this project please contact our office immediately for further evaluation.

B-4

Very truly yours,

A handwritten signature in cursive script that reads "Geramy Martin".

Geramy Martin, Tribal Secretary
Augustine Band of Cahuilla Indians

Responses to Comment Letter B – Augustine Band of Cahuilla Indians
Geramy Martin

- B-1** Email transmittal of Comment Letter. No response required.
- B-2** This comment includes an updated mailing address. No response is warranted.
- B-3** The comment acknowledges the City's effort to enter into consultation regarding the Project's potential to impact significant cultural resources. No response is warranted.
- B-4** The commentor requested that the City notify the Augustine Band of Cahuilla Indians in the event that any cultural resources are discovered during the development of the Project. As stated in Draft EIR Section 4.16, Tribal Cultural Resources (page 4.16-10), the Project would implement **MM CUL-2**, and **MMs TCR-1** through **TCR-3** to reduce impacts to tribal cultural resources. As requested by the commentor, in the event that Native American cultural resources are discovered during project activities, **MM TCR-1** would require that all work in the immediate vicinity of the find (within a 60-foot buffer) the Augustine Band of Cahuilla Indians tribe will be notified and work will cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find.

This page intentionally left blank.

Comment Letter C – City of Colton

Mario Suarez, AICP, CNU-A



August 14, 2023

Via Email

Attn: Konrad Bolowich, City Manager/Acting Planning Director
City of Grand Terrace, Planning and Development Services Department
22795 Barton Road
Grand Terrace, CA 92313

**Re: Draft EIR for Zone Change No. 17-02, Specific Plan No. 00-17,
Tentative Tract Map No. 18.01**

Dear Mr. Bolowich:

The City of Colton has reviewed the proposed 'Draft Environmental Impacts Report for *The Gateway at Grand Terrace Specific Plan Project* and provide the following comments, concerns, and recommendations as part of project approval consideration:

C-1

1. The City of Colton Planning Division request notification of all future public meetings, copies of future staff reports and CEQA responses to comments.

Public Works – Water/Utilities:

2. Water/Utilities - the developer shall submit a wastewater collection system study specifically to the existing 10-inch and smaller for review and approval by the City of Colton. Additional infrastructure or further engineering review may be required by the developer based on the information provided in the study.

C-2

3. Water/Utilities - The developer shall provide rehabilitation such as lining of the existing 18-inch sewer main crossing the i-215 freeway that conveys all the flow coming from the gateway development.

C-3

Public Works – Engineering: Street Improvements (Traffic):

1. The Applicant (City of Grand Terrace) shall construct facilities to mitigate traffic impacts as identified by the Transportation Impact Analysis dated November 2022.
2. The applicant shall optimize signal timing in the PM peak hour for the intersection of South La Cadena Dr. at Barton Road as required for the Opening Year (2024) Plus Project Phase One Conditions and identified in the Traffic Impact Analysis dated November 2022.
3. The applicant shall implement the required improvements for Opening Year (2024) Plus Project Phase One at the intersection of South Iowa Avenue and Main Street as identified in the Traffic Impact Analysis dated November 2022 as follows:

C-4

C-5

C-6

659 N. La Cadena Drive
Colton, CA 92324

City of Colton Comments – DRAFT EIR for the Gateway at Grand Terrace Specific Plan Project
August 14, 2023
Page two of two

- a. Option 1:
 - i. Add a second westbound left-turn lane.
 - ii. Restripe the painted median on Iowa Avenue to a through lane to provide a receiving lane for the additional westbound left-turn lane.
- b. Option 2:
 - i. Convert the northbound right-turn lane to a shared through/right lane.
 - ii. Restripe the receiving lane on the north leg to two lanes.

C-6
Cont.

It shall be noted that additional detailed analysis is needed during final design that considers turning movement volumes at adjacent intersection/driveways, evaluates site distance, and evaluates available gaps before the design should be implemented.

C-7

- 4. The applicant shall add a westbound left-turn lane at the intersection of South La Cadena Drive at Barton Road as required for Opening Year (2040) Plus Project Phase One and Two Conditions and identified in the Traffic Impact Analysis dated November 2022.

C-8

- 5. The applicant shall implement the required improvements for Opening Year (2040) Plus Project Phase One and Two Conditions at the intersection of South Iowa Avenue and Main Street as identified in the Traffic Impact Analysis dated November 2022 as follows:

C-9

- a. Add a northbound through lane.
- b. Restripe the receiving lane on the north leg to two lanes.

Sincerely,



Mario Suarez, AICP, CNU-A
Planning Manager
City of Colton

Cc Mark Tomich, Development Services Director
Victor Ortiz, P.E., Assistant PW Director/City Engineer
Jess Soto, P.E., Public Works Utilities Engineer

Responses to Comment Letter C – City of Colton

Mario Suarez, AICP, CNU-A

- C-1** This comment includes introductory statements and a request for notification of all future public meetings, copies of future staff reports and CEQA responses to comments. The City will send all future notifications regarding the Project to the City of Colton.
- C-2** The comment requests that a wastewater collection system study be submitted for review and approval by the City of Colton and states that additional infrastructure review may be required based on the results of the study. The Sewer Improvement Plan, prepared by KWC Engineers, was submitted to the City of Colton for review and approval on October 2, 2023. The Sewer System Analysis (May 2023), also prepared by KWC Engineers, was also submitted to the City of Colton on November 6, 2023. In addition, the DEIR also includes the same Sewer System Analysis in Appendix K2. The report in Appendix K2 (also attached) presents the planning criteria used to estimate the sewage flows and evaluate the recommended sewer system improvements required for the Project. The criteria utilized in the study are in accordance with the July 2016 City of Colton Sewer Master Plan. See DEIR pages 4.17-2 to -3; -11 to -14; DEIR **Appendix K2**. The results of the study indicate that the existing local collector sewers have adequate capacity to serve the project.
- C-3** This comment states that the developer shall provide rehabilitation such as lining of the existing 18" sewer main crossing the I-215 freeway that conveys all flow coming from the Project. As future development projects are submitted to the City of Grand Terrace, the City will require developers to coordinate with the City of Colton regarding sewer system requirements which may include the re-lining of the existing 18" sewer main crossing the I-215 freeway that conveys flows from the City of Grand Terrace and the Project.
- C-4** The comment states that the Applicant, which it identifies as the City of Grand Terrace, shall construct facilities to mitigate traffic impacts identified in the Transportation Impact Analysis (TIA). As explained in Section 3.3 of the DEIR, the Project applicant is Lewis Management Corporation. The City of Grand Terrace is the Lead Agency for purposes of CEQA. Pursuant to Draft EIR Section 4.15, Transportation, the TIA (Draft EIR Appendix J1) included recommended improvements for study intersections that would operate below applicable LOS policies in given jurisdictions. These recommendations include a combination of fee payments to established programs, construction of specific improvements, payment of a fair-share contribution toward future improvements, or a combination of these approaches. The improvements to operational conditions are consistent with Grand Terrace General Plan (GP) LOS policies. However, as explained in DEIR sections 4.15-1 to 2 and 4.15-7 to 8, LOS and similar measures of traffic congestion are no longer considered an impact under CEQA. The recommended improvements are not considered mitigation measures under CEQA but are considered by the City as part of its General Plan policies.

- C-5** The comment states that the applicant shall optimize signal timing in the PM peak hour for the intersection of South La Cadena Drive at Barton Road as required for Opening Year (2024) plus Project Phase One Conditions. Refer to Response to Comment C-4 above.
- C-6** The comment states that applicant shall implement the required improvements for Opening Year (2024) Plus Project Phase One at the intersection of South Iowa Avenue and Main Street. Refer to Response to Comment C-4 above.
- C-7** The comment states that additional detailed analysis is needed during final design that considers turning movement volumes at adjacent intersection/driveways, evaluates site distance, and evaluates available gaps before the design should be implemented. Refer to Response to Comment C-4 above. The Project's Traffic Study (Appendix J1) noted that the identified intersection improvements are conceptual and are not required by CEQA but are considered by the City under its General Plan. Detailed design would be conducted should any of these improvements or others be selected for implementation based on future analyses.
- C-8** The comment states that the applicant shall add a westbound left-turn lane at the intersection of South La Cadena Drive at Barton Road as required for Opening year (2024) Plus Project Phase One and Two Conditions. Refer to Response to Comment C-4 above.
- C-9** The comment states that the applicant shall implement the required improvements for Opening Year (2040) Plus Project Phase One and Two Conditions at the intersection of South Iowa Avenue and Main Street. Refer to Response to Comment C-4 above.

Comment Letter D – City of Riverside

Matthew Taylor, Principal Planner



Community Development
Department
Planning Division

City of Arts & Innovation

August 14, 2023

Konrad Bolowich
City Manager/Acting Planning Director
Planning and Development Services Department
22795 Barton Road
Grand Terrace, CA 92313

Subject: City of Riverside's Review of a Draft Environmental Impact Report for The Gateway at Grand Terrace Specific Plan

Dear Mr. Bolowich:

Thank you for the opportunity to comment on the Notice of Availability of a Draft Environmental Impact Report (DEIR) for The Gateway at Grand Terrace Specific Plan project.

The City of Riverside (City) understands that the proposed Gateway at Grand Terrace Specific Plan project consists of several entitlements including a General Plan Amendment, Change of Zone, Specific Plan Amendment and Tentative Tract Map to support the development of commercial, residential, public utilities, and public park and open space uses; as well as associated on- and off-site infrastructure improvements. We also understand that the new specific plan will permit the development of approximately 695 residential units (43 acres), ~335,700 square feet of commercial space and open space dedicated for a future park.

The City has reviewed the project scope, and we wish to provide the following comments:

Community & Economic Development Department – Planning Division:

- **Section 4.1 – Aesthetics**

- The Draft Gateway Specific Plan, Section 5.5 (Placemaking), under the heading "Monumentation," states that the gateway "can include a large freeway-oriented sign, identifying the City of Grand Terrace and can include an electronic reader board that the City or property owner could manage advertising on." Such a sign is not included in Section 3.0 (Project Description) of the Draft EIR and it is unclear whether or not such a sign is proposed as part of the Project. If such a sign is indeed proposed as part of the Project, the Project Description should be revised to specify the proposed location, height, medium (static or electronic readerboard) and nature (on-site signage or off-site advertising for hire [i.e., billboard]), and Section 4.1 (Aesthetics) should be revised to assess potential impacts to aesthetics associated

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

with large freeway-oriented signage. This should include but not be limited to design, location, orientation, visibility and lighting. Potential impacts should be identified and adequately mitigated or avoided.

D-3
Cont.

- **Section 4.2 – Air Quality**

- **MM AQ-2: Vehicle Trip Reduction**

- **TDM Requirements for Non-Residential Uses:** TDM Requirements for Non-Residential Uses: Begins with "The Project Applicant shall consult with the local transit service provider" – Consultation is not an effective or adequate measure to reduce vehicle trip generation associated with the project. The actual reduction in vehicle trips generated by the act of "consultation" must be quantified. If this is not possible, the mitigation measure should be modified to require specific action on the part of the Project Applicant related to multimodal transit accessibility and/or readiness that can be shown to have a measurable effect on trip generation.

D-4

- **Section 4.12 – Population and Housing**

- **Impact 4.12-2:** The Specific Plan area include six existing residential units generally located on De Berry Street, in an area the Land Use Plan identifies for commercial uses. The Project Description does not address whether the Project intends to demolish these units; however, given that this proposed Specific Plan district is intended for commercial uses, it is reasonable to assume that the Project Proponent or a future developer would intend to demolish them. As such, the Draft EIR should address applicable California statutes related to preservation and replacement of existing housing units pursuant to Senate Bills 330 and 8 (Housing Crisis Act of 2019). Specifically, projects that propose to remove existing housing units are obligated to identify whether any of the units proposed for removal are Protected Units pursuant to the Statute and, if so, provide an accounting of the Households Income Level and plans for replacement of the removed housing units at the same income level.

D-5

Riverside Public Utilities – Water Division:

- **Section 3.0 – Project Description**

- **3.6 – Construction Phasing: Pages 3-12**

- Phase One of the drainage improvements states that the large regional detention basin would be hydraulically connected with two outfalls: one providing outlet to the San Bernardino County Flood Control District (SBCFCD) drainage area and another providing a secondary outlet to the 'Gage Canal'. This facility is the Riverside Canal, which is not a storm flow conveyance facility. It is an irrigation canal that carries clean water to its irrigation customers. No connections (storm flow initiated or otherwise) are allowed to be made to the Riverside Canal. There are other County Flood channels that are expressly designed for that purpose and should be considered for such an endeavor.

D-6

- **Exhibit 3-11 – Conceptual Storm Drain Plan**

- The exhibit presented is confusing and not consistent with the proposed drainage improvements described within the text of the document (see pages 3-12), which proposes a second connection from the basin into the 'Gage Canal'. Additionally, this exhibit is not consistent with what is

D-7

- presented in Appendix H1 (Hydrology and Hydraulics Report), which also proposes a second connection from the basin into the canal. The canal is not a storm drain facility and no connections into the City of Riverside's canal shall be allowed.
- **Stormwater and Drainage – Phase 1: Pages 4.17-14**
 - This section of the DEIR discusses the drainage improvements which include "...providing a secondary outlet to the Gage Canal." No connections shall be permitted into the canal by the City of Riverside.
 - **Appendix H1 – Hydrology and Hydraulics Report**
 - **Section 2.1 – Background: Page 3**
 - The Riverside Canal is treated as a storm drain facility in the flood routing analysis, but it is not designed to handle storm flows. It is an irrigation canal with a full-flow capacity of 100 cubic feet per second (CFS). The report proposes routing flows to the canal's 5'x8' RCB but fails to look at the consequences on the Riverside Canal downstream when these additional flows are discharged into a facility that was not designed to handle storm flows. The existing flows that currently enter the Riverside Canal were never permitted by the City of Riverside, and past severe storm events have resulted in damages to the canal as well as properties adjacent to the canal.
 - **Section 2.6 – Proposed Condition Analyses: Page 9**
 - This project is proposing to use the Riverside Canal (POC#2/Node 200) to receive stormwater runoff. Stormwater runoff from Grand Terrace was never permitted to be discharged into the canal, or any of RPU's facilities. Likewise, permission for connections to discharge stormwater from the proposed development into the Riverside Canal has not been granted by RPU. This project shall demonstrate that runoff will not enter, nor impact RPU's facilities.
 - **Exhibit 6 & 7**
 - The Gateway's project evaluation of runoff assumes that Cage Park would provide ponding during storm events and provides an interim storm drain connection, but this should be revised since the development of the Grand Terrace Energy Facility creates the potential for additional flows due to the loss of ponding at Cage Park.
 - **General Comments:**
 - In several locations throughout the DEIR and Appendix H1 documents, the Riverside Canal is incorrectly referred to as the 'Gage Canal'.
 - Regarding Grand Terrace's Battery Energy Storage System Facility Project:
 - If a fire or severe flooding were to occur at the proposed facility, it is possible that hazardous runoff will likely enter the Riverside Canal and the Santa Ana Riverbed which would contaminate the water with hazardous substances. This waste would enter and contaminate the groundwater basin, which is used for water supply by local water wells.
 - Chemical constituents from the proposed development are not allowed to enter the Canal and the above concerns need to be mitigated. Modeling will need to be done to show that stormflows from this site will not enter the Riverside Canal. The project should indicate what improvements will be installed to safeguard the Riverside Canal from any stormwater flow and any potential chemical and other flows that could runoff during a fire or storms.

The City of Riverside appreciates your consideration of the comments provided in this letter. Should you have any questions regarding this letter, please contact me at (951) 826- 5944, or by e-mail at mtaylor@riversideca.gov.

D-15

We thank you again for the opportunity to provide comments on this proposal and look forward to working with you in the future.

Sincerely,



Matthew Taylor
Principal Planner

cc: Patricia Lock Dawson, Mayor
Riverside City Council Members
Mike Futrell, City Manager
Rafael Guzman, Assistant City Manager
Jennifer A. Lilley, Community & Economic Development Director
Maribeth Tinio, City Planner
Todd Corbin, Public Utilities General Manager
Phaedra Norton, City Attorney

Responses to Comment Letter D – City of Riverside

Matthew Taylor, Principal Planner

D-1 This comment includes an introductory statement and a brief description of the Project reviewed by the City. No response is warranted.

D-2 This comment states the large freeway-oriented sign identified in the Specific Plan Section 5.5 is not included in Draft EIR Project Description (Section 3.0) and it is unclear whether or not the sign is proposed as part of the Project. The comment also states that if the sign is proposed as part of the Project, the Project Description should be revised to specify the proposed location, height, medium, and nature of the sign.

Although The Gateway at Grand Terrace Specific Plan states that the Specific Plan area can contain a large freeway-oriented sign; no sign would be developed upon approval of the Project or certification of this FEIR. Analysis of any such sign in the Draft EIR would therefore have been speculative. Pursuant to The Gateway at Grand Terrace Specific Plan Section 1.4, Specific Plan Authority, it is intended that site and architectural review, grading permits and building permits, or any other action requiring ministerial or discretionary approval be consistent with the Specific Plan. Therefore, if a future applicant decides to construct the large freeway-oriented sign, the sign would be designed in accordance with The Gateway at Grand Terrace Specific Plan zone development standards and guidelines, regulations, and infrastructure requirements, and require City (and possibly Caltrans) review and approval under Grand Terrace MC §18.80.060 (Sign Permit).

D-3 The comment states that Draft EIR Section 4.1 Aesthetics should be revised to assess potential impacts to aesthetics associated with the large freeway-oriented sign. Refer to Response to Comment D-2 above. As explained in Draft EIR Section 4.1, Aesthetics (page 4.1-11), all future Project development would be subject to Grand Terrace MC §§18.60.040, 18.74.080, 18.80.060 and 18.80.140 which establish lighting standards and illumination requirements for sign permits that would reduce the impacts from light and glare. Under these code provisions, “no sign, or lighting fixture would create illumination on adjacent property that exceeded three foot-candles.” Draft EIR at p. 4.1-11; Grand Terrace MC 18.74.080. Any future development proposal that would include a freeway-oriented sign would be required to prepare a Sign Plan inclusive of lighting for City review and approval pursuant to the cited Grand Terrace MC provisions. Therefore, any impacts from a future potential freeway-oriented sign, which is not currently proposed, would not have aesthetic impacts and if a sign were to be proposed in the future that does not comply with these standards, CEQA review would occur at that time.

D-4 The commenter states that consultation with the local transit service provider as part of **MM AQ-2** “is not an effective or adequate measure to reduce vehicle trip generation associated with the Project.” Requiring the Project Applicant to consult with local transit service provider is only one step in the development of an effective TDM plan, and enables the transit provider to identify potential transit access needs. See DEIR 4.2-26. The language of MM AQ-2 does more than require consultation, it also requires the Project to develop a

Transportation Demand Management (TDM) plan to reduce mobile emissions from commuter trips by encouraging alternative modes of transportation such as carpooling, taking transit, walking and biking. **MM AQ-2** requires the TDM to provide ride-matching assistance, carpooling, and bicycle facilities. The emissions reductions from **MM AQ-2** were quantified in CalEEMod 2022 using the methods, criteria, and formulas within the California Air Pollution Control Officers Association (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emissions Reduction, Assessing Climate Vulnerabilities, and Advancing Health and Equity: Designed for Local Governments, Communities, and Project Developers* (2021) (Draft EIR at p. 4.7-18), and result in less than 1% reduction in operational emissions. **MM AQ-2** has been refined to require the emissions reduction shown in Table 4.2-10. The TDM plan shall reduce emissions consistent with Table 4.2-10 and be approved by the City of Grand Terrace prior to the issuance of building permits and incorporated into the Project's Codes Covenants and Restrictions (CC&Rs). Refer to **FEIR Section 3.0, Errata to the Draft EIR**. Despite adopting all identified feasible mitigation measures, the operational emissions remain significant and unavoidable, see Table 4.7-3. The City of Grand Terrace must approve the requirements of a future TDM plan prior to issuing building permits, ensuring the Applicant will develop a TDM plan that meets the EIR requirements.

- D-5** The comment states that the Project Description does not address whether the Project intends to demolish the on-site housing units and that the Draft EIR needs to address applicable California statutes related to the preservation and replacement of the existing housing. The Project's impacts concerning the six existing residential homes and displacement of the associated population were disclosed and analyzed in Draft EIR Section 4.12, Population and Housing. The correct number of existing nonconforming residential structures is five and the correction has been made and clarified in the **Errata of the Draft EIR**. All five structures are considered nonconforming as they are located in the area zoned as Commercial Manufacturing (CM). As noted in the **Errata to the Draft EIR**, only four of the five existing nonconforming residential structures within the Specific Plan boundary are occupied. The fifth nonconforming structure is unoccupied and boarded up. One of the residences, located on Van Buren Street, is not expected to be part of future residential development and will not be affected. The other three occupied units in the current CM zone are within the proposed commercial area of the Specific Plan. Currently, the landowners these three nonconforming residences are not participating in the Specific Plan and no specific development is proposed on those parcels and no demolition of those units is proposed at this time which has been clarified in the **Errata to the Draft EIR**. As to whether these units are protected units under SB 8 and SB 330, these units are not listed or registered as participating in any affordable housing program and are not deed restricted as affordable units. Since the landowner of those units is not participating, the income of the current residents cannot be obtained. If and when that landowner proposes a nonresidential use and demolition of those residents, the SB 8 and SB 330 provisions will apply at that time. As to no net loss of the two residential units that will be demolished, they are not protected units and the Specific Plan provides for the future development of up to 695 housing units, therefore, the requirement for no net loss in the number of residential units is more than met by the project. Refer to Draft EIR Section 4.12, Impact 4.12-2, for further information.

- D-6** The comment states that the reference of the Gage Canal is incorrect. Additionally, the comment states that the Riverside Canal is not a storm flow conveyance facility, and other County Flood channels should be considered for storm water conveyance. The incorrect mention of the ‘Gage Canal’ in Draft EIR Section 3.0 has been revised in **FEIR Section 3.0, Errata to the Draft EIR**. Per **Appendix A, Hydrology and Hydraulics Report Update**, no discharge is proposed to flow into the Riverside Canal and the canal will not receive any regional runoff after the proposed basin is implemented. The existing connection will be removed after construction of the proposed basin.
- D-7** The comment states that 3.11 – Conceptual Storm Drain Plan is not consistent with the Draft EIR text at page 3-12 or in Appendix H1. The text in the Draft EIR that refers to a second connection from the basin in the Gage Canal has been revised; there would be no impacts to the Gage Canal or the Riverside Canal, but to the Highgrove Storm Channel located adjacently to the upstream end of the Riverside Canal. Refer to **FEIR Section 3.0, Errata to the Draft EIR**, to see the revisions.
- D-8** The comment states that no connections shall be permitted into the canal by the City of Riverside. See Response to Comment D-7 above.
- D-9** This comment states that Draft EIR Appendix H1’s flood routing analysis treats the Riverside Canal as storm drain facility. Pursuant to Section 3.0, Errata, **Appendix A, Hydrology and Hydraulics Report Update** of this FEIR, the flood routing analysis has been revised to remove the Riverside Canal as a storm drain facility. No discharge is proposed to flow into the Riverside Canal and the existing connection will be removed. Additionally, see FEIR Section 3.0 for errata changes.
- D-10** The comment states that the Project is proposing to use the Riverside Canal via POC#2/Node 200 to receive stormwater runoff, although stormwater runoff from Grand Terrace was never permitted to be discharged into the canal. The City acknowledges that stormwater runoff from Grand Terrace was never permitted to be discharged into the canal, or any of Riverside Public Utility’s facilities. Refer to the updated **Appendix A, Hydrology and Hydraulics Report Update**, found in Section 3.0, Errata, of this Final EIR, does not propose to use or connect to the Riverside Canal. The Project will not discharge into the Riverside Canal.
- D-11** The comment states that Exhibits 6 and 7 of Draft EIR Appendix H1 should be revised. The exhibits have been updated in **Appendix A, Hydrology and Hydraulics Report Update** and no longer display storm drain connections and ponding at Cage Park.
- D-12** The comment states that the Riverside Canal is incorrectly referred to as the ‘Gage Canal.’ Edits have been made to reflect the correction from “Gage Canal” to “Riverside Canal” where applicable. Refer to **Section 3.0** of this FEIR for those changes.
- D-13** The comment states that, if a fire or severe flooding were to occur at Grand Terrace’s Battery Energy Storage Facility Project, hazardous runoff could enter the Riverside Canal and Santa Ana Riverbed, which could contaminate the groundwater basin used for water supply by local

water wells. This comment has been noted. The Battery Storage System Facility Project is a separate project by a different applicant. It is not located within the boundaries of The Gateway at Grand Terrace Specific Plan area and is not part of the Project.

- D-14** The comment refers to the hazards described in Comment D-13 and states that mitigation is required to address these concerns. Please refer to Response to Comment D-13.
- D-15** This comment contains concluding statements and therefore, no response is warranted.

Comment Letter E – Colton Joint Unified School District

Owen Chang, Director of Facilities Planning and Construction

Colton Joint Unified School District

Frank Miranda, Ed.D., Superintendent

Gregory Fromm, Assistant Superintendent, Business Services Division

Owen Chang, Director of Facilities and Energy Management



BOARD OF EDUCATION

Ms. Joanne E. Thoring-Ojeda, *President*

Mr. Frank A. Ibarra, *Vice-President*

Mr. Dan Flores, *Clerk*

Ms. Bertha Flores

Mr. Israel Fuentes

Ms. Patt Haro

Ms. Berenice Sandoval

Commitment to Equal Opportunity

August 14, 2023

Konrad Bolowich
City Manager/Acting Planning Director
City of Grand Terrace
Planning and Development Services Department
22795 Barton Road
Grand Terrace, CA 92313

Transmitted Via Email: gatewaydeir@grandterrace-ca.gov

SUBJECT: Comments on the Draft Environmental Impact Report (EIR) for The Gateway at Grand Terrace Specific Plan (State Clearinghouse No. 2021020110)

Dear Mr. Bolowich,

The Colton Joint Unified School District (District) appreciates the opportunity to submit comments on the Draft EIR for The Gateway at Grand Terrace Specific Plan, dated June 2023 (State Clearinghouse No. 2021020110). The proposed Specific Plan would change the land uses of 112 acres in southwest Grand Terrace from Commercial Manufacturing, Restricted Manufacturing, and Industrial to The Gateway at Grand Terrace Specific Plan, which includes a mix of commercial, residential, public facilities, park, and open space uses (Project). Residential development would be allowed on 43 acres at a density between 4 and 20 dwelling units (DU) per acre. Accordingly, the Project could result in a maximum development of 786 DUs. However, due to site constraints, the proposed development standards, roads, and infrastructure, the Project anticipates a “realistic” maximum development of approximately 695 DUs. The proposed residential uses would be developed in the first of the two-phased Project.

E-1

The District will provide public educational services to students and families from the Project. Students would attend Grand Terrace Elementary School (12066 Vivienda Avenue), Terrace Hills Middle School (22579 DeBerry Street), and Grand Terrace High School (21810 Main Street) in the City of Grand Terrace.

E-2

The District evaluated the potential residential buildout of the Project and projected the anticipated number of students to be generated. Due to the above-mentioned constraints, density range, and size of the residential area of the Specific Plan, it is likely that a higher percentage of the DUs would be multi-family. With the assumption of hypothetical housing development mixes of 30 percent single- and 70

E-3

1212 Valencia Drive, Colton, CA 92324-1798 – (909) 580-5000

percent multifamily, 50 percent of each of single- and multifamily, and 100 percent multifamily, the District used its most recently adopted student generation rates. As shown below, the worst-case development scenario of 786 DUs would result in the generation of up to 417 students, including 221 elementary students. Under the realistic development scenario, up to 368 students would be generated, including 196 elementary students. The projected number of elementary students would make up about one-third of the enrollment capacity at Grand Terrace Elementary.

Scenario	Maximum # of Units	% SF Units (SGR: 0.70)	% MF Units (SGR: 0.36)	Grade Level			Total # of Students Generated
				K-6	7-8	9-12	
786 Dwelling Unit Maximum							
1	786	50%	50%	221	65	131	417
2	786	30%	70%	194	57	112	363
3	786	0%	100%	154	43	86	283
695 Dwelling Unit (Realistic) Maximum							
4	695	50%	50%	196	57	115	368
5	695	30%	70%	171	50	100	321
6	695	0%	100%	137	38	76	251

E-3
Cont.

School Facilities (EIR Impact 4.13-1)

Using the District's adopted student classroom loading factor of 24 students per classroom for elementary schools and 32 students per classroom for middle and high schools, students generated from the Project would occupy up to 10 classrooms at Grand Terrace Elementary, about 2 classrooms at Terrace Hills Middle, and 4 classrooms at Grand Terrace High.

Grand Terrace Elementary and Terrace Hills Middle were both built in the 1950s and were last modernized in the 2000s. Both schools are designated "Category 3," which indicates they require "major modernization, reconfiguration, and/or complete replacement." Grand Terrace High was built in 2012, and has a "Category 0" status, which means campus facilities are in generally good condition.

It should be further noted that currently more than 50 percent of Grand Terrace Elementary students are housed in portables, and as the school is located next to I-215 and next to an extremely busy intersection, it is not an ideal location for a school. Moreover, approximately 75 percent of Terrace Hills Middle students are in portable buildings, and permanent buildings are aged and need to be modernized.

Plans are underway to upgrade Grand Terrace Elementary and Terrace Hills Middle. However, due to limited funds, the approved improvements at Grand Terrace Elementary include only those that would bring the existing facilities to current code, improve traffic circulation and pedestrian safety, and reduce the student-to-teacher classroom ratio to adopted standards. Similarly, due to limited funds, only half of the proposed improvements envisioned in the Terrace Hills Middle School Master Plan (April 2021) have been submitted to the Division of State Architect for approval. The facilities at Grand Terrace Elementary and Terrace Hills Middle will require additional improvements to accommodate new students generated from the Project.

While the Project's payment of school impact fees would help fund some of the needed improvements, these funds are limited, and the school impact fees collected from the Project would be insufficient to

E-4

E-5

E-6

Colton Joint Unified School District

Frank Miranda, Ed.D., Superintendent

Gregory Fromm, Assistant Superintendent, Business Services Division

Owen Chang, Director of Facilities and Energy Management



BOARD OF EDUCATION

Ms. Joanne E. Thoring-Ojeda, *President*

Mr. Frank A. Ibarra, *Vice-President*

Mr. Dan Flores, *Clerk*

Ms. Bertha Flores

Mr. Israel Fuentes

Ms. Patt Haro

Ms. Berenice Sandoval

Commitment to Equal Opportunity

modernize Grand Terrace Elementary and Terrace Hills Middle with state-of-the-art facilities. The [District's Fee Justification Report](#) provides additional background on the costs for school construction as compared to the allowed maximum school impact fee that the District can collect under Education Code Section 17620. Therefore, the District requests the City and developer to consider the formation of a Mello-Roos District for the Project. Mello-Roos funds would supplement District funds and be directly used to improve and maintain Grand Terrace Elementary and Terrace Hills Middle, as well as Grand Terrace High School for students generated by the Project.

E-6
Cont.

Goals, Policies, and Program Concerning Pedestrian Facilities for Safe Routes To Schools (EIR Impact 4.15-1)

Due to the Project's close proximity to the schools that would serve its students, it is very likely that many students would walk to school. As measured from the northern boundary of the Specific Plan area, Grand Terrace Elementary is 725 feet to the north; Terrace Hills Middle is slightly over one-half mile to the east; and Grand Terrace High is immediately south of the Project site. The EIR states on pages 4.13-4 and 4.13-13 that Grand Terrace Elementary is 3 miles northeast of the Project site. The distance stated should be corrected.

E-7

The Project proposes pedestrian facilities, including sidewalks and bike lanes, within the Project site. The Project would also include roadway and pedestrian facility improvements along Taylor Street and Commerce Way between Main Street and Michigan Avenue. It is unclear whether the Project would improve missing pedestrian facilities off-site, outside the Project site, along routes to schools. Students generated by the Project who walk to school would use Van Buren Street, De Berry Street, and Michigan Street to get to Grand Terrace Elementary, Terrace Hills Middle, and Grand Terrace High. These segments have missing pedestrian facilities. Specifically, De Berry Street and Van Buren Street between their current western terminus and Michigan Street are missing sidewalks.

E-8

According to the Transportation Impact Study (EIR Appendix J1), one or both sides of the sidewalks on Michigan Street between Commerce Way and Pico Street are not continuous. Further, EIR Impact 4.15-1 inaccurately states that De Berry Street west of Michigan Street and Van Buren Street west of Michigan Street provide continuous sidewalks. As shown below, there are missing sidewalk segments on both sides of De Berry Street, immediately west of Michigan Street. The EIR and Transportation Impact Study should be updated to accurately identify these missing pedestrian linkages.

E-9

The City of Grand Terrace Active Transportation Plan (ATP) includes Safe Routes to Schools Recommendations. As the ATP was prepared in 2018, its analysis and recommendations do not incorporate those required for the Project. Figure 5-4: Grand Terrace Elementary Existing Conditions,

E-10

1212 Valencia Drive, Colton, CA 92324-1798 – (909) 580-5000

and Figure 5-6: Terrace Hills Middle Existing Conditions, should be updated to reflect the required pedestrian facilities directly caused by the Project. Similarly, the recommendations for traffic calming, increased safety, and pedestrian and bicycle infrastructure for Grand Terrace Elementary (ATP, page 80) and Terrace Hills Middle (ATP, page 84) should be updated.

E-10
Cont.



As the Project would directly contribute to the need for these off-site pedestrian facilities, the City should require the Project to include a Project-specific Safe Routes to School Plan that would amend the ATP and that will identify off-site pedestrian facility improvement recommendations along De Berry Street, Van Buren Street, and Michigan Street that would be required by the Project. These off-site pedestrian facility improvements, similar to the Project's proposed off-site roadway improvements, should be conditioned as a part of Project approval. Their implementation should be completed during Phase 1 of the Project when the proposed residential development would occur. Moreover, as shown on Table 8-1: Funding Sources, on pages 139 and 140 of the ATP, it is possible that funding for these improvements could be through private development agreements and Mello Roos Districts, as suggested above for the proposed school facility improvements.

E-11

E-12

E-13

The finding of EIR Impact 4.15-1 that the Project would be compliant with the City's ATP concerning pedestrian facilities is not substantiated. As demonstrated above, the Project has not demonstrated how the Project would meet General Plan Circulation Element Goal 3.3 concerning how the Project would provide for a safe circulation system, including off-site pedestrian facilities for students walking to school, and Goal 3.5 for the provision of efficient alternative modes of travel for students to school.

E-14

Increased Pedestrian Safety Hazards and Pedestrian-Vehicle Conflicts (EIR Impact 4.15-3)

Project implementation without the off-site improvements along routes to Grand Terrace Elementary, Terrace Hills Middle, and Grand Terrace High would increase pedestrian safety hazards. The EIR summarily provides that the Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. It does not substantiate how the Project would not cause or increase hazards. School routes with missing sidewalks would require students to walk alongside vehicles on Michigan Street, DeBerry Street, and Van Buren Street. Michigan Street is classified as a four-lane Secondary Highway (between Commerce Way and Van Buren Street) and would allow vehicles to travel up to 40 miles per hour. The Project would increase pedestrian safety hazards for students walking along these street segments without sidewalks. Impact 4.15-3 should be updated to address the increased pedestrian safety hazards along routes to school.

E-15

Colton Joint Unified School District

Frank Miranda, Ed.D., Superintendent

Gregory Fromm, Assistant Superintendent, Business Services Division

Owen Chang, Director of Facilities and Energy Management



BOARD OF EDUCATION

Ms. Joanne E. Thoring-Ojeda, *President*

Mr. Frank A. Ibarra, *Vice-President*

Mr. Dan Flores, *Clerk*

Ms. Bertha Flores

Mr. Israel Fuentes

Ms. Patt Haro

Ms. Berenice Sandoval

Commitment to Equal Opportunity

Moreover, the Project would generate a substantial number of new vehicle trips. Students from the Project who would walk to Grand Terrace Elementary would be required to cross the intersection of Vivienda Avenue/Commerce Way at Barton Road, which is immediately southeast of the school. Barton

Road is a four-lane Major Highway and provides access to I-215, and Commerce Way is one of the main access points to the Project site. Although school roadway markings and signs exist at and near this intersection, the Project would add 468 new peak morning trips to the intersection. The potential for pedestrian-vehicle conflicts when students walk to and from school would substantially increase. Similarly, the Project would increase vehicle trips at the intersection of De Berry Street at Mt. Vernon Avenue, which is northwest of Terrace Hills Middle, and would consequently increase pedestrian-vehicle conflicts at this intersection.

The potential roadway conflicts at the Vivienda Avenue/Commerce Way at Barton Road and De Berry Street at Mt. Vernon Avenue intersections are further amplified in the ATP. As shown in Figure 4-8 of the ATP, there have been documented pedestrian and bicycle collisions at both of these intersections.



EIR Impact 4.15-3 must be updated to address the increased pedestrian-vehicle conflicts at the two intersections that will result from Project traffic. As the Project would generate a substantial number of vehicle trips, as well as elementary and middle school students who would use the intersections,

1212 Valencia Drive, Colton, CA 92324-1798 – (909) 580-5000

pursuant to California Vehicle Code Section 21373, the District requests the City and/or developer to provide adult crossing guards as a form of traffic control at both intersections to reduce potentially significant safety risks and hazards. As mentioned above, the ATP states that funding for the crossing guards can be through either a private development agreement or a Mello Roos District.

E-17
Cont.

Significant Traffic Impact at Grand Terrace High School and Emergency Access (EIR Impact 4.15-4)

According to the Transportation Impact Study, the Project would directly reduce the level of service (LOS) of Grand Terrace High's westernmost driveway at Titan Way/Sanrive Avenue at Main Street from LOS E (35 sec/vehicle delay) to LOS F (>114 sec/vehicle delay). The analysis further finds that the driveway/intersection does not meet the requirements for the installation of a traffic signal. No other improvements are proposed to reduce the significant traffic impact.

E-18

This driveway provides the only ingress and egress to the high school's western three parking lots and bus loading area. It is unacceptable that the Project will significantly delay operations at this driveway and not identify any mitigation. Impacts would significantly impact high school operations, as the delay would occur during the school's peak morning and afternoon periods.

E-19

The Project must mitigate the indirect impact at the Titan Way/Sanrive Avenue at Main Street intersection. This may include, but is not limited to, creating new driveways on Taylor Street to the parking lots north and south of the football stadium; see black arrows on the figure to the right. The City and developer must coordinate with the District to improve access in and out of the west side of the Grand Terrace High campus.

E-20



Additionally, left unmitigated, the traffic congestion will also affect emergency access along Main Street that will also need to be addressed in EIR Impact 4.15-4, as the traffic would impede emergency ingress and egress of the Project site and impede emergency vehicles from traversing to the Project site.

E-21

Conclusion

The District requests the Project to form a Mello-Roos District to finance school facility improvements at Grand Terrace Elementary and Terrace Hills Middle, off-site pedestrian facilities between the Project

E-22

Colton Joint Unified School District

Frank Miranda, Ed.D., Superintendent

Gregory Fromm, Assistant Superintendent, Business Services Division

Owen Chang, Director of Facilities and Energy Management



BOARD OF EDUCATION

Ms. Joanne E. Thoring-Ojeda, *President*

Mr. Frank A. Ibarra, *Vice-President*

Mr. Dan Flores, *Clerk*

Ms. Bertha Flores

Mr. Israel Fuentes

Ms. Patt Haro

Ms. Berenice Sandoval

Commitment to Equal Opportunity

and assigned schools, and crossing guards at the Vivienda Avenue/Commerce Way at Barton Road and De Berry Street at Mt. Vernon Avenue intersections. The District also requests the Project to fully mitigate the indirect significant traffic impact at Grand Terrace High's western driveway at the Titan Way/Sanrive Avenue at Main Street intersection.

The District is committed to working with the City and developer to ensure adequate school facilities are provided and that the Project's potentially significant environmental effects on existing schools and potentially significant risks on the health and safety of students are fully mitigated. Please contact the undersigned at 909.580.6642 or owen_chang@cjusd.net if you would like to further discuss the comments provided herein.

Sincerely,

Owen Chang

Director, Facilities Planning and Construction

Cc: Dr. Frank Miranda, Superintendent
Gregory Fromm, Assistant Superintendent of Business Services

E-22
Cont.

E-23

1212 Valencia Drive, Colton, CA 92324-1798 – (909) 580-5000

Responses to Comment Letter E – Colton Joint Unified School District

Owen Chang, Director of Facilities Planning and Construction

- E-1** This comment is an introductory statement and the commenter’s understanding of the Project. No response is warranted.
- E-2** Comment noted. No further response is warranted.
- E-3** The City acknowledges the commenter’s breakdown of total number of students potentially generated by the Project but the Project is considered programmatic and therefore, it is not possible to determine the students at each grade level that would result from the Project’s future population. As shown in Draft EIR Section 4.13, Public Services Table 4.13-3 (page 4.13-14), the Project was projected to generate an increased student population demand in the City by approximately 456 potential students by using a demand factor for student populations multiplied by 21.3 percent of persons under 18 years of age within the City. Refer to the following responses for further details concerning the Project’s impact on the Colton Joint Unified School District’s (CJUSD) facilities.
- E-4** Comment noted. The City acknowledges the existing Category 3 status of Grand Terrace Elementary and Terrace Hills Middle which indicates that they currently require “major modernization, reconfiguration, and/or complete replacement,” and the Category 0 status of Grand Terrace High School which indicates the school is in good condition. This comment does not identify a specific concern with the adequacy of the Draft EIR or note a specific issue or comment related to the Draft EIR’s environmental analysis but is noted and will be taken into consideration by decision-makers.
- E-5** Comment has been noted. The comment explains that planning is underway to upgrade the schools, however because of budgetary concerns, not all desired upgrades are progressing. No further response is required.
- E-6** The comment states that, while the Project’s payment of school impact fees pursuant to Education Code section 17620 would help fund some improvements, these fees would not be sufficient to modernize Grand Terrace Elementary School and Terrace Hills Middle School with state-of-the-art facilities and cites to the Colton Joint Unified School District’s (CJUSD) Fee Justification Report for support while acknowledging that the Education Code limits school impact fees, absent of the Project’s development. The comment asks the City and developer to consider formation of a Mello-Roos District to help raise additional funds.

The comments regarding the funds required to make the CJUSD’s facilities state of the art are noted, however the comments do not relate to CEQA matters. As described in the Draft EIR, CEQA requires analyzing the Project’s potential public service impacts on schools based on whether the Project could require the construction or expansion of existing public service facilities resulting in a physical impact to the environment. Draft EIR Section 4.13.1. The Draft EIR explains that the Project could result in approximately 456 new students in the CJUSD

school system and notes that, with declining enrollment, the existing schools are expected to have sufficient capacity to accommodate these new students (Draft EIR at p. 4.13-14). The Draft EIR includes detailed discussion about the relevant regulatory provisions that apply to schools in the context of development approvals (Draft EIR at p. 4.13-7 to -8) and the potential impacts of the Project on school facilities. Impact 4.13-1(III), Draft EIR at pgs. 4.13-13 to -15. As explained in Section 4.13.3 (Public Resources – Regulatory Setting) of the Draft EIR, various Education and Government Code sections govern the school fees to be paid for development projects. The Draft EIR explains that the Project applicant will be required to pay school fees to the CJUSD in compliance with those state law provisions. Accordingly, the Draft EIR concludes that the Project's impacts to schools would be less than significant.

With respect to CJUSD's suggestion that the Project applicant and City consider formation of a Mello-Roos District to provide additional funds for school facilities since the need for additional funding for schools is not specific to this project, instead the CJUSD could address additional funding with additional school fees that apply to this project as well as others who generate the need for schools.

E-7 The incorrect distance from the Project to Grand Terrace Elementary has been noted and corrected. See FEIR **Section 3.0, Errata to the Draft EIR**.

E-8 The comment states that De Berry Street and Van Buren Street between their current western terminus and Michigan Street are missing sidewalks and that students generated by the Project would use these roads to get to school. As stated in the DEIR, the Project provides pedestrian connections to Taylor/Commerce and which will have continual pedestrian access to Grand Terrace High School and Grand Terrace Elementary for residents from the proposed project on Van Buren Street, De Berry Street, and Michigan Street. Students generated by the Project would use these roads to get to school. The Project will provide nearly one mile of new sidewalks and bike lanes which will enhance safer pedestrian routes to Grand Terrace Elementary and Grand Terrace High School.

For students to get to Terrace Hills Middle School from the Project's residential development, they would utilize Van Buren Street. Currently, there are existing sidewalks in between the western terminus at the proposed new Taylor/Commerce extension to Mt. Vernon Avenue of approximately 3,300 feet in total length. The Project would provide street improvements on Van Buren Street within the Project boundary that would include a new sidewalk segment of nearly 1,700 feet. Although the Project would add a significant amount of new sidewalks of over 50% of the length of the existing sidewalks on Van Buren Street, there would still be a small portion on Van Buren Street that would not have sidewalks. This portion is outside of the Project area and approximately 550 feet in length, measuring west from where Van Buren Street meets with Mt. Vernon Avenue. Due to the physical site constraints from overhead powerlines and drainage pipes, it is infeasible to construct sidewalk in this portion along Van Buren Street as additional right-of-way acquisition or condemnation would be required by the City. Thus, the following Mitigation Measure will be added in the **Errata to the Draft EIR**:

MM-TRA-1 Upon the City's acquisition of the area on Van Buren Street necessary to connect the project's sidewalk to the remainder of Van Buren Street, the applicant will pay its fair share of the cost of construction of that portion of the sidewalk.

As to other areas of Grand Terrace that have existing conditions described in the EIR, the City of Grand Terrace, a member of SBCTA, has participated in the Phase I and Phase II of SBCTA's Regional Safe Routes to School (SRTS) Plan, which has identified eligible sidewalk and other improvements outside the Project area that are eligible for SBCTA funding for future improvements. The City will work to address these existing conditions that are not related to the project.

E-9 The comment states that the both the EIR Appendix J1 and the Draft EIR inaccurately describe sidewalks along De Berry Street west of Michigan Street and Van Buren Street west of Michigan Street. The Draft EIR will be updated to correct the statement that, "De Berry Street west of Michigan Street and Van Buren Street west of Michigan Street provide continuous sidewalks." Refer to **FEIR Section 3.0, Errata to the Draft EIR**.

E-10 The comment states that the City of Grand Terrace Active Transportation Plan (ATP), which includes Safe Routes to School Recommendations was prepared before publication of the Gateway at Grand Terrace Specific Plan and Draft EIR and therefore, the Project was not accounted for in the ATP. The comment states that two figures in the ATP should be updated to reflect the pedestrian facilities that CJUSD believes would be required as a result of the Project. The comment also asserts that the ATP's recommendations regarding traffic calming, increased safety, and pedestrian and bicycle safety infrastructure for Grand Terrace Elementary School and Terrace Hills Middle School should be similarly updated.

As discussed in the Draft EIR, the ATP is a planning document adopted by the City in 2018 that provides recommendations to support increased bicycling and walking within the City. Draft EIR at p. 4.15-11. The Draft EIR identifies the ATP's planned and recommended bicycle and pedestrian facilities in the Project Area. See Draft EIR at pgs. 4.15-14 to -15.

The Draft EIR includes analysis of the proposed Project's consistency with the ATP with respect to its recommendations regarding bicycle and pedestrian facilities and concludes that the Project is consistent with the ATP because of the Project's incorporation of bicycle lanes and pedestrian facilities. See Draft EIR at pgs. 4.15-14 to -15. With respect to the Safe Routes to School Recommendations, the ATP includes recommendations for improving bicycle and pedestrian accessibility and safety around the City's schools. ATP at 78-87. With the exception of specific bike lane suggestions, the ATP's recommendations concerning schools are generally high-level and include such items as installing stop signs and repairing sidewalks and the Project is consistent with these recommendations. The comments recommendations regarding other updates to the ATP are beyond the scope of the Project.

E-11 The comment states that the Project would directly contribute to the need for off-site pedestrian facilities and thus the City should require the Project to include a Safe Routes to School Plan specific to the Project that would amend the ATP with improvement

recommendations along De Berry Street, Van Buren Street, and Michigan Street to be required as part of the Project.

Please see Response to Comment E-10, above. Impact 4.15-1 evaluates whether the Project conflicts with a program, plan, ordinance, or policy addressing the circulation system including pedestrian facilities. Draft EIR 4.15-14. The Draft EIR's analysis of Project with regard to this impact found it would not conflict with the ATP. Draft EIR at pgs. 4.15-14 to -15. Commerce Way would be constructed with pedestrian facilities (i.e., sidewalks, bicycle facilities) resulting in a well-connected sidewalk network surrounding the Project. The Project also proposes sidewalks along De Berry Street and Van Buren Street within the Project's limits. Pedestrians would be able to access the Project and other nearby land uses or facilities between Main Street and Barton Road. Lastly, all roadways and pedestrian facilities would be designed according to the development standards listed in the proposed Specific Plan. Therefore, the Project would be compliant with the City's ATP concerning pedestrian facilities. No additional projects need to be added to the ATP and no fact-based evidence of inadequacies with the Draft EIR analysis is presented in the comment.

E-12 The comment states that the projects described in the previous Response to Comment, E-11, should be conditioned as part of Project approval and should be completed during Phase 1 when residential development occurs. Please see Response to Comments E-11, above.

E-13 The comment states that funding for the projects described in the previous Response to Comment E-11, could be achieved through private development agreements and the formation of a Mello-Roos District. Please see Response to Comments E-6, E-10 and E-11 above.

E-14 The comment states that the Draft EIR's finding of consistency with the ATP is not substantiated, specifically with respect to General Plan Circulation Element Goal 3.3 regarding the Project providing a safe circulation system, and Goal 3.5 regarding the provision of efficient alternative modes of travel for students to school.

Please see Response to Comment E-10 and E-11, above, regarding the Project's consistency with the ATP. Table 4.10-3 of the Draft EIR also includes a detailed analysis of the Project's consistency with the City's General Plan. Draft EIR at pgs. 4.10-11 to -19. With respect to General Plan Goal 3.3, the Draft EIR describes the Project's consistency with policies regarding parking and appearance; the Draft EIR also discusses consistency with Goal 3.1 with respect to the Project's circulation plan. Draft EIR at p. 4.10-12. Moreover, the Draft EIR's discussion of Impact 4.15-3 describes how the Project's circulation plan would ensure the safety of the Project. Draft EIR at p. 4.15-19; see also, Draft EIR at p. 3-14, p. 3-30 (Exhibit 3-12), p. 4.7-25, p. 4.10-14, pgs. 4.10-20 to -22. In addition, as discussed in the Draft EIR, Grand Terrace Municipal Code section 17.52.010 requires that any approved tentative tract maps conform to the City's General Plan, among other requirements. Draft EIR at 4.15-19.

With respect to consistency with General Plan Goal 3.5 regarding providing for efficient alternative modes of travel, the Draft EIR includes an analysis of the Project's consistency with

this goal. Draft EIR at pgs. 4.10-12 to -13. Due to the Project's recommended Travel Demand Management measures, the Draft EIR concludes the Project would be consistent with this General Plan Goal 3.5. *Id.* As explained in the Draft EIR, overall, the Project's circulation plan – including its bicycle and pedestrian components – would “reinforce a pedestrian-friendly environment that includes new Class II on-street bike lanes, sidewalks and streets connecting the commercial area with the residential neighborhoods, parks and schools.” Draft EIR at p. 3-14. All of this substantiates the Draft EIR's finding regarding Impact 4.15-1 and the ATP and General Plan.

- E-15** Please see Response to Comment, E-14, above. This comment states that without the off-site improvements along routes to Grand Terrace Elementary, Terrace Hills Middle, and Grand Terrace High pedestrian safety hazards would increase; however, no substantial data or evidence is provided. Furthermore, the commenter states that the EIR did not substantiate how the Project would not cause or increase hazards. Lastly, the commentor states that Impact 4.15-3 should be updated to address the increased pedestrian safety hazards along routes to school.

As stated in Draft EIR Section 4.15 Transportation (page 4.15-19), the Project's proposed circulation improvements would be constructed as approved by the City Engineer and City's Fire Department pursuant to Grand Terrace MC Section 17.52.070, Street Design and Chapter 17.16, and as part of the Project's proposed tentative tract map approval. This would ensure that future development within the Project would not significantly increase hazards due to a geometric design feature.

Per Draft EIR Section 4.15 Transportation (p. 4.15-15), Commerce Way would be constructed with pedestrian facilities (i.e., sidewalks, bicycle facilities) resulting in a well-connected sidewalk network surrounding the Project. The Project also proposes sidewalks along De Berry Street and Van Buren Street within the Project's limits. Pedestrians would be able to access the Project and other nearby land uses or facilities between Main Street and Barton Road. Lastly, all roadways and pedestrian facilities would be designed according to the development standards listed in the proposed Specific Plan. Therefore, the Project would be compliant with the City's ATP concerning pedestrian facilities.

The Project would provide improvements in both bicycle and pedestrian facilities for all areas of the Project and thus is not expected to create pedestrian safety hazards. Draft EIR Impact 4.15-3 uses a City threshold based on CEQA Guidelines Appendix G. Lead agencies have the discretion to select thresholds, which the City has done here. *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 884. The comment's discussion of the existing conditions at Grand Terrace Elementary School, Terrace Hills Middle School and Grand Terrace High School is a part of the baseline condition and exists independent of the Project. No evidence of any additional risk has been presented. Assumptions regarding potential future pedestrian-vehicle conflicts are speculative. No further response is required.

The City respectfully disagrees that Impact 4.15-3 should be updated to address the existing lack of pedestrian facilities outside of the Project area along routes to school. Future development within the Project site would be designed in accordance with all applicable Grand Terrace MC regulations pertaining to roadway design and safety. Furthermore, the Project Applicant will pay development impact fees pursuant to Grand Terrace MC Chapter 4.104 Circulation Improvement Fee Program, which the City can use to improve pedestrian facilities near schools.

E-16 The comment provides assumptions that the Project would add 468 new peak morning trips to Vivienda Avenue and Commerce Way at Barton Road and would consequently increase pedestrian-vehicle conflicts at this intersection as well as De Berry Street and Mt. Vernon intersection. These assumptions have been noted; however the conflicting projections are speculative. All development within the Project site would be designed in accordance with all applicable Grand Terrace MC regulations pertaining to roadway design and safety. Please see Response to Comment E-15.

E-17 The comment states that documented pedestrian/bicycle collisions have already occurred at the intersections of Vivienda Avenue/Commerce way at Barton Road and De Berry Street at Mt. Vernon Avenue and asserts that the proposed Project would cause additional pedestrian-vehicle collisions. The comment requests that, pursuant to California Vehicle Code section 21373, the City and/or developer provide adult crossing guards at these intersections.

Please see Response to Comments E-14 and E-15, above.

E-18 The comment states that the Draft EIR's Traffic Study concludes that the Project would reduce the Level of Service (LOS) of Grand Terrace High School's westernmost driveway at Titan Way/Sanrive Avenue at Main Street from LOS E (35 seconds/vehicle delay) to LOS F (>114 seconds/vehicle delay), and that the analysis further concludes that the driveway/intersection does not meet requirements for installation of a traffic signal. The comment further states that no other improvements are included to reduce this significant traffic impact.

As described in detail in the Draft EIR, LOS is no longer an impact under CEQA. Draft EIR at p. 4.15-7. In summary, SB 743 triggered an update to the CEQA Guidelines that changed how lead agencies evaluate transportation-related impacts under CEQA to eliminate LOS. The comment is mistaken in characterizing the Project's traffic impacts as "significant" due to any resulting LOS impacts. CEQA Guidelines section 15064.3 now precludes LOS from being the method used to determine whether a project's transportation-related environmental impacts are significant and instead uses vehicle miles traveled to determine a project's transportation impacts on traffic. See Draft EIR pgs. 4.15-12 to -14, 4.15-16 to -19. However, the Draft EIR also includes an LOS analysis for informational purposes only. Draft EIR at pgs. 4.15-1 to -2, Appendix J1 (Transportation Impact Analysis or TIA). The Draft EIR's discussion makes very clear that this information is provided for informational purposes only and does not require a significance determination, or represent a significant impact, under CEQA. Draft EIR at

p. 4.15-1. Thus, contrary to the suggestion in the comment, CEQA does not require mitigation to address the Project's LOS impacts.

In addition, the comment incorrectly states the Traffic Study conclusions. The TIS explains that the >114 second/vehicle delay noted by the comment is estimated from the northbound left movement from Sanrive Drive, not from school access. [Page 369 of the TIA in Appendix D: Level of Service (LOS Worksheets) The southbound movement delay from the school access driveway is estimated to be 20.4 seconds (LOS C). Average intersection delay is estimated to be 6.9 seconds for all vehicles. Thus, the Project is not expected to detrimentally affect school access from an LOS perspective.

E-19 The comment states that the driveway discussed in Comment E-18 provides the only ingress and egress to three of the high school's parking lots and bus loading area. The comment states that the Project will cause delays at these areas, which it finds unacceptable and further states that the Project should include mitigation to address these impacts, which would occur during peak morning and afternoon periods.

Please see Response to Comment E-18, above. LOS is not a significant impact under CEQA and, therefore, no mitigation or further response is required.

E-20 The comment states that mitigation must be included to address the impact discussed in the previous Comment, E-18, and notes that such mitigation could include creating new driveways on Taylor Street. Please see Response to Comment E-18, above. LOS is not a significant impact under CEQA and, therefore, no mitigation is required.

E-21 Per Draft EIR Section 4.15, Transportation, the Project's proposed circulation will be designed in conformance with the applicable Grand Terrace MC design guidelines and regulations, which includes but are not limited to use of traffic control devices, and payment of fair share contributions. Draft EIR at p. 4.15-20. Furthermore, the Project would be void of gated communities and speed bumps, and thus would provide free and clear access for emergency personnel throughout the Project area. Lastly, the Project's Specific Plan and future project-specific development plans, would be reviewed by the City Engineer and Fire Department to ensure that adequate emergency access is provided. Therefore, the Project's impact concerning emergency access is less than significant and no mitigation is required.

E-22 This comment includes a conclusionary statement requesting that the Project form a Mello-Roos District to finance school facility improvements Grand Terrace Elementary and Terrace Hills Middle, off-site pedestrian facilities between the Project and assigned schools, and crossing guards at the Vivienda Avenue/Commerce Way at Barton Road and De Berry Street at Mt. Vernon Avenue intersections. The commentor is also requesting that the Project fully mitigate the indirect significant traffic impact at Grand Terrace High's western driveway at the Titan Way/Sanrive Avenue at Main Street intersection. See Responses to Comments E-8 through E-21.

- E-23** The City appreciates the CJUSD comments. As discussed through the responses above, the Project would not create potentially significant environmental impacts to existing schools or create potentially significant risks on the health and safety of students. The Project will comply with all applicable laws, regulations, and ordinances pertaining to the Project's development and circulation improvements. Further, the Project Applicant will pay all applicable development, circulation, and school fees required for the Project. Therefore, no further response is warranted.

This page intentionally left blank.

Comment Letter F – Pala Band of Mission Indians

John Pepper, Lead Cultural Resources Monitor

Shasta C. Gaughen, PhD

From: John Pepper <jpepper@palatribe.com>
Sent: Tuesday, June 27, 2023 10:17 AM
To: gatewaydeir@grandterrace-ca.gov
Subject: ATTN: Konrad Bolowich, City Manager/ Acting Planning Director
Attachments: Letter 1 - Beyond reservation and TUA,.pdf

Hello Konrad Bolowich,

I have attached Pala Band of Mission Indians response to “The Gateway at Grand Terrace Specific Plan”

| F-1

Respectfully,
John Pepper
Pala Band of Mission Indians
Lead Cultural Resources Monitor
Pala Environmental Department, THPO
35008 Pala Temecula Road, Pmb 50; Pala, CA 92059
jpepper@palatribe.com





TRIBAL HISTORIC PRESERVATION OFFICE
PALA BAND OF MISSION INDIANS
PMB 50, 35008 Pala Temecula Road | Pala, CA 92059
Phone 760-891-3510 | www.palatribe.com

June 27, 2023

Konrad Bolowich
City Manager/ Acting planning Director
22795 Barton road
Grand Terrace, CA 92313

Re: The Gateway at Grand Terrace Specific Plan:

Dear Konrad Bolowich:

The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

F-2

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we have no objection to the continuation of project activities as currently planned and we defer to the wishes of Tribes in closer proximity to the project area.

F-3

We appreciate involvement with your initiative and look forward to working with you on future efforts. Pala is now offering tribal monitoring services. If you have questions or need additional information, please do not hesitate to contact Alexis Wallick by telephone at 760-891-3537 or by e-mail at THPO@palatribe.com.

F-4

Sincerely,

A handwritten signature in black ink, appearing to read "Shasta C. Gaughen". The signature is fluid and cursive, with the first name "Shasta" being more prominent.

Shasta C. Gaughen, PhD
Tribal Historic Preservation Officer
Pala Band of Mission Indians

ATTENTION: THE PALA TRIBAL HISTORIC PRESERVATION OFFICE IS RESPONSIBLE FOR ALL REQUESTS FOR CONSULTATION. PLEASE ADDRESS CORRESPONDENCE TO **SHASTA C. GAUGHEN** AT THE ABOVE ADDRESS. IT IS NOT NECESSARY TO ALSO SEND NOTICES TO PALA TRIBAL CHAIRMAN ROBERT SMITH.

Consultation letter 1

Responses to Comment Letter F – Pala Band of Mission Indians

John Pepper, Lead Cultural Resources Monitor

Shasta C. Gaughen, PhD

- F-1** Email transmittal of Comment Letter. No response required.
- F-2** Introductory comment. No response required.
- F-3** The comment concludes that the Project is not within the boundaries of the recognized Pala Indian Reservation. Additionally, commenter concludes that the Project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area. Therefore, no further response is warranted.
- F-4** The City appreciates the commenter’s acknowledgment of the City’s willingness to consult with the tribe. The comment is conclusionary and no further response is warranted.

This page intentionally left blank.

Comment Letter G – San Manuel Band of Mission Indians Bonnie Bryant

From: Bonnie Bryant <Bonnie.Bryant@sanmanuel-nsn.gov>
Sent: Thursday, June 29, 2023 12:26 PM
To: gatewaydeir@grandterrace-ca.gov
Cc: Ryan Nordness
Subject: The Gateway at Grand Terrace Specific Plan Zone change and General Plan amendment

Hello Mr. Bolowich,

Thank you for contacting the San Manuel Band of Mission Indians (SMBMI) regarding the above-referenced project. SMBMI appreciates the opportunity to review the project documentation, which our Cultural Resources Management Department received on June 21, 2023, pursuant to CEQA (as amended, 2015) and CA PRC 21080.3.1. The proposed project area exists within Serrano ancestral territory and is of interest to the Tribe. INSERT INFO

G-1

Due to the nature and location of the proposed project, SMBMI respectfully requests the following for review upon availability:

- Cultural report
- Geotechnical report (if required for the project)
- Project plans showing the depth of the proposed disturbance

G-2

The provision of this information will assist San Manuel Band of Mission Indians in ascertaining how the Tribe will assume consulting party status under CEQA and participate, moving forward, in project review and implementation. Please note that if this information cannot be provided within the Tribe's 30-day response window, the Tribe automatically elects to be a consulting party under CEQA, as stipulated in AB52. If you have any questions regarding this matter, please do not hesitate to contact me at your convenience, as I will be your Point of Contact (POC) for SMBMI with respect to this project.

Respectfully,
Mr. Bonnie Bryant
Cultural Resource technician
San Manuel Band of Mission Indians
Bonnie.Bryant@sanmanuel-nsn.gov

Bonnie Bryant
Cultural Resources Tech
Bonnie.Bryant@sanmanuel-nsn.gov
O:(909) 864-8933 x 50-2033
M:(909) 633-6615
26569 Community Center Dr Highland, California 92346



From: Antonio Lopez <Alopez@grandterrace-ca.gov>
Sent: Friday, July 7, 2023 11:40 AM
To: THPO Consulting <ACBCI-THPO@aguacaliente.net>
Cc: Konrad Bolowich <Kbolowich@grandterrace-ca.gov>; waen.messner <waen.messner@lewismc.com>; Natalie Patty <natalie@lilburncorp.com>
Subject: Requested Documentation

**** This Email came from an External Source ****

Good morning, my name is Antonio, and I am the Planning Tech for the City of Grand Terrace. I wanted to confirm that we got the letter you sent Konrad and are now responding with the requested information. I've attached a Dropbox Link below where you can access the requested information as the files were too large to attach to this email. If you have any further questions, feel free to contact me through phone or email.

G-3

<https://www.dropbox.com/t/37DHMcWTxu9VUYku>

Antonio Lopez

Planning Tech
City of Grand Terrace
22795 Barton Rd. Grand Terrace, Ca, 92313
Phone: (909) 954 5176
<https://www.grandterrace-ca.gov/>



From: THPO Consulting <ACBCI-THPO@aguacaliente.net>
Sent: Monday, July 17, 2023 8:35 AM
To: Antonio Lopez <Alopez@grandterrace-ca.gov>
Subject: RE: Requested Documentation

Good morning Antonio,

Thanks for confirming that you received the letter. Could you please resend the information in the Dropbox Link, unfortunately the link expired.

G-4

Thank you,



Claritsa Duarte
Cultural Resources Analyst
cduarte@aguacaliente.net
C: (760) 985-7538 | D: (760) 883-1134
5401 Dinah Shore Drive, Palm Springs, CA 92264

From: Antonio Lopez <Alopez@grandterrace-ca.gov>
Sent: Tuesday, July 18, 2023 2:20 PM
To: THPO Consulting <ACBCI-THPO@aguacaliente.net>
Cc: Natalie Patty <natalie@lilburncorp.com>; Waen Messner <waen.messner@lewismc.com>; Konrad Bolowich <Kbolowich@grandterrace-ca.gov>
Subject: RE: Requested Documentation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, you can access the requested information from the link below.

<https://www.dropbox.com/t/pXiGkCUhE234IQ00>

Best,
Antonio Lopez
Planning Tech
909-954-5176

G-5

This page intentionally left blank.

Responses to Comment Letter G – San Manuel Band of Mission Indians
Bonnie Bryant

- G-1** This comment is an introductory statement that indicates the Project exists within Serrano ancestral territory and is of interest to the tribe. No response is warranted.
- G-2** Per the commenter’s request, the City has provided the Tribe two Dropbox Links in total containing the requested Cultural Reports, Geotechnical Reports, and Project plans showing the depth of the proposed disturbance on July 7, 2023 and July 18, 2023.
- G-3** Refer to Response to comment G-2 above.
- G-4** The comment requests that the City resend the information in the Dropbox Link as the link had expired. The requested information was resent.
- G-5** Refer to Response to Comment G-2 above.

This page intentionally left blank.

Comment Letter H – South Coast Air Quality Management District Evelyn Aguilar, Air Quality Specialist, CEQA-IGR

From: Evelyn Aguilar <eaguilar@aqmd.gov>
Sent: Friday, June 30, 2023 12:13 PM
To: gatewaydeir@grandterrace-ca.gov
Cc: Sam Wang <swang1@aqmd.gov>
Subject: Technical Data Request: Proposed The Gateway at Grand Terrace Specific Plan Project

Dear Konrad Bolowich,

South Coast AQMD staff received the Notice of Availability of a Draft Environmental Impact Report (NOA/Draft EIR) for the **Proposed The Gateway at Grand Terrace Specific Plan Project** (South Coast AQMD Control Number: SBC230628-04). Staff is currently in the process of reviewing the NOA/Draft EIR. The public commenting period is from 6/26/2023 – 8/14/2023.

H-1

Upon review of the files provided as part of the public review period, I was able to access the Draft EIR and Appendices on the [City's website](#).

H-2

Please provide an electronic copy of any live modeling and emission calculation files (complete files, not summaries) that were used to quantify the air quality impacts from construction and/or operation of the Proposed Project as applicable, including the following:

- CalEEMod Input Files (.csv files);
- Live EMFAC output files;
- Any emission calculation file(s) (live version of excel file(s); no PDF) used to calculate the Project's emission sources (i.e. truck operations);
- AERMOD Input and Output files, including AERMOD View file(s) (.isc);
- HARP Input and Output files and/or cancer risk calculation files (live version of excel file(s); no PDF) used to calculate cancer risk, and chronic and acute hazards from the Project;
- Any other files related to post-processing done outside of AERMOD to calculate pollutant-specific concentrations (if applicable).

H-3

You may send the above-mentioned files via a Dropbox link in which they may be accessed and downloaded by South Coast AQMD staff by **7/14/23**. Without all files and supporting documentation, South Coast AQMD staff will be unable to complete a review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.

If you have any questions regarding this request, please contact me.

Thank you,

Evelyn Aguilar
Air Quality Specialist, CEQA-IGR
Planning, Rule Development & Implementation
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: 909-396-3148
E-mail: eaguilar@aqmd.gov

Hours of operation:
Tuesday - Friday 7:00 AM to 5:30 PM



**South Coast
AQMD**

Cleaning the air that we breathe.....™

From: Antonio Lopez <Alopez@grandterrace-ca.gov>
Sent: Tuesday, July 11, 2023 7:59 AM
To: Evelyn Aguilar <eaguilar@aqmd.gov>
Cc: Sam Wang <swang1@aqmd.gov>; waen.messner <waen.messner@lewismc.com>; Natalie Patty <natalie@lilburncorp.com>; Konrad Bolowich <Kbolowich@grandterrace-ca.gov>
Subject: [EXTERNAL]Emission calculations from Ace Malisos at Kimley-Horn for Gateway Specific Plan project

Good morning Evelyn, my name is Antonio, I am the planning tech here at the City of Grand Terrace. I hope you are having a great morning ; I am attaching the emissions calculation files from Ace Malisos at Kimley-Horn through a Drobox link as the files are too large. Please let me know if you have any issues opening and downloading the files.

H-4

https://www.dropbox.com/scl/fi/hhm4tt0c6vrylj1ypym74/Gateway-at-Grand-Terrace_AQGHG-Data.zip?rlkey=5r3a9108asn6br6roepwmb27e&dl=0

Best,

Antonio Lopez

Planning Tech
City of Grand Terrace
22795 Barton Rd. Grand Terrace, Ca, 92313
Phone: (909) 954 5176
<https://www.grandterrace-ca.gov/>



From: Evelyn Aguilar <eaguilar@aqmd.gov>
Sent: Tuesday, July 11, 2023 9:58 AM
To: Antonio Lopez <Alopez@grandterrace-ca.gov>
Cc: Sam Wang <swang1@aqmd.gov>; Waen Messner <waen.messner@lewismc.com>; Natalie Patty <natalie@lilburncorp.com>; Kbolowich@grandterrace-ca.gov
Subject: RE: Emission calculations from Ace Malisos at Kimley-Horn for Gateway Specific Plan project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Antonio,

Thank you for the emissions calculation files. I was able to access them successfully. May you also have a great morning.

H-5

Sincerely,

Evelyn Aguilar
Air Quality Specialist, CEQA-IGR
Phone: 909-396-3148

***Responses to Comment Letter H – South Coast Air Quality Management District
Evelyn Aguilar, Air Quality Specialist, CEQA-IGR***

- H-1** This comment is an introductory statement indicating that South Coast AQMD staff received the Notice of Availability (NOA) of a Draft Environmental Impact Report for the Project and are currently reviewing the documents. No response is warranted.
- H-2** The comment states that the commenter was able to access the Draft EIR and associated material. No further response is warranted.
- H-3** The commenter requested an electronic copy of any live modeling and emission calculation files that were used to quantify the air quality impacts from construction and/or operation of the Project. Per the commenter's request, the City emailed the commenter on July 11, 2023 with a Dropbox Link of the requested emissions calculation files. To date, no additional comment letters have been received from the commenter.
- H-4** The requested information was provided. See Response to Comment H-3 above.
- H-5** The commenter confirmed that they received the requested emission calculation files. No further response is warranted.

This page intentionally left blank.

Comment Letter I – Southwest Mountain States Regional Council of Carpenters
Mitchell M. Tsai, Attorney At Law

From: Steven Thong <steven@mitchtsailaw.com>
Sent: Monday, June 26, 2023 10:20 AM
To: Debra Thomas; gatewaydeir@grandterrace-ca.gov
Cc: Mitchell M. Tsai Attorney at Law, P.C.; Reza Bonachea Mohamadzadeh; Mitchell Tsai
Subject: SWMSRCC - [City of Grand Terrace, Gateway at Grand Terrace Specific Plan] - Advanced Notice List

Good morning Debra Thomas and Konrad Bolowich,

Our office received the Notice of Availability regarding the Gateway at Grand Terrace Specific Plan. However, the mailed NOA was sent to our old office. Please update our mailing list and email list to the following:

Mailing Address:

Mitchell M. Tsai
139 South Hudson Avenue Suite 200
Pasadena, CA 91101

Email Addresses:

- steven@mitchtsailaw.com
- reza@mitchtsailaw.com
- info@mitchtsailaw.com
- mitch@mitchtsailaw.com

Thank you.

Best,
Steven

--

Steven Thong
Paralegal
Mitchell M. Tsai, Attorney At Law
139 South Hudson Avenue Suite 200
Pasadena, CA 91101
Phone: (626) 314-3821
Fax: (626) 389-5414
Email: Steven@mitchtsailaw.com
Website: <http://www.mitchtsailaw.com>

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages accompanying it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED and may violate applicable laws including the Electronic Communications Privacy Act. If you have received this transmission in error, please immediately notify us by reply e-mail at Steven@mitchtsailaw.com or by telephone at (626) 314-3821 and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.



P: (626) 381-9248
F: (626) 389-5414
E: info@mitchtsailaw.com

Mitchell M. Tsai
Attorney At Law

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA EMAIL

August 14, 2023

Konrad Bolowich
City Manager
22795 Barton Road
Grand Terrace, CA 92313
Ph: (909) 954-5175
Em: kbolowich@grandterrace-ca.gov

**RE: Southwest Mountain States Regional Council of Carpenters’
Comments Regarding the City of Grand Terrace’s Gateway at Grand
Terrace Specific Plan Project Draft Environmental Impact Report.**

Dear Mr. Bolowich:

On behalf of the Southwest Mountain States Regional Council of Carpenters (**SWMSRCC**), my Office is submitting these comments for the City of Grand Terrace’s (“**City**” or “**Lead Agency**”) Gateway at Grand Terrace Specific Plan Project Draft Environmental Impact Report (SCH No. 2021020110) (“**Project**”).

Here, the Draft Environmental Impact Report (**DEIR**) serves as a Program EIR (**PEIR**), addressing the overall Specific Plan (**SP**) at its complete buildout. DEIR, p. 1-1. The proposed Project involves the future development of a mixed-use development that would consist of: (1) roughly 43 acres of residential development (up to 695 dwelling units) within Planning Areas (“**PA**”) 11, 12, 14, 15, 16, 19, and 20; (2) roughly 25 acres of general commercial development (up to 335,700 square feet) within PAs 1, 2, 3, 6, 7, 8, 9; (3) development and/or improvement of drainage facilities, utilities, and public streets with enhanced landscaping within PAs 5, 10, 13, 17, and 21; (4) a newly constructed park at PA 22 that includes a lighted baseball field with a tot-lot/playground and, (5) a detention basin with open space overlay in PA 18. DEIR, p. 1-3. The Project includes two phases, though this, along with the amount of time of construction of the Project, may vary depending on market conditions. *Ibid.*

I-2

I-3

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 2 of 21

The Project also includes an array of discretionary approvals including applications for a Specific Plan, Zone Change (**ZC**), General Plan Amendment (**GPA**), Tentative Tract Map (**TTM**), and Development Agreement (**DA**). *Ibid.*

The Project Site (“**Site**”) is located in the southwestern portion of the County of San Bernardino (“**County**”) within the City. The Site comprises roughly 112 acres and 32 parcels and is bounded by Commerce Way and an existing commercial parking lot to the north; the northern portion of the sensitive receptor site Grand Terrace High School to the south; commercial and sensitive receptor residential uses to the east; and Interstate 215 to the west. DEIR, p. 1-2

I-3
Cont.

SWMSRCC is a labor union representing over 63,000 union carpenters in 10 states, including California, and has a strong interest in well-ordered land use planning and in addressing the environmental impacts of development projects. Some SWMSRCC members live, work, and recreate in the City and the surrounding communities and would be directly affected by the Project’s environmental impacts.

I-4

SWMSRCC expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearing and proceeding related to this Project. Gov. Code, § 65009(b); PRC, § 21177(a); see *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203; see also *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

I-5

SWMSRCC incorporates by reference all comments raising issues regarding the Project and its environmental review and associated documents and reports (including the City’s Staff Report), or lack thereof. See *Citizens for Clean Energy v. City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the project’s environmental documentation may assert any issue timely raised by other parties).

I-6

Moreover, SWMSRCC requests that the City provide notice for any and all notices referring or related to the Project issued under CEQA (PRC, § 21000 et seq.), and the California Planning and Zoning Law (“**Planning and Zoning Law**”) (Gov. Code, §§ 65000–65010). California Public Resources Code, sections 21092.2 and 21167, subsection (f) and California Government Code, section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

I-7

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 3 of 21

**I. THE CITY SHOULD REQUIRE THE USE OF A LOCAL
WORKFORCE TO BENEFIT THE COMMUNITY'S ECONOMIC
DEVELOPMENT AND ENVIRONMENT.**

The City should require that future development subject to the Project be built using local workers who have graduated from a Joint Labor-Management Apprenticeship Program approved by the State of California, have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a program, or are registered apprentices in such a program.

Community benefits such as local hire can also be helpful to reduce environmental impacts and improve the positive economic impacts of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project site can reduce the length of vendor trips, reduce greenhouse gas emissions, and provide localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021, SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the University of California, Berkeley Center for Labor Research and Education concluded:

[L]abor should be considered an investment rather than a cost—and investments in growing, diversifying, and upskilling California's workforce can positively affect returns on climate mitigation efforts. In other words,

I-8

I-9

I-10

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 4 of 21

well-trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

I-10
Cont.

Furthermore, workforce policies have significant environmental benefits given that they improve an area's jobs-housing balance, decreasing the amount and length of job commutes and the associated greenhouse gas (**GHG**) emissions. In fact, on May 7, 2021, the South Coast Air Quality Management District found that the "[u]se of a local state-certified apprenticeship program" can result in air pollutant reductions.²

I-11

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.³

I-12

Moreover, local hire mandates and skill-training are critical facets of a strategy to reduce vehicle miles traveled (**VTM**). As planning experts Robert Cervero and Michael Duncan have noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions given that the skill requirements of available local jobs must match those held by local residents.⁴ Some municipalities have even tied local hire and

I-13

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan 2030 at p. ii, available at <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, available at <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

³ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, available at <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

⁴ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, available at <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 5 of 21

other workforce policies to local development permits to address transportation issues. Cervero and Duncan note that:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing. The city's First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

Recently, the State of California verified its commitment towards workforce development through the Affordable Housing and High Road Jobs Act of 2022, otherwise known as Assembly Bill No. 2011 (**AB2011**). AB2011 amended the Planning and Zoning Law to allow ministerial, by-right approval for projects being built alongside commercial corridors that meet affordability and labor requirements.

The City should consider utilizing local workforce policies and requirements to benefit the local area economically and to mitigate GHG emissions, improve air quality, and reduce transportation impacts.

II. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

A. Background Concerning Environmental Impacts Reports.

The California Environmental Quality Act is a California statute designed to inform decision-makers and the public about the potential significant environmental effects of a project. CEQA Guidelines, § 15002(a)(1).⁵ At its core, its purpose is to “inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made.” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

⁵ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 15000 et seq., are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. PRC, § 21083. The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 217.

I-13
Cont.

I-14

I-15

I-16

I-17

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 6 of 21

CEQA directs public agencies to avoid or reduce environmental damage, when possible, by requiring alternatives or mitigation measures. CEQA Guidelines, § 15002(a)(2)-(3); see also *Berkeley Keep Jets Over the Bay Committee v. Board of Port Comes* (2001) 91 Cal.App.4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Assn.*, 47 Cal.3d at p. 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines, § 15002, subd. (a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in Public Resources Code section 21081. See CEQA Guidelines, §§ 15092, subds. (b)(2)(A), (B).

While the courts review an EIR using an ‘abuse of discretion’ standard, the reviewing court is not to *uncritically* rely on every study or analysis presented by a project proponent in support of its position. *Berkeley Jets*, 91 Cal.App.4th at p. 1355 (quoting *Laurel Heights Improvement Assn.*, 47 Cal.3d at pp. 391, 409 fn. 12) (internal quotations omitted). A clearly inadequate or unsupported study is entitled to no judicial deference. *Id.* Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131. As the court stated in *Berkeley Jets*, prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process. 91 Cal.App.4th at p. 1355 (internal quotations omitted).

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. *Communities for a Better Environment v. Richmond* (2010) 184 Cal.App.4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-450). The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. *Ibid.* For the EIR to

I-17
Cont.

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 7 of 21

serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Ibid.*

A strong presumption in favor of requiring preparation of an EIR is built into CEQA. This presumption is reflected in what is known as the “fair argument” standard under which an EIR must be prepared whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602; *Friends of “B” St. v. City of Hayward* (1980) 106 Cal.3d 988, 1002.

The fair argument test stems from the statutory mandate that an EIR be prepared for any project that “may have a significant effect on the environment.” Pub. Res. Code, § 21151; see *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.App.3d 68, 75; accord *Jensen v. City of Santa Rosa* (2018) 23 Cal.App.5th 877, 884. Under this test, if a proposed project is not exempt and may cause a significant effect on the environment, the lead agency must prepare an EIR. Pub. Res. Code, §§ 21100, subd. (a), 21151; CEQA Guidelines, §§ 15064, subds. (a)(1), (f)(1). An EIR may be dispensed with only if the lead agency finds no substantial evidence in the initial study or elsewhere in the record that the project may have a significant effect on the environment. *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 785. In such a situation, the agency must adopt a negative declaration. Pub. Res. Code, § 21080, subd. (c)(1); CEQA Guidelines, §§ 15063, subd. (b)(2), 15064, subd. (f)(3).

“Significant effect upon the environment” is defined as “a substantial or potentially substantial adverse change in the environment.” Pub. Res. Code, § 21068; CEQA Guidelines, § 15382. A project may have a significant effect on the environment if there is a reasonable probability that it will result in a significant impact. *No Oil, Inc.*, 13 Cal.3d at p. 83 fn. 16; see *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309. If any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. CEQA Guidelines, § 15063, subd. (b)(1); see *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1580.

This standard sets a “low threshold” for preparation of an EIR. *Consolidated Irrigation Dist. v. City of Selma* (2012) 204 Cal.App.4th 187, 207; *Nelson v. County of Kern* (2010) 190 Cal.App.4th 252; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903,

I-17
Cont.

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 8 of 21

928; *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 580; *Citizen Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754; *Sundstrom*, 202 Cal.App.3d at p. 310. If substantial evidence in the record supports a fair argument that the project may have a significant environmental effect, the lead agency must prepare an EIR even if other substantial evidence before it indicates the project will have no significant effect. See *Jensen*, 23 Cal.App.5th at p. 886; *Clews Land & Livestock v. City of San Diego* (2017) 19 Cal.App.5th 161, 183; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491; *Friends of "B" St.*, 106 Cal.App.3d 988; CEQA Guidelines, § 15064, subd. (f)(1).

I-17
Cont.

B. Background Concerning Initial Studies, Negative Declarations, and Mitigated Negative Declarations.

CEQA and CEQA Guidelines are strict and unambiguous about when an MND may be used. A public agency must prepare an EIR whenever substantial evidence supports a “fair argument” that a proposed project “may have a significant effect on the environment.” Pub. Res. Code, §§ 21100, 21151; CEQA Guidelines, §§ 15002, subds. (f)(1), (2), 15063; *No Oil, Inc., supra*, 13 Cal.3d at 75; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 111-112. Essentially, should a lead agency be presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. CEQA Guidelines, §§ 15064, subds. (f)(1), (2); see *No Oil Inc., supra*, 13 Cal.3d at 75 (internal citations and quotations omitted). Substantial evidence includes “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” CEQA Guidelines, § 15384, subd. (a).

I-18

The fair argument standard is a “low threshold” test for requiring the preparation of an EIR. *No Oil Inc., supra*, 13 Cal.3d at 84; *County Sanitation Dist. No. 2 of Los Angeles County v. County of Kern* (2005) 127 Cal.App.4th 1544, 1579. It “requires the preparation of an EIR where there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial[.]” *County Sanitation, supra*, 127 Cal.App.4th at 1580 (quoting CEQA Guidelines, § 15063,

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 9 of 21

subd. (b)(1)). A lead agency may adopt an MND only if “there is no substantial evidence that the project will have a significant effect on the environment.” CEQA Guidelines, § 15074, subd. (b).

Evidence supporting a fair argument of a significant environmental impact triggers preparation of an EIR regardless of whether the record contains contrary evidence. *League for Protection of Oakland’s Architectural and Historical Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-905. “Where the question is the sufficiency of the evidence to support a fair argument, deference to the agency’s determination is not appropriate[.]” *County Sanitation*, 127 Cal.App.4th at 1579 (quoting *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1317-1318).

Further, it is the duty of the lead agency, not the public, to conduct the proper environmental studies. “The agency should not be allowed to hide behind its own failure to gather relevant data.” *Sundstrom*, *supra*, 202 Cal.App.3d at 311. “Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” *Ibid*; see also *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1382 (lack of study enlarges the scope of the fair argument which may be made based on the limited facts in the record).

Thus, refusal to complete recommended studies lowers the already low threshold to establish a fair argument. The court may not exercise its independent judgment on the omitted material by determining whether the ultimate decision of the lead agency would have been affected had the law been followed. *Environmental Protection Information Center v. Cal. Dept. of Forestry* (2008) 44 Cal.4th 459, 486 (internal citations and quotations omitted). The remedy for this deficiency would be for the trial court to issue a writ of mandate. *Ibid*.

Both the review for failure to follow CEQA’s procedures and the fair argument test are questions of law, thus, the de novo standard of review applies. *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435. “Whether the agency’s record contains substantial evidence that would support a fair argument that the project may have a significant effect on the environment is treated as a question of law. *Consolidated Irrigation Dist.*, *supra*, 204 Cal.App.4th at 207; Kostka and Zischke, *Practice Under the Environmental Quality Act* (2017, 2d ed.) at § 6.76.

I-18
Cont.

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 10 of 21

In the MND context, courts give no deference to the agency. The agency or the court should not weigh expert testimony or decide on the credibility of such evidence—this is the EIR’s responsibility. As stated in *Pocket Protectors v. City of Sacramento*:

Unlike the situation where an EIR has been prepared, neither the lead agency nor a court may “weigh” conflicting substantial evidence to determine whether an EIR must be prepared in the first instance. Guidelines section 15064, subdivision (f)(1) provides in pertinent part: if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. Thus, as *Claremont* itself recognized, [c]onsideration is not to be given contrary evidence supporting the preparation of a negative declaration.

I-18
Cont.

(2004) 124 Cal.App.4th 903, 935 (internal citations and quotations omitted).

In cases where it is not clear whether there is substantial evidence of significant environmental impacts, CEQA requires erring on the side of a “preference for resolving doubts in favor of environmental review.” *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332. The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. *Friends of Mammoth v. Bd. of Supervisors* (1972) 8 Cal.3d 247, 259.

C. Background Concerning CEQA Exemptions.

Where a lead agency chooses to dispose of CEQA by asserting a CEQA exemption, it has a duty to support its CEQA exemption findings by substantial evidence, including evidence that there are no applicable exceptions to exemptions. This duty is imposed by CEQA and related case law. CEQA Guidelines, § 15020 (lead agency shall not knowingly release a deficient document hoping that public comments will correct the defects); see *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Agriculture Assn.* (2015) 242 Cal.App.4th 555, 568 (lead agency has the burden of demonstrating that a project falls within a categorical exemption and must support the determination with substantial evidence); accord *Assn. for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720, 732 (lead agency is required to consider exemption exceptions where there is evidence in the record that the project might have a significant impact).

I-19

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 11 of 21

The duty to support CEQA and exemption findings with substantial evidence is also required by the Code of Civil Procedure (**CCP**) and case law on administrative or traditional writs. Under the CCP, an abuse of discretion is established if the decision is unsupported by the findings, or the findings are unsupported by the evidence. CCP, § 1094.5, subd. (b). In *Topanga Assn. for a Scenic Community v. County of Los Angeles*, our Supreme Court held that implicit in CCP section 1094.5 is a requirement that the agency which renders the challenged decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order. (1977) 11 Cal.3d 506, 515 (internal citations and quotations omitted). The lead agency's findings may be determined to be sufficient if a court has no trouble under the circumstances discerning the analytic route the administrative agency traveled from evidence to action. *West Chandler Blvd. Neighborhood Assn. vs. City of Los Angeles* (2011) 198 Cal.App.4th 1506, 1521-1522 (internal citations and quotations omitted). However, "mere conclusory findings without reference to the record are inadequate." *Id.* at p. 1521 (finding city council findings conclusory, violating *Topanga Assn. for a Scenic Community, supra*).

Further, CEQA exemptions must be narrowly construed to accomplish CEQA's environmental objectives. *Cal. Farm Bureau Federation v. Cal. Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173, 187; accord *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 697 (these rules ensure that in all but the clearest cases of categorical exemptions, a project will be subject to some level of environmental review).

Finally, CEQA procedures reflect a preference for resolving doubts in favor of environmental review. See Pub. Res. Code, § 21080, subd. (c) (an EIR may be disposed of only if there is no substantial evidence, in light of the entire record before the lead agency, that the project may have a significant effect on the environment or revisions in the project); CEQA Guidelines, §§ 15061, subd. (b)(3) (common sense exemption only where it can be seen *with certainty*); 15063, subd. (b)(1) (prepare an EIR if the agency determines that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial); 15064, subd. (h) (the agency must consider cumulative impacts of past, current, and probable future projects); 15070 (a negative declaration may be prepared only if there is no substantial evidence, in light of the whole record, that the project

I-19
Cont

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 12 of 21

may have a significant effect on the environment, or project revisions would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and there is no substantial evidence, in light of the whole record, that the project as revised may have a significant effect on the environment); *No Oil, Inc., supra*, 13 Cal.3d at 83-84 (significant impacts are to be interpreted so as to afford the fullest possible protection).

I-19
Cont.

D. CEQA Requires Revision and Recirculation of an EIR When Substantial Changes or New Information Comes to Light.

To afford the public an opportunity to review and comment on an EIR, “[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to PRC § 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report” in accordance with Public Resources Code section 21092.1. CCR, § 15088.5.

Significant new information includes “changes in the project or environmental setting as well as additional data or other information” that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative).” CCR, § 15088.5, subd. (a). Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Ibid.*

I-20

An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 (finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information). If significant new information was brought to the attention of an agency prior to certification, an agency

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 13 of 21

is required to revise and recirculate that information as part of the environmental impact report.

I-20
Cont.

III. THE PROJECT WOULD BE APPROVED IN VIOLATION OF CEQA.

A. The DEIR Fails to Consider and Analyze all Feasible, Practical, and Effective Mitigation Measures for Significant and Unavoidable Impacts.

Although the DEIR acknowledges that various impacts to air quality, biological resources, cultural resources, geology and soils, GHG emissions, hazards and hazardous materials, noise, and tribal cultural resources may be potentially significant and unavoidable, it fails to consider *all* feasible, practical, and effective feasible mitigation measures pursuant to Public Resources Code sections 21061 and 21100(b)(3). See also *Napa Citizens for Honest Govt. v. Napa Cnty. Bd. of Supervisors* (2001) 91 Ca.4th 1018, 1039.

I-21

The DEIR is required to review all feasible, practical, and effective mitigation measures as the DEIR concludes that the Project would potentially have significant and unavoidable impacts to several domains identified in the DEIR. See DEIR, pp. 1-7-1-27. However, the DEIR fails to provide a feasibility analysis for mitigation measures that could conceivably reduce the Project's impacts to the requisite less than significant levels. The City should require that the future applicants of developments subject to the Project adopt specific, actionable, and immediate (non-deferrable) measures—compliance of which guaranteeing project approval—to mitigate against potential environmental impacts. Here, the DEIR lacks the inclusion or details of sufficient and adequate feasibility analyses for several mitigation measures in the context of air quality, biological resources, and GHG impacts, to name a few. Without a feasibility analysis of more stringent mitigation measures, the DEIR fails as an informational document.

I-22

B. The DEIR Fails to Support Its Findings With Substantial Evidence.

When new information is brought to light showing that an impact previously discussed in an iteration of the EIR but found to be insignificant with or without mitigation in another iteration of the EIR's analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal.App.5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water*

I-23

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 14 of 21

Agency (2004) 116 Cal.App.4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be “based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CCR, § 15064, subd. (b); *Cleveland Natl. Forest Found. v. San Diego Assn. of Govts.* (2017) 3 Cal.App.5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal.App.5th 160, 206. Further, when there exists evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

I-23
Cont.

Additionally, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agriculture* (2005), the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. 136 Cal. App. 4th 1; see also *Ebbetts Pass Forest Watch v. Dept. of Forestry & Fire Protection* (2008) 43 Cal.App.4th 936, 956 (that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

I-24

1. *The DEIR Fails to Support its Findings on GHG Emissions and Air Quality Impacts With Substantial Evidence and Consider and Adopt All Feasible Mitigation Measures.*

California Code of Regulations section 15064.4 allows a lead agency to determine the significance of a project’s GHG impact via a qualitative analysis (e.g., extent to which a project complies with regulations or requirements of state/regional/local GHG plans), and/or a quantitative analysis (e.g., using model or methodology to estimate project emissions and compare it to a numeric threshold). The CEQA Guidelines allow lead agencies to select which model or methodology to estimate GHG emissions as long as the selection is supported with substantial evidence, and the lead

I-25

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 15 of 21

agency “should explain the limitations of the particular model or methodology selected for use.” CCR, § 15064.4, subd. (c).

Further, CEQA Guidelines sections 15064.4(b)(3) and 15183.5(b) allow a lead agency to consider a project’s consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. CEQA Guidelines sections 15064.4(b)(3) and 15183.5(b)(1) make clear that qualified GHG reduction plans or CAPs should include the following features:

- (1) **Inventory:** Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction);
- (2) **Establish GHG Reduction Goal:** Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
- (3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
- (4) **Craft Performance Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level; and,
- (5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels.

Collectively, the above-listed CAP features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in actual GHG reductions for the jurisdiction as a whole, and the substantial evidence that the incremental contribution of an individual project is not cumulatively considerable.

Here, the DEIR concludes consistency with certain elements of the Southern California Association of Governments’ (SCAG) statewide plans to reduce GHG emissions and air quality impacts, including Connect SoCal and the CARB Scoping

I-25
Cont.

I-26

I-27

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 16 of 21

Plan (DEIR, p. 4.7-29), but does not identify consistency with, for example, California Ambient Air Quality Standards (**CAAQS**), National Ambient Air Quality Standards (**NAAQS**), and Air Quality Management Plan (**AQMP**). DEIR, p. 6-3. The DEIR admits that the Project’s operational emissions would continue to exceed the SCAQMD’s operational standard for ROG and NO_x, [and] would generate emissions not reflected within the current 2022 AQMP regional emissions inventory for the SCAB[.]” *Ibid.* For these reasons, the Project is not consistent with Consistency Criterion No. 1 and No. 2, despite the implementation of mitigation measures and “compliance with laws, ordinances, and regulations[.]” DEIR, p. 6-4. Further, despite implementation of several mitigation measures and compliance with laws, ordinances, and regulations, “the Project’s GHG emissions would remain above SCAQMD thresholds, resulting in a significant . . . impact.” *Ibid.* Last, the DEIR admits that “Project emissions could impede statewide 2030 and 2050 GHG emission reduction targets [consequently] result[ing] in a significant cumulative GHG impact.” *Ibid.* The DEIR must be revised to consider more stringent mitigation measures which could reduce the environmental impacts of GHG emissions and air quality from the whole project as opposed to complacent reliance on statutory compliance and deficient and/or deferred mitigation measures.

A fundamental purpose of an EIR is to identify ways in which a proposed project’s significant environmental impacts can be mitigated or avoided. Pub. Res. Code, §§ 21002.1, subd. (a), 21061. To implement this statutory purpose, the EIR must describe any feasible mitigation measures that can minimize the project’s significant environmental effects. Pub. Res. Code, §§ 21002.1, subd. (a), 21100, subd. (b)(3); Cal. Code Regs., §§ 15121, subd. (a), 15126.4, subd. (a).

If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and find that ‘specific overriding economic, legal, social, technology or other benefits of the project outweigh the significant effects on the environment.’ “A gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.” *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039.

Here, the DEIR finds that the Project will have significant and unavoidable impacts on air quality and greenhouse gas emissions but finds that no further mitigation

I-27
Cont.

I-28

I-29

I-30

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 17 of 21

measures are available, which is conclusory and evades the requisite analysis under CEQA. DEIR, pp. 6-3-6.4. Even assuming the Project may take credit for all of the proposed VMT reductions it outlines, the Project will still have significant GHG emissions and air quality impacts—thereby requiring that the DEIR adopt a finding of a significance and the adoption of *all* feasible mitigation measures to ameliorate such impacts. Instead, the DEIR defers discussion of air quality and GHG emissions to the future (or never) and relies on the faulty inference that its impacts can be masked and assimilated under the guise of global climate change analysis.

I-30
Cont.

Here, the City merely makes a conclusory statement about future compliance with the law and does not commit itself to any specific or binding course of action which is project-specific. A determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. *In Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal.App.4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. There is no analysis in the DEIR connecting the effect of compliance with regulatory requirements such that the impacts could be determined to be less than significant. The City is essentially requesting a good-faith assumption that regulatory compliance will serve as a backstop without developing any mitigation measures. The City must identify additional and effective mitigation measures.

I-31

I-32

The DEIR also lacks an adequate analysis on air quality impacts, which is particularly concerning due to the scope and size of the Project and its proximity to nearby sensitive receptors and the intended development of sensitive receptors including likely mixed-use and hotel development. Specifically, the Project comprises the development of 112 acres and abuts Grand Terrace High School to the south and residences to the east—elements that are largely omitted or glossed over in the DEIR's air quality and GHG emissions analyses.

I-33

Despite the clear and apparent presence of sensitive receptors that beset the Project in all directions, the DEIR does not adequately or attend to the Project's potential impacts to them. This is especially egregious considering not only the construction impacts certain to result from development to the Project area, but also continued and

I-34

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 18 of 21

sustained traffic and congestion, increases to VMT, the biggest contributor to GHG emissions, and vehicle idling associated with a likely substantial increase in use on nearby roads that are unlikely to bear the burden due to not only the proposed developmental uses but also proposals to direct more patrons and traffic to the Project area in an effort to increase demand for its commercial uses. Despite these likely impacts, the DEIR nonetheless concludes that the Project would be consistent with SCAG’s regional goals of providing infill housing, improving the jobs-housing balance, and integrating land uses near major transportation corridors, that the Project would not expose sensitive receptors to substantial pollutant concentrations, that the Project would not result in other emissions adversely affecting a substantial number of people. These conclusions are exceedingly likely to be erroneous given the lack of attention to significant prospective contributions to VMT, GHG emissions, and impact to unaccounted nearby sensitive receptors, notwithstanding the significant construction impacts to all of these domains during anticipated construction for various developments. Lead agencies may not avoid the responsibility to prepare proper environmental analysis by failing to gather relevant data. *Sundstrom v. Cnty. of Mendocino* (1988) 202 Cal.App.3d 296, 311.

I-34
Cont.

I-35

IV. THE PROJECT VIOLATES THE STATE PLANNING AND ZONING LAW AND THE CITY’S GENERAL PLAN.

Every county and city in California must adopt a comprehensive, long-term general plan governing development. *Napa Citizens for Honest Gov. v. Napa Cnty. Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 352 (citing Gov. Code, §§ 65030, 65300). The general plan sits at the top of the land use planning hierarchy and serves as a “constitution” or “charter” for all future development. *DeVita v. Cnty. of Napa* (1995) 9 Cal.4th 763, 773 (hereinafter, “*DeVita*”); *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540 (hereinafter, “*Lesher*”). General plan consistency is “the linchpin of California’s land use and development laws; it is the principle which infused the concept of planned growth with the force of law.” *Debottari v. Norco City Council* (1985) 171 Cal.App.3d 1204, 1213.

I-36

State law mandates two levels of consistency. First, a general plan must be internally or “horizontally” consistent—its elements must “comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.” Gov. Code, § 65300.5; *Sierra Club v. Bd. of Supervisors* (1981) 126 Cal.App.3d 698, 704. A general plan amendment thus may not be internally inconsistent, nor may it cause the general

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 19 of 21

plan as a whole to become internally inconsistent. See *DeVita, supra*, 9 Cal.4th at 796 fn. 12. Second, state law requires vertical consistency, meaning that zoning ordinances and other land use decisions also must be consistent with the general plan. See Gov. Code, § 65860(a)(2) (land uses authorized by zoning ordinance must be compatible with the objectives, policies, general land uses, and programs specified in the [general] plan); see also *Neighborhood Action Group v. Cnty. of Calaveras* (1984) 156 Cal.App.3d 1176, 1184 (hereinafter, “*Neighborhood Action Group*”). A zoning ordinance that conflicts with the general plan or impedes achievement of its policies is invalid and cannot be given effect. See *Lesher, supra*, 52 Cal.3d at 544.

Further, state law requires that all subordinate land use decisions, including conditional use permits, be consistent with the general plan. See Gov. Code, § 65860, subd. (a)(2); *Neighborhood Action Group*, 156 Cal.App.3d at 1184. A project cannot be found consistent with a general plan if it conflicts with a general plan policy that is “fundamental, mandatory, and clear,” regardless of whether it is consistent with other general plan policies. *Endangered Habitats League v. Cnty. of Orange* (2005) 131 Cal.App.4th 777, 782-83; *Families Unafraid to Uphold Rural El Dorado Cnty. v. Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1341-42 (hereinafter, “*FUTURE*”). Further, even despite an absence of such a direct conflict, an ordinance or development project may not be approved if it interferes with or frustrates the general plan’s policies and objectives. See *Napa Citizens, supra*, 91 Cal.App.4th at 378-79; see also *Lesher, supra*, 52 Cal.3d at 544 (zoning ordinance restricting development conflicted with growth-oriented policies of general plan).

Here, the Project is inconsistent with the City’s General Plan. As such, the Project violates the State Planning and Zoning law. Specifically, the Project fails to adequately discuss, with sufficient evidence, its conformity with each of the explicit goals, policies, and programs laid out in the City’s General Plan, despite that the Project will have reasonably foreseeable impacts on land use, traffic, vehicle trip generation, air quality, GHG emissions, and more. Such goals, policies, and programs include, among others:

- Goal 4.8: Achieve regional water quality objectives and protect the beneficial uses of the regions surface and groundwater. (DEIR, p. 4.17-8)
- Policy 4.8.1 Evaluate all proposed land use and development plans for their potential to create groundwater contamination hazards from point and non-

I-36
Cont.

I-37

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 20 of 21

- point sources, and cooperate with other appropriate agencies to assure appropriate mitigation. (DEIR, p. 4.17-9)
- Policy 4.8.2 Comply with the requirements of the National Pollutant Discharge Elimination System (NPDES). (DEIR, p. 4.17-9)
 - Goal 4.9: Comply with State and federal regulations to ensure the protection of historical, archaeological, and paleontological resources. (DEIR, p. 4.16-6)
 - Policy 4.9.1 The City shall take reasonable steps to ensure that cultural resources are located, identified and evaluated to assure that appropriate action is taken as to the disposition of these resources. (DEIR, p. 4.16-6)
 - Goal 5.6: Minimize the exposure of residents, business owners, and visitors to the impacts of urban and wildland fires. (DEIR, p. 4.18-6)
 - Policy 5.6.2 Continue the weed abatement program to ensure clearing of dry vegetation areas. (DEIR, p. 4.18-6)
 - Policy 5.6.3 Encourage the use of fire-resistive construction materials. (DEIR, p. 4.18-6)
 - Goal 7.1: Coordinate and balance the provision of public services with existing and planned development to eliminate service gaps, maximize the use of existing public facilities and services, provide a high level of quality public services at a reasonable cost, and maintain adequate services to meet the needs of current and future City residents and businesses. (DEIR, p. 4.17-9)
 - Policy 7.1.1 All proposed development shall be evaluated to determine whether current public services and facilities can meet with their needs. If determined that current services and facilities are inadequate to meet the needs of new development, appropriate mitigation measures shall be applied to the new development to assure an adequate level of service. (DEIR, p. 4.17-9)
 - Goal 9.2: Reduce the total quantity of waste generated within the City requiring landfill disposal to meet or exceed the State waste diversion goals. (DEIR, p. 4.17-9)
 - Policy 9.2.2 Require all new development projects to recycle construction and demolition wastes. (DEIR, p. 4.17-9)
 - Goal 9.7: Reduce the City's per capita demand for water consumption. (DEIR, p. 4.17-9)
 - Policy 9.7.2 The City shall incorporate water conservation into the development review process. (DEIR, p. 4.17-9)

I-37
Cont.

City of Grand Terrace – Gateway at Grand Terrace Specific Plan
August 14, 2023
Page 21 of 21

Such an analysis is relevant not only to compliance with land use and zoning law, but also with the contemplation of the Project's consistency with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental impacts. The DEIR must be revised to include sufficient analysis of the Project's alignment with the goals, policies, and programs in the State Planning and Zoning laws and the City's General Plan.

I-37
Cont.

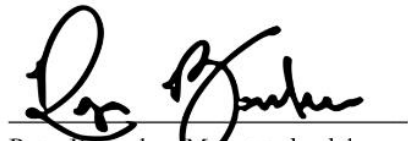
V. CONCLUSION.

A detailed and thorough review of the Project's impacts must be studied, supported by substantial evidence, and mitigated against where necessary. Without this in-depth analysis and a higher standard for the quantity and quality of evidence supporting it, it is impossible to determine, with a high degree of certainty, the magnitude and extent of the Project's environmental impacts.

In light of the aforementioned, SWMSRCC respectfully requests that the City: (1) prepare and circulate a revised EIR which addresses the aforementioned concerns, and (2) require a local and skilled workforce for future developments which relate to and follow the Specific Plan. Should the City have any questions or concerns, it should feel free to contact my office.

I-38

Sincerely,



Reza Bonachea Monamadzadeh
Attorneys for Southwest Mountain
States Regional Council of Carpenters

Attached:

March 8, 2021, SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and,

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

EXHIBIT A



Technical Consultation, Data Analysis and
Litigation Support for the Environment

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G., C.Hg.
(949) 887-9013
mhagemann@swape.com

Paul E. Rosenfeld, PhD
(310) 795-2335
prosenfeld@swape.com

March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

I-39

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."¹ CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.²

I-40

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.³

¹ "California Emissions Estimator Model." CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

² "California Emissions Estimator Model." CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

³ "CalEEMod User's Guide." CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.⁴

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{VMT}_d = \Sigma (\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i) n$$

Where:

n = Number of land uses being modeled.”⁵

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$\text{Emissions}_{\text{pollutant}}$ = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$\text{EF}_{\text{running,pollutant}}$ = emission factor for running emissions.”⁶

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.⁷ In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.⁸ The default number of construction-related worker trips is calculated by multiplying the

⁴ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.

⁵ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.

⁶ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

⁷ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

⁸ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.⁹ Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.¹⁰ Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.¹¹ The operational home-to-work vehicle trip lengths are:

“[B]ased on the location and urbanization selected on the project characteristic screen. These values were supplied by the air districts or use a default average for the state. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).¹²

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).¹³

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	16.47	11.17
Minimum	10.80	10.80
Maximum	19.80	14.70
Range	9.00	3.90

I-41
Cont.

⁹ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

¹⁰ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

¹¹ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.

¹² “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.

¹³ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

I-41
Cont.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan ("Project") located in the City of Claremont ("City"). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.¹⁴ In an effort to evaluate the potential for a local hire provision to reduce the Project's construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,623
Amortized Construction GHG Emissions (MT CO ₂ e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,024
Amortized Construction GHG Emissions (MT CO ₂ e/year)	100.80
% Decrease in Construction-related GHG Emissions	17%

I-42

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location.

¹⁴ "Appendix D Default Data Tables." CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

I-43

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

EXHIBIT B



Technical Consultation, Data Analysis and
Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE

2656 29th Street, Suite 201
Santa Monica, California 90405

Attn: Paul Rosenfeld, Ph.D.

Mobil: (310) 795-2335

Office: (310) 452-5555

Fax: (310) 452-5550

Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Principal Environmental Chemist

Chemical Fate and Transport & Air Dispersion Modeling

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

I-44

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermol and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisnoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisnoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisnoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

I-44
Cont.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellow, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS-6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

I-44
Cont.

Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States” Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

I-44
Cont.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Floral, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

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

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

I-44
Cont.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants.* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld, P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

Rosenfeld, P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

I-44
Cont.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

I-44
Cont.

Deposition and/or Trial Testimony:

- In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019
- In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”
Defendant.
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19
- In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case: No 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018
- In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants
Cause No 1923
Rosenfeld Deposition, 11-17-2017
- In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017
- In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017
- In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018
- In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

I-44
Cont.

- In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017
- In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015
- In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015
- In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015
- In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward
DeRuyter, Defendants
Rosenfeld Deposition: July 2015
- In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015
- In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014
- In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City
Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

I-44
Cont.

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and
on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

I-44
Cont.

EXHIBIT C



1640 5th St., Suite 204 Santa
Santa Monica, California 90401
Tel: (949) 887-9013
Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

I-44
Cont.

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

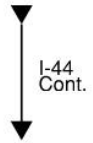
- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

I-44
Cont.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.



- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

I-44
Cont.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

I-44
Cont.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

I-44
Cont.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

I-44
Cont.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

I-44
Cont.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

I-44
Cont.

This page intentionally left blank.

***Responses to Comment Letter I – Southwest Mountain States Regional Council of Carpenters
Mitchell M. Tsai, Attorney At Law***

- I-1** Receipt of the NOA is noted and a current address provided. The commenter’s address and email address has been updated per the commenter’s request.
- I-2** Introductory comment stating that the office of Mitchell M. Tsai, Attorney At Law is submitting comments on behalf of the Southwest Mountain States Regional Council of Carpenters (SWMRCC).
- I-3** Overview of the commenter’s understanding of the Project. This comment does not identify a specific concern with the adequacy of the Draft EIR or note a specific issue or comment related to the Draft EIR’s environmental analysis. No response is required.
- I-4** The SWMRCC labor union’s background is noted. This comment does not identify a specific concern with the adequacy of the Draft EIR or note a specific issue or comment related to the Draft EIR’s environmental analysis. No response is required.
- I-5** The commenter’s right to supplement the submitted comment letter is noted. This comment does not identify a specific concern with the adequacy of the Draft EIR or note a specific issue or comment related to the Draft EIR’s environmental analysis. No response is required.
- I-6** Comment notes that all comments raising issues regarding the project and its environmental review and associated documents and reports are incorporated by reference. This comment does not identify a specific concern with the adequacy of the Draft EIR or note a specific issue or comment related to the Draft EIR’s environmental analysis. No response is required.
- I-7** The comment requests the City provide notice regarding the Project. The City will provide all notices pertaining the Project to the Commenter. This comment does not identify a specific concern with the adequacy of the Draft EIR or note a specific issue or comment related to the Draft EIR’s environmental analysis. No further response is required.
- I-8** The comment suggests that the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce for the Project. This comment does not identify a specific concern with the adequacy of the Draft EIR or note a specific issue or comment related to the Draft EIR’s environmental analysis. However, your comment will be taken into consideration by decision-makers.
- I-9** The comment states that local hire requirements requiring a certain percentage of workers to reside within 10 miles of the Project site can help to reduce environmental impacts and improve positive economic impacts from the Project. The comment states that such requirements reduce vendor trips and greenhouse gas (GHG) emissions, and provide localized economic benefits. The opinion expressed about hiring local workers is noted.

Commenter's opinion about hiring local workers is noted. Commenter is advocating for imposition of local hire requirements with respect to the carpenters union, which would apply only during the construction phase of the Project. Commenter mentions potential reductions of vendor trips (i.e., vehicles miles traveled [VMT] associated with vendors) and GHG emissions that would result from such requirements. However, any environmental benefits that would be realized as a result of local hire requirements would apply only during the construction phase. The Draft EIR analyzes construction-phase VMT impacts and construction-phase GHG impacts (Draft EIR, pp. 4.7-19 through 4.7-21).

With respect to GHG emissions, while the Project's overall impacts were determined to be significant and unavoidable, the portion attributable to the construction phase is very minor compared to the operational emissions (59 tons/year versus 18,480 tons per year) and only a small portion of that is attributable to construction worker commutes (Draft EIR, p. 4.7-21). The comment assume workers would not be local but there is no evidence that they would and any reduction to this fractional portion of the Project's GHG emissions is both negligible and speculative.

The comment also states that local economic benefits that would result from local hire requirements. Such considerations are beyond the scope of CEQA. No further response is required.

I-10 The comment references a 2020 paper prepared by the Institute for Research on Labor and Employment at the University of California, Berkley which states that a workforce of skilled trades can yield sustainable economic development and that well-trained workers are key to reducing GHG emissions and moving California closer to its climate targets. No comment is made regarding the Project or the EIR relevant to CEQA. No further response is required.

I-11 The comment states that workforce policies have significant environmental benefits by improving job-housing balance and decreasing the length of commutes. The commenter further states that local state-certified apprenticeship programs can result in air pollutant reductions. The link commenter provides is blocked. No comment is made regarding the Project or the EIR relevant to CEQA. No further response is required.

I-12 The comment states that locating jobs close to residential areas can have significant environmental benefits and cites to the California Planning Roundtable for support. This comment does not identify a specific concern with the adequacy of the Draft EIR or note a specific issue or comment related to the Draft EIR's environmental analysis. Please see Response to Comment, I-9, above. The California Planning Roundtable report cited in the comment examines permanent jobs-housing balance, not the temporary relationship between construction jobs and development that a local hire mandate would require. It should be noted that, as relates to a permanent jobs-housing balance, the Project would generate some retail jobs that are not technical and would be filled by a broad sector of any local community.

I-13 The comment states that local hire mandates and skill training are critical facets of a strategy to reduce VMT and cites two planning experts to support the argument that placing jobs near

housing stock may be insufficient to achieve VMT reductions due to a mismatch in required skills. Please see Response to Comment, I-9, above. The Cervero and Duncan research cited relates to permanent jobs, not temporary construction jobs as Commenter is advocating. Contrary to the suggestion from Commenter, the article concludes that “Linking jobs and housing holds significant potential to reduce VMT and VHT [vehicle hours travelled].” Cervero and Duncan at 488. The cited article does not discuss local hire mandates or skill training as suggested by Commenter. Placing workers in permanent proximity to their residences – the subject of the cited article – would result in very different environmental gains than employing a limited number of construction workers at a job in proximity to their homes for a limited period of time. It should be noted that the Project would generate some retail jobs that are not technical and would be filled by a broad sector of any local community.

I-14 The comment cites to the Cervero and Duncan article’s discussion of the City of Berkeley’s First Source program, which encourages contractors working on publicly funded construction projects to hire Berkeley Residents. The First Source program applies to City of Berkeley construction projects for which Berkeley is able to set their own policy for hiring decisions. In addition, the cited text asserts that Berkeley is addressing its jobs-housing imbalance concerns by bringing new jobs – rather than housing – to the Berkeley. This concept is inapplicable to the Project where the City wants to bring more housing.

I-15 Comment noted. No comment is made regarding the Project. No further response is required.

I-16 Comment noted. As discussed on page 4.12-4 of the DEIR, the State EDD reports that that City’s labor force was 6,800 persons in September 2022. Of the City’s labor force, 300 persons were unemployed representing an unemployment rate of approximately 3.9 percent. According to EDD, jobs in the City totaled 6,500. Comparatively, the City’s existing unemployment rate is 0.1 percent higher than the County’s unemployment rate of 3.8 percent. Therefore, as development within the Specific Plan occurs, contractors are likely to hire locally. No comment is made regarding the Project or the EIR relevant to CEQA. No further response is required.

I-17 The commenter provides information regarding CEQA and the commenter’s understanding regarding preparation of EIRs including CEQA’s requirements for environmental analysis and reducing environmental impacts. Several court cases are cited. The comment also describes the commenter’s understanding of the standard of review that courts apply to determine the sufficiency of an EIR. The comment states that an EIR must include sufficient information so that foreseeable impacts can be understood and the public can comment on them. The comment also describes its view of the “fair argument” standard and when it is to be applied.

The comment’s general description of CEQA’s goals and requirements is noted. With respect to the description of the standard of review applicable to a court’s review of the sufficiency of an EIR, the City notes that an EIR’s adequacy with respect to, for example, methodology, baseline conditions, scope of environmental impact analysis, and adequacy of mitigation measures is reviewed under the substantial evidence standard. *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435; *Mission Bay All. v.*

Office of Cmty. Inv. & Infrastructure (2016) 6 Cal.App.5th 160, 192, 206; Guidelines §15384(a). Disagreements among experts do not invalidate an EIR, and the lead agency may adopt the environmental conclusions reached by the experts that prepared the EIR, even though others may disagree with the underlying data, analysis, or conclusions. *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal.3d 376, 407-08. Only with respect to questions about whether the agency complied with the legal requirements of CEQA is the agency's action reviewed under a less deferential standard to determine whether the agency failed to proceed in a manner required by law. Pub. Res. Code § 21168.5. No comment was made specific to the Project or the Draft EIR; therefore, no further response is required.

- I-18** The comment provides general background regarding initial studies, negative declarations, and mitigated negative declarations. The comment is noted. The City prepared an EIR for the proposed Project that is compliant with CEQA. No comment was made specific to the Project or the Draft EIR; therefore, no further response is required. As such, this response provides no opinion regarding the legal content of the comment.
- I-19** The comment provides a summary and discussion about how exemptions to CEQA can be used and the standards for doing so. No CEQA exemption was used for this project nor was any comment made specific to this Project or the Draft EIR; therefore, no further response is required. As such, this response provides no opinion regarding the legal content of the comment.
- I-20** The comment provides a summary and discussion of when a revision or recirculation of an EIR may be required and the standards for doing so. The comment summarizes the definitions used in the Guidelines for this topic. No comment was made specific to this Project or the Draft EIR; therefore, no further response is required. As such, this response provides no opinion regarding the legal content of this comment.
- I-21** The comment states that Draft EIR failed to consider all feasible, practical, and effective mitigation measures. However, the comment does not provide any specific feasible, practical, and effective mitigation measures that should have been included in the Draft EIR analysis. As such, no further response is needed.
- I-22** The comment states that the Draft EIR is required to review all feasible, practical, and effective mitigation measures. Per Public Resources Code, Sections 21002 and 21002.1(b), CEQA does not require adoption of every imaginable feasible mitigation measure. CEQA's requirement applies only to feasible mitigation that will "substantially lessen" a project's significant effects. The Draft EIR has identified all feasible mitigation measures, which are summarized in Section 1.0, Executive Summary. Although the comment claims that the Draft EIR does not contain the details for several mitigation measures in the context of air quality, biological resources and GHG impact, the comment does not identify any additional information regarding feasible mitigation measures in these or any other areas. Therefore, no further response is required.

I-23 The comment makes various statements regarding an EIR’s analysis of potentially significant impacts and cites to various legal cases. The comment made no reference specific to this Project or the Draft EIR; therefore, no further response is required. As such, this response provides no opinion regarding the legal content of the comment.

I-24 The comment states that referring to regulatory compliance to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. The comment made no reference specific to this Project or the Draft EIR; therefore, no further response is required. As such, this response provides no opinion regarding the legal content of the comment.

I-25 The comment is a summary of the commenter’s view of State CEQA Guidelines 15064.4. A lead agency is allowed to determine the significance of a project’s GHG impact via qualitative analysis and/or a quantitative analysis. The comment goes on to state that the lead agency can select the model or methodology used to estimate GHG emissions as long as the selection is supported by substantial evidence and the lead agency should explain the limitations of the particular model or methodology used.

The GHG analysis for this EIR was prepared using CalEEMod version 2020.4.0 which was the latest version of the program when the technical studies were prepared. CalEEMod, was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts. The purpose of CalEEMod is to provide a uniform platform for government agencies, land use planners, and environmental professionals to estimate potential emissions associated with both construction and operational use of land use projects. It is intended that these emission estimates are suitable for quantifying air quality and climate change impacts as part of the preparation of California Environmental Quality Act (CEQA) documents. In addition, individual districts may rely on the model’s emission estimates to show compliance with local agency rules. CalEEMod utilizes widely accepted methodologies for estimating emissions combined with default data that can be used when site-specific information is not available. The analysis in the Draft EIR follows the methodology included in the CalEEMod User’s Guide.

The comment does not raise a specific issue with the Draft EIR and no further response is required.

I-26 The commenter provides their view of the State CEQA Guidelines Section 15183.5(b)(1) requirements of a qualified Climate Action Plan (CAP). The project does not propose development of a CAP and the City of Grand Terrace does not have a qualified CAP. No comment was made specific to the Project or the Draft EIR and the Draft EIR describes feasible mitigation measures for potentially significant GHG impacts. As such, no further response is required, and this response provides no opinion regarding the legal content of this comment.

I-27 The comment states that the Draft EIR GHG and air quality analyses do not identify consistency with California Ambient Air Quality Standards, National Ambient Air Quality Standards, and Air Quality Management Plan as part of the analysis. However, the GHG Threshold 4.7-1.2

addresses consistency with applicable plans, policies, or regulations adopted to reduce GHG emissions (Draft EIR at p. 4.7-19). The plans and standards identified by the commenter were developed to reduce criteria pollutants. Although the reduction of certain criteria pollutants could indirectly reduce GHG emissions, the goal of the plan and standards listed by the commenter is not to reduce GHG. No further response is required.

- I-28** The comment notes that the Draft EIR identified a significant GHG impact associated with the Project. The commenter states the Project must consider more stringent mitigation measures to reduce GHG emissions. However, as stated in the Draft EIR, after mitigation, mobile emissions associated with the Project would generate 93 percent of the Project's GHG emissions. While the Project and the City do not have the ability to regulate vehicle emissions, state and federal regulations will continue to improve engine efficiency and thus emissions. California has set a goal of requiring all new vehicles sold in 2035 and beyond to be zero-emission vehicles. Therefore, as vehicle emissions decrease in the future, GHG impacts associated with Project will also decrease. The comment does not identify any mitigation measures for evaluation to reduce environmental impacts. No further response is required.
- I-29** The comment states that a fundamental purpose of an EIR is to identify ways to mitigate or avoid the significant environmental effects of a project. Consistent with and to accomplish this goal, the comment states that an EIR describes feasible mitigation measures. No comment was made specific to the Project or the Draft EIR and the Draft EIR does describe feasible mitigation measures for potentially significant impacts. As such, no further response is required, and this response provides no opinion regarding the legal content of this comment.
- I-30** The comment notes that the Draft EIR identified significant air quality and GHG impacts associated with the Project, states that the Project must adopt all feasible mitigation measures, and disputes the adequacy of the analysis under CEQA. The comment does not provide any suggestions for additional mitigation nor does it identify any missing elements of the analysis. The Draft EIR provides a complete analysis of air quality and greenhouse gas emissions. The Draft EIR includes numerous mitigation measures to reduce Project GHG emissions (Draft EIR at pages 4.2-1 and 4.7-1). **MM GHG-1** requires the installation of photovoltaic solar panels to offset energy emissions in residential buildings. **MM GHG-2** requires the Project to meet or exceed the voluntary CALGreen Tier 2 standards to further improve energy efficiency. **MM GHG-3** requires the residential projects to be all electric (i.e., no natural gas) and **MM GHG-4** requires the Project to divert 75 percent of waste from landfills. Furthermore, **MMs AQ-2** through **AQ-4** have been identified in Draft EIR Section 4.2, Air Quality to reduce operational emissions would also reduce GHG emissions. **MM AQ-2** requires the implementation of a qualifying Commute Trip Reduction (CTR)/ Transportation Demand Management (TDM) plan to reduce mobile GHG emissions for all uses. **MM AQ-3** prohibits the use of any kind of fireplaces, and **MM AQ-4** requires that the Project's Codes Covenants and Restrictions (CC&Rs) and/or tenant lease agreements include contractual language that all landscaping equipment used on-site shall be 100 percent electrically powered. See also Response to Comment I-28 regarding pollution from mobile sources. The comment does not specify how any of these mitigation measures are deferred to the future. These mitigation

measures will reduce impacts and no other mitigation measures are identified by the commenter that will reduce mobile source emissions to less than significant levels. The EIR finds that there will still be a significant impact and the City will need to adopt a statement of overriding consideration.

No further response is required.

- I-31** The comment states that the City makes a conclusory statement about future compliance with the law and does not commit itself to any specific or binding course of action which is project-specific. The Draft EIR provides a complete analysis of air quality and greenhouse gas emissions and the comment does not provide a specific comment to the contrary. Refer to Response to Comment I-30 for more information.
- I-32** The comments states that compliance with regulatory requirements may not be enough to satisfy CEQA, and claims that the Draft EIR does not connect the effect of regulatory compliance with impacts to determine the effect less than significant. Because this comment does not refer to any specifics in the Draft EIR, it is unclear to which sections the comment refers, however the Air Quality and GHG sections provide comprehensive impact analyses and recommends for adoption all feasible mitigation measures; the mitigations do not only rely solely upon regulatory compliance. See Draft EIR Sections 4.2, Air Quality (Draft EIR at page 4.2-1) and 4.7, Greenhouse Gas Emissions (Draft EIR at page 4.7-1). No comment was made specific to the Project or the Draft EIR and the Draft EIR describes feasible mitigation measures for potentially significant impacts. As such, no further response is required, and this response provides no opinion regarding the legal content of this comment.
- I-33** The comment incorrectly states that the Draft EIR lacks adequate analysis of air quality impacts and states concern regarding impacts to sensitive receptors in the vicinity of the Project, especially Grand Terrace High School to the south. Air Quality Impact 4.2-3 discusses in detail what impacts the construction and operation of the Project will have on sensitive receptors (see Draft EIR at pgs. 4.2-30 to -39) which include single-family residences, Veterans Freedom Park, and Grand Terrace High School. In addition, a Health Risk Assessment (HRA) was prepared for the Project analyzing health impacts from the construction and operation of the Project (see Draft EIR, **Appendix A**). Appendix A specifically discusses and analyzes the effects on sensitive receptors. Draft EIR Appendix A, p. 10, 18-40. As discussed in the Draft EIR, the Projects impacts to sensitive receptors would be less than significant. In addition, the comment states that the GHG analysis lacks adequate discussion of the 112-acre Project. The GHG chapter specifically discusses the size of the project (Draft EIR at p. 4.7-1) and provides detailed analysis of its impacts under the thresholds (Draft EIR at pgs. 4.7-19 to -31) and proposes mitigation measures. No further response is required.
- I-34** The comment states that the Draft EIR does not provide adequate analysis of sensitive receptors, including construction impacts and traffic, VMT and GHG impacts. Please refer to Response to Comment I-33, regarding analysis of construction and operational air quality and GHG impacts and effects including those to sensitive receptors. In addition, the Draft EIR

provides comprehensive analysis of VMT. See Draft EIR Chapter 4.15 and Draft EIR Appendix J1, Appendix J2. All changes to VMT are discussed and analyzed. The comment does not identify any specific deficiencies or any bases for its statements. No further response is required.

- I-35** The comment notes the Project would be consistent with SCAG’s regional goals but questions the conclusion based on the commenter’s belief that the Draft EIR did not analyze impacts to surrounding sensitive receptors. As previously stated in Response to Comments I-33 and I-34, Air Quality Impact 4.2-3 discusses in detail the impacts from construction and operation of Project will have on sensitive receptors (refer to Draft EIR at pages 4.2-30 to 4.2-39) which include single-family residences, Veterans Freedom Park, and Grand Terrace High School. Localized significance threshold analysis following AQMD methodology was prepared to determine impacts from construction and operation of the Project. In addition, a HRA was prepared for the Project which analyzed impacts to receptors within 1,400 feet of the Project site. A HRA is a technical study that evaluates how toxic emissions are released from a project during construction and operations, how those emissions disperse throughout the community, and the potential for those toxic emissions to impact human health. The air dispersion modeling for this HRA was performed using the U.S. EPA AERMOD dispersion model. AERMOD requires hourly meteorological data consisting of wind vector, wind speed, temperature, stability class, and mixing height. Surface and upper air meteorological data were provided by the SCAQMD. The HRA follows the methodology outlined in California’s Office of Environmental Health Hazard Assessment’s (OEHHA) 2015 document, *Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments*.

As discussed in the Draft EIR, impacts to sensitive receptors would be less than significant. All necessary and required data and analysis is provided in the Draft EIR and the comment provides only conclusory statements claiming inadequacy. No further response is required.

- I-36** The comment provides a summary of requirements related to the development of general plans and determinations of land use decision’s consistency with them. No comment was made specific to this Project or EIR; therefore, no further response is required. As such, this response provides no opinion regarding the legal content of this comment.

- I-37** The comment states that the Project is inconsistent with the General Plan and violates state Planning and Zoning Law. The comment lists fourteen Grand Terrace General Plan goals and policies with which it states the Project will not be consistent. The letter does not provide any details to support these assertions. The comment states that the Draft EIR must be revised to include sufficient analysis of the Project’s consistency with the Grand Terrace General Plan.

As a threshold matter, an EIR is not required to discuss a project’s consistency with a local general plan. Rather, CEQA Guidelines section 15125(d) specifies that an EIR must discuss a project’s *inconsistency* with a relevant general plan. Nevertheless, Table 4.10-3: General Plan Consistency Analysis, of the Draft EIR includes a detailed analysis of the Project’s consistency with all relevant Grand Terrace General Plan goals and policies, including all the ones identified

in the comment. Draft EIR at pgs. 4.10-11 to -19. Moreover, the project is consistent with each of the cited policies:

37(a) Goal 4.8: Achieve regional water quality objectives and protect the beneficial uses of the regions surface and groundwater.

See discussion regarding Policies 4.8.1 and 4.8.2, below.

37(b) Policy 4.8.1: Evaluate all proposed land use and development plans for their potential to create groundwater contamination hazards from point and non-point sources, and cooperate with other appropriate agencies to assure appropriate mitigation.

The Draft EIR explains that the Project would be consistent with this policy because all future development projects within the Project site would be required to implement a Storm Water Pollution Prevention Plan and Water Quality Management Plan that will contain best management practices to minimize groundwater contamination hazards.

37(c) Policy 4.8.2: Comply with the requirements of the National Pollutant Discharge Elimination System (NPDES).

The Draft EIR explains that the Project would be consistent with this policy because all site-specific development would be subject to the requirements of the NPDES permitting process.

37(d) Goal 4.9: Comply with State and federal regulations to ensure the protection of historical, archaeological, and paleontological resources.

See Discussion regarding Policy 4.9.1, below.

37(e) Policy 4.9.1: The City shall take reasonable steps to ensure that cultural resources are located, identified and evaluated to assure that appropriate action is taken as to the disposition of these resources.

The Draft EIR explains that the Project would be consistent with this policy because it would implement mitigation measures that would minimize impacts to any unknown cultural resources discovered on the site.

37(f) Goal 5.6: Minimize the exposure of residents, business owners, and visitors to the impacts of urban and wildland fires.

See discussion regarding Policy 5.6.2, below.

37(g) Policy 5.6.2: Continue the weed abatement program to ensure clearing of dry vegetation areas.

The Draft EIR explains that the Project would be consistent with this policy because the Project is located in a local responsibility area and would comply with the City's Local Hazard Mitigation Plan.

37(h) Policy 5.6.3: Encourage the use of fire-resistive construction materials.

The Draft EIR explains that the Project would be consistent with this policy because it would comply with the California Building Code, which regulates the design, construction, and quality of materials, etc. for development.

37(i) *Goal 7.1: Coordinate and balance the provision of public services with existing and planned development to eliminate service gaps, maximize the use of existing public facilities and services, provide a high level of quality public services at a reasonable cost, and maintain adequate services to meet the needs of current and future City residents and businesses.*

See discussion regarding Policy 7.1.1, below.

37(j) *Policy 7.1.1: All proposed development shall be evaluated to determine whether current public services and facilities can meet with their needs. If determined that current services and facilities are inadequate to meet the needs of new development, appropriate mitigation measures shall be applied to the new development to assure an adequate level of service.*

The Draft EIR explains that the Project would be consistent with this policy because fire protection and police protections would remain efficient in serving the proposed Project. The Project is required to adhere to Grand Terrace MC Chapter 4.80, Development Impact Fees, which would require each applicant to pay a development impact fee imposed by the City to pay for all or a portion of costs of providing public services associated with new development.

37(k) *Goal 9.2: Reduce the total quantity of waste generated within the City requiring landfill disposal to meet or exceed the State waste diversion goals.*

See discussion regarding Policy 9.2.2, below.

37(l) *Policy 9.2.2: Require all new development projects to recycle construction and demolition wastes.*

The Draft EIR explains that the Project would be consistent with this policy because all development projects will be required to recycle or handle construction and demolition wastes, consistent with this Policy and in accordance with applicable state regulations regarding the use, handling, storage, and transportation of waste.

37(m) *Goal 9.7: Reduce the City's per capita demand for water consumption.*

See discussion regarding Policy 9.7.2, below.

37(n) *Policy 9.7.2: The City shall incorporate water conservation into the development review process.*

The Draft EIR explains that the Project would be consistent with this policy because all projects would be required to incorporate water conservation design features and landscaping to minimize water consumption.

In addition, Courts are highly deferential to a city's determination of a project's consistency with its own general plan. *See The Highway 68 Coalition v County of Monterey* (2017) 14 Cal. App. 5th 883, 896 (consistency of development permit and development plan with general plan). California's Planning and Zoning Law does not require strict conformity with all aspects of a general plan, but rather consistency with its overall goals and objectives. *See, e.g., Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App. 4th 807, 815 (upholding overall consistency finding even though project deviated from some plan provisions because plan allowed for balancing of competing priorities).

As noted, the comment does not point to any specific flaws in this analysis or explain how the Project is inconsistent with the goals and policies described in detail in Table 4.10-3. As such, Table 4.10-3 provides the consistency analysis required by CEQA. No further response is required.

- I-38** The commenter's request for recirculation of the EIR and requirement for local and skilled workforce is noted but no specifics are provided as to why recirculation is necessary and no trigger for recirculation is met.
- I-39** The comment is introductory to an attachment to Mitchell Tsai's comment letter, and no specific comments are made. Responses to specific comments in the attachment are provided below.
- I-40** The comment states that the California Emissions Estimator Model (CalEEMod) is a model generally used to estimate criteria pollutant and GHG emissions and describes some of the inputs entered into the model to estimate construction emissions, including VMT. No comment was made specific to this Project or EIR; therefore, no further response is required.
- I-41** The comment discusses how default worker trip lengths in CalEEMod are based on location specific data and urbanization. While default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. No comment was made specific to this Project or EIR; therefore, no further response is required.
- I-42** The comment states that, with respect to construction analysis, CalEEMod outputs depend on the utilized worker trip lengths and the efficacy of a local hire requirement depends upon the urbanization of a project site and the project's location. Comment presents example of the reduction in construction-related GHG emissions associated with a local hire provision. No comment was made specific to this Project or EIR; therefore, no further response is required.
- I-43** The comment provides a boilerplate disclaimer about the information the commenter received. Comment is noted. No further response is required.
- I-44** Comment provides the professional experience resume of the attachment's author. Comment noted. No further response is required.

This page intentionally left blank.

**Comment Letter J – Supporters Alliance for Environmental Responsibility
Lozeau Drury LLP – Rebecca Davis**

From: Layne Fajeau <layne@lozeaudrury.com>
Sent: Thursday, August 10, 2023 4:45 PM
To: haguirre; gatewaydeir@grandterrace-ca.gov; Kbolowich
Cc: Rebecca Davis; Madeline Dawson
Subject: Comment re: Draft Environmental Impact Report for the Gateway at Grand Terrace Specific Plan (SCH 2021020110)
Attachments: 2023.08.10 DEIR Comment for Gateway at Grand Terrace Specific Plan.pdf

Dear Ms. Aguirre and Mr. Bolowich,

On behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), attached, please find comments regarding the Draft Environmental Impact Report for the Gateway at Grand Terrace Specific Plan (SCH 2021020110).

If you could please confirm receipt of these comments, it would be much appreciated.

Cheers,
Layne

--
Layne Fajeau
Legal Assistant
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, California 94612
[\(510\) 836-4200](tel:(510)836-4200)
[\(510\) 836-4205](tel:(510)836-4205) (fax)
layne@lozeaudrury.com



Virus-free. www.avg.com

J-1



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
rebecca@lozeaudrury.com

Via Email

August 10, 2023

Haide Aguirre, Planner
City of Grand Terrace
22795 Barton Road
Grand Terrace, CA 92313
haguirre@grandterrace-ca.gov

Konrad Bolowich, City Manager and Acting
Planning Director
City of Grand Terrace
22795 Barton Road
Grand Terrace, CA 92313
gatewaydeir@grandterrace-ca.gov

**Re: Comment on Draft Environmental Impact Report for the Gateway at Grand Terrace
Specific Plan (SCH 2021020110)**

Dear Ms. Aguirre and Mr. Bolowich,

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), regarding the Draft Environmental Impact Report ("DEIR") prepared for the Gateway at Grand Terrace Specific Plan Project (SCH 2021020110), which proposes a Specific Plan to guide the development in 25 planning areas, including construction of up to 750 residential dwelling units, 271,009 square feet of commercial space, an 87,425 square foot business park, and 8.18 acres of park/open space on an approximately 125-acre site bounded by Commerce Way and an existing commercial parking lot to the north; the northern portion of Grand Terrace High School to the south; commercial and residential uses to the east; and I-215 to the west (the "Project").

J-2

SAFER is concerned that the DEIR fails as an informational document, fails to analyze all of the Project's significant impacts, and fails to impose all feasible mitigation measures to reduce the Project's impacts. SAFER requests that the Planning and Development Services Department address these shortcomings in a revised draft environmental impact report and recirculate the revised DEIR prior to considering approvals for the Project.

J-3

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

J-4

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Davis", is written over a light blue horizontal line.

Rebecca Davis

***Responses to Comment Letter J – Supporters Alliance for Environmental Responsibility
Lozeau Drury LLP – Rebecca Davis***

- J-1** The comment is an email transmittal of the commenter’s letter regarding the Project’s Draft EIR. The City acknowledges receipt of the commenter’s letter and has prepared the following responses to comments.
- J-2** Overview of the commenter’s understanding of the Project is noted for the record. No further response is required.
- J-3** The commenter states that the Draft EIR fails as an informational document, fails to analyze all of the Project’s significant impacts, and fails to impose all feasible mitigation measures to reduce the Project’s impacts, and requests that a revised Draft EIR be prepared prior to consideration of approvals. However, the comment does not identify any specific concern with the adequacy of the Draft EIR or note a specific issue or comment related to the Draft EIR’s environmental analysis. Therefore, no further response is required.
- J-4** Comment noted. This comment does not identify a specific concern with the adequacy of the Draft EIR or note a specific issue or comment related to the Draft EIR’s environmental analysis. Therefore, no further response is required.

This page intentionally left blank.