August 2025 | Revised Final Subsequent Environmental Impact Report
State Clearinghouse No. 2006041096

FREEWAY CORRIDOR SPECIFIC PLAN SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

for City of Yucaipa

Prepared for:

City of Yucaipa
Contact: Benjamin Matlock, Deputy Director of Community Development
34272 Yucaipa Blvd
Yucaipa, California 92399
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Prepared by:

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PLACEWORKS

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1. Introduction

1.1 INTRODUCTION

This Final Revised Subsequent Environmental Impact Report (Final SEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (California Code of Regulations §§ 15000 et seq.).

According to the CEQA Guidelines, Section 15132, the Final SEIR shall consist of:

(a) The Draft Subsequent Environmental Impact Report (Draft SEIR) or a revision of the Draft;

(b) Comments and recommendations received on the Draft SEIR either verbatim or in summary;

(c) A list of persons, organizations, and public agencies comments on the Draft SEIR;

(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and

(e) Any other information added by the Lead Agency.

This document contains responses to comments received on the Draft SEIR for the Freeway Corridor Specific Plan Project during the public review period, which began February 8, 2024, and closed March 25, 2024. The previous Final SEIR was posted in May 2024, however, minor changes to the land use plan were made and this Final SEIR is being revised to address the minor changes to the Draft SEIR since the Final SEIR was made available. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated Draft SEIR comprise the Final SEIR, in accordance with CEQA Guidelines, Section 15132.

1.2 FORMAT OF THE FINAL SEIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this Final SEIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the Draft SEIR, copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number (A1 through A8 for letters received from agencies, and O1 for letters received from organizations). Individual comments have been numbered for each letter and the letter is followed by responses with references to the corresponding comment number.

Section 3. Revisions to the Draft SEIR. This section contains revisions to the Draft SEIR text and figures as a result of the comments received by agencies and interested persons as described in Section 2, and/or additional information regarding the Project that merely clarifies or amplifies or makes insignificant modifications to the Draft EIR provided for the benefit of public review and disclosure and/or errors and omissions discovered subsequent to release of the Draft SEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the Final SEIR. The City of Yucaipa staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the Draft SEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the Project will result in a significant new environmental impact not previously disclosed in the Draft SEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments, and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be "on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. …CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR."

CEQA Guidelines Section 15204 (c) further advises, "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Section 15204 (d) also states, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." Section 15204 (e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this Final SEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on Draft EIRs.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency (City of Yucaipa) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the Draft SEIR and prepare written responses.

This section provides all written responses received on the Draft SEIR and the City of Yucaipa's responses to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the Draft SEIR are excerpted in this document, the sections are shown indented. Changes to the Draft SEIR text are shown in underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the Draft SEIR during the public review period.

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
Agencies			
A1	Gabrieleno Band of Mission Indians – Kizh Nation, Andrew Salas, Chairman	February 20, 2024	2-3
A2	Agua Caliente Band of Cahuilla Indians, Luz Salazar, Cultural Resources Analyst	March 4, 2024	2-7
A3	San Bernardino County Department of Public Works, Nancy Sansonetti, AICP, Supervising Planner – Capital Improvement Section	March 6, 2024	2-11
A4	Santa Ana Regional Water Quality Control Board, Adam Fischer, Supervisor, Municipal Stormwater Unit	March 22, 2024	2-17
A5	South Coast Air Quality Management District, Sam Wang, Program Supervisor, CEQA-IGR, Planning, Rule Development, and Implementation	March 22, 2024	2-27
A6	California Air Resources Board, Matthew O'Donnell, Chief, Risk Reduction Branch	March 25, 2024	2-47
A7	City of Calimesa, Kelly Lucia, Planning Director	March 25, 2024	2-59
A8	State Water Resources Control Board, Lori Schmitz, Environmental Scientist, Division of Financial Assistance, Special Project Review Unit	March 25, 2024	2-63
Organizations			
O1	Blum, Collins, and Ho, LLP, Gary Ho, on behalf of Golden State Environmental Justice Alliance	March 25, 2024	2-69

2. Response to Comments

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LETTER A1 – Gabrieleno Band of Mission Indians – Kizh Nation, Andrew Salas, Chairman (1 page)

GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The San Gabriel Band of Mission Indians recognized by the State of California as the aboriginal tribe of the Los Angeles basin

February 20,2023

Project Name: Freeway Corridor Specific Plan, City of Yucaipa

Thank you for your letter dated February 8,2024. Regarding the project above. This is to concur that we agree with the Specific Plan Amendment. However, our Tribal government would like to request consultation for all future projects within this location.

A1-1

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation

Andrew Salas, Chairman | Nadine Salas, Vice-Chairman | Dr. Christina Swindall Martinez, secretary
Albert Perez, treasurer I | Martha Gonzalez Lemos, treasurer II | Richard Gradias, Chairman of the council of Elders

POBox 393 Covina, CA 91723 www.gabrielenoindians@yahoo.com gabrielenoindians@yahoo.com

2. Response to Comments

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A1. Response to Comments from Gabrieleno Band of Mission Indians – Kizh Nation, Andrew Salas, Chairman, dated February 20, 2024.

A1-1 The commenter's request to consult on future projects in the plan area is noted. The City will add the tribe to its distribution list for all subsequent projects in the plan area.

2. Response to Comments

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LETTER A2 – Agua Caliente Band of Cahuilla Indians, Luz Salazar, Cultural Resources Analyst (2 pages)

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION

03-044-2022-005

March 04, 2024

[VIA EMAIL TO:bmatlock@yucaipa.org]
City of Yucaipa
Mr. Benjamin Matlock
34272 Yucaipa Blvd,
Yucaipa, CA 92399

Re: Notice of Availability-Freeway Corridor Specific Plan Subsequent Environmental Impact Report (City of Yucaipa)

Dear Mr. Benjamin Matlock,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Freeway Corridor Specific Plan (FCSP) project. We have reviewed the documents and have the following comments:

* Verbiage needs to be changed in CR-3: "the project proponent shall allow Native American monitors to access the project site on a volunteer basis to monitor grading and excavation activities." Monitoring should not be volunteer basis and requires a fee. A2-1

* Mitigation language needs to include Tribal Monitors have the authority to temporarily halt all grading activities if cultural resources were to be encountered. A2-1

* We highly recommend including Mitigation Measures if Human Remains were to be encountered during grading activities. A2-2

* There is a village site adjacent to the project area. A2-3

* The project area is culturally sensitive. A2-3

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 883-1137. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

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

2. Response to Comments

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION

03-044-2022-005

Luz Salazar
Cultural Resources Analyst
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS

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

A2. Response to Comments Agua Caliente Band of Cahuilla Indians, Luz Salazar, Cultural Resources Analyst, dated March 4, 2024.

A2-1 The commenter's request to revise the verbiage of Mitigation Measure CR-3 to reflect that Native American monitoring is required and that monitors have authority to temporarily halt grading has been updated as necessary (see Section 3, *Revisions to the Draft SEIR*).

A2-2 While it is unlikely that human remains would be uncovered during ground-disturbing activities, future projects within the plan area would be required to comply with state regulations, such as PRC Sections 5097.9 to 5097.991, which provide protections to Native American resources, including human remains, and California Health and Safety Code 7050.5, which requires construction to stop within the vicinity of human remains. Because compliance with state law is required, mitigation measures identifying the process if human remains are discovered are not required.

A2-3 The commenter indicates that there is a village site adjacent to the plan area and that the plan area is culturally sensitive. The City will add the tribe to its distribution list for all subsequent projects in the plan area.

2. Response to Comments

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LETTER A3 – San Bernardino County Department of Public Works, Nancy Sansonetti, AICP, Supervising Planner – Capital Improvement Section (3 pages)

Main Office - 825 East Third Street, San Bernardino, CA 92415-0835 | Phone: 909.387.7910 Fax: 909.387.7911

www.SBCounty.gov

SAN BERNARDINO COUNTY

Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Special Districts
- Surveyor
- Transportation

Noel Castillo, P.E.
Director

David Doublet, M.S., P.E.
Assistant Director

March 6, 2024

Transmitted Via Email
File: 10(ENV)-4.01

City of Yucaipa
Attn: Benjamin Matlock
Deputy Director of Community Development/City Planner
34272 Yucaipa Boulevard
Yucaipa, CA 92399
bmatlock@yucaipa.org

RE: PROJECT COMMENT – NOTICE OF AVAILABILITY (NOA) OF A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (DSEIR) FOR THE FREEWAY CORRIDOR SPECIFIC PLAN (STATE CLEARINGHOUSE NO. 2006041096).

Dear Mr. Matlock:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on February 8, 2024,** and pursuant to our review, the following comments are provided:

Flood Control Planning/Water Resources Division (Michael Fam, Engineering Manager, (909) 387-8120):

A3-1

The Flood Control Water Resources Division previously reviewed and commented on the Draft SEIR (NOP) for the proposed project on December 8, 2022. The following comments are still valid.

The Project is within the:

- Comprehensive Storm Drain Plan (CSDP) No. 5 – May 1979
- Master Plan of Drainage (MPD) – Yucaipa MPD – January 2012

The San Bernardino County Flood Control District's (District) recommendations are most often made for site specific conditions. Therefore, the recommendations made here are general in nature until such time as more detailed plans become available.

A3-2

1. According to the most recent Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, Panel 06071C8740H, dated August 28, 2008, the Project lies within Zones D, AE, AO, X-shaped (500-yr. floodplain), and the Regulatory Floodway.

BOARD OF SUPERVISORS

Col. Paul Cook (Ret.) Vice Chairman, First District | Jesse Armendarez Second District | Dawn Rowe Chair, Third District | Curt Hagman Fourth District | Joe Baca, Jr. Fifth District

Luther Snoke
Chief Executive Officer

2. Response to Comments

PROJECT COMMENT-NOA- STATE CLEARINGHOUSE NO. 2006041096
March 6, 2024
Page 2 of 3

2. One of the benefits of the CSDP/MPD is to identify the alignment of future drainage and flood control facilities. It is recommended that the developer(s) will continue to use this document to protect the alignment of future facilities. A3-3

3. Development in the Regulatory Floodway should not be allowed unless it can be proven through detailed engineering analysis that there will be no rise in base flood elevations. We recommend further review after more complete improvement plans and drainage analysis have been submitted to the District. A3-4

4. We recommend that the City of Yucaipa (City) establish adequate provisions for intercepting and conducting the accumulated drainage around or through all construction sites in a manner which will not adversely affect adjacent or downstream properties. Development or changes to the drainage should be analyzed for potential environmental impacts and discussed within the Subsequent Environmental Impact Report (SEIR) prior to the SEIR being adopted or certified. A3-5

5. Prior to any encroachment onto District Right-of-Way, a permit shall be obtained from the District. Other on-site and off-site improvements may be required which cannot be determined at this time. A3-6

6. Those portions of the Project lying in and abutting the natural drainage course and its overflow areas may be subject to infrequent flood hazard until adequate channel and debris retention facilities are provided to intercept and conduct the flows through and away from the site. The potential for flood hazards and proposed control measures and impacts associated with those measures should be discussed within the SEIR along with proposed mitigation for any impacts. A3-7

7. We recommend that the City enforces the most current FEMA regulations for development within the Floodway, Special Flood Hazard Area (SFHA; 1% annual change flood), Zone D areas (undetermined, but possible flooding) and other floodplains. A3-8

8. Other Federal or State approvals may also be required. Information regarding this item can be obtained from the District. A3-9

Flood Control Planning/Operations Support Division (Michael Fam, Engineering Manager, 909-387-8120):

The Flood Control Planning Division previously reviewed and commented on the Draft SEIR (NOP) for the proposed project on December 8, 2022. We provide the following revised comment.

1. We are aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the City of Yucaipa MPD, dated January 2012. It is to be used as a guideline for drainage in the area and is available in the City offices. Any revision to the drainage should be reviewed and approved by the jurisdictional agency (i.e. City or County). A3-10

PROJECT COMMENT-NOA- STATE CLEARINGHOUSE NO. 2006041096
March 6, 2024
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2. The proposed Project has a San Bernardino County Flood Control District (SBCFCD) right-of-way and/or facilities (3-609-4A) Atwood Basin, an easement (Doc No. 1393/138 OR), located within Assessor's Parcel Number 0301-221-09. Any encroachments including, but not limited, to access for grading, fence removal and installation, side drain connections, and utilities crossing on the District's right-of-way or facilities will require a permit from the SBCFCD prior to the start of construction. Please contact the San Bernardino County Flood Control Permit Section at (909) 387-7995 for further information regarding this process. A3-11

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

Nancy Sansonetti

Nancy J. Sansonetti, AICP
Supervising Planner, Capital Improvement Section
Environmental Management Division

2. Response to Comments

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A3. Response to Comments from San Bernardino County Department of Public Works, Nancy Sansonetti, AICP, Supervising Planner – Capital Improvement Section, dated March 6, 2024.

A3-1 The commenter's statement that the plan area is within the Comprehensive Storm Drain Plan and Master Plan of Drainage is noted.

A3-2 The commenter states that the plan area is within several flood zones, which is also shown in Table 5.10-1, *Flood Zone Designations,* of the Draft SEIR, is noted.

A3-3 The City would ensure that the alignment of future facilities is protected during plan check of future projects in the plan area. As indicated in Impact 5.19-3 of Section 5.19, *Utilities and Services Systems,* of the Draft SEIR, all proposed projects would be subject to the Master Plan of Drainage which requires projects to match or reduce peak flows compared to predevelopment conditions. Future projects would also be required to comply with the Comprehensive Storm Drain Plan. The Comprehensive Storm Drain Plan has been added to the regulatory section and Impact 5.19-3 of Section 5.19 (see Section 3, *Revisions to the Draft SEIR*).

A3-4 As stated in Impact 5.10-4, in Section 5.10, *Hydrology and Water Quality,* of the Draft SEIR, any development in a flood hazard zone would be required to submit a letter of map revision application to FEMA for review and approval, and future development would be required to meet federal floodplain regulations, including raising the lowest floor of the structure above the 100-year base flood elevation. Development would also comply with County and local approval agency regulations on floodplain and floodway management, which includes conformance with FEMA regulations for Special Flood Hazard Areas. The City has development standards that ensure floodplain regulations are taken to provide safety, promote public health, and minimize public and private economic losses in flood prone areas.

A3-5 Impact 5.19-3, in Section 5.19, *Utilities and Service Systems,* of the Draft SEIR, states that the City and San Bernardino County Flood Control District require that new development complete drainage and hydrology analyses to ensure that on- and off-site drainage facilities can accommodate increase stormwater flows. Additionally, new development would also be required to prepare a stormwater quality management plan which would include best management practices. Future projects would be required to evaluate project-specific impervious surface calculations to ensure proper mitigation of runoff is met and would be required to comply with the provisions in the Master Plan of Drainage and Comprehensive Storm Drain Plan. Construction runoff is subject to the requirements of the Construction General Permit (if one acre or more is to be disturbed) and the MS4 Permit (if less than one acre is to be disturbed). Because project-specific information is unknown at this time, it would be speculative for the Draft SEIR to include an analysis of storm drainage construction impacts for the plan area.

2. Response to Comments

A3-6 The commenter's statement that a permit shall be required prior to encroachment onto District right-of-way is noted and is also included as part of the City's standard Conditions of Approval. Future development would be required to comply with the City and County's permit requirements.

A3-7 See response to comment A3-4. Additionally, the future Wildwood Creek Basin 1 is part of the approved 2012 Master Plan of Drainage (MPD) and is tentatively proposed within the OS-C land use designation. The specific plan allows for the implementation of this basin in the OS-C land use designation with a Conditional Use Permit and separate CEQA processing as applicable. Based on the MPD, the implementation of the Wildwood Creek Basin will be required as development occurs upstream and beyond the limits of the proposed FCSP but it is not triggered by development within the planning area. The final size and location of the basin will be dependent upon the upstream land uses and development intensity.

A3-8 See response to comment A3-4.

A3-9 Future projects would be required to comply with all regulatory and permit requirements.

A3-10 See response to comment A3-5. Impact 5.19-3, in Section 5.19, *Utilities and Service Systems,* of the Draft SEIR, has been revised to state that all revisions to the drainage would be reviewed and approved by the City or County (see Section 3, *Revisions to the Draft SEIR*).

A3-11 See response to comment A3-6.

LETTER A4 – Santa Ana Regional Water Quality Control Board, Adam Fischer, Supervisor, Municipal Stormwater Unit (5 pages)

CALIFORNIA Water Boards

GAVIN NEWSOM, GOVERNOR
YANA GARCIA, SECRETARY FOR ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

March 22, 2024

Benjamin Matlock
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, CA 92399

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

COMMENTS ON DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE FREEWAY CORRIDOR SPECIFIC PLAN (STATE CLEARINGHOUSE NO. 2006041096)

Dear Mr. Matlock:

Thank you for providing staff of the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) with the opportunity to comment on the Draft Subsequent Environmental Impact Report (SEIR) for the Freeway Corridor Specific Plan (Project). Please accept the following comments.

The Santa Ana Water Board issued Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County within the Santa Ana Region, Order R8-2002-0012, NPDES Permit No. CAS618036 (Order R8-2002-0012). Order R8-2002-0012 regulates the discharge of pollutants in stormwater runoff and authorized non-stormwater discharges from municipal storm drains. Order R8-2002-0012 was in effect at the time the City of Yucaipa (City) certified the Environmental Impact Report (EIR) for the Freeway Corridor Specific Plan in November 2008. A4-1

In 2004, the Permittees, including the City of Yucaipa, updated their Water Quality Management Plan (WQMP) for new development and significant redevelopment. These revisions incorporated types of projects listed in Order R8-2002-0012 at section XII.B.1. These types include home subdivisions of 10 units or more, industrial/commercial developments of 100,000 square feet or more, certain hillside developments of 10,000 square feet or more, parking lots of 5,000 square feet or more, and others. The Project, as described in the 2008 certified EIR, meets more than one of these criteria. Therefore, a Project water quality management plan should have been developed pursuant to section XII.A.5. of Order R8-2002-0012. A water quality management plan would describe the pollution controls that will be put in place for the Project.

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

3737 Main Street, Suite 500, Riverside, CA 92501-3348 | www.waterboards.ca.gov/santaana

2. Response to Comments

The Santa Ana Water Board issued Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino, and the Incorporated Cities of San Bernardino County within the Santa Ana Region, Order R8-2010-0036, NPDES Permit No. CAS618036 (Order R8-2010-0036). Order R8-2010-0036 includes similar requirements that apply to the Project described in the SEIR.

The types of projects listed in section XI.D.4. of Order R8-2010-0036 include new developments that create 10,000 square feet or more of impervious surface, certain hillside developments of 10,000 square feet or more, and parking lots of 5,000 square feet or more. The Project described in the SEIR also meets more than one of these criteria. Therefore, the City is required to require a water quality management plan for the Project pursuant to section XI.D.3. Section XI.D.3. requires a preliminary WQMP "as early as possible during the environmental review or planning phase". If one had been previously prepared, an updated water quality management plan that meets the requirements of Order R8-2010-0036 would be acceptable. A4-2

The SEIR refers to Appendix M, the WQMP for the Pacific Oaks Commerce Center, but no WQMP is available on CEQAnet for the Project. The SEIR makes generic statements regarding permit requirements but does not indicate how the City has complied with section XI.A.5. of Order R8-2002-0012 and section XI.D.3. of Order R8-2010-0036 for the Project. A4-3

Section XI.A.8. of Order R8-2010-0036 requires, in part, that each Permittee "minimize the short and long-term adverse impacts on receiving water quality from public and private new development and significant re-development" through water quality management plans and addressing hydrologic conditions of concern. A hydrologic condition of concern exists when a site's hydrologic regime is altered and there are likely to be significant impacts on downstream channels and aquatic habitats, alone or in conjunction with impacts of other projects. The SEIR discusses flood controls and outlines pollution treatment controls but does not address hydrologic conditions of concern for the Project. A4-4

Section XI.B.1. requires Permittees to develop an "integrated watershed management approach to improve integration of planning and approval processes with water quality and quantity control measures". Water quality incorporates the physical, chemical, and biological integrity of receiving waters. This integrated approach involves consideration of applicable Watershed Action Plans and completed mapping projects. The SEIR does not demonstrate an integrated approach and does not acknowledge the relevant standards of Orders R8-2002-0012 and R8-2010-0036. Instead, the City indicates that it will develop water quality management plans later with subsequent projects. A4-5

The SEIR's approach to addressing impacts to water quality is inadequate. The SEIR does not assess the vulnerability of on-site or downstream channel reaches to hydrologic conditions of concern. It also does not indicate how the Project may A4-6

impact the physical integrity of the channel reaches consistent with the requirements of Order R8-2010-0036 or how conditions may impact property or the safety of recreational users. Subsequent mitigation of hazards due to direct, indirect, or cumulative impacts to channel hydrology and hydraulics (including reactive bed and bank stabilization and defensible space) may result in further impacts to water quality. The SEIR does not evaluate these impacts. The SEIR indicates that there is an Infrastructure Report and WQMP and Hydrology Report for Pacific Oaks Commerce Center. However, these are not available on CEQAnet or through the City's Notice of Availability and do not appear to address the Project as a whole. A4-6 CONT'D

The SEIR acknowledges that channel improvements may be needed for some sections, but it does not give a description of the nature of those improvements. This prevents an adequate evaluation of their impacts to beneficial uses. For other channel sections, the SEIR is silent. These descriptions are inadequate to also evaluate how the Project may affect mitigation measures for those improvements, such as avoidance or the use of soft armoring technologies that preserve beneficial uses. Beneficial uses include wildlife habitat, non-contact water recreation, and groundwater recharge. A4-7

The SEIR's approach to controlling pollution in stormwater runoff and authorized non-stormwater runoff is also inadequate. It is not apparent that the City has complied with the requirements of Orders R8-2002-0012 and R8-2010-0036 by preparing water quality management plans for the Project. The City's approach to mitigating pollution does not demonstrate an integrated approach. By identifying pollution controls in water quality management plans in subsequent projects, the City risks failing to comprehensively treating pollutants from the Project, the public roadways in particular. A4-8

Santa Ana Water Board staff requests that the SEIR be modified as follows: A4-9

1) Please provide a summary of the pollution controls that will be employed according to the Project water quality management plan(s).

2) Provide an assessment of the vulnerability of onsite and downstream channel to hydrologic conditions of concern with respect to the physical integrity of the channel and potential impacts to beneficial uses, inclusive of Secondary Contact Recreation (See Chapter 3 of the Santa Ana Water Board's Basin Plan) and the risk of damage to future and existing structures and infrastructure. A4-10

3) Provide a description of the nature of expected channel improvements that are planned in the Project area and assess the potential impacts to beneficial uses. The assessment should include the cumulative impacts caused by the Project and by future projects in the watershed. A4-11

2. Response to Comments

If you have any questions, please contact me at adam.fischer@waterboards.ca.gov or at (951) 320-6363.

A4-11
CONT'D

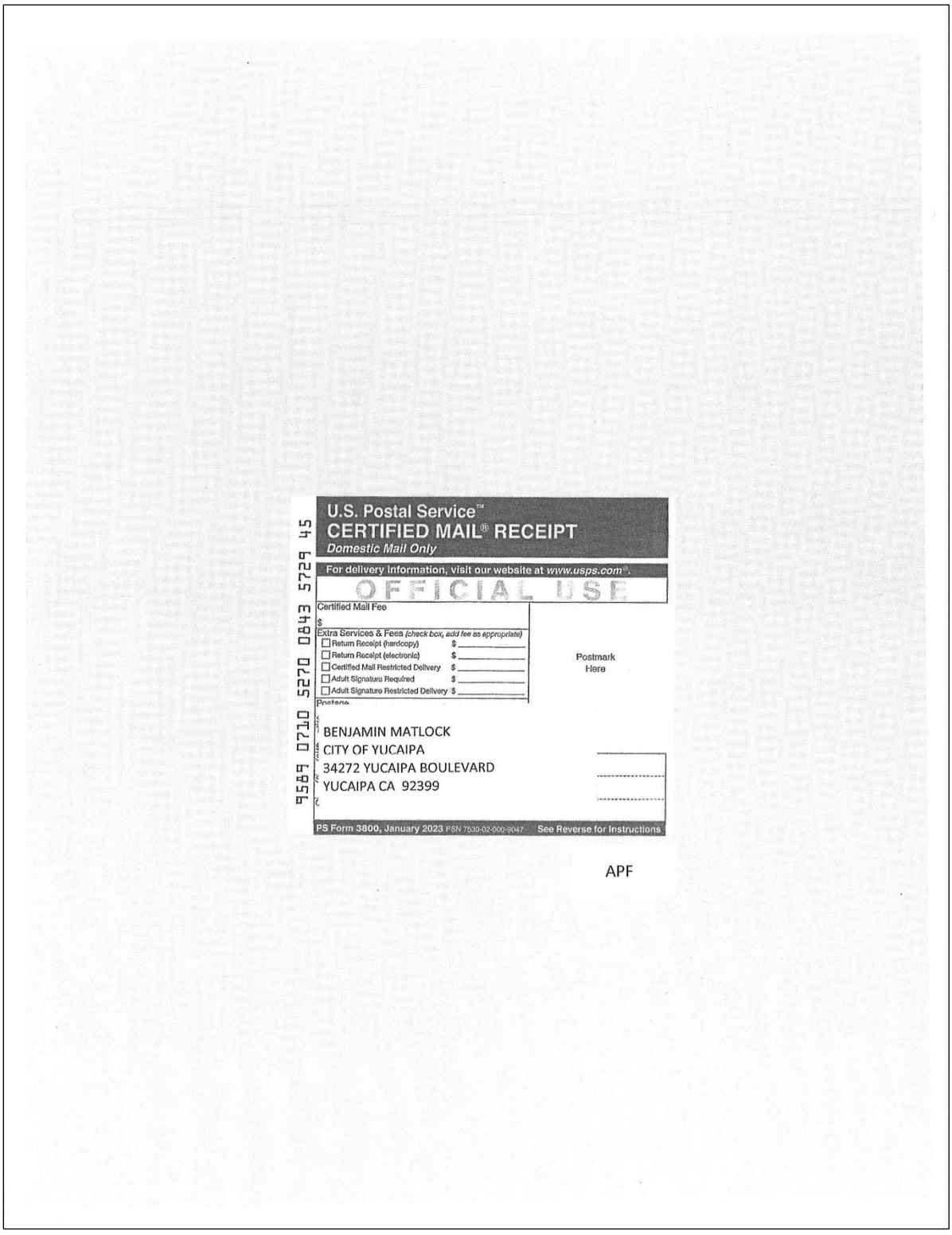
Sincerely,

Adam Fischer

Digitally signed by Adam Fischer
Date: 2024.03.22 08:21:45 -07'00'

Water Boards

Adam Fischer, Supervisor
Municipal Stormwater Unit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CITY OF YUCAIPA
34272 YUCAIPA BOULEVARD
YUCAIPA CA 92399
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A4. Response to Comments from Santa Ana Regional Water Quality Control Board, Adam Fischer, Supervisor, Municipal Stormwater Unit, dated March 22, 2024.

A4-1 The SEIR for the FCSP Update provides a program-level analysis of the Proposed Project's impact to hydrology and water quality for areas outside of the Pacific Oaks Commerce Center project site. Detailed information required for the development of a water quality management plan (WQMP) is not available at this plan-level stage. Future development within the plan area would adhere to the NPDES permit No. CAS618036 and prepare a site-specific WQMP based on the land use plan proposed. Because the Pacific Oaks Commerce Center project is evaluated on a project-level, a preliminary-WQMP was conducted and included as Appendix M to the Draft SEIR.

A4-2 See response to Comment A4-1. The FCSP Update does not include specific development projects other than the Pacific Oaks Commerce Center project. A preliminary-WQMP was prepared for Pacific Oaks Commerce Center and is included as Appendix M to the Draft SEIR.

As identified in Section 5.10, *Hydrology and Water Quality,* in the Draft SEIR, new development within the FCSP for projects that meet the requirements of Section XI.D.4 of Order R8-2010-0036 must include a WQMP with their project applications specifying operation and maintenance requirements for all source and treatment control Best Management Practices (BMPs) required to reduce pollutants in post-development runoff to the maximum extent practicable. WQMPs would also address increased instability and erosion due to increased runoff volumes, flow durations, and higher stream velocities, known as hydromodification impacts. These impacts would need to be addressed through compliance with hydromodification requirements within the NPDES Permit. Individual projects within the FCSP area would be responsible for mitigating hydromodification and water quality impacts within their project limits in accordance with the San Bernardino County Technical Guidance Document (TGD). All drainage measures necessary to mitigate stormwater flows, including consistency with the approved 2012 Master Plan of Drainage, must be provided to the satisfaction of the City Engineer.

A4-3 The commenter states that Appendix M of the Draft SEIR was not uploaded to CEQAnet. This appendix was uploaded to CEQA.net when the Draft SEIR was uploaded and can be viewed at https://ceqanet.opr.ca.gov/2006041096/7. It is also available on the City's website, and can be viewed here: https://yucaipa.gov/wp-content/uploads/dev_svcs/EIR/FCSP/Appendices/AppendixM_POCC_PWQMP.pdf

Please see responses to Comment A4-1 and A4-2 for how the city will comply with the requirements of Order R8-2002-0012.

A4-4 See the response to Comment A4-2. WQMPs prepared for future development pursuant to the Proposed Project would address hydrological conditions of concern per the requirements of the NPDES permit.

A4-5 Section XI.B.1 of NPDES Permit No. CAS618036 (Order R8-2010-0036) relates to the preparation of a Watershed Action Plan (WAP), on a citywide basis, and does not relate to the Proposed Project or development pursuant to the Proposed Project. While the City does not have a WAP, watershed protection principles and policies, specifically addressing urban and storm water runoff, are included in the City's General Plan and municipal code. The municipal code does include requirements pertaining to the WQMP development and approval processes. The City also has an approved Master Plan of Drainage which identifies the use of regional flood control and infiltration basins to manage and control flows, and where channel improvements are required for maintaining channel stability and reducing downstream scour and erosion impacts. Additionally, the San Bernardino County TGD details development requirements related to hydromodification and low impact development BMPs. All future projects developed under the FCSP would need to be implemented in accordance with the General Plan policies and requirements of the City's municipal code and the San Bernardino TGD.

A4-6 The City's experts disagree with the Santa Ana RWQCB's assertion that the approach to addressing water quality was inadequate. As noted in the response to Comment A4-2, development in the plan area would be required to implement project-scale stormwater basins for LID compliance per project-level WQMPs or regional basins consistent with the 2012 Master Plan of Drainage. Additionally, hydromodification impacts would be addressed on a project-by-project basis in accordance with the NPDES permit and the San Bernardino TGD. New development projects must prepare detailed water hydrology and hydraulic reports and property owners or project contractors would obtain the applicable Clean Water Act Section 401 and 404 permits from the U.S. Army Corps of Engineers and the California Department of Fish and Wildlife as required.

Surface water bodies within the plan area include Wildwood Creek, Yucaipa Creek, Oak Glen Creek, and drainage features in the southeastern portion (NWW-05 and NWW-06) and northeaster portion (NWW-04) of the plan area (see Section 5.4, *Biological Resources*, of the Draft SEIR). Wildwood Creek and Yucaipa Creek are the primary floodways in the plan area and would be protected by a large buffer where no construction would occur (see Figure 5.4-3 of the Draft SEIR). Where appropriate, detention basins would be integrated to manage flood flows and overflow areas while protecting development farther from the creeks. The Draft SEIR, under Impact 5.10-3, includes an impervious condition analysis that shows the potential for an overall decrease in impervious conditions by approximately 12 acres or 3 percent with implementation of the Proposed Project compared to the Approved Project (2008 FCSP). Future development projects would be required to evaluate project-specific impervious surface calculations to ensure proper mitigation of runoff is met and would be subject to the provisions in the 2012 Master Plan of Drainage, which requires projects to match or reduce peak flows of predevelopment conditions.

The commenter states that the infrastructure report, the WQMP for the Pacific Oaks Commerce Center, and the hydrology report for the Pacific Oaks Commerce Center were not uploaded to CEQA.net. These documents were uploaded as appendices to the Draft SEIR when the Draft SEIR was uploaded and can be viewed at https://ceqanet.opr.ca.gov/2006041096/7. They are also available on the City's website, and can be viewed here: https://yucaipa.gov/wp-content/uploads/dev_svcs/EIR/FCSP/Appendices/AppendixL_POCC_HydrologyReport.pdf.

A4-7 The City's Master Plan of Drainage includes channel improvements to Wildwood Creek, Yucaipa Creek, and other smaller segments that lie within the plan area; however, these improvements are not part of the FCSP. The City of Yucaipa's Public Works/Engineering Division is responsible for the implementation of the most current version of the Master Plan of Drainage and improvements would be implemented. At the request of the commenter, the text of the Draft SEIR has been revised, as shown in Chapter 3, *Revisions to the Draft SEIR*, in the Final EIR to better describe how impacts of these improvements would be mitigated.

A4-8 See responses to Comment A4-1 through A4-7 regarding control of pollution in stormwater runoff.

A4-9 See response to Comments A4-1 through A4-5.

A4-10 See response to Comment A4-6.

A4-11 See response to Comment A4-7.

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LETTER A5 – South Coast Air Quality Management District, Sam Wang, Program Supervisor, CEQA-IGR, Planning, Rule Development, and Implementation (9 pages)

South Coast
Air Quality Management District
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SENT VIA E-MAIL: March 22, 2024
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Notice of Availability of a Draft Subsequent Environmental Impact Report (Draft SEIR) for the Freeway Corridor Specific Plan Project (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. The City of Yucaipa is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments which are organized by topic of concern.

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

Based on the Draft SEIR, the Proposed Project consists of updating the approved Freeway Corridor Specific Plan (FCSP), which includes constructing 2,472 residential units, 1,100,761 square feet of commercial uses, and 3,992,503 square feet of business park (BP) uses on 1,242 acres. The Proposed Project also includes a project-level analysis for the buildout of the Pacific Oaks Commerce Center in planning areas BP2 and BP3 ("project area"). Pacific Oaks Commerce Center project includes Building 1 and 2. Building 1 would have 1,032,500 square feet of warehouse and 20,000 square feet of office use, for a total of 1,052,500 square feet of building space. Building 2 would have 981,500 square feet of warehouse and 20,000 square feet of office use, for a total of 1,001,500 square feet of building space. Consequently, the Pacific Oaks Commerce Center would result in development of up to 2,054,000 square feet building space. Overall buildout of the FCSP could occur over 15 to 20 years or longer. The Proposed Project is located on the southeast corner of Interstate 10 and Live Oak Canyon Road.

A5-1

South Coast AQMD Staff's Comments

Feasibility of the Implemented Mitigation Measures (MMs) for Off-Road Equipment Electrification

Based on the Draft SEIR, comprehensive MMs have been outlined in Table ES-5 to address and minimize/reduce the Proposed Project's potential impacts. The MMs AQ-7 through AQ-11 mandate the electrification or hybridization of off-road equipment such as forklifts, yard trucks, and refrigeration units utilized onsite for daily warehouse and business operations. Furthermore, these measures incorporate all truck/dock bays serving cold storage facilities within the proposed

A5-2

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buildings and landscaping equipment like leaf blowers for property management across all new development projects. Based on the Draft SEIR, the Proposed Project Operational Health Risk Assessment Results provided in Table 5.3-19 shows a cancer risk (CR) of 156.5 in a million before applying any MMs; However, through the implementation of MMs AQ-7 through AQ-11, this risk has been significantly mitigated, with the CR reduced to 2.2 in a million (as indicated in Table 5.3-27). Consequently, the health risk impacts associated with the Proposed Project are now reduced to less than the significant cumulative threshold outlined by the South Coast Air Quality Management District (AQMD) Cumulative Threshold (5 in a million for the Proposed Project). This significant reduction in health risk impacts demonstrates the importance of adopting these MMs to ensure the surrounding community's well-being. However, applying all these MMs for all the new developments/projects under the FCSP appears to be overpromising. Failure to implement these measures for any new project or development could result in adverse health impacts.

A5-2
CONT'D

Incompatible land use issue based on CARB and South Coast AQMD's guidance: siting warehouses (proposed BP1 to 6) within close proximity of sensitive land uses (residential areas).

South Coast AQMD staff are concerned about the potential health impacts of siting warehouses (proposed BP1 to 6) close to sensitive land uses, especially in communities already heavily affected by the existing warehouse and truck activities. Since the operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. Based on the Draft SEIR, Figure 5.3-3, Operational Modeling-Full Buildout, the truck's route and loading docks/truck idling/TRUs are very close to residential areas. Additionally, according to the MATES V Carcinogenic Risk Interactive Map, the area surrounding the Proposed Project has an estimated cancer risk of 343 in one million.[1] When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will likely face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks. Consequently, the lead agency is recommended to follow CARB and South Coast AQMD land-use guidance to ensure that sensitive receptors are not heavily affected by the warehouse and truck activities. These guidance are: 1) The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*[2] is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory.[3] 2) The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*[4] includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions. By adhering to these essential guidance and implementing proactive MMs, the lead agency can effectively

A5-3

[1] South Coast AQMD. MATES V Data Visualization Tool. Accessed at: MATES Data Visualization (arcgis.com).
[2] CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: http://www.arb.ca.gov/ch/handbook.pdf.
[3] CARB's technical advisory can be found at: https://www.arb.ca.gov/ch/landuse.htm.
[4] South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf.

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mitigate the adverse impacts of warehouse and truck activities on public health, ensuring that vulnerable communities are adequately protected from disproportionate exposure to air pollution. A5-3 CONT'D

Incorrect Pollutant Averaging Time in Health Risk Assessment (HRA)

Upon review, South Coast AQMD staff has highlighted an important discrepancy in the construction and operational Health Risk Assessment (HRA) modeling files. In the AERMOD model, a 24-hour averaging time was employed for pollutant averaging time when evaluating acute exposure.[5] However, in accordance with the South Coast AQMD Risk Assessment Procedures v8.1 and South Coast AQMD Modeling Guidance for AERMOD,[6] it is recommended to conduct a thorough HRA utilizing the pollutant averaging time PERIOD and 1-hour for chronic and acute exposures, respectively. Moreover, the exhausted emissions from TRU trucks when travelling onsite are not included in the HRA, which will underestimate the TRU emissions and their potential impacts on the surrounding community. Thus, the Lead Agency is recommended to: 1) re-run the construction and operational HRAs to utilize PERIOD and 1-hour averaging time to determine the health risk impacts to the sensitive receptors and off-site workers to analyze more accurate ground-level concentrations; 2) Include the TRUs truck travelling emissions in the HRA analysis; and 3) Incorporate the results and revise HRAs into the Final SEIR. A5-4

Potential Underestimation of Emissions Due to Imprecise Assumptions for Truck Trip Lengths and Trip Rates in Emissions Analysis

Appendix C - Air Quality, Energy, and GHG Modeling explains that air quality impact analysis was based on the assumption that the average daily truck trip length is 39.9 miles for class 8 truck trip distance. However, the project site is located approximately 100 miles away from the Port of Long Beach, which means that the air quality analysis underestimated the emissions from trucks traveling from the Port of Long Beach to the project site. For this reason, the Lead Agency is recommended to revise the calculations in the Final SEIR by taking a project-specific approach to the vehicle trip length and trip rates by applying more conservative trip lengths, such as designating 100 miles for Port-related trips. Tailoring these parameters and assumptions to be based on project-specific data will ensure a more accurate assessment of emissions, accounting for the unique circumstances and logistical realities of the Proposed Project. A5-5

Inconsistent Trip Generation Rates in Appendix P - Traffic Impact Analysis (TIA) and Appendix D - HRA analysis

According to Table R - POCC total trip generation summary in Appendix P - TIA, the truck trips are 934 and 891 for Building 1 and Building 2, respectively. However, based on a review of the Appendix D - HRA analysis, it appears that the trip generation rates are 112 round trips (two-way) of heavy-heavy duty trucks (HHDT) per day and 73 round trip medium-heavy duty truck (MHDT) per day for Building 1 and 266 round trip HHDT trucks per day and 328 round trip MHDT truck per day for Building 2. This information is inconsistent with the numbers provided in the traffic analysis. Staff, therefore, recommends the Lead Agency to 1) review and revise the A5-6

[5] South Coast AQMD Risk Assessment Procedures v8.1. Access at: http://www.aqmd.gov/docs/default-source/permitting/rule-1401-risk-assessment/riskassessproc-v8-1.pdf
[6] South Coast AQMD Modeling Guidance for AERMOD. Access at: South Coast AQMD Modeling Guidance for AERMOD

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Proposed Project's Operational Trip Generation Rates, 2) re-calculate the emissions, and 3) include the results in the Final SEIR.

A5-6 CONT'D

Recommended Revision to Mitigation Measures (MMs) for Operation

The air quality analysis in the Draft SEIR concludes that the Proposed Project's regional operational emissions for volatile organic compounds (VOC), nitrogen oxides (NOx), carbon monoxide (CO), and Particulate Matter (PM) emissions would be significant. The Draft SEIR also states that the majority of the Proposed Project's VOC, NOx, and CO operational emissions come from mobile sources. CEQA also requires that all feasible MMs that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. Thus, to further reduce the Proposed Project's air quality impacts for operation, staff recommends that the Lead Agency consider revising its air quality (AQ) MM, in the Final SEIR to further reduce the Proposed Project's significant and unavoidable air quality impacts during operation. Stating that "the facility operator for the warehouse portion of the Project shall require tenants that do not already operate ***2010*** and newer trucks to apply in good faith for funding to replace/retrofit their trucks, such as Carl Moyer, VIP, Prop 1B, …" South Coast AQMD staff recommends that the Lead Agency revise MM AQ-6 so that tenants that do not already operate ***2014*** and newer model year trucks are encouraged by the developer/successor-in-interest to apply in good-faith for funding for diesel truck replacements.

A5-7

Emission Reductions From Health Risk Strategies

When certifying an EIR for a project retain the authority to include any additional information deemed relevant to assessing and mitigating the environmental impacts. South Coast AQMD is concerned about the potential public health impacts of siting sensitive populations within the proximity of existing air pollution sources (e.g., freeway, railroad). For this reason, prior to approving future development projects, the Lead Agency is recommended to consider the impacts of air pollutants on people who will live in a new project and provide effective mitigation. Additionally, South Coast AQMD suggests that the Lead Agency review and apply the guidance provided in: 1) the California Air Resources Board (CARB) Air Quality Land Use and Handbook: A Community Health Perspective[7] which provides criteria for evaluating and reducing air pollution impacts associated with new projects involving land use decisions; and 2) CARB's technical advisory which contains strategies to reduce air pollution exposure near high-volume roadways.[8]

A5-8

Many strategies are available for residential receptors to reduce being exposed to particulate matter, including, but not limited to, HVAC systems equipped with filters rated at a minimum efficiency reporting value (MERV) 13 or higher air filtration capabilities. In some cases, MERV 15 or better is recommended, for building design, orientation, location, vegetation barriers, landscaping screening, etc. Enhanced filtration units are capable of reducing exposure. However, enhanced filtration systems have limitations. For example, filters rated MERV 13 or higher are

A5-9

[7] California Air Resources Board (CARB), Air Quality Land Use and Handbook: A Community Health Perspective, April 2005. Available at: https://ww2.arb.ca.gov/sites/default/files/2023-05/Land%20Use%20Handbook_0.pdf

[8] CARB's Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways. Available at: https://ww2.arb.ca.gov/sites/default/files/2017-10/rd_technical_advisory_final.pdf

able to screen out greater than or equal to 50% of DPM[9] but they have no ability to filter out volatile organic compound (VOC) emissions. Also, in a study that South Coast AQMD conducted to investigate filters rated at MERV 13 or better in classrooms,[10][11] a cost burden is expected to be within the range of $120 to $240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary, including costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, the filters would not have any effect unless the HVAC system is running. Therefore, when in use, the increased energy consumption from each HVAC system should be evaluated in the Draft SEIR. While the filters operate 100 percent of the time when the HVAC is in use while the residents are indoors, the environmental analysis does not generally account for the times when the residents are not using their HVAC and instead have their windows or doors open or are moving throughout the common space outdoor areas of the Proposed Project. Furthermore, when used filters are replaced with new filters, emissions associated with trucks delivering the new filters and waste disposal trucks transporting the used filters to disposal sites should be evaluated in the Draft SEIR. Therefore, any presumed effectiveness and feasibility of a particular HVAC filter should be carefully evaluated in more detail based on supporting evidence before assuming they will sufficiently alleviate exposure to DPM emissions.

A5-9

CONT'D

Mitigation Measures for Operational Air Quality Impacts from Mobile Sources

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

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

A5-10

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

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

3. At a minimum, require the use of a 2010 model year that meets CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx

[9] U.S. EPA, "What is a MERV rating?" Available at: https://www.https://www.epa.gov/indoor-air-quality-iaq/what-merv-rating.

[10] South Coast AQMD, Draft Pilot Study of High-Performance Air Filtration For Classroom Applications, October 2009. Available at: https://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf.

[11] South Coast AQMD, Draft Pilot Study of High-Performance Air Filtration For Classroom Applications, October 2009. Available at: https://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf.

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emissions or newer, cleaner trucks. All heavy-duty haul trucks should meet CARB's lowest optional low-NOx standard starting in 2022. Where appropriate, include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document. Include the requirements in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. Regular inspections should be conducted by the Lead Agency to the maximum extent feasible to ensure compliance.

4. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
5. Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure, and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

A5-10 CONT'D

Mitigation Measures for Operational Air Quality Impacts from Other Area Sources

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

Design Considerations for Reducing Air Quality and Health Risk Impacts

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

A5-11

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

1. State of California – Department of Justice: Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act[12]

A5-12

[12] State of California – Department of Justice, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act. Available at: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf

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2. South Coast AQMD 2022 Air Quality Management Plan,[13] specifically:
a. Appendix IV-A – South Coast AQMD's Stationary and Mobile Source Control Measures
b. Appendix IV-B – CARB's Strategy for South Coast
c. Appendix IV-C – SCAG's Regional Transportation Strategy and Control Measure
3. United States Environmental Protection Agency (U.S. EPA): Mobile Source Pollution - Environmental Justice and Transportation.[14]

A5-12 CONT'D

South Coast AQMD Air Permits and Role as a Responsible Agency

If the implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., air permits from South Coast AQMD will be required. The final CEQA document, whether a MND or EIR, should include a discussion about the potentially applicable rules that the Proposed Project needs to comply with. Those rules may include, for examples, Rule 201 – Permit to Construct,[15] Rule 203 – Permit to Operate,[16] Rule 401 – Visible Emissions,[17] Rule 402 – Nuisance,[18] Rule 403 – Fugitive Dust,[19] Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,[20] Rule 1166 – VOC Contaminated Soil Excavation,[21] Regulation XIII – New Source Review,[22] Rule 1401 – Air Toxics,[23] Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,[24] Rule 1470 – Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines,[25], and etc. It is important to note that when air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

A5-13

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[13] South Coast AQMD, 2022 Air Quality Management Plan (AQMP). Available at: http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan

[14] United States Environmental Protection Agency (U.S. EPA), Mobile Source Pollution - Environmental Justice and Transportation. Available at: https://www.epa.gov/mobile-source-pollution/environmental-justice-and-transportation

[15] South Coast AQMD Rule 201 – Permit to Construct. Access at: https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf.

[16] South Coast AQMD Rule 203 – Permit to Operate. Access at: https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf.

[17] South Coast AQMD Rule 401 – Visible Emissions. Access at: https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf.

[18] South Coast AQMD Rule 402 – Nuisance. Access at: https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf.

[19] South Coast AQMD Rule 403 – Fugitive Dust. Access at: https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf.

[20] South Coast AQMD Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines. Access at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1110-2.pdf.

[21] South Coast AQMD Rule 1166 - VOC Contaminated Soil Excavation. Access at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf.

[22] South Coast AQMD Regulation 13 – New Source Review. Access at: https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii.

[23] South Coast AQMD Rule 1401 – Air Toxics. Access at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf.

[24] South Coast AQMD Rule 1466 - Control of Particulate Emissions from Soils with Toxic Air Contaminants. Access at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf.

[25] South Coast AQMD Rule 1470 - Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines. Access at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf.

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CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project description and analysis in its current form in the Draft SEIR is inadequate to be relied upon for this purpose. A5-14

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at http://www.aqmd.gov/home/permits.

Conclusion

As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. A5-15

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

Sincerely,

Sam Wang

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

Benjamin Matlock March 22, 2024

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2. Response to Comments

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A5. Response to Comments from South Coast Air Quality Management District, Sam Wang, Program Supervisor, CEQA-IGR, Planning, Rule Development, and Implementation, dated March 22, 2024.

A5-1 The South Coast Air Quality Management District's (South Coast AQMD) overview of project description is acknowledged. Responses to South Coast AQMD's comments are provided in responses A5-2 through A5-15 below.

A5-2 Mitigation Measures AQ-7 through AQ-10 have mechanisms in place that would require verification by the City of Yucaipa before issuance of either a business license or certificate of occupancy can be issued. Calculations regarding the emissions reductions from implementation of the mitigation measures were included in Appendix C to the Draft SEIR. Mitigation Measure AQ-11 has been revised at the request of the Commenter to further ensure the mandated action is completed. See Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR.

A5-3 To address the Proposed Project's air quality impacts at sensitive receptors proximate to the plan area, a construction and operational health risk assessment (HRA) was prepared for the Pacific Oaks Commerce Center project (project-level) and an operational HRA was prepared for the Specific Plan (plan-level). The HRAs evaluated the impact of the Proposed Project on nearby residences from air toxic emissions (i.e., diesel particulate matter or DPM) and was included in Appendix D of the Draft SEIR. Although the purpose of the environmental evaluation was to identify the significant effects of the Proposed Project on the environment, not the significant effects of the environment on the Proposed Project (See *California Building Industry Association v. Bay Area Air Quality Management District* [2015] 62 Cal.4th 369 [Case No. S213478]), the operational HRA for the Specific Plan also evaluated the Proposed Project's impact to future on-site residents. The operational HRAs for both the Pacific Oaks Commerce Center and the Specific Plan considered DPM from the Business Park (BP) planning areas as well as the truck route to Interstate 10.

As provided in Section 5.3, *Air Quality,* Table 5.3-29 on page 5.3-75, health risk at the maximum exposed individual resident (MEIR) for the Pacific Oaks Commerce Center project would be below South Coast AQMD's significance thresholds with implementation of Mitigation Measures AQ-6 through AQ-11. Similarly, for the Specific Plan, Section 5.3, *Air Quality,* Table 5.3-27 on page 5.3-73, health risk at the MEIR would be below South Coast AQMD's significance thresholds with implementation of Mitigation Measures AQ-6 through AQ-11.

A5-4 The commenter recommends the construction and operational HRAs utilize PERIOD and 1-hour averaging time to determine the health risk impacts. The PERIOD averaging time was selected and was used in both the construction and operational HRA models to determine annual average concentrations for DPM for the MEIR. The construction AERMOD output for the PERIOD averaging time is provided in Attachment C of the

HRA (page 78 of the HRA, in Appendix D of the Draft SEIR) and were used in the construction risk calculation as provided in Attachment E of the HRA (page 520 of the HRA, in Appendix D of the Draft SEIR). Similarly for the operational HRA, the AERMOD output for the PERIOD averaging time is provided in Attachment D of the HRA (pages 81 and 190 of the HRA, in Appendix D of the SEIR) and were used in the operational risk calculations provided in Attachment F of the HRA (page 525 of the HRA, in Appendix D of the SEIR). As the Office of Environmental Health Hazard Assessment (OEHHA) does not promulgate acute (1-hour) reference exposure levels for DPM, only the PERIOD averaging time was selected to determine potential health risks from DPM exposures. Therefore, the HRAs was prepared in accordance with OEHHA and South Coast AQMD guidance for HRAs.

The use of 24-hour, 8-hour, and 1-hour averaging times in AERMOD was solely used for the construction localized significance threshold (LST) analysis, as indicated in Section 5.3, *Air Quality,* page 5.3-47. The AERMOD output for the 24-hour, 8-hour and 1-hour averaging times are provided in Attachment C of the HRA (see Appendix D of the Draft SEIR) for reference only and were not used in the health risk evaluation for DPM exposures.

The operational HRA included a total of 640 trucks with transport refrigeration units (TRUs) operating 90 minutes per unit. The TRU emissions were modeled at the loading docks for planning areas BP 2, BP 3 and Countyline Road warehouses (BP 6) or within the proposed site boundaries for the remaining business park areas with potential cold storage (planning areas BP 1, BP 4 and BP 5). TRUs during truck travel typically operate using the main truck engine and the truck emission factors for heavy-heavy and medium-heavy duty trucks from the EMFAC model are aggregated emission factors which include a mix of trucks both with and without TRUs. Therefore, DPM emissions associated with the TRUs were appropriately included in the evaluation.

As provided in Section 5.3, *Air Quality,* Table 5.3-19 on page 5.3-50, the results of the HRA show that the incremental cancer risk prior to mitigation of 156.5 in a million, which substantially exceeds South Coast AQMD's adjusted cumulative significance threshold of 5 in a million. However, as discussed on pages 5.3-64 and page 5.3-73, with implementation of Mitigation Measure AQ-7 through AQ-11 (which include only the use of electric forklifts, yard equipment and standby and/or hybrid electric TRUs on-site) the incremental cancer risks are reduced drastically to 2.2 in a million, which is below South Coast AQMD's adjusted cumulative significance threshold of 5 in a million. Lastly, CARB has approved regulation that require zero-emission technologies be adopted by all truck TRU fleets by 2029.[1]

[1] California Air Resources Board (CARB), 2024. Transport Refrigeration Unit (TRU or Reefer) Regulation, accessed April 8, 2024 at https://ww2.arb.ca.gov/our-work/programs/truckstop-resources/truckstop/regulations/transport-refrigeration-unit-tru-or.

Therefore, the methodology and results of the HRA described in Section 5.3, *Air Quality,* included an appropriate evaluation of TRU emissions that was not underestimated and the City's experts disagree with the comment asserted. Mitigation Measures would require use of non-diesel equipment and TRUs onsite that would reduce excess DPM emissions and health risks below South Coast AQMD's adjusted cumulative significance threshold.

A5-5 As acknowledged by commenter, the trip distance of 39.9 miles per truck trip is taken from the South Coast AQMD Rule 2305, *Warehouse Actions and Investments to Reduce Emissions*, which is the South Coast AQMD's indirect source review (ISR) program used to help control and minimize air quality impacts from mobile-source emissions from trucks associated with warehouses. The ISR program is applicable to the region within the South Coast AQMD jurisdiction. Importantly, the 39.9-mile trip length was a derivative by-product of South Coast AQMD's own research which demonstrated that the average heavy duty truck trip length in the entire Air Basin was 39.9 miles.

There are currently no identified tenants for Pacific Oaks Commerce Center project warehouses. Additionally, there are no specific warehousing developments currently proposed for the remaining planning areas within the FCSP. Because the Pacific Oaks Commerce Center warehouses are speculative warehouses, and there are no specific warehousing developments currently proposed for the remaining plan-level components of the FCSP, the specific types of operations that would be in business are unknown.

The types of warehousing within the plan area could range from a distribution center, fulfillment center, or e-commerce facility. Furthermore, goods can have various points of entry into the region and could arrive via port such as the Port of Long Beach, or by air such as Ontario or San Bernardino Airport. If arriving via port, goods could be transported by rail to intermodal facilities (e.g., San Bernardino Intermodal Facility) in the region of the Proposed Project. It is uncertain whether businesses that would operate from the warehousing uses accommodated under the FCSP would be long-haul or short-haul trucking operations.

Thus, use of South Coast AQMD's own 39.9 miles per one-way truck trip is a means to reflect this uncertainty. Moreover, the 39.9 miles per one-way truck trip was applied to both medium-heavy and heavy-heavy duty truck types. Rule 2305 assumed a 39.9-mile one-way truck trip distance for heavy-duty tractor-trailer trucks only (i.e., class 8 trucks), while an average trip distance of 14.2 miles per one-way truck trip was assumed for smaller box trucks (i.e., class 4 through 7 trucks). Therefore, modeling conducted for the Proposed Project is conservative because it utilizes a 39.9-mile one-way truck trip distance for all light-heavy, medium-heavy, and heavy-heavy trucks trips. Therefore, the City's experts disagree with South Coast AQMD's assertion that somehow the EIR underestimated emissions due to the selection of the trip lengths. To the contrary, the EIR utilized South Coast's own data and in fact applied the longer 39.9-mile trip length not

only to the heavy-duty trucks, but to all trucks. If anything, the EIR may have in fact over-estimated project air emissions.

A5-6 The 934 trips and 891 trips values are from Tables B and R of the Traffic Impact Analysis (see Appendix P of the Draft SEIR) and represent the passenger car equivalent (PCE) trip values for truck trips. The PCE metric converts truck trips into passenger vehicle trips and is a tool used primarily for traffic-related impact analysis purposes (e.g., queuing and level of service, which are not considered environmental issues as part of CEQA pursuant to SB 743). Per Section 4.1, page P-32, of the Traffic Impact Analysis, the following PCE factors were used truck trips into PCE trips: 1.5 for 2-axle, 2.0 for 3-axle, and 3.0 for 4-axle trucks.

For the HRA, because emissions data for trucks are used, the non-PCE truck trip data from Tables M through P of the Traffic Impact Analysis are used because they represent the actual number of projected trucks. Additionally, the truck trips from Tables M through P, which represent the total daily one-way truck trips, are divided by two to derive the number of trucks per day. Thus, the commentor's assertion that the HRA used "inconsistent" trip rate data is incorrect.

A5-7 The commenter suggests mitigation to require the use of zero-emission, near-zero emission, or 2014 model year heavy-duty trucks to reduce ongoing and long-term NOx emissions. As of January 1, 2023, all trucks registered in California are required to be 2010 model year heavy duty trucks per State law (13 California Code of Regulations Section 2025; the CARB Truck and Bus Regulation). At present, requiring zero-emission vehicles is economically and technologically infeasible; also, such vehicles are not available on a large enough scale to be relied upon.

In a report titled "*Transitioning to Zero-Emission Heavy-Duty Freight Vehicles*," the International Council on Clean Transportation (ICCT) provides an overview of advancing technologies.[2] The ICCT reports that although the technology is advancing and although at some point in the distant future non-diesel technology will likely be used in mass to power freight movement, "zero-emission vehicle technologies do present considerable challenges. They have a combination of near- and long-term barriers, issues, and questions that will have to be addressed before they can become widespread replacements for conventional trucks and tractor-trailers that are typically diesel fueled" (ICCT pg. 31). "Tesla's announced battery electric semi-tractor prototype is the only (emphasis added) battery electric project we found in our [world-wide] assessment targeting long-haul heavy-duty applications" (ICCT pg. 31). Requiring the Proposed Project to utilize emerging technology as mandatory mitigation when the various types of technological

[2] International Council on Clean Transportation. 2017. Transitioning to Zero-Emission Heavy-Duty Freight Vehicles. https://theicct.org/wp-content/uploads/2021/06/Zero-emission-freight-trucks_ICCT-white-paper_26092017_vF.pdf

advancements and their timeframes for common availability are not known with any certainty, is not a feasible mitigation measure.

An EIR must describe feasible measures that could minimize the project's significant adverse impacts. 14 Cal Code Regs Section 15126.4(a)(1). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact. An EIR also need not identify and discuss mitigation measures that are infeasible. Nor must an EIR analyze in detail mitigation measures it concludes are infeasible. Further, South Coast AQMD adopted a Warehouse Indirect Source Rule, Rule 2305, in May 2021. Rule 2305 applies to warehouse operators and owners of warehouses greater than or equal to 100,000 square feet of indoor floor space within a single building that may be used for warehousing activities.

As discussed in Section 4.3, *Air Quality*, of the Draft SEIR, the Proposed Project would be subject to compliance with Rule 2305. Since the Proposed Project will not be operated by the current owner, it is not feasible to commit to specific provisions of Rule 2305; however, future tenants will be obligated to comply with its provisions. Compliance with Rule 2305 would reduce air quality effects associated with the warehouse industry, including the Proposed Project in the region. At the request of the Commenter, a new Mitigation Measure AQ-12 has been added to require EV truck charging for tenants with domiciled trucks onsite (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR). However, requiring zero-emission vehicles is currently economically and technologically infeasible; also, such vehicles are not available on a large enough scale to be relied upon. Therefore, the current technology required for EV truck charging stations is unknown until such time tenants have EV trucks domiciled onsite.

Additionally, the 2022 California Green Building Standards Code (CALGreen) includes mandatory electric medium-duty and heavy-duty truck charging readiness requirements for warehouses under Section 5.106.5.5.1. Pursuant to this section, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s), or subpanel(s) must be installed at the time of construction and must meet the minimum power requirements to accommodate the dedicated branch circuits for the future installation of electric vehicle charging equipment and to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty vehicles. The minimum power requirement is based on building type, building size, and number of off-street loading spaces.

A5-8 The purpose of this environmental evaluation is to identify the significant effects of the Proposed Project on the environment, not the significant effects of the environment on the Proposed Project. See *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 (Case No. S213478) (CBIA). New multifamily residential land uses within the plan area would install minimum efficiency reporting value (MERV) filters in building HVAC based on that required by CALGreen. Additionally,

residential areas in the Specific Plan are separated from non-residential areas as a result of substantial changes in elevation, berms, and landscaping.

CARB's *Land Use Handbook* provides recommendations regarding distance setbacks and potential project features which can reduce the exposure of sensitive land uses to sources of air emissions when a specific on-site evaluation of health risks is not available. However, the Proposed Project includes siting both residential and industrial land uses and an operational HRA for the Specific Plan was prepared that evaluated both the Proposed Project's impact to existing off-site residents and also to future on-site residents (see Appendix D to the Draft SEIR).

The HRA included South Coast AQMD's draft cumulative thresholds for evaluating the Proposed Project's contribution to existing emissions sources. The project-level cancer risk threshold of 10 in a million was adjusted to 5 in a million, per South Coast AQMD's draft guidance based on existing MATES V cancer risk data for the Project zip code (which included emissions for the freeway and railroad). As provided in Section 5.3, *Air Quality,* Table 5.3-27 on page 5.3-73, health risks at the MEIR would be below South Coast AQMD's significance thresholds with implementation of Mitigation Measures AQ-6 through AQ-11. Therefore, the Proposed Project considered the proximate existing air pollution sources in the air quality and health risk analyses included in Section 5.3, *Air Quality*.

A5-9 With implementation of Mitigation Measures AQ-6 through AQ-11, the Proposed Project would not result in a substantial increase in air pollutant concentrations at sensitive receptors. Therefore, mitigation measures for enhanced HVAC filtration are not warranted. Please refer to the response provided for Comment A5-8 regarding evaluation of potential impacts of the environment onto a project.

A5-10 For the construction phase, the recommendation to impose and enforce the use of 2014 and newer haul trucks or heavy-duty haul trucks with the lowest optional low oxides of nitrogen standard for construction activities is not feasible or practical because these trucks are not commercially available in sufficient quantity to service the Proposed Project needs. The Proposed Project has committed to use the cleanest technology construction equipment available (see Mitigation Measure AQ-6).

See also response to Comment A5-7 regarding feasibility of mitigation measures for zero-emission or near zero-emission trucks. Requiring the Proposed Project to utilize emerging technology as mandatory mitigation, when the various types of technological advancements and their timeframes for common availability are not known with any certainty, is not a feasible mitigation measure. An EIR must describe feasible measures that could minimize the project's significant adverse impacts. 14 Cal Code Regs Section 15126.4(a)(1). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact. An EIR also need not identify and discuss

mitigation measures that are infeasible. Nor must an EIR analyze in detail mitigation measures it concludes are infeasible.

For the operation phase, warehousing facilities may not own their own fleets, and the types of trucks that they would accommodate would then be dependent on third-party operators. Thus, the types of trucks entering into and accepted by warehousing facilities would not be in their control. For this type of scenario, emissions from trucks associated with a warehousing facility would be controlled through statewide regulatory efforts to transition to cleaner trucks and to near zero/zero-emission trucks such as the Truck and Bus Regulation, Heavy-Duty Low-NO_X Omnibus Rule, Advanced Clean Fleet, and Advanced Clean Truck regulations. Furthermore, all warehousing facilities accommodated under the Proposed Project would be subject to South Coast AQMD Rule 2305, *Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions* (WAIRE) *Program*. Those warehousing facilities that trigger the Rule 2305 criteria would be mandated to comply with the WAIRE requirements, which would either be direct actions to reduce emissions, or pay a mitigation fee. Since the Proposed Project will not be operated by the current owner, it is not feasible to commit to specific provisions of Rule 2305; however, future tenants will be obligated to comply with its provisions. At the request of the Commenter, a new Mitigation Measure AQ-12 has been added to require EV truck charging for tenants with domiciled trucks onsite (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR). However, requiring zero-emission vehicles is currently economically and technologically infeasible; also, such vehicles are not available on a large enough scale to be relied upon. Therefore, the current technology required for EV truck charging stations is unknown until such time tenants have EV trucks domiciled onsite.

Impacts of the Proposed Project are evaluated at a plan-level based on the level of information available. A mitigation measure restricting the number of truck trips to those identified in the SEIR is not practical or feasible nor is this required by CEQA. There are no mechanisms in place beyond that required for South Coast AQMD Rule 2305 for documenting, tracking and monitoring the number of truck trips. CEQA requires that an EIR evaluate the Proposed Project based on reasonable assumptions and foreseeable actions. The trip generation estimates for the Proposed Project were based on the Scoping Agreement reviewed by the City of Yucaipa Public Works and Translutions and uses trip generation rates in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, plus supplemental information from the Fontana Truck Trip Study. The comment does not present any evidence that truck trips associated with the Proposed Project would be greater than disclosed in the Draft SEIR. There is no substantive information presented by this comment or by any of the information in the Proposed Project's administrative record that contradicts the reasonable assumptions made in the Draft SEIR about the expected number of truck trips. Instituting a cap on the number of trucks that can access the Proposed Project's buildings is not required under CEQA, nor would it be reasonable or feasible for the City to monitor and enforce such a requirement.

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The Draft SEIR has made reasonable assumptions based on substantial evidence by using ITE based on a reasonable type of building occupant that would be permitted by the Specific Plan. For these reasons, this requested mitigation has not been added as it has been determined to be unnecessary.

At the request of the Commenter, a new Mitigation Measure AQ-12 has been added to require sufficiently sized electric rooms to accommodate future EV expansion (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR). Mitigation Measure AQ-9 already requires that cold storage warehouse docking bays be electrified for auxiliary equipment.

A5-11 Review of the Commenter's requested mitigation measures is addressed below:

- *Maximize the use of solar energy by installing solar energy arrays.* Development associated with the Proposed Project would be required to adhere to the California Green Building Code Standards requirements for solar photovoltaic. The current CALGreen code requires 100 percent of rooftop to be solar ready.

- *Use light-colored paving and roofing materials.* Mitigation Measure AQ-4 requires installation of Energy Star labeled roof materials. In addition, roof materials/reflectivity would be required to adhere to the latest standards of CALGreen. No changes are warranted.

- *Utilize only Energy Star heating, cooling, and lighting devices and appliances.* Mitigation Measure GHG-2 requires that all major appliances are electric-powered and are Energy Star certified or equivalent. No changes are warranted.

- *Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, etc.).* Mitigation Measure AQ-10 requires signage and instructions for truck drivers to minimize unnecessary idling onsite. Roadways in the plan area are designed to minimize queuing onsite. At the request of the Commenter, Mitigation Measure AQ-10 has been amended (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.* The roadway network within the Specific Plan has been configured such that access points to the BP planning areas would not be directly across from residential planning areas. However, residential areas are along the truck routes to Interstate 10. As identified in response to Comment A5-3, with implementation of Mitigation Measures AQ-6 through AQ-11, air quality impacts at sensitive land uses would be less than significant.

- *Design the Proposed Project such that any truck check-in point is inside the Proposed Project site to ensure no trucks are queuing outside.* At the request of the Commenter, Mitigation Measure AQ-10 has been amended (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.* The roadway network within the Specific Plan has been configured such that access points to the BP planning areas would not be directly across from residential planning areas. However, residential areas are along the truck routes to Interstate 10. As identified in response to Comment A5-3, with implementation of Mitigation Measures AQ-6 through AQ-11 air quality impacts at sensitive land uses would be less than significant.

- *Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.* The City of Yucaipa prohibits overnight parking of commercial vehicles on city streets (see Municipal Code Chapter 10.4, Overweight and Oversized Vehicle Restrictions). Trucks parking overnight would be required to park in designated truck trailer parking spaces within the plan area. The Pacific Oaks Commerce Center project includes a truck trailer parking lot. Furthermore, the Caltrans truck stop on Interstate 10 is within the plan area. Therefore, no changes are warranted.

A5-12 The City considered the citations identified by the Commenter when developing the Mitigation Measures for the Proposed Project. Further, the commenter does not specify which mitigation measures they are recommending in these documents.

Many of these mitigation measures are duplicative to those suggested in this comment letter. Additionally, many of these measures are regional in nature or directed to regional planning efforts or policy formation by government bodies, or the daily business operation practices of private enterprises that are outside the scope of the Proposed Project. CEQA does not require adoption of every imaginable mitigation measure. CEQA's requirement applies only to feasible mitigation that will "substantially lessen" a project's significant effects. (Public Resources Code, Section 21002.) As explained by one court: A lead agency's "duty to condition project approval on incorporation of feasible mitigation measures only exists when such measures would [avoid or] 'substantially lessen' a significant environmental effect." (*San Franciscans for Reasonable Growth v. City and County of San Francisco (1989) 209 Cal.App.3d 1502, 1519.*) "Thus, the agency need not, under CEQA, adopt every … mitigation scheme brought to its attention or proposed in the project EIR." (Ibid.) Rather, an EIR should focus on mitigation measures that are feasible, practical, and effective. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 342, 365.*)

2. Response to Comments

The Proposed Project's mitigation measures are consistent with and support overarching recommendations in the material cited. No changes are warranted.

A5-13 No specific stationary equipment is proposed at this time because the future users/operators of the Proposed Project's buildings are unknown. The Pacific Oaks Commercial Center component would be developed as speculative warehouses. Additionally, while the rest of the plan area would accommodate warehousing uses, no specific warehouse development projects have been proposed; and impacts are evaluated programmatically for the Specific Plan. As such, it cannot presently be determined whether future users/operators would require the use of stationary equipment. Stationary equipment, if installed, would require a permit to operate from South Coast AQMD and would be specific to tenant needs. The type and amount of stationary equipment needed by a particular tenant would then be determined at that time. However, this information is speculative at this programmatic stage of analysis.

Pages 5.3-12 and 5.3-13 in Chapter 5-03, Air Quality, of the SEIR includes a summary of some potentially applicable South Coast AQMD rules. This section has been updated to include additional rules as recommended by the Commenter (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR.

A5-14 See response to Comment A5-13. As stated, the Pacific Oaks Commercial Center warehouses would be speculative warehouses. While additional warehouses could be accommodated in the Business Park land use in the remainder of the plan area, no specific warehousing developments are proposed and impacts for the Specific Plan are evaluated based on the programmatic level of detail available. Therefore, use of stationary equipment is speculative and stationary equipment and are not evaluated as part of the Proposed Project.

A5-15 Comment acknowledged.

LETTER A6 – California Air Resources Board, Matthew O'Donnell, Chief, Risk Reduction Branch (8 pages)

CALIFORNIA AIR RESOURCES BOARD

Gavin Newsom, Governor
Yana Garcia, CalEPA Secretary
Liane M. Randolph, Chair

March 25, 2024

Benjamin Matlock
Deputy Director of Community Development
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, California 92399
bmatlock@yucaipa.gov

Sent via email

Dear Benjamin Matlock:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Freeway Corridor Specific Plan (Project) Subsequent Environmental Impact Report (SEIR), State Clearinghouse No. 2006041096. The Project is proposed within the City of Yucaipa California (City), which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Project Description and Background

The Draft Environmental Impact Report (DEIR) prepared for the Project was released for public review in August 2008 and later approved in December 2008. The DEIR proposed the development of 2,447 residential dwelling units, 3,379,737 square feet of Regional Commercial uses, and 1,206,042 square feet of Business Park uses. The DEIR concluded that the Project would have a significant and unavoidable impact on air quality. A6-1

Since the certification of the DEIR, the City updated the Project's description to include the Pacific Oaks Commerce Center and Countyline Road Warehouse projects, which necessitated the preparation of the SEIR. The SEIR proposes the development of 2,472 residential dwelling units, 1,100,761 square feet of Regional Commercial uses, and 3,992,503 square feet of Business Park uses on approximately 1,238 acres of land. The proposed Pacific Oaks Commerce Center Project, included in the Project, proposes the construction of two warehouses totaling 2,054,000 square feet, which includes 513,500 square feet of cold storage uses. The Project would result in increases of 25 residential dwelling units, a reduction of approximately 2,278,976 square feet of Regional Commercial uses, and an increase of approximately 2,786,461 square feet of Business Park uses as compared to the DEIR certified in 2008. Once fully built out, the proposed Project would result in up to 73,423 daily vehicle trips along local roadways,

arb.ca.gov 1001 I Street • P.O. Box 2815 • Sacramento, California 95812 helpline@arb.ca.gov

2. Response to Comments

including 2,165 daily truck trips.[1] CARB staff has reviewed the SEIR and has the following concerns:

A6-1
CONT'D

The SEIR May Have Used Inappropriate Trip Lengths When Modeling the Project's Air Quality Impacts from Mobile Sources

The City may have underestimated mobile source air pollutant emissions in the SEIR by relying on unrealistic truck trip lengths. The Project's operational air pollutant emissions are presented in Section 5.3 (Air Quality) of the SEIR and modeled in Appendix C (Air Quality, Energy, and GHG Modeling). Based on CARB's review of the Project's air quality analysis, the City assumed trucks would travel a distance of 39.9 miles. The City states in Section 5.3 (Air Quality) of the SEIR that the 39.9-mile trip distance was derived from the California Association of Governments (SCAG) Heavy Duty Truck Regional Travel Demand Model and references South Coast Air Quality Management District's (SCAQMD) Warehouse Indirect Source Rule 2305 Implementation Guidelines.[2,3] SCAQMD's recommended truck trip lengths were calculated using trip length data provided in the SCAG's 2016 Regional Transportation Plan, which includes many short trips in the Los Angeles Region that do not fully reflect the truck trip distances for the Project. Furthermore, the Project is located approximately 83 miles from the Ports of Long Beach and Los Angeles, more than twice the distance used to model Project's mobile emissions in the SEIR. Since trucks serving the Project may originate from the Ports of Long Beach and Los Angeles or other regions further than 39.9 miles, CARB urges the City to use Project-specific truck trip distances in their air quality impact analysis. Unless the City re-evaluates or provides substantiation for the designated truck trip lengths, the Project should include a mitigation measure or project design feature that restricts trucks from traveling a distance greater than what was analyzed in the SEIR.

A6-2

The City Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts

The Health Risk Assessment (HRA) prepared for the Project and presented in Section 5.3 (Air Quality) of the SEIR concluded that residences near the Project site would be exposed to diesel particulate matter (PM) emissions that would result in a cancer risk of 156.5

A6-3

[1] City of Yucaipa. Freeway Corridor Specific Plan Subsequent Environmental Impact Report. Page 7-9. Table 7.3 Accessible at: *https://files.ceqanet.opr.ca.gov/77751-7/attachment/VFYyR3W-ljZli4jTK8FJIDfzNjzk8cCz5j_16pzJMFrcaJirkVyQ7ek0xv4B_s7kJZaDBEqKL2OWfmA20*

[2] City of Yucaipa. Freeway Corridor Specific Plan Subsequent Environmental Impact Report. Page 5.3-33. Accessible at: *https://files.ceqanet.opr.ca.gov/77751-7/attachment/VFYyR3W-ljZli4jTK8FJIDfzNjzk8cCz5j_16pzJMFrcaJirkVyQ7ek0xv4B_s7kJZaDBEqKL2OWfmA20*

[3] South Coast Air Quality Management District. WAIRE Implementation Guidelines. June 2021. Accessible at: *https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/waire-implementation-guidelines.pdf?sfvrsn=12*

chances per million during its operation. In addition to evaluating health risk impacts during the operation of the Project, the City also modeled health risk impacts from the operation of the Pacific Oaks Commerce Center Project, where the City concluded that the operation of the Pacific Oaks Commerce Center Project would expose residences to diesel PM emission that would result in a cancer risk of 131.4 chances per million during its operation. Since the Project would expose residents to a cancer risk that would exceed the SCAQMD's 10 chances in one million significance threshold, the City concluded that the operation of the Project would result in a potentially significant impact on public health.

To reduce the Project's operational health risk impacts, the City included mitigation measures AQ-7 through AQ-9. These mitigation measures would require the use of electric-powered off-road equipment, electric standby and/or hybrid electric transport refrigeration units (TRU) and require truck/dock bays that serve cold storage facilities to be electrified to facilitate plug-in capable TRUs during Project operation. After implementing these mitigation measures, the City concluded in the SEIR that the Project's mitigated operational cancer risks would be reduced to below the SCAQMD's significance threshold. CARB has reviewed the Project's HRA and is concerned that the Project's cancer risk impacts may have been underestimated for the reasons detailed below.

A6-3

CONT'D

The City may have underestimated the Project's operational cancer risk impacts by not using conservative TRU idling durations in the Project's HRA. Based on CARB's review of the modeling methodology provided in the HRA of the SEIR, the City assumed TRUs on trucks and trailers would idle within the Project site for 1.5 hours per load.[4] The City sourced this idling duration to Appendix VII (Risk Characterization Scenarios) of the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (Risk Reduction Plan) report prepared by CARB. The Risk Reduction Plan represents CARB's proposal for a comprehensive plan to reduce diesel PM emissions. As part of the modeling supporting the Risk Reduction Plan, it was assumed that TRUs could run for 60 minutes to reach the desired temperature and then cycle 25 percent of the time for two hours (i.e., 15 minutes every hour for two hours), equating to 90 minutes of TRU operation.[5] Since the release of the Plan in October 2000, CARB has obtained survey data indicating trucks with TRUs can operate for as long as two hours while unloading and two hours while loading frozen goods from trucks and trailers, totaling four hours of onsite operation. To conservatively evaluate the Project's cancer risk impacts to residents near the Project site, the City should revise the HRA assuming each TRU visiting the Project site would idle for four hours per visit.

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[4] City of Yucaipa. Freeway Corridor Specific Plan Subsequent Environmental Impact Report. Page 5.3-34. Accessible at: *https://files.ceqanet.opr.ca.gov/77751-7/attachment/VFYyR3W-ljZli4jTK8FJIDfzNjzk8cCz5j_16pzJMFrcaJirkVyQ7ek0xv4B_s7kJZaDBEqKL2OWfmA20*

[5] California Air Resources Board. Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. October 2000. Appendix VII. Page VII-6. Accessible at: *https://ww2.arb.ca.gov/sites/default/files/classic/diesel/documents/rrpapp7.pdf*

2. Response to Comments

CARB is concerned that the cancer risk impacts presented in the Project's operational HRA did not account for all heavy-duty trucks serving the Project. According to Table 7-3 (Daily Trips and VMT Under the No Project (Approved Project) Alternative of the SEIR, the Project would generate a total of 2,165 daily truck trips.[6] However, based on CARBs review of the Project's HRA, the Project's operational cancer risk impacts only accounted for 779 daily heavy-duty truck trips under the Pacific Oaks Commerce Center Project and 306 daily heavy-duty truck trips under the full buildout of the Project, which equates to 1,085 daily heavy-duty truck trips.[7] To evaluate the Project's cancer risk impacts, the City must re-model the operational cancer risk impacts in the Project's HRA using the heavy-duty truck trips consistent with what is presented in the SEIR. A6-4

The City did not model the cancer risk impacts resulting from the combined operation and construction of the Project. Although the HRA modeled cancer risk impacts from the combined operation and construction of the Pacific Oaks Commerce Center Project, the City should also model the cancer risk impacts associated with the combined construction and operation of the Project as a whole.

The air quality and health risk impacts may have been underestimated by using unrealistic TRU horsepower (HP) ratings. It was assumed in the Project's air quality analysis and HRA that TRUs on trucks visiting the Project site would have a HP rating of 23 and TRUs on trailers visiting the Project site would have a HP rating of 50.[8] TRUs with a HP rating of greater than 25 have historically fallen under different emissions requirements as compared to TRUs with a HP rating less than 25. Unless the City restricts the HP rating to those modeled in the Project's air quality analysis and HRA, the City must remodel the Project's air quality and cancer risk impacts using an aggregated HP rating derived from the OFFROAD2001 model. A6-5

Although the City modeled cancer risk impacts from TRUs on trucks and trailers idling within the Project site, the City did not account for the cancer risk impacts resulting from TRUs on trucks and trailers traveling along local roadways. TRUs on trucks and trailers can emit as much as five times the diesel exhaust than a diesel power truck. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near where these TRUs could be operating would be exposed to diesel emissions that would result in a significant cancer risk impact to the nearby community. To provide decision-makers with a better understanding of the extent of the Project's health risk A6-6

[6] City of Yucaipa. Freeway Corridor Specific Plan Subsequent Environmental Impact Report. Page 7-9. Table 7.3 Accessible at: *https://files.ceqanet.opr.ca.gov/77751-7/attachment/VFYyR3W-ljZli4jTK8FJlDfzNjzk8cCz5j_16pzJMFrcaJirkVyQ7ek0xv4B_s7kJZaDBEqKL2OWfmA20*

[7] City of Yucaipa. Freeway Corridor Specific Plan Subsequent Environmental Impact Report. Appendix D. Page D-39 through D-44. Accessible at: *https://files.ceqanet.opr.ca.gov/77751-7/attachment/BH4q6C-AQXAK9gVX2jKe9wsfixsZCiAmnn8OC-kQL_Qr0yt4Xx-6iivhBpAyHUssAOxwBwKCq_leA0mv0*

[8] City of Yucaipa. Freeway Corridor Specific Plan Subsequent Environmental Impact Report. Appendix C. Page C-1982. Accessible at: *https://files.ceqanet.opr.ca.gov/77751-7/attachment/AcBJiL0HcVks23PFXttTX2pOjhT4CZPA1qOWGCBiiJI9SbeP3NQ5wAMwMkPD7MhyWVP1aDebQvgsibIZ0*

impacts, the City must revise the Project's operational HRA to include potential cancer risk impacts associated with TRUs on trucks and trailers traveling local roadways. Although the Emissions Estimator Model (EMFAC) does not provide mobile emission factors for TRUs, the City can estimate the mobile emission rate from TRUs traveling along local roadways by converting the tons per day emission rate obtained from the OFFROAD2021 model using the assumed speed of the trucks and their distance traveled. A6-6 CONT'D

The City Must Provide More Meaningful Mitigation Measures to Reduce the Project's Significant and Unavoidable Impact on Air Quality

The City concluded in Chapter 5.3 (Air Quality) of the SEIR that the operation of the Project would result in a significant impact on air quality. According to Table 5.3-13 (FCSP Maximum Daily Regional Operation Emissions), the operation of the full buildout of the Project would emit volatile organic compounds (VOC) as high as 504 pounds per day, oxides of nitrogen (NOx) as high as 440 pounds per day, carbon monoxide (CO) as high as 3,874 pounds per day, particulate matter less than 10 microns in size (PM10) as high as 1,055 pounds per day, and particulate matter less than 2.5 microns in size (PM2.5) as high as 277 pounds per day, which were all found to exceed the SCAQMD's significance threshold and would result in a significant impact on air quality. To mitigate the Project's operational air quality impacts, the SEIR included eleven mitigation measures (AQ-1 through AQ-11), which included requiring the implementation of fugitive dust measures provided in SCAQMD's Rule 403, requiring the use of Tier 4 Final or stricter emissions limits on offroad equipment during Project construction, requiring the use of electric-powered off-road onsite equipment, requiring electric standby and/or hybrid electric TRUs, and requiring truck/dock bays that serve cold storage facilities to be electrified to facilitate plug-in capable TRUs during Project operation. A6-7

While CARB commends the City for its proposed mitigation measures, more could be done to reduce the Project's significant and unavoidable impact on air quality. To reduce the Project's operational VOC, NOx, CO, PM10, and PM2.5 emissions, CARB urges the City to include a measure that requires all heavy-duty trucks to be zero-emission and to install on-site infrastructure to support those zero-emission trucks. As presented below, CARB has many regulations that promote and eventually require the use of zero-emission trucks at freight facilities, such as the proposed Project. Specifically, the Advanced Clean Fleet Regulation would require all drayage trucks in California to be zero-emission by 2035. To support trucks serving the Project that are already complying with the Advanced Clean Fleets regulation, CARB urges the City to require the infrastructure to support on-site zero-emission trucks at the start of Project operations. A list of commercially-available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus

2. Response to Comments

Voucher Incentive Project (HVIP).[9] The HVIP is a part of California Climate Investments to incentivize the purchase of zero-emission trucks. Based on CARB's review of the zero-emission trucks listed in the HVIP, there are commercially available electric trucks that can meet the cargo transportation needs of individual industrial uses proposed in the City today. CARB has implemented or is developing regulations that will require the use of zero-emission trucks.

The list below details the CARB regulations that will result in the reduction of diesel PM and NOx emissions from trucks within California:

- **Drayage Truck Regulation:** The existing Drayage Truck Regulation requires all drayage trucks to operate with an engine that is a 2007 model year or newer.
- **Truck and Bus Regulation:** The Truck and Bus Regulation requires all trucks, including drayage, to have 2010 or newer model year engines by January 1, 2023.
- **Heavy-Duty Low-NOx Omnibus Rule:** The Heavy-Duty Low-NOx Omnibus Rule requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- **Advanced Clean Trucks Regulation:** The Advanced Clean Trucks Regulation, approved by CARB on June 25, 2020, requires manufacturers to start the transition from diesel trucks and vans to zero-emission trucks beginning in 2024. The rule is expected to result in about 100,000 zero-emission trucks in California by the end of 2030 and about 300,000 by 2035. The Advanced Clean Trucks regulation is part of CARB's overall approach to accelerate a large-scale transition to zero-emission medium-and heavy-duty vehicles. CARB approved amendments to the Advanced Clean Trucks regulation in March 2021; the amendments help ensure that more zero-emission vehicles are brought to market. CARB directed staff to ensure that fleets, businesses, and public entities that own or direct the operation of medium- and heavy-duty vehicles in California purchase and operate zero-emission vehicles (ZEV) to achieve a smooth transition to ZEV fleets by 2045 everywhere feasible, and specifically to reach:
    - 100% zero-emission drayage trucks, last mile delivery, and government fleets by 2035
    - 100% zero-emission refuse trucks and local buses by 2040
    - 100% zero-emission capable utility fleets by 2040
- **Advanced Clean Fleets Regulation:** The Advanced Clean Fleets Regulation is part of CARB's overall strategy to accelerate a large-scale transition to zero-emission medium- and heavy-duty vehicles. This regulation works in conjunction with the Advanced Clean Trucks regulation. The regulation applies to trucks performing drayage operations at seaports and railyards, fleets owned by State, local, and federal

A6-7

CONT'D

[9] Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: *https://californiahvip.org/*

government agencies, and high priority fleets. High priority fleets are those entities that own, operate, or direct at least one vehicle in California, and that have either $50 million or more in gross annual revenue, or that own, operate, or have common ownership or control of a total of 50 or more vehicles. The regulation affects medium- and heavy-duty on-road vehicles with a gross vehicle weight rating greater than 8,500 pounds, off-road yard tractors, and light-duty mail and package delivery vehicles. All drayage trucks entering seaports and intermodal railyards would be required to be zero-emission by 2035.

A6-7

CONT'D

With the implementation of the regulations listed above, specifically the Advanced Clean Trucks Regulation, tenants at the proposed development must begin the transition from diesel trucks and vans to zero-emission trucks. To protect the air quality the residences near the Project site, CARB urges the City to include contractual language in tenant lease agreements requiring future tenants to use zero-emission trucks during their operation in the Final Environmental Impact Report (FEIR).

Conclusion

CARB is concerned about the potential public health impacts should the City approve the Project. To fully assess the Project's impact on neighboring communities, the City must use Project-specific truck trip distances when modeling the Project's air quality impacts. On-site TRU idling durations presented in the HRA must be increased from 1.5 hours to 4 hours to conservatively assess the Project's operational air quality and cancer risk impacts. The City must take into account the operation of off-site trucks with TRUs traveling along the proposed alternative truck routes. The City must model emissions from TRUs operating within and outside of the Project site assuming an aggregated HP rating in the OFFROAD2021 model. Lastly, CARB urges the City to include a mitigation measure or project design measure that requires trucks serving the Project to be zero-emission.

A6-8

CARB appreciates the opportunity to comment on the SEIR for the Project. Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

2. Response to Comments

CARB staff can provide assistance with zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FEIR. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at *stanley.armstrong@arb.ca.gov*. A6-8 CONT'D

Sincerely,



Matthew O'Donnell, Chief, Risk Reduction Branch

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

Yassi Kavezade, Organizer, Sierra Club
yassi.kavezade@sierraclub.org

Sam Wang, Program Supervisor, CEQA Intergovernmental Review, South Coast Air Quality Management District
swang1@aqmd.gov

Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9
capilla.morgan@epa.gov

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

A6. Response to Comments from California Air Resources Board, Matthew O'Donnell, Chief, Risk Reduction Branch, dated March 25, 2024.

A6-1 Comment provides an overview of the project description and is acknowledged.

A6-2 As acknowledged by commenter, the trip distance of 39.9 miles per truck trip is taken from the South Coast Air Quality Management District Rule 2305 Warehouse Actions and Investments to Reduce Emissions, which is the South Coast AQMD indirect source review (ISR) program used to help control and minimize air quality impacts from mobile-source emissions from trucks associated with warehouses. The ISR program is applicable to the region within the South Coast AQMD jurisdiction. Importantly, the 39.9-mile trip length was a derivative by-product of South Coast AQMD's own research which demonstrated that the average heavy duty truck trip length in the entire Air Basin was 39.9 miles.

There are currently no identified tenants for the proposed Pacific Oaks warehouses. Additionally, there are no specific warehousing developments currently proposed for the remaining FCSP. Because the proposed warehouses under the Pacific Oaks component of the project are speculative warehouses and there are no specific warehousing developments currently proposed for the remaining components of the FCSP, the specific types of operations that would be in business are unknown. The types of warehousing could range from a distribution center, fulfillment center, or e-commerce facility. Furthermore, goods can have various points of entry into the region and could arrive via port such as the Port of Long Beach, or by air such as Ontario or San Bernardino Airport. If arriving via port, goods could be transported by rail to intermodal facilities (e.g., San Bernardino Intermodal Facility) in the region of the Proposed Project. It is uncertain whether businesses that would operate from the warehousing uses accommodated under the FCSP would be long-haul or short-haul trucking operations.

Thus, use of South Coast AQMD's 39.9 miles per one-way truck trip is a means to reflect this uncertainty. Moreover, the 39.9 miles per one-way truck trip was applied to both medium-heavy and heavy-heavy duty truck types. Rule 2305 assumed a 39.9-mile one-way truck trip distance for heavy-duty tractor-trailer trucks only (class 8 trucks), while an average trip distance of 14.2 miles per one-way truck trip was assumed for smaller box trucks (i.e., class 4 through 7 trucks). As a result, the analysis provides for a more conservative estimate than otherwise required by the provisions of Rule 2305. Therefore, the City's experts disagree with the Commenter's assertion that somehow the EIR underestimated emissions due to the selection of short trip lengths. To the contrary, the EIR utilized South Coast's own data and in fact applied the longer 39.9-mile trip length not only to the heavy-duty trucks, but to all trucks. If anything, the EIR may have in fact overestimated project air emissions.

A6-3 The HRA modeling of transport refrigeration units (TRUs) idling is based on available CARB information, as mentioned in the comment.[3] Therefore, DPM emissions associated with the TRUs were appropriately included in the HRA evaluation.

As provided in Section 5.3, *Air Quality,* Table 5.3-19 *Proposed Project Operational Health Risk Assessment Results* on page 5.3-50, the results of the HRA show that the incremental cancer risk prior to mitigation of 156.5 in a million, which substantially exceeds South Coast AQMD's adjusted cumulative significance threshold of 5 in a million. Even if the TRU idling times were increased for this unmitigated scenario, the conclusions would not change that the health risks substantially exceed South Coast AQMD's adjusted cumulative significance threshold of 5 in a million. However, as discussed on pages 5.3-64 and page 5.3-73, with implementation of Mitigation Measure AQ-7 through AQ-11 (which include only the use of electric and standby and/or hybrid electric TRUs on-site) the incremental cancer risks are reduced drastically to 2.2 in a million, which is below South Coast AQMD's adjusted cumulative significance threshold of 5 in a million. Lastly, CARB has approved regulation that require zero-emission technologies be adopted by all truck TRU fleets by 2029.[4]

Therefore, the methodology and results of the HRA described in Section 5.3, *Air Quality,* included an appropriate evaluation of TRU emissions that led to the inclusion of mitigation measures that would drastically reduce excess DPM emissions (i.e., Mitigation Measures AQ-8 thru AQ-10) and health risks below South Coast AQMD's adjusted cumulative significance threshold. Therefore, the City's experts disagree with the comment asserted.

A6-4 The 2,165 truck trips represent the total one-way trips for trucks associated with the Proposed Project, i.e., it accounts for a trip going to a destination as one trip and a trip coming from a destination as one trip. The 779 and 306 numbers represent the number of trucks performing round trips instead of one-way truck trips and are generally derived from dividing the number of one-way truck trips by two. The sum of 779 trucks and 306 trucks is 1,085 trucks, and when multiplied by two, results in 2,170 truck one-way truck trips. The discrepancy between 2,170 and 2,165 is due to rounding. The number of trucks modeled in the health risk analysis is based on and derived from the 2,165 one-way truck trips. Therefore, the HRA described in Section 5.3, *Air Quality,* and provided in Appendix D of the Draft SEIR is consistent with the air quality evaluation in the Draft SEIR.

Regarding calculation of the combined construction and operation risk impacts of the overall project, as stated on page 5.3-44 of the SEIR, there are no specific development

[3] California Air Resources Board. Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. October 2000. Appendix VII. Page VII-6. Accessible at: https://ww2.arb.ca.gov/sites/default/files/classic/diesel/documents/rrpapp7.pdf.

[4] California Air Resources Board (CARB), 2024. Transport Refrigeration Unit (TRU or Reefer) Regulation, accessed April 8, 2024 at https://ww2.arb.ca.gov/our-work/programs/truckstop-resources/truckstop/regulations/transport-refrigeration-unit-tru-or.

projects proposed for Phase 2 through 7 of the Freeway Corridor Specific Plan (FCSP) project. Thus, a quantified health risk assessment is not applicable for the program-level analysis of the overall FCSP because details regarding future construction are unknown at this time. Also as discussed, the Pacific Oaks Commerce Center project under Phase 1 of the proposed FCSP project is used as a worst-case to represent potential construction-related health risk impacts of future projects accommodated under the FCSP.

A6-5 For an instate truck TRU, OFFROAD2021 provides the same data for this type of equipment for both a specific horsepower rating of 23 horsepower (HP) and an aggregated horsepower rating because data is only available for a 23 HP rating. For an instate TRU trailer, OFFROAD2021 provides data for only two different horsepower bins, which are 25 HP and 50 HP. The OFFROAD2021 emissions data for the 50 HP bin was used because its population and total activity hours per year of 989.96 units and 1,775,225.22 hours per year, respectively, are higher than the 25 HP bin population of 723.47 units and 1,297,369.89 hours per year, which indicates a higher prevalence of use. Additionally, on a pound per minute per unit basis, the 50 HP bin would have higher emission factors than the 25 HP bin for VOC, NO_X, CO, and SO_X in addition to CO_2. Similarly, when compared to the OFFROAD2021 aggregated emissions data, the 50 HP bin would also have higher emissions on a pounds per minute per unit basis for the same pollutants. Aggregated PM_{10} and $PM_{2.5}$ emission factors on a pounds per minute per unit basis at 2.94×10^{-5} lb/min/unit and 2.71×10^{-5} lb/min/unit, respectively, would be about 1.5 times higher than the 50 HP bin of 2.01×10^{-5} lb/min/unit and 1.85×10^{-5} lb/min/unit, respectively. While this would result in slightly higher PM_{10} and $PM_{2.5}$ emissions and health risks generated from the TRU trailer equipment type for the unmitigated scenario, the increase in TRU emissions would not materially affect the PM_{10} and $PM_{2.5}$ outcomes shown in the SEIR as it relates to exceedances of significance thresholds for the unmitigated scenario. The increase in TRU emissions would not result in enough of an increase to result in new exceedances. Furthermore, implementation of Mitigation Measure AQ-8 would require use of electric standby and/or hybrid electric TRUs, which removes the overall PM_{10} and $PM_{2.5}$ emissions associated with TRUs.

A6-6 See also response to Comment A6-3. Refrigeration units on refrigerated trucks are typically powered through the main engine of a truck and not through its own auxiliary power during on-road travel. As identified in the DEIR, unmitigated risks already exceed the South Coast AQMD significance threshold and require mitigation. With electrification of the project TRUs, diesel-powered TRUs would not be permitted onsite.

A6-7 Warehousing facilities may not own their own fleets, and the types of trucks that they would accommodate would be dependent on third-party operators. Thus, the types of trucks entering into and accepted by warehousing facilities would not be in their control. For this type of scenario, emissions from trucks associated with a warehousing facility would be controlled through statewide regulatory efforts to transition to near zero/zero-emission trucks such as the Advanced Clean Fleet and Advanced Clean Truck regulations.

2. Response to Comments

Furthermore, all warehousing facilities accommodated under the Proposed Project would be subject to South Coast AQMD Rule 2305, Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Those warehousing facilities that trigger the Rule 2305 criteria would be mandated to comply with the WAIRE requirements, which would either be direct actions to reduce emissions, or pay a mitigation fee.

At the request of the Commenter, a new Mitigation Measure AQ-12 has been added to require EV truck charging for tenants with domiciled trucks onsite (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR). However, requiring zero-emission vehicles is currently economically and technologically infeasible; also, such vehicles are not available on a large enough scale to be relied upon. Therefore, the current technology required for EV truck charging stations is unknown until such time tenants have EV trucks domiciled onsite.

Additionally, the 2022 California Green Building Standards Code (CALGreen) includes mandatory electric medium-duty and heavy-duty truck charging readiness requirements for warehouses under Section 5.106.5.5.1. Pursuant to this section, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s), or subpanel(s) must be installed at the time of construction and must meet the minimum power requirements to accommodate the dedicated branch circuits for the future installation of electric vehicle charging equipment and to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty vehicles. The minimum power requirement is based on building type, building size, and number of off-street loading spaces.

A6-8 Please see responses provided for Comments A6-1 through A6-7.

LETTER A7 – City of Calimesa, Kelly Lucia, Planning Director (2 pages)

City of Calimesa
908 Park Avenue, Calimesa, California 92320
Telephone 909.795.9801 Facsimile 909.795.4399
www.cityofcalimesa.net
"Preserving and enhancing the open space atmosphere and quality of life in Calimesa"

March 25, 2024

City of Yucaipa
Attn: Benjamin Matlock, Deputy Director of Community Development/City Planner
34272 Yucaipa Boulevard
Yucaipa, CA 92399

SUJBECT: NOTICE OF AVAILABILITY OF A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE FREEWAY CORRIDOR SPECIFIC PLAN SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2006041096)

Dear Mr. Matlock,

Thank you for providing the City of Calimesa ("City") the Notice of Availability for the Freeway Corridor Specific Plan ("Specific Plan") Subsequent Environmental Impact Report ("SEIR"). Please find below the City's comments on the DSEIR. The City looks forward to continuing our ongoing coordination efforts related to this project.

1. The trip generation factors used are not based on the highest and most intense uses. Actual trip generation could be significantly higher than projected. This is particularly concerning as it related to impacts to the I-10\County Line Road interchange.

   There is no support for the assumption of 25% cold storage and 75% high cube transload/short-term storage warehouse. The study also notes that uses could include light industrial, and office uses including light manufacturing; wholesale/warehouse uses, high cube warehousing, logistics/distribution centers, contact/construction services, transportation services, agriculture support services, incidental services, and similar uses. ITE LU 154 has an average rate of 1.4 trips per 1,000 sf versus Sort Fulfillment/Distribution Center rate of 6.44 per 1,000 sf. The trip rate does not represent 'worst-case' scenario. How will the City of Yucaipa ensure that trip generation will not exceed what is assumed in the traffic study? A7-1

2. There are several adjacent residential properties on County Line Road will be impacted by ingress/egress for the proposed project. The plan shown in Figure 3-8 does not provide sufficient detail to support the study conclusion. As the project will connect to City of Calimesa streets; it should be coordinated with the City of Calimesa. This is particularly the case due to adjacent residential and commercial development which will be directly impacted by the proposed circulation. Analysis and disclosure of impacts must be provided in the Addendum. Please evaluate all potential effects of these road connections and relocations. A7-2

3. Clarify if previous mitigation measures applicable to the Specific Plan regarding traffic\transportation are intended to be eliminated. All transportation related improvements shall be consistent with the goals of the Cities of Yucaipa and Calimesa general plans. A7-3

2. Response to Comments

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In addition, Table ES-5 shows the following Transportation Mitigation Measures:

new and/or expanded recreational facilities.			
5.17 TRANSPORTATION			
Impact 5.17-1: The Proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	Less than significant.	No mitigation measures are required.	Less than significant
Impact 5.17-2: The Proposed Project would not generate a substantial increase in total VMT compared to the Approved Project.	Less than significant.	No mitigation measures are required.	Less than significant
Impact 5.17-3: The Specific Plan adequately addresses potentially hazardous conditions (sharp curves, etc.), potential conflicting uses, and emergency access.	Less than significant.	No mitigation measures are required.	Less than significant

However, Appendix P notes that several transportation improvements are necessary to meet General Plan goals. How will these improvements be incorporated to ensure the project does not conflict with a program, plans, ordinances or policies addressing the circulation systems.

A7-3

CONT'D

Previous Mitigation Measures T-1 through T-10 are intended to be deleted (Section 5.17.7.1); however, several of these mitigation measures provide "circulation improvements" recommended in Appendix P and shown in Section 10 as described below:

10.0 CIRCULATION IMPROVEMENTS

The City requires that circulation improvements be recommended if the study area intersections don't meet the City's General Plan Consistency requirements. These improvements can include conversion of stop control, signalization, changes to signal phasing, and/or addition of lanes as appropriate.

If you have any questions regarding these comments, please do not hesitate to contact me at 909-795-9801, ext. 229, or via e-mail at klucia@cityofcalimesa.net

Sincerely,

Kelly Lucia

Kelly Lucia, Planning Director

CC:

Will Kolbow, City Manager
Michael Thornton, City Engineer
Justin Schlaefli, City Traffic Engineer

A7. Response to Comments from City of Calimesa, Kelly Lucia, Planning Director, dated March 25, 2024.

A7-1 The trip generation estimates for the Proposed Project were based on the Scoping Agreement reviewed by the City of Yucaipa Public Works and Translutions and uses trip generation rates in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, plus supplemental information from the Fontana Truck Trip Study. The FCSP SEIR provides a program-level analysis of impacts associated with the Specific Plan and a project-level analysis of impacts of the Pacific Oaks Commerce Center project. Buildout of the Specific Plan considers the reasonably foreseeable development scenario associated with the plan area and trip generation rates in the ITE Manual were closely matched with the likely development scenario for the land use designation. Further, as substantiated by CEQA case law, (*High Sierra Rural Alliance v County of Plumas (2018) 29 CA 5th 102, 126*) an analysis of a speculative worst-case scenario is not required.

As identified in Appendix P, Transportation Impact Analysis, of the Draft SEIR, the warehouse rates used were based on High-Cube Transload and Short-Term Storage Warehouse (ITE Land Use 154) and High-Cube Cold Storage Warehouse (ITE Land Use 157). While the trip generation rate for fulfillment centers is higher than those of a High Cube Transload facility (ITE Land Use 154) on a per 1,000 square foot basis, the floor area ratios for fulfillment centers are substantially lower. In addition, fulfillment centers generate significantly lower truck traffic as a percentage of total traffic. There are six planning areas with warehousing uses in the Specific Plan, of which BP 2 and BP 3 are the Pacific Oaks Commerce Center. Pacific Oaks Commerce Center does not propose any fulfillment center use at this time, nor does it include enough parking to accommodate a fulfillment center use. BP 4 is an existing Caltrans rest stop and has been analyzed to include a 263,500 square foot warehouse (in addition to current trips), and BP 5 includes a 283,100 square foot warehouse which are both too small to accommodate fulfillment centers. While BP 1 could accommodate a fulfillment center, the building would have to be significantly smaller to accommodate the parking required for a fulfillment center.

The proposed warehouse buildings within the plan area and the Pacific Oaks Commerce Center project site are speculative warehouse buildings. This means that a tenant has not yet been identified for the warehouse space. The percentage of building space that could be used for cold storage is based on a conservative scenario that assumes up to 25 percent of the building space could be repurposed for cold storage with tenant improvements. Given that the warehouse buildings would be developed as speculative warehousing, cold-storage use is speculative; and therefore, the assumption of 25 percent was to ensure a conservative analysis of the Proposed Project's impacts.

The Fulfillment Distribution Center rates in the ITE Manual are higher without considering 'passenger car equivalent' (PCE) rates. High-cube warehouse rates generate substantially more heavy-duty trucks than a fulfilment distribution center. The PCE

factors from the San Bernardino County Transportation Authority (SBCTA) were applied to the rates. Heavy trucks also travel farther than employee passenger vehicle truck trips, resulting in a more conservative analysis of the Proposed Project's vehicle mile traveled (VMT) under Senate Bill 743. Furthermore, trip generation rates in the ITE Manual were closely matched with the likely development scenario for the land use designation to provide a conservative analysis of the Proposed Project's transportation impacts. Therefore, no changes to the trip estimates are warranted.

A7-2 The circulation network included in the Specific Plan provides a program-level assessment of the future roadway network. The connection to County Line Road was identified in the 2008 FCSP and Certified EIR. The FCSP Update circulation network maintains this future connection to County Line Road. Because the Specific Plan is a plan-level document, the engineering-level details on the connection are not available at this time. At the request of the commenter, the City of Yucaipa will closely coordinate with the City of Calimesa on the future connection to County Line Road.

A7-3 The previous mitigation measure identified in the 2008 Certified EIR would be superseded by mitigation measures in the Draft SEIR for the FCSP Update. Chapter 5, *Environmental Impacts*, identify the previous mitigation measures and modifications to the mitigation measures are identified in ~~strikeout~~ and underline in each of the environmental topical sections. As discussed in response to Comment A7-2, the City of Yucaipa will closely coordinate with the City of Calimesa on the future connection to County Line Road.

Since the 2008 EIR was Certified, the State passed SB 743. As identified in Section 5.17, *Transportation*, SB 743 eliminates auto delay, level of service, and similar measures of vehicular capacity or traffic congestion as the sole basis for determining significant impacts under CEQA. As part of the new CEQA Guidelines, the new criteria "shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses" (Public Resources Code Section 21099(b)(1)). Therefore, the previous mitigation measures for Level of Service (LOS), which are congestion-based metrics, are not included in the SEIR. However, a Transportation Impact Analysis was included as Appendix P the Draft SEIR. Recommendations to achieve the City's General Plan transportation policies in Appendix P were identified as Conditions of Approval (see pages 5.17-9 through 5.17-11).

It should be noted that Section 5.11, *Land Use and Planning*, addresses consistency with applicable plans if inconsistency with those plans would result in a physical impact on the environment. Because SB 743 clearly identifies that congestion-based metrics are not physical impacts on the environment, the LOS analysis is only included in Appendix P. The Commenter is correct that many of the previous "mitigation measures" are included in the "circulation improvements" and would be constructed, though they are no longer considered "mitigation measures" under CEQA.

LETTER A8 – State Water Resources Control Board, Lori Schmitz, Environmental Scientist, Division of Financial Assistance, Special Project Review Unit (3 pages)

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

State Water Resources Control Board

March 25th, 2024

City of Yucaipa
Attn: Benjamin Matlock
34272 Yucaipa Boulevard
Yucaipa, CA 92399

CITY OF YUCAIPA (CITY), DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE FREEWAY COORIDOR SPECIFIC PLAN SUSEQUENT ENVIRONMENTAL IMPACT REPORT PROJECT (PROJECT); STATE CLEARINGHOUSE #2006041096

Dear Benjamin Matlock:

Thanks for the opportunity to review the SEIR for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. This Project is within the jurisdiction of the State Water Board, DDW's Mojave and Riverside Districts. DDW Mojave and Riverside Districts' issue domestic water supply permit amendments to the public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 CCR chapter 16 et. seq.). A public water system requires a new water supply permit amendment when changes are made to a domestic water supply source, storage, or treatment and for the operation of new water system components- as specified in the Waterworks Standards. The Yucaipa Valley Water District will need to apply for a water supply permit amendment for this Project. South Mesa Water Company may also need to apply for a water supply permit amendment. A8-1

<u>The State Water Board, DDW, as a responsible agency under the California Environmental Quality Act (CEQA), has the following comments on the City's SEIR:</u>

- Under Section 3. Project Description, 3.5 Intended Use of the SEIR, Table 3-6 Project Approvals Needed, please list "State Water Resources Control Board, Division of Drinking Water" under "Responsible Agencies" and "Approval of domestic drinking water supply permit" under "Action" (PDF page 150). A8-2
- The SEIR states conditions of approval of the specific plan and Pacific Oak Commerce Center development will require construction of two groundwater injection/extraction wells to serve the proposed Project (PDF page 713 and PDF page 714). Tanks are also identified in Figure 5.19-4 Proposed Potable Water Infrastructure (PDF page 717). Please further describe the domestic water A8-3

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

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supply components of the Project (tanks, well, booster pump stations, et cetera) and the estimated number of new connections served under Section 3 Project Description, 3.4.1.7 Infrastructure, Water, Potable Water (PDF page 128). A8-3 CONT'D

- The SEIR indicated a need for a water storage and delivery system prior to framing, construction, or delivery of combustible materials on the Project site (PDF page 517). Please identify when the various domestic water system infrastructure components will be installed and operated and which components will belong to what water system. A8-4
- If tanks will be constructed at off-site locations be sure to consider these Project areas that may not have been considered as part of the analysis of the currently delineated Project site location in the appropriate sections of the CEQA checklist. A8-5

Once the SEIR is certified, please forward the following items in support of the Yucaipa Valley Water District's permit application to the State Water Board, DDW Mojave District Office at DWPDIST27@waterboards.ca.gov. Please also forward the following items in support of any South Mesa Water Company permit application to the State Water Board, Riverside District Office at DWPDIST20@waterboards.ca.gov :

- Copy of the SEIR and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of all comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the SEIR and MMRP; and
- Copy of the date stamped Notice of Determination filed at the San Bernardino County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

A8-6

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, for questions regarding this comment letter.

Sincerely,

Lori Schmitz Digitally signed by Lori Schmitz Date: 2024.03.25 14:51:48 -07'00'

Lori Schmitz

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Amanda Chapman
Water Resource Control Engineer
Mojave District

Helene Baribeau
District Engineer
Mojave District

Omar Khan
Water Resource Control Engineer
Riverside District

Chun Huang
District Engineer
Riverside District

2. Response to Comments

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A8. Response to Comments from State Water Resources Control Board, Lori Schmitz, Environmental Scientist, Division of Financial Assistance, Special Project Review Unit, dated March 25, 2024.

A8-1 The State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW) issues domestic water supply permit amendments to public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 CCR chapter 16 et. seq.). The Yucaipa Valley Water District (YVWD) will need to apply for a water supply permit amendment for the Proposed Project. South Mesa Water Company (SMWC) may also need to apply for a water supply permit amendment. This comment is noted.

A8-2 The commenter's request to list the State Water Resources Control Board's Division of Drinking Water as a responsible agency and approval of domestic drinking water supply permit be listed as an action that is required for the Proposed Project in Table 3-6, *Project Approvals Needed*, has been added to EIR. See Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR.

A8-3 The commenter's request that Section 3.4.1.7, *Infrastructure*, of the Draft SEIR include more details regarding the proposed domestic water supply components including the proposed tanks, wells, and booster pumping plants described in Chapter 5.19, *Utilities and Service Systems,* has been added to the EIR. See Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR.

The Draft SEIR analyzes the impacts of the FCSP Update which involves proposed land use changes and no specific development projects other than the Pacific Oaks Commerce Center project. Figure 5.9-14 in the Draft SEIR provides a draft water infrastructure plan that has been completed by YVWD. Detailed information about future domestic water supply components is not available. Details regarding the construction of such components would be included in future development agreements, with property deeded in fee title to water providers, as required. Specific locations of these facilities would be determined and coordinated between the water providers and the developer/landowners before development agreements are executed.

Additionally, new development projects must prepare detailed water hydraulic reports including detailed water demands that include peak and fire flows, grading plans, pad elevations, anticipated easements and public dedications, points of connection, and anticipated water line alignments. Once the documentation is complete, each water district would incorporate the water demands into its respective hydraulic models to evaluate impacts and identify the required water infrastructure upgrades necessary to support development while ensuring existing systems and service areas are not negatively impacted. The improvements are typically divided into two categories—those that are the responsibility of the developer, and regional improvements that would benefit the respective water district and other service areas beyond the responsibility of the developer.

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In these instances, agreements would be in place where developers pay their fair share of the regional improvements along with their developer responsibilities.

A8-4 The water storage and delivery systems associated with future development projects in the plan area have not been identified at this time. Detailed information is not available at this time because the Proposed Project is a specific plan; and therefore, with the exception of the Pacific Oaks Commerce Center project, information is only available at a plan-level. Details regarding these systems would be included in future development agreements in line with the requirements of the California Building Code, California Fire Code, Fire Safe Regulations, and/or the Yucaipa Municipal Code.

A8-5 As noted in the response to Comment A8-3, the location of these tanks is not known at this time because the Proposed Project is a specific plan. Additionally, the offsite tanks would be the responsibility of the water district and would fall under regional improvements that would benefit the respective water district and other service areas beyond the responsibility of the developer. In these instances, and if the offsite tanks fall under the definition of a project under CEQA, a separate CEQA analysis would be conducted to analyze the impacts of the tanks.

A8-6 The documents listed will be submitted with the permit applications.

LETTER O1 – Blum, Collins, and Ho, LLP, Gary Ho, on behalf of Golden State Environmental Justice Alliance (46 pages)

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March 25, 2024

Benjamin Matlock
City Planner
Deputy Director of
Community Development
City of Yucaipa
34272 Yucaipa Boulevard
Yucaipa, CA 92399

VIA EMAIL TO:
bmatlock@yucaipa.gov

Subject: Comments on Freeway Corridor Specific Plan Subsequent SIR (SCH NO. 2006041096)

Dear Mr. Matlock,

Thank you for the opportunity to comment on the Subsequent EIR (SIR) for the proposed amendments to the Freeway Corridor Specific Plan. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance (GSEJA). Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

1.0 Summary

The project proposes amendments to the existing Freeway Corridor Specific Plan (FCSP). The proposed project would result in a total of 2,472 residential units and 5,093,265 square feet of nonresidential uses (3,992,503 square feet of Business Park (industrial) uses and 1,100,761 square feet of Regional Commercial uses). The proposed project results in an increase of 25 residential units, 2,786,461 square feet of Business Park (BP), and a reduction of 2,278,976 square feet of Regional Commercial (RC) existing FCSP.

O1-1

The proposed project also includes the construction and operation for buildout of the Pacific Oaks Commerce Center (two fulfillment center warehouse buildings totaling 2,054,000 square feet in area) in planning areas BP 2 and BP 3 of the proposed FCSP. Building 1 proposes 1,032,500 square feet of warehouse are and 20,000 square feet of office use, for a total of 1,052,500 square feet of building floor area. Building 2 proposes 981,500 square feet of warehouse and 20,000

2. Response to Comments

square feet of office use, for a total of 1,001,500 square feet of building area. Each building also would allow up to 25 percent of the building square-footage for cold-storage uses.

Each warehouse building provides 178 truck docking bays for a total of 356 truck docking bays in the project area. Building 1 provides 410 truck parking stalls and 515 passenger car parking spaces. Building 2 provides 326 truck parking stalls and 475 passenger car parking spaces. Building 2 is also connected to an additional parking lot that provides 322 truck/trailer parking stalls in a tandem and triple tandem configuration. This parking lot would be on a separate parcel and would be used either for overflow parking or as a standalone use. As a result, the Pacific Oaks Commerce Center would provide for a total of 1,058 truck parking stalls and 986 passenger car parking spaces.

O1-1 CONT'D

The following discretionary actions are necessary to implement the proposed project:

1. Adoption of the proposed amendments to the Freeway Corridor Specific Plan.
2. General Plan Amendment to change the Land Use Map to correspond to the updated FCSP land use plan and Hillside Overlay.
3. Certification of the SEIR.
4. Approval of a Tentative Tract Map (TTM) 20533 for the Pacific Oaks Commerce Center Project.
5. Adoption of the Findings of Fact and Statement of Overriding Considerations due to the project's significant and unavoidable impacts to Air Quality, Greenhouse Gas Emissions, and Noise.
6. Adoption of the Mitigation Monitoring Program.

5.3 Air Quality, 5.6 Energy, and 5.8 Greenhouse Gas Emissions

Please refer to attachments from SWAPE for a complete technical commentary and analysis.

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. The EIR provides general information about the census tract's Calenviroscreen scores but does not provide meaningful analysis regarding the health impacts and effects of severe pollution rates. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0[1], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project s census tract (6071008500) ranks worse than 80% of the rest of the state in overall pollution burden. The proposed project's census tract and surrounding community bears the impact of multiple sources of pollution and is more

O1-2

[1] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40

polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 100th percentile for ozone burden, the 53rd percentile for PM 2.5 burden, the 55th percentile for diesel particulate matter burden, and the 69th percentile for traffic impacts. All of these environmental factors are attributed to mobile source emissions from passenger cars and heavy truck/trailer activity in the area, which will increase as part of the proposed project. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[2]. The very small particles of diesel PM can reach deep into the lung, where they can contribute to a range of health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer[3].

The census tract ranks in the 76th percentile for contaminated drinking water and 60th percentile for groundwater threats. Poor communities and people in rural areas are exposed to contaminants in their drinking water more often than people in other parts of the state[4]. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes[5].

O1-2
CONT'D

The census tract also ranks in the 78th percentile for hazardous waste facility impacts. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people[6].

The census tract also bears more impacts from cleanup sites than 58% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water[7]. The census tract also ranks in the 45th percentile for toxic releases. People living near facilities that emit toxic releases may breathe contaminated air regularly or if contaminants are released during an accident[8].

The State of California lists three approved compliance modeling softwares[9] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved

[2] OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[3] OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter
[4] OEHHA Contaminated Drinking Water https://oehha.ca.gov/calenviroscreen/drinking-water
[5] OEHHA Groundwater Threats https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats
[6] OEHHA Hazardous Waste Generators and Facilities https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities
[7] OEHHA Cleanup Sites https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites
[8] OEHHA Toxic Releases https://oehha.ca.gov/calenviroscreen/indicator/toxic-releases-facilities
[9] California Energy Commission 2022 Energy Code Compliance Software https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

2. Response to Comments

software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project s significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, it cannot conclude the project will generate less than significant impacts and a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project s significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

O1-2
CONT'D

5.11 Land Use and Planning

The SEIR provides a statement that, "Since the EIR was certified, the City has updated its General Plan (2016), which now includes the land uses in the Approved Project. As a result, the Approved Project and Proposed Project would be consistent with the land uses in the 2016 General Plan and its policies pertaining to land use and planning for residential and nonresidential uses." This statement is nonsensical, erroneous, and misleading to the public and decision makers. The proposed project is clearly not consistent with the land uses of the 2016 General Plan. This is illustrated by Table 3-6 Project Approvals Needed that states the proposed project requires an "Amendment of the General Plan Land Use Map to correspond to the updated FCSP land use plan and Hillside Overlay." The EIR has not provided any meaningful discussion of the proposed land use changes or the project's inconsistency with the existing Land Use Map.
The EIR is inadequate as an informational document and a revised EIR must be prepared with a consistency analysis with all General Plan goals and policies, including the following:

O1-3

1. Housing Element Strategy 4: Freeway Corridor Specific Plan
2. Housing Element Program 11: Freeway Corridor Specific Plan
3. Goal HN-2: Housing Sites. Adequate sites through General Plan land use designations and specific plans that provide opportunities for a range in type, tenure, and affordability of housing in appropriate locations.
4. Policy CDL-1.1 Places to Live. Provide sites for a range of housing types, locations, and densities in a variety of neighborhood settings equipped with amenities that support a high quality of life.
5. Policy CDL-1.2 Places for Commerce. Provide sites for a range of commercial uses, including shopping, dining, entertainment, and offices that provide a strong employment base and offer local services; improve commercial properties along I-10 through infrastructure, aesthetics, and development strategies.

Benjamin Matlock
March 25, 2024
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6. Policy CDL-7.2 Housing. Expand the range of housing opportunities (single, multiple-family, and/or mixed-use housing) to meet the needs of a variety of household types, sizes, and income levels.
7. Policy CDL-7.4 Safe and Efficient Circulation. Ensure a safe and efficient circulation system that adequately supports the anticipated level of traffic in and around the specific plan area.
8. Policy CDL-7.6 Adjacent Development. Comprehensively plan the area with consideration of other contiguous areas to ensure compatible and complementary development, circulation patterns, infrastructure, and services.
9. Policy CDL-7.7 Rural Character. Comprehensively plan the area so that the important rural community character and sense of place is retained, as reinforced by significant views to open space and hillsides.
10. Policy CDL-7.8 Hillside Development. Ensure that the plan and subsequent development complies with the City s development code related to hillside development; protect ridgelines and scenic views. CDL-7.9 Area Resources. Protect and preserve sensitive wildlife habitat, waterways, wildlife corridors, cultural and paleontological resources, and other assets in accordance with state and federal law.
11. GOAL CDL-10: DESIGN QUALITY Thoughtfully designed projects and buildings evidenced by creative site design, quality architecture, integration with the natural environment, and sensitive land use transitions.
12. Policy CDL-10.6 Parking. Design parking lots and structures to be functionally and visually integrated and connected with the comprehensive project design; off-street parking lots should not dominate the street scene.
13. Policy CDL-10.8 Safe Community Design. Require the use of CPTED principles (Crime Prevention Through Environmental Design), including creating opportunities for eyes on the street" and clearly distinguishing between public and private spaces to enhance community safety.
14. Policy CDL-10.9 Building Materials. Use high-quality, natural building materials that evoke a sense of quality and permanence, such as stucco, plaster, stone, and wood; natural colors and textures are preferred.
15. Policy CDL-10.10 Building Massing. Reduce the bulk and perceived size of large buildings by dividing their mass into smaller parts, stepping down to adjacent structures, recessing openings for doors/windows, and using pedestrian-scale features; single-plane massing is discouraged.
16. Policy CDL-10.12 Architectural Detail. While recognizing sensitivity to budget, require publicly visible sides of a building to contain architectural detail and façade articulation, strong patterns of shade and shadow, and integrated architectural detail; blank walls are discouraged.

O1-3
CONT'D

2. Response to Comments

17. Policy CDL-11.2 Land Use Change. Where opportunities for land use changes arise, seek input from property owners, the surrounding neighborhood or district, and other stakeholders during the consideration process so as to determine appropriateness or inform strategies.
18. Policy CDL-11.3 Project Compatibility. Strive to ensure appropriate transitions in scale, density, and intensity between residential and nonresidential uses; between adjacent residences or uses within a defined neighborhood; and within areas of different densities.
19. Goal ED-3: Freeway Corridor. A fully developed Freeway Corridor that provides office-based employment, accommodates large format retailers, and attracts consumer spending from the region while maintaining and enhancing a unique sense of place in Yucaipa.
20. Goal ED-4: Fiscal Balance. A fiscally well-balanced City that generates sufficient revenues to continuously reinvest in public facilities, infrastructure, and community services that support the premier quality of life in Yucaipa.
21. Policy ED-4.1 Fiscal Return of Land Use and Development. Ensure that shorter-term actions and longer-term development patterns result in a mix of land use and types of development that will generate 10 percent more in municipal revenues than they will demand in costs for public facilities and services.
22. Policy T-1.1 Roadway Buildout. Complete the circulation system by constructing or improving roadways consistent with Figure T-1; allow modified standards where appropriate to allow for transit, bicycle facilities, sidewalks, and on-street parking to be sensitive to adjacent land uses, districts, and roadway users.
23. Policy T-2.1 Level of Service. To promote the safe and efficient movement of vehicular traffic, maintain a minimum level of service (LOS) C on all intersections and road segments except for two conditions: 1)At roadway intersections where traffic movements are controlled by roundabouts, LOS D shall be acceptable (e.g., average control delay of 30 seconds per vehicle or better). 2) On roadway segments where a roundabout controls at least one of the intersections at the ends of the segment, the lower half of LOS D shall be acceptable (e.g., V/C ratio of 0.849 or better).
24. Policy S-6.3 Noise Insulation and Vibration Standards. Require new projects to comply with noise insulation and vibration reduction standards in local, regional, state, and federal regulations, as applicable.
25. Policy S-6.5 Development Patterns. Locate new development in areas where noise levels are appropriate for the use. Limit development of noise-producing uses adjacent to noise-sensitive receptors and require that noise producing land uses have adequate mitigation.
26. Policy S-6.6 Land Use-Noise Compatibility. Require mitigation of exterior and interior noise to the levels in Table S-1. Encourage the use of building design, site planning, landscaping, and other features to reduce noise levels.
27. Goal S-7: Air Quality and Climate Change. Clean and healthful air resources that promotes public health, protects the natural environment, and mitigates local impacts to climate change.

O1-3
CONT'D

28. Policy S-7.1 Integrated Planning. Integrate air quality planning with land use, economic development, and transportation-related planning to allow for the control and management of air quality.
29. Policy S-7.3 Sensitive Land Uses. Protect residents from health risks by avoiding the placement of sensitive uses and land uses generating high levels of pollutants within close proximity to one another. Appropriate distances shall be determined based on best available knowledge.
30. Policy S-7.6 Greenhouse Gas Reductions. Reduce community-wide greenhouse gas emissions locally through the implementation of Yucaipa s Climate Action Plan; actively support regional efforts to reduce greenhouse gases throughout the county.

O1-3 CONT'D

Table 5.11-1 2020-2045 RTP/SCS Consistency Analysis provides a misleading and erroneous consistency analysis with SCAG's 2020-2045 Connect SoCal RTP/SCS. Due to errors in modeling, modeling without supporting evidence (as noted throughout this comment letter and attachments), and the EIR's conclusion the project will result in significant and unavoidable cumulatively considerable impacts to Air Quality, Greenhouse Gas Emissions, and Noise, the proposed project is directly inconsistent with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and equitable communities, and Goal 7 to adapt to a changing climate. Additionally, the table provides other misleading analysis such as concluding the proposed project is consistent with RTP/SCS Goal 9 to encourage development of diverse housing types because the project is consistent with the City's 6th Cycle Housing Element, even though the proposed project is directly inconsistent with the Housing Element and RHNA sites inventory as described in the Population and Housing discussion below. The EIR must be revised to include a finding of significance due to these direct inconsistencies with SCAG's 2020-2045 Connect SoCal RTP/SCS.

O1-4

Further, the EIR omits discussion and analysis regarding the project's inconsistency with other land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. For example, the project will have a significant and unavoidable cumulatively considerable impact to Air Quality because it will exceed the assumptions in the AQMP and generate construction and operational-source emissions that exceed the applicable thresholds. The project will also have a significant and unavoidable cumulatively considerable impact to Greenhouse Gas Emissions because the operational emissions will exceed the applicable thresholds and will impede long-term GHG reduction goals of various plans at the State and Regional level (e.g., for 2030 and 2050) adopted for the purpose of reducing GHG emissions. The Land Use and Planning analysis omits any discussion regarding inconsistencies with the AQMP and California s statewide GHG reduction goals for 2030 and 2050. The EIR must be revised to

O1-5

2. Response to Comments

include these significant and unavoidable cumulatively considerable impacts for analysis and include a finding of significance.

O1-5 CONT'D

The EIR does not include any information regarding the buildout conditions of the City's General Plan in order to provide an adequate and accurate environmental analysis. The EIR must be revised to provide the horizon year of the City's current adopted General Plan, the total developable building floor area analyzed within the Industrial land use designation, and cumulative development since adoption of the General Plan to ensure that the proposed project is within the General Plan EIR's analysis, particularly since the EIR tiers from the General Plan EIR. For example, Table CDL-2: Yucaipa Buildout Summary of the General Plan indicates that the entirety of all Industrial land use designations will accommodate 1,100,000 square feet of building area. The proposed project's 3,992,503 square feet of Business Park (industrial) building area exceeds the entirety of the planned industrial growth for the entire incorporated City area by nearly four times. Table CDL-2 also states the the entirety of all Industrial land use designations will generate 1,203 jobs, and the proposed project's 2,682 jobs is more than twice the identified growth. The growth generated by the proposed project was not accounted for by the General Plan or its EIR as the project requires a GPA to proceed. The growth generated by the proposed project was not anticipated by the City's General Plan, RTP/SCS, or AQMP. A revised EIR must be prepared with a finding of significance.

O1-6

5.14 Population and Housing

The project faces two significant inconsistencies with statutory requirements. The first is inconsistency with State Housing Element Law. Pursuant to Government Code Section 65863[10], a jurisdiction shall ensure that its housing element sites inventory "can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584" and "at no time…shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households." Further, this Section states the following:

"No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

O1-7

[10] Government Code Section 65863
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65863

(A) The reduction is consistent with the adopted general plan, including the housing element.

(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction s share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction s share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level."

The City's HCD Certified Housing Element[11] identifies multiple parcels within the project site with residential land use designations as part of its identified sites inventory to accommodate its RHNA allocation in Table 4-6: Summary of Housing Sites. Notably, one parcel within the proposed project proposes changes that are not consistent with the requirements of the Housing Element:

Housing Element
APN 030120135
Size: 10.0 Acres
RHNA: 200 Lower Income units (Extremely low, very low, and low income)

Proposed Project
PA 8
98 DU
4.1 Acres

PA 9
91 DU
3.8 Acres

C2
7.7 Acres

The parcel 030120135 is identified as part of the City's RHNA sites inventory to accommodate 200 lower income units. This corresponds to proposed project areas PA 8, PA 9, and C2. The residential areas of the parcel are significantly smaller (7.9 acres) than the area identified in the

O1-7
CONT'D

[11] https://yucaipa.gov/wp-content/uploads/dev_svcs/housingelement/Yucaipa_HousingElement_Final_October6_2022.pdf?_t=1665101647

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Housing Element. They also accommodate fewer dwelling units (189 units assumed to be market rate as the EIR has not provided any affordability analysis) than the Housing Element's identified 200 lower income units.

O1-7 CONT'D

The EIR does not state that the proposed project will provide any lower income housing units, including the required capacity for 200 lower income units on parcel 030120135. Additionally, Table 4-7 Summary of Credits toward the 2021-2029 RHNA within the Housing Element states that Site Strategy #4: Freeway Corridor Specific Plan will provide for the development of 390 Lower Income Units. The EIR has not provided any information stating the project site will comply or facilitate development of 390 lower income (extremely low, very low, and low income) dwelling units. The EIR has not provided any analysis to demonstrate that the remaining sites identified in the Housing Element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the jurisdiction s share of the regional housing need pursuant to Government Code Section 65584 through the end of the 2021-2029 planning period, including the lower income RHNA. The EIR has not demonstrated that the City's Housing Element can accommodate at all times throughout the planning period its remaining unmet share of the regional housing need. The EIR must be revised to include a finding of significance because it has not demonstrated that the City can continue to accommodate its RHNA following the potential approval of the proposed project.

O1-8

Additionally, the proposed changes to the RHNA sites inventory of the Housing Element due to the proposed project necessitate a General Plan Amendment application with required review and approval by HCD. The revised Housing Element must be submitted to HCD for review and certification prior to adoption of the proposed project in order to demonstrate the project will have less than significant impacts.

O1-9

Further, the EIR has not demonstrated compliance with the Housing Crisis Act (HCA) of 2019/Senate Bill (SB) 330[12]/SB 8[13]. Government Code Section 66300.5 and 66300.6 requires that all existing on-site housing (the EIR is deficient and misleading in that it does not state the actual quantity of residences on the project site and only provides a statement that the site includes "a limited number of residences") be replaced. Replacement housing must be offered to the existing occupants, and the replacement units must be affordable to lower income households. The EIR must be revised to demonstrate compliance with the Housing Crisis Act/SB 330/SB 8 in its entirety.

O1-10

[12] Housing Crisis Act of 2019/SB 330
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330
[13] SB 8 https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB8

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The EIR states that, "the Proposed Project would create 1,709 jobs (not including employment from the Pacific Oaks Commerce Center project). With the inclusion of the Pacific Oaks Commerce Center project, the total proposed employment of the FCSP would be 2,682 jobs." However, it does not discuss the methodology that resulted in this calculation. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). A revised EIR must be prepared to include detailed information on the methodology for quantifying the project's operational jobs for review, analysis, and comment by the public and decision makers in order to provide an adequate and accurate environmental analysis. There is also no quantification of construction employees required during the construction of the proposed project, or the areas from which construction/operational employees are traveling from. The EIR must be revised to include this information for analysis. O1-11

SCAG s Connect SoCal Demographics and Growth Forecast[14] notes that the City will add 6,800 jobs between 2016 - 2045. Based on the EIR's calculation of 2,682 jobs for buildout of the entire project site, the project represents 39% of the City's job growth over 29 years. A single project accounting for this amount of the projected employment growth over 29 years represents a significant amount of growth. The EIR has not provided a cumulative analysis discussion of projects approved since 2016 and projects in the pipeline" to determine if the project will exceed SCAG s employment growth forecast or the City's General Plan growth projections. O1-12

5.17 Transportation

The EIR is misleading to the public and decision makers in its conclusion that the proposed project will have less than significant VMT impacts. For example, Table 5.17-4: Project Generated VMT Comparison of the Proposed Project to the Approved Project concludes that the proposed project will generate approximately 2.7 VMT (baseline year) and 6.1 VMT (horizon year) less than the existing FCSP, indicating less than significant impacts. However, this is nonsensical as it is essentially comparing the project to itself as the applicable threshold in lieu of comparing it to Citywide VMT. The EIR states that the Citywide VMT/SP threshold is 30.1 VMT. The proposed project's 31.2 VMT (baseline year) and 32.4 VMT (horizon year) per SP exceed this threshold and a finding of significance is required. O1-13

The VMT analysis has also underestimated the significance of the proposed project's VMT generation. The EIR has not analyzed the project's truck/trailer/delivery van activity. A revised O1-14

[14] SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020 https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_demographics-and-growth-forecast.pdf?1606001579

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EIR must be prepared to include all truck/trailer/delivery van activity for quantified VMT analysis. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at the proposed project for work, they will conduct their jobs by driving truck/trailer/delivery vans across the region as part of the daily operations as a warehouse, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity. O1-14 CONT'D

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits adequately depicting the available maneuvering and queueing space for trucks/trailers at the intersection of the project driveways and the adjacent streets. There are also no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site. Notably, several areas for conflicts between passenger cars and trucks/trailers exist throughout the entirety of the proposed amendment to the FCSP and at the Pacific Oaks Commerce Center. For example, Figure 3-12 - Pacific Oaks Commerce Center Site Plan depicts the truck/trailer parking stalls on the west side of Building 2 in a tandem configuration within the truck/trailer loading dock court. These parking stalls may be in use at any time and restrict movement on the site during maneuvering, particularly to accommodate the tandem configuration. The same is true for the the truck/trailer parking stalls on the north and south sides of Building 1 and the additional truck/trailer parking lot site to the west of Building 2, which includes parking stalls in both tandem and triple tandem configurations. O1-15

Additionally, the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersection of the project driveways and adjacent streets. Sight distance is the continuous length of street ahead visible to the driver. At unsignalized intersections, corner sight distance must provide a substantially clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. A revised EIR must be prepared with this analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements. O1-16

7.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) O1-17

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The alternatives chosen for analysis include the No Project (Approved Project) Alternative (existing FCSP alternative), Reduced Warehousing Intensity Alternative, and the Increased Open Space–Conservation Alternative. The EIR does not evaluate a reasonable range of alternatives as only two alternatives beyond the required No Project alternative are analyzed. The EIR does not include an alternative that meets the project objectives and also eliminates all of the project's significant and unavoidable impacts. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a project that reduces all of the proposed project's significant and unavoidable impacts to less than significant level, and/or a mixed-use project that provides affordable housing and exclusively local-serving commercial uses that may reduce VMT, GHG emissions, and improve Air Quality. O1-17 CONT'D

9.0 Significant Irreversible Environmental Changes due to the Proposed Project and 10.0 Growth Inducing Impacts of the Proposed Project

A revised EIR must be prepared to include an accurate cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. The EIR does not include any information regarding the buildout conditions of the City's General Plan in order to provide an adequate and accurate environmental analysis. The EIR must be revised to provide the horizon year of the City's current adopted General Plan, the total developable building floor area analyzed within the Industrial land use designation, and cumulative development since adoption of the General Plan to ensure that the proposed project is within the General Plan EIR's analysis, particularly since the EIR tiers from the General Plan EIR. For example, Table CDL-2: Yucaipa Buildout Summary of the General Plan indicates that the entirety of all Industrial land use designations will accommodate 1,100,000 square feet of building area. The proposed project's 3,992,503 square feet of Business Park (industrial) building area exceeds the entirety of the planned industrial growth for the entire incorporated City area by nearly four times. Table CDL-2 also states the the entirety of all Industrial land use designations will generate 1,203 jobs, and the proposed project's 2,682 jobs is more than twice the identified growth. The growth generated by the proposed project was not accounted for by the General Plan or its EIR as the project requires a GPA to proceed. The growth generated by the proposed project was not anticipated by the City's General Plan, RTP/SCS, or AQMP. A revised EIR must be prepared with a finding of significance. O1-18

The EIR does not discuss its own conclusion that implementation of the proposed project and required GPA will result in significant and unavoidable cumulatively considerable Air Quality, Greenhouse Gas Emissions, and Noise impacts. The EIR must be revised to include a finding of significance due to the project's significant and unavoidable Greenhouse Gas Emissions (cumulatively considerable), and Noise impacts and direct contribution to climate change. O1-19

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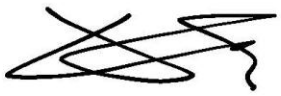
The EIR does not adequately discuss or and analyze the commitment of resources is not consistent with regional and local growth forecasts (AQMP, General Plan, SCAG, etc) and does not address the EIR's own conclusion that the project will result in impacts (Air Quality, GHG) that exceed with the forecasts of the applicable plans (AQMP, 2030/2050 GHG reduction goals). As noted throughout this comment letter, the project represents a significant amount of growth in the City and exceeds the developable Industrial building area anticipated by General Plan buildout and exceeds the City's employment growth forecast for a 29 year period. This is especially notable as the project requires a GPA to proceed, indicating the proposed project was not anticipated in any General Plan buildout projection or SCAG growth forecast. The EIR has not provided an adequate or accurate cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. For example, the project represents 39% of the City's job growth over 29 years. This number increases exponentially when the City's other industrial and commercial development activity is added to the calculation. A revised EIR must be prepared to include an accurate cumulative analysis on this topic and include a finding of significance. O1-20

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and recirculated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. O1-21

Sincerely,



Gary Ho
Blum, Collins & Ho LLP

Attachments:
1. SWAPE Technical Analysis

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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March 20, 2024

Gary Ho
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Subject: Comments on the Freeway Corridor Specific Plan Project (SCH No. 2006041096)

Dear Mr. Ho,

We have reviewed the February 2024 Subsequent Environmental Impact Report ("SEIR") for the Freeway Corridor Specific Plan Project ("Project") located in the City of Yucaipa ("City"). The Project proposes to construct 2,472 residential units and 5,093,265-square-feet ("SF") of nonresidential uses on the 1,238-acre site.

Our review concludes that the SEIR fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the environment.

Air Quality

Failure to Implement All Feasible Mitigation to Reduce Emissions

The SEIR estimates that the Project's construction-related and operational emissions would exceed the applicable South Coast Air Quality Management District ("SCAQMD") thresholds. Specifically, regarding the Project's construction-related impacts, the SEIR states:

> "Construction of the Pacific Oaks Commerce Center would exceed the South Coast AQMD regional significance thresholds. As shown in Table 5.3-23 above, implementation of Mitigation Measure AQ-6 would reduce VOC emissions to below the regional significance threshold. However, construction activities associated with the Pacific Oaks Commerce Center would

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2. Response to Comments

> continue to generate NOX and CO emissions that exceed the respective South Coast AQMD regional significance thresholds. Therefore, Impact 5.3-2 as it pertains to the Pacific Oaks Commerce Center project would be significant and unavoidable" (p. 5.3-68)

Furthermore, regarding the Project's operational impacts, the SEIR states:

> "Long-term operation of the Pacific Oaks Commerce Center project would exceed the South Coast AQMD regional significance thresholds. Table 5.3-25, Pacific Oaks Commerce Center Maximum Daily Regional Operational Emissions: With Mitigation, shows the maximum daily operational phase emissions with implementation of Mitigation Measures AQ-2 and AQ-4, and AQ-7 through AQ-11. As shown in the table, though mitigation would reduce emissions, the regional significance thresholds for VOC and NOX would still be exceeded. Impact 5.3-3 would be significant and unavoidable for the Pacific Oaks Commerce Center project" (p. 5.3-69)

As discussed, the SEIR concludes that the criteria air pollutant impacts associated with both construction and operation of the Project would be significant-and-unavoidable. While we agree that the Project would result in significant air quality impacts, the SEIR's assertion that this impact is significant-and-unavoidable is unreliable. According to California Environmental Quality Act ("CEQA") Guidelines § 15096(g)(2): O1-22 CONT'D

> "When an updated EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."

The SEIR is required under CEQA to implement all feasible mitigation to reduce impacts to the maximum extent feasible. While the SEIR implements Mitigation Measure ("MM") AQ-1 through MM-AQ-11, the SEIR fails to implement *all* feasible mitigation (p. 1-28 –1-32, Table ES-5). Therefore, the SEIR's conclusion that Project's air quality emissions would be significant-and-unavoidable may be unsubstantiated. To reduce the Project's air quality impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." The Project should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to the maximum extent feasible.

Disproportionate Health Risk Impacts of Warehouses on Surrounding Communities

Upon review of the SEIR and associated documents, we have determined that the development of the proposed Project may contribute to disproportionate health risk impacts on community members living, working, and going to school within the immediate area of the Project site. According to SCAQMD: O1-23

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> "Those living within a half mile of warehouses are more likely to include communities of color, have health impacts such as higher rates of asthma and heart attacks, and a greater environmental burden."[1]

In particular, the SCAQMD found that more than 2.4 million people live within a half mile radius of at least one warehouse, and that those areas not only experience increased rates of asthma and heart attacks, but are also disproportionately Black and Latino communities below the poverty line.[2] Another study similarly indicates that "neighborhoods with lower household income levels and higher percentages of minorities are expected to have higher probabilities of containing warehousing facilities."[3] Additionally, a report authored by the Inland Empire-based People's Collective for Environmental Justice and University of Redlands states:

> "As the warehouse and logistics industry continues to grow and net exponential profits at record rates, more warehouse projects are being approved and constructed in low-income communities of color and serving as a massive source of pollution by attracting thousands of polluting truck trips daily. Diesel trucks emit dangerous levels of nitrogen oxide and particulate matter that cause devastating health impacts including asthma, chronic obstructive pulmonary disease (COPD), cancer, and premature death. As a result, physicians consider these pollution-burdened areas 'diesel death zones.'"[4]

O1-23

CONT'D

It is evident that the continued development of industrial warehouses within these communities poses a significant environmental justice challenge. However, the acceleration of warehouse development is only increasing despite the consequences on public health.

In April 2022, the American Lung Association ranked San Bernadino County as the worst for ozone pollution in the nation.[5] This year, the County continues to face the worst ozone pollution, as it has seen the highest recorded Air Quality Index ("AQI") values for ground-level ozone in California.[6] The U.S. Environmental Protection Agency ("EPA") indicates that ozone, the main ingredient in "smog," can cause

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[1] "South Coast AQMD Governing Board Adopts Warehouse Indirect Source Rule." SCAQMD, May 2021, *available at:* http://www.aqmd.gov/docs/default-source/news-archive/2021/board-adopts-waisr-may7-2021.pdf?sfvrsn=9.
[2] "Southern California warehouse boom a huge source of pollution. Regulators are fighting back." Los Angeles Times, May 2021, *available at:* https://www.latimes.com/california/story/2021-05-05/air-quality-officials-target-warehouses-bid-to-curb-health-damaging-truck-pollution.
[3] "Location of warehouses and environmental justice: Evidence from four metros in California." Metro Freight Center of Excellence, January 2018, *available at:* https://www.metrans.org/assets/research/MF%201.1g_Location%20of%20warehouses%20and%20environmental%20justice_Final%20Report_021618.pdf, p. 21.
[4] "Warehouses, Pollution, and Social Disparities: An analytical view of the logistics industry's impacts on environmental justice communities across Southern California." People's Collective for Environmental Justice, April 2021, *available at:* https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf, p. 4.
[5] "State of the Air 2022." American Lung Association, April 2022, *available at:* https://www.lung.org/research/sota/key-findings/most-polluted-places.
[6] "High Ozone Days." American Lung Association, 2022, *available at:* https://www.lung.org/research/sota/city-rankings/states/california.

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2. Response to Comments

several health problems, which includes aggravating lung diseases and increasing the frequency of asthma attacks. The U.S. EPA states:

> "Children are at greatest risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, which increases their exposure. Children are also more likely than adults to have asthma."[7]

Furthermore, regarding the increased sensitivity of early-life exposures to inhaled pollutants, the CARB states:

> "Children are often at greater risk from inhaled pollutants, due to the following reasons:
>
> - Children have unique activity patterns and behavior. For example, they crawl and play on the ground, amidst dirt and dust that may carry a wide variety of toxicants. They often put their hands, toys, and other items into their mouths, ingesting harmful substances. Compared to adults, children typically spend more time outdoors and are more physically active. Time outdoors coupled with faster breathing during exercise increases children's relative exposure to air pollution.
> - Children are physiologically unique. Relative to body size, children eat, breathe, and drink more than adults, and their natural biological defenses are less developed. The protective barrier surrounding the brain is not fully developed, and children's nasal passages aren't as effective at filtering out pollutants. Developing lungs, immune, and metabolic systems are also at risk.
> - Children are particularly susceptible during development. Environmental exposures during fetal development, the first few years of life, and puberty have the greatest potential to influence later growth and development."[8]

O1-23

CONT'D

A Stanford-led study also reveals that children exposed to high levels of air pollution are more susceptible to respiratory and cardiovascular diseases in adulthood.[9] Given that children are more susceptible to the negative health impacts of air pollutants, and that warehouses release more smog-forming pollution than any other sector, it is necessary to evaluate the specific health risk that warehouses pose to children in the nearby community.

According to the above-mentioned study by the People's Collective for Environmental Justice and University of Redlands, a half mile radius is commonly used for identifying sensitive receptors. There are 640 schools in the South Coast Air Basin that are located within half a mile of a large warehouse, most of

[7] "Health Effects of Ozone Pollution." U.S. EPA, May 2021, *available at:* https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution.
[8] "Children and Air Pollution." California Air Resources Board (CARB), *available at:* https://ww2.arb.ca.gov/resources/documents/children-and-air-pollution.
[9] "Air pollution puts children at higher risk of disease in adulthood, according to Stanford researchers and others." Stanford, February 2021, *available at:* https://news.stanford.edu/2021/02/22/air-pollution-impacts-childrens-health/.

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them in socio-economically disadvantaged areas.[10] According to the SEIR, Mesa View Middle School is located 0.27 miles south of the Project site (p. 5.9-12). The location of a school within half of a mile of the Project site poses a significant threat because, as outlined above, children are a vulnerable population that are more susceptible to the damaging side effects of air pollution. If approved, the Project would contribute to the detrimental short-term and long-term health impacts that warehouses pose on local children.

A revised EIR should be prepared to evaluate the contribution to the disproportionate impacts that warehouses pose on the community adjacent to the Project, including an analysis of the impact on children and people of color who live and attend school in the surrounding area. In order to evaluate the cumulative air quality impact from the several warehouse projects proposed or built in a one-mile radius of the Project site, the analysis should prepare a revised cumulative health risk assessment ("HRA") to quantify the adverse health outcome from the effects of exposure to multiple warehouses in the immediate area in conjunction with the poor ambient air quality in the Project's census tract. This recommendation is consistent with guidance provided by the California Department of Justice ("DOJ").[11]

O1-23

CONT'D

Diesel Particulate Matter Emissions Inadequately Evaluated

The SEIR concludes that the proposed Project would result in a less-than-significant health risk impact based on a quantified construction and operational HRA, as detailed in the Health Risk Assessment Report ("HRA Report"), provided as Appendix D to the SEIR. Specifically, the SEIR estimates that the maximum cancer risk posed to nearby, existing residential sensitive receptors associated with construction and operation would be 4.4 in one million, which would not exceed the SCAQMD significance threshold of 10 in one million (see excerpt below) (p. 5.3-75, Table 5.3-29).

Table 5.3-29 Pacific Oaks Commerce Center Operation Plus Construction Health Risk Results: With Mitigation

Receptor	Cancer Risk (per million)	Chronic Hazard Index
Maximum Exposed Individual Resident – Construction	0.8	0.003
Maximum Exposed Individual Resident – Operation	3.6	0.0008
Combined Total	4.4	0.0038
Current South Coast AQMD Project Threshold	10	1.0
South Coast AQMD Threshold	5	1.0
Exceeds Threshold?	No	No

Sources: Appendix D, Health Risk Assessment.

O1-24

However, the SEIR's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect.

[10] "Warehouses, Pollution, and Social Disparities: An analytical view of the logistics industry's impacts on environmental justice communities across Southern California." People's Collective for Environmental Justice, April 2021, *available at:* https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf, p. 4.

[11] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, available at: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 6.

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2. Response to Comments

The SEIR's operational HRA underestimates the Fraction of Time At Home ("FAH") values for the third trimester, infant, and child receptors. Specifically, the HRA Report utilizes an FAH value of 0.85 for the third trimester (age -0.25 to 0) and infant (age 0 to 2) receptors, and an FAH value of 0.72 for the child receptors (age 2 to 16) (see excerpt below) (Appendix D, p. D-20).

Age Groups	BR/BW (L/kg-day)	ED	ASF	FAH
Third trimester	361	0.25	10	0.85
0–2 age group	1,090	2	10	0.85
2–9 age group	861	7	3	0.72
2–16 age group	745	14	3	0.72
16–30 age group	335	14	1	0.73

O1-25

However, the FAH values used for the third trimester, infant, and childhood receptors are incorrect, as SCAQMD guidance clearly states:

> "For Tiers 1, 2, and 3 screening purposes, the FAH is assumed to be 1 for ages third trimester to 16. As a default, children are assumed to attend a daycare or school in close proximity to their home and no discount should be taken for time spent outside of the area affected by the facility's emissions. People older than age 16 are assumed to spend only 73 percent of their time at home."[12]

Per SCAQMD guidance, the HRA Report should have used an FAH of 1 for the third trimester, infant, and child receptors. By relying on incorrect FAH values, the SEIR underestimates the cancer risk posed to nearby, existing sensitive receptors as a result of Project operation. As such, the Project's HRA cannot be relied upon until the necessary changes are made in accordance with SCAQMD guidance.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The SEIR estimates that the Project would generate net annual GHG emissions of 48,775 metric tons of carbon dioxide equivalents per year ("MT CO_2e/year"), which would exceed the no-net-increase threshold (0 MTCO_2e/year) for GHG emissions (see excerpt below) (p. 5.8-32, Table 5.8-8).

O1-26

[12] "Risk Assessment Procedures." SCAQMD, August 2017, available at: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7.

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Table 5.8-8 Pacific Oaks Commerce Center GHG Emissions Inventory, With Mitigation

Source	Building 1 (BP 2) $MTCO_2e$	Building 2 & Trailer Parking (BP 3) $MTCO_2e$	Total $MTCO_2e$	Percent of Total
Mobile[1]	2,610	3,047	5,657	12%
Mobile - Trucks[1]	7,685	23,445	31,130	64%
Area[2]	0	0	0	0%
Energy	2,286	2,239	4,525	9%
Water	82	97	179	<1%
Solid Waste	2,127	2,514	4,641	10%
Refrigerants	1,161	1,105	2,266	5%
Off-Road Equipment[3]	0	0	0	0%
Transport Refrigeration Units[4]	0	0	0	0%
Amortized Construction[5]	n/a	n/a	377	1%
Total Emissions	**15,952**	**32,446**	**48,775**	**100%**
Exceeds No Net Increase Threshold?	**Yes**	**Yes**	**Yes**	—

Source: CalEEMod v. 2022.1. (See Appendix C)
Note: NA = not applicable; () = negative value
1. Based on calendar year 2026 CalEEMod default vehicle emissions data. Vehicle fleet mix for the Proposed Project based on default CalEEMod vehicle fleet mix adjusted to vehicle fleet mix provided by Translutions for the proposed warehousing.
2. Implementation of Mitigation Measure AQ-11 would require use of electric-powered landscaping equipment only.
3. Implementation of Mitigation Measure AQ-7 would require use of only electric-powered off-road equipment.
4. Implementation of Mitigation Measure AQ-8 would require use of E/S TRUs.
5. Construction emissions are amortized over a 30-year project lifetime per recommended South Coast AQMD methodology (South Coast AQMD 2009).

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However, the SEIR states that with the implementation of mitigation measures, the Project's GHG emissions will be reduced to less than significant levels:

> "The Proposed Project would be potentially inconsistent with CARB's 2022 Scoping Plan unless it achieves the three priority areas for ensuring carbon neutrality. Implementation of Mitigation Measures GHG-1 and GHG-2 would ensure that development projects accommodated under the FCSP comply with the CALGreen voluntary Tier 2 EV parking standards in addition to buildings designed to be all electric. Thus, with mitigation, the Proposed Project would be consistent with the transportation electrification and building decarbonization priority areas of the Scoping Plan. Therefore, Impact 5.8-2 would be reduced to less than significant" (p. 5.8-33).

As discussed, the SEIR claims that through the implementation of Mitigation Measures GHG-1 and GHG-2, the Project would comply with the CALGreen voluntary Tier 2 EV parking standards and consequently result in a less-than-significant GHG impact. However, while the SEIR concludes that the Project would not generate GHG emissions that would have a significant effect on the environment, the SEIR fails to quantify the Project's GHG emissions whatsoever. Until the SEIR provides a quantitative analysis regarding the Project's GHG emissions, the SEIR's claim that the Project would result in a less-than-significant GHG impact is unsubstantiated.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project would result in potentially significant air quality, health risk, and GHG impacts that should be mitigated further. In an effort to reduce emissions, the Project should

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consider the implementation of the following mitigation measures found in the California DOJ Warehouse Project Best Practices document.[13]

- Requiring off-road construction equipment to be hybrid electric-diesel or zero emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.
- Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zero-emission beginning in 2030.
- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.

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CONT'D

[13] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, *available at*: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.

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- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.

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2. Response to Comments

- Designing to LEED green building certification standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

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CONT'D

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation.

As it is policy of the State that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045, we emphasize that the energy mix that will charge the batteries and power electrical equipment must be 100% renewable energy resources. Until the feasibility of charging the batteries with renewable energy resources only is evaluated, the Project should not be approved.

A revised EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality, health risk, and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to the maximum extent feasible. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's potentially significant emissions are reduced to the maximum extent possible.

Disclaimer

SWAPE has received limited discovery regarding this project. 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.

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Sincerely,

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

Paul E. Rosenfeld, Ph.D.

Attachment A: Matt Hagemann CV
Attachment B: Paul Rosenfeld CV

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2. Response to Comments

Attachment A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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

Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
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 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. 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) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- 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).

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Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, 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 more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- 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.

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.

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- 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.

- 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.

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

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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 is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

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, Coloradao.

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.

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 repesentatives, 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.

2. Response to Comments

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

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.

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

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.

2. Response to Comments

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 examinations, 2009-2011.

Attachment B

SWAPE 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.
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Fax: (310) 452-5550
Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

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. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of 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 oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. 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 also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

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, creosote, 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 sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

2. Response to Comments

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 H_2O 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:

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* **233,** 171.

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 Aermod 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.

Cheremisinoff, 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.

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

Cheremisinoff, 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.

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., Sellew, 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.

2. Response to Comments

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.

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., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

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). Perfluoroctanoic Acid (PFOA) and Perfluoroactane 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.

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 Florala, 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.

2. Response to Comments

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.

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.

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.

2. Response to Comments

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

Deposition and/or Trial Testimony:

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation
Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

2. Response to Comments

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al.cvs. Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. CV20127-094749
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al vs. CNA Insurance Company et al.
Case No. 1:17-cv-000508
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.
Case No. 1716-CV10006
Rosenfeld Deposition 8-30-2019

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 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. 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. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs 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 Agrosciences, 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., Plaintifs 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 United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020

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 No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

2. Response to Comments

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. 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 Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition June 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 No. CACE07030358 (26)
Rosenfeld Deposition December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, Plaintiff, vs. Aruba et al, Defendant.
Case No. 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 No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.
Civil Action No. 2:09-cv-232-WHA-TFM
Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants
Civil Action No. CV 2008-2076
Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.
Case No. 2:07CV1052
Rosenfeld Deposition July 2009

O1. Response to Comments from Blum, Collins, and Ho, LLP, Gary Ho, on behalf of Golden State Environmental Justice Alliance, dated March 25, 2024.

O1-1 Responses to the Golden State Environmental Justice Alliance (GSEJA) comments are provided in responses O1-2 through O1-27.

O1-2 Environmental justice is not a topic that is required to be evaluated or considered pursuant to CEQA Guidelines Sections 15120-15132 (Contents of Environmental Impact Reports). Additionally, South Coast Air Quality Management District (South Coast AQMD) has not released significance thresholds directly pertaining to environmental justice impacts. However, the air quality issues evaluated in Chapter 5.3, *Air Quality*, of the SEIR are relevant to the discussion regarding environmental justice issues. For example, Impact 5.3-4 and Impact 5.3-5 evaluate potential project-related construction phase and operation phase localized impacts, respectively, that are associated with criteria air pollutants and toxic air contaminants to offsite sensitive receptors. Additionally, the HRA included in Appendix D of the Draft SEIR incorporates South Coast AQMD's draft cumulative thresholds for evaluating the Proposed Project's contribution to existing emissions sources in the surrounding area. The project-level cancer risk threshold of 10 in a million was adjusted to 5 in a million, per South Coast AQMD's draft guidance based on existing MATES V cancer risk data for the project zip code. Therefore, the HRA and air quality analysis provided in Section 5.3, *Air Quality,* is evaluating the Proposed Project more conservatively (i.e., using a lower cancer risk threshold) than what is currently required pursuant to adopted South Coast AQMD guidance to account for the existing ambient air quality and pollution burden. Furthermore, Section 5.3 of the Draft SEIR identifies the CalEnviroScreen score and Figure 5.3-1, South Coast AQMD MATES V Cancer Risk in the Plan Area, documents the existing cancer risk in the vicinity of the Proposed Project.

The commenter incorrectly assumes the purpose of Title 24 and California Energy Commission approved software programs. The approved programs serve the purpose of being used under the performance approach (energy budget) method of compliance for the 2022 Energy Standards. The programs mentioned are not utilized for CEQA analysis. CalEEMod, the California Emissions Estimator Model, 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 GHG emissions associated with both construction and operations from a variety of land use projects. The model was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts. Energy calculations provided by CalEEMod are prepared for purposes of a CEQA-level analysis and are not to be relied on or used to show compliance with the 2022 Building Energy Efficiency Standards. Additionally, per CalEEMod methodology, default CalEEMod energy rates are not based on current Building Energy Efficiency Standards, but are based on year 2019 consumption estimates generally compiled from a survey of existing

buildings that may range from complying with older Building Energy Efficiency Standards to buildings that predate adoption of the Building Energy Efficiency Standards (e.g., prior to 1978).[5] Thus, default CalEEMod energy rates are generally considered to be more conservative than any energy rates that may be derived from more recent and the latest Building Energy Efficiency Standards.

O1-3 The City disagrees with the Commenter's assertion that the SEIR does not provide meaningful discussion of the proposed land uses changes. As indicated in Section 5.11.4.1, *2008 Certified EIR*, of Section 5.11, *Land Use and Planning,* the 2008 Certified EIR stated that the Approved Project would be inconsistent with the City of Yucaipa's General Plan related to agricultural resources, noise, natural resources, and land use. As demonstrated in Impact 5.11-2 of Section 5.11, *Land Use and Planning,* the Proposed Project would no longer be inconsistent with the General Plan policies for agricultural preservation as the Proposed Project would allow agricultural uses, and the Proposed Project would no longer be inconsistent with the noise policies of the General Plan as the 2016 General Plan includes policies that are applicable to future land uses in the plan area. Additionally, the Proposed Project would be consistent with the City's policies related to natural resources.

Because a Subsequent EIR was prepared for the Proposed Project, the Approved Project represents the CEQA baseline, not existing conditions. While both the Approved Project and Proposed Project would result in substantial changes to the visual character of the plan area, the Proposed Project would preserve key ridgelines and, therefore, would not conflict with policies related to hillside preservation. Rather than preparing an exhaustive General Plan consistency analysis, a General Plan consistency analysis was prepared to demonstrate that the policies that the Approved Project were found to be inconsistent with are now considered consistent under the Proposed Project and 2016 General Plan. In addition, the Proposed Project maintains the key goals from the Approved Project.

O1-4 See response to comment O1-2. Under the Proposed Project, the plan area would result in an increase of 25 housing units compared to the Approved Proposed Project. There is no net loss in the total number of allowed dwelling units within the Specific Plan area. Therefore, the Proposed Project would ensure that the City is meeting its housing allocation needs. In addition, the Proposed Project includes updated residential development districts that offer a wider range of housing types and densities, with the purpose of meeting the various housing needs of the community. The City disagrees with the Commenter's assertions.

O1-5 An analysis of the Proposed Project's consistency with other plans, such as the Air Quality Management Plan (AQMP) and applicable plans related to greenhouse gas (GHG) emissions are provided in Section 5.3, *Air Quality,* and Section 5.8, *Greenhouse Gas Emissions,*

[5] California Air Pollution Control Officer's Association (CAPCOA). 2022, April. CalEEMod, Appendix D, California Emissions Estimator Model User Guide, Version 2022.1.1.13. Prepared by: ICF in collaboration with Sacramento Metropolitan Air Quality Management District. https://www.caleemod.com/user-guide.

respectively. As described in Section 5.3, despite mitigation, the Proposed Project would have the potential to conflict with South Coast AQMD's AQMP. As described in Section 5.8, with mitigation, the Proposed Project would be consistent with plans adopted for the purpose of reducing GHG emissions. The City disagrees with the Commenter's assertions.

O1-6 In accordance with the CEQA Guidelines Section 15162, the SEIR uses the Approved Project, i.e., the 2008 Certified EIR, as its baseline, not existing conditions or the 2016 General Plan EIR. Section 2.4, *Incorporation by Reference*, in Chapter 2, *Introduction*, identifies the City of Yucaipa General Plan as a document incorporated by reference into the Draft SEIR. Therefore, the Draft SEIR need not summarize the buildout of the City's General Plan in the FCSP SEIR in order to evaluate impacts of the Proposed Project. Section 5.13, *Population and Housing*, in the Draft SEIR also provides information on regional growth projections for population and employment in the City of Yucaipa (see Table 5.13-6, *SCAG Growth Projections for the City of Yucaipa*). Section 5.13 identified that the minor increase in housing (25 units) and population (69 residents) and reduction in employment (-317 jobs) would have less than significant impacts. Additionally, the horizon year of the Proposed Project is based on the development timeline for the FCSP Update. The City disagrees with the Commenter's assertions.

O1-7 Under the Proposed Project, the plan area would result in an overall increase of 25 housing units compared to the Approved Project. There is no net loss in the total number of allowed dwelling units within the Specific Plan area. In addition, the anticipated phasing of the FCSP retains the total unit capacity (390 units) of the R-24 District within the areas along Outer Highway 10 and Live Oak Canyon Road (as identified for affordable housing in the City's adopted Housing Element), and further increases the total residential development of the area that would, based on the wider array of housing densities delineated by the land use plan, also provide greater opportunities for attainable housing for all income categories. Therefore, the Proposed Project would ensure that the City is meeting its housing allocation needs and no net loss would occur. The City disagrees with the Commenter's assertions.

O1-8 Strategy 4, Freeway Corridor Specific Plan, of the City's 2021-2029 Housing Element identifies two R-24 designated sites along Live Oak Canyon Road and at 16th Street/Outer Highway 10 that are unchanged by the Specific Plan. These sites comprise 19.5 acres, allow for 20- 24 du/ac, and could supply 390 multiple-family units. The intent of the update to the Freeway Corridor Specific Plan is to improve the mix of development opportunities, provide a more efficient land use pattern, and provide opportunities for revenue enhancement within this area of the City. The relevant requirements of the Yucaipa Municipal Code regarding affordable housing would apply. Residential uses are permitted by right in several land use designations throughout the plan area at a range of densities that would accommodate different housing types that are suitable for attainable and affordable housing. If Strategy 4 of the Housing Element is developed, the units would

count toward the total number of dwelling units as identified in Table 3-1, *Overall Land Use Distribution Summary*, of the Specific Plan.

O1-9 The Proposed Project would result in an overall increase of 25 housing units compared to the Approved Project. There is no net loss in the total number of allowed dwelling units within the Specific Plan area, and the anticipated affordable housing units listed in the City's certified Housing Element, which correspond to the total unit capacity of the R-24 District within the areas along Outer Highway 10 and Live Oak Canyon Road, would remain. Therefore, the Proposed Project would ensure that the City is meeting its housing allocation needs. In addition, the City's certified Housing Element includes Program No. 11, which identifies that the City will update the FCSP as a means to increase housing opportunity. The change to residential districts within the FCSP is to provide greater opportunities for attainable housing and meet the community's demands. The Proposed Project is a Specific Plan, and review and approval by the California Department of Housing and Community Development is not required.

O1-10 Compliance with SB 330 is met because there is no net loss in the total number of allowed dwelling units within the Specific Plan area. SB 8 does not apply because the Proposed Project allows at least as many residential units as the greatest number of residential dwelling units that existed within the project boundary within the past five years. The total number of allowed units between the Approved Project and the Proposed Project increased by 25 units. There is no net loss in the total number of allowed dwelling units within the Specific Plan area. Therefore, the Proposed Project would ensure that the City is meeting its housing allocation needs.

O1-11 The footnotes in Table 3-3, *Proposed Project Buildout Statistical Summary,* of Chapter 3, *Project Description,* show how the number of jobs per land use designation were calculated.

O1-12 The Proposed Project would be developed pursuant to market demand in approximately seven phases. Because the exact time and amount of construction that would occur during a given period is unknown, it would be speculative to quantify construction employees throughout buildout of the Proposed Project. However, the unemployment rate in the Riverside/San Bernardino/Ontario areas as of January 2024 is 5.5 percent.[6] Therefore, it is assumed that most of the construction and operational employees would be from within the region. Compared to the Approved Project, the Proposed Project would result in a decrease of 317 jobs, however, there would be more higher paying jobs under the Proposed Project. While the Approved Project and Proposed Project would result in a substantial increase in jobs compared to SCAG's estimates, the Proposed Project would not result in an increase in magnitude or new impacts compared to that identified in the Certified EIR.

[6] Bureau of Labor Statistics. 2024. Local Area Unemployment Statistics. https://www.bls.gov/web/metro/laummtrk.htm

O1-13 Vehicle trips and vehicle miles traveled (VMT) associated with the 2008 FCSP (Approved Project) are part of the City's VMT forecast. The VMT analysis conducted for the Proposed Project in the Draft SEIR was prepared in accordance with the City of Yucaipa's *Traffic Impact Analysis Guidelines* that include VMT thresholds pursuant to Resolution No. 2020-48 to address changes to CEQA pursuant to SB 743. In accordance with these guidelines, general plan revisions/updates or specific plans, are compared to the current land use. Therefore, pursuant to the City's adopted VMT thresholds, the difference between the previously approved general plan and the proposed revision to the general plan is used for the threshold determination. In this case, the 2008 EIR did not include a VMT analysis because at the time of certification, transportation impacts were based on level of service (LOS). In accordance with the City's VMT methodology, VMT for both the Approved Project and the Proposed Project were modeled and impacts were based on the comparison of the FCSP (Approved Project) to the FCSP Update (Proposed Project).

O1-14 The VMT analysis conducted for the Proposed Project follows the City of Yucaipa's *Traffic Impact Analysis Guidelines* and was modeled using the San Bernadino Transportation Analysis Model (SBTAM). Neither the Governor's Office of Planning and Research's (OPR) *Technical Advisory* nor CEQA Guidelines Section 15064.3(a) directly address how to analyze transportation impacts associated with changes to goods movement, which is largely carried out by heavy-duty trucks. CEQA Guidelines Section 15064.3(a) specifies that VMT to be analyzed is defined as the amount and distance of *automobile* travel (emphasis added) attributable to a project. The term 'automobile' refers to on-road *passenger vehicles, specifically cars and light trucks* (emphasis added).[7] It does not include heavy-duty trucks, semi-trailers, construction equipment, or other commercial-type vehicles. In the case of trucks (other than light trucks), based on CARB's Scoping Plan, the state's strategy for the goods movement sector is not in VMT reduction, but in advances in technology [zero-emissions (ZE) and near-zero-emissions (NZE) control strategies)].[8][9] The City's *Traffic Impact Analysis Guidelines*, follows the methodology recommended by OPR. Therefore, no changes to the SB 743 VMT methodology are warranted. Emissions from the Proposed Project's trucks are accounted for in Section 5.8, *Greenhouse Gas Emissions*, and Section 5.3, *Air Quality*.

O1-15 The analysis in the Draft SEIR for the Proposed Project is consistent with the analysis for a plan-level document. Detailed information regarding future development projects is unknown, with the exception of the Pacific Oaks Commerce Center project, which was evaluated at a project-level. The Draft SEIR evaluated potential hazardous conditions in

7 Governor's Office of Planning and Research. 2018, December. Technical Advisory on Evaluating Transportation Impacts Under CEQA, https://www.opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

8 California Air Resources Board. 2022, December. 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan). https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents

9 California Air Resources Board. 2021, October. 2020 Mobile Source Strategy. https://ww2.arb.ca.gov/resources/documents/2020-mobile-source-strategy

Section 5.17, *Transportation*, pages 5.17-17 through 5.17-19. As identified in this section, the FCSP Update includes traffic-calming design elements within the planning areas to provide a safe pedestrian environment may include narrower streets, roundabouts, intersection curb bump-outs, medians, shorter blocks, and tree canopies extending over streets. These encourage slower vehicular speeds and improve safety.

A level of service (LOS) analysis was conducted for the Proposed Project and is included as Appendix P to the Draft SEIR. Tables BB and CC in Appendix P of the SEIR, identify that the queues at the interchange ramps would not cause traffic to back up to the freeway mainline. In addition, a comparison of the queues under with Wildwood Canyon Road Interchange and without Wildwood Canyon Road Interchange shows a reduction in queues lengths at the Live Oak Canyon Road and County Line Road interchange ramps for the majority of the turning movements. However, detailed site plans for the planning areas, except for the Pacific Oaks Commerce Center project, are not available to evaluate turning radii or driveway queueing. However, the Proposed Project roadways and intersections would be constructed based on City code and engineering standard requirements; and therefore, be consistent to requirements based on City guidelines.

Internal truck movements within the Pacific Oaks Commerce Center project parcels are not impacts of the project on the environment. See *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 (Case No. S213478) (CBIA). Automobile and truck conflicts for the Pacific Oaks Commerce Center project have been minimized by providing separate parking areas and the access points have longer throat lengths to minimize passenger car/truck conflicts. Further, while there would be passenger cars and trucks sharing the roadways, this by itself does not mean that there will be an unsafe or hazardous condition. Trucks and automobiles sharing driveways are a common occurrence in most industrial facilities.

For the Pacific Oaks Commerce Center project, the Commenter refers to the double stacked and triple stacked trailer parking area. It is a common practice to store trailers (without the tractor unit) by the end user. Trailer parking areas are under the control of the end user who moves trailers, as needed, within the site. This does not create a hazardous situation, because it is not like tandem parking in an automobile parking garage, where the two cars parked in a tandem spot could be owned by different people.

O1-16 See response to Comment O1-15. The analysis in the Draft SEIR for the Proposed Project is consistent with the analysis for a plan-level document as detailed information regarding future development projects is unknown, with the exception of the Pacific Oaks Commerce Center project, which was evaluated at a project-level. Sight distances are a function of speed and at this time, as in most specific plans, speed limits or design speed for the roadways have not been identified. Roadways and intersections within the plan area would be constructed based on City code and engineering standard requirements; and therefore, be consistent to requirements based on City guidelines. The City of Yucaipa

would evaluate horizontal and vertical sight distance at project driveways at the time development applications are submitted to ensure that a clear line-of-sight is maintained at project driveways.

O1-17 In accordance with Section 15126.6 of the CEQA Guidelines, "an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." The commenter has not provided enough specificity of an alternative development plan that would reduce all of the Proposed Project's significant impacts. An alternative that reduces all of the Proposed Project's significant and unavoidable impacts would most likely result in an infeasible alternative that results in a significant reduction in the Proposed Project's buildout, and thereby would not meet the project objectives and/or state requirements (e.g., housing needs allocation). It should be noted that the EIR is a Subsequent EIR to the 2008 Certified EIR, which evaluated additional alternatives associated with the Approved Project.

O1-18 Section 2.4, *Incorporation by Reference*, in Chapter 2, *Introduction*, identifies the City of Yucaipa General Plan as a document incorporated by reference into the Draft SEIR. Therefore, the Draft SEIR need not summarize the buildout of the City's General Plan in the FCSP SEIR in order to evaluate cumulative impacts of the Proposed Project. The cumulative growth of the City's General Plan was considered in the analysis in Chapter 5, *Environmental Analysis*, and was considered during traffic modeling, as described in Section 4.4, *Assumptions Regarding Cumulative Impacts*. Furthermore, the analysis of the Proposed Project's impacts is compared to those identified for the Approved Project in the 2008 Certified EIR

O1-19 See response to Comment O1-18. Air quality and greenhouse gas (GHG) impacts addressed in Section 5.3, *Air Quality*, and Section 5.8, *Greenhouse Gas Emissions*, are the Proposed Project's contribution to cumulative emissions impacts in the region and state, respectively. Likewise for noise impacts in Section 5.13, *Noise*, considers traffic noise increases associated with the project in addition to cumulative traffic noise from buildout of the City using the SBTAM. Therefore, the SEIR considers the Proposed Project's cumulative contribution to these impacts in light of growth within the City, the South Coast AQMD region, and the State.

The Proposed Project is a Specific Plan; and therefore, the SEIR considers the change in the adopted land use. As demonstrated in the SEIR, the Proposed Project would not result in new or substantially more severe significant impacts compared to the Approved Project, which is the underlying land use in the City's General Plan. Therefore, while the Proposed Project would result in significant and unavoidable impacts, these impacts would not be more severe than the Approved Project's impacts. It should be noted that Section 5.14, *Population and Housing*, identifies a decrease in employment associated with the FCSP

2. Response to Comments

Update as a result of the decrease in Regional Commercial land use and increase in Business Park land use within the plan area.

O1-20 Refer to response to comments O1-5, O1-18, and O1-19.

O1-21 Refer to response to comments O1-1 through O1-20, and O1-22 through O1-27. The commenter has been added to the City's distribution list for the Proposed Project.

O1-22 See response to Comment O1-27 regarding the additional mitigation measures requested by the Commenter.

CEQA Guidelines Section 15096(g)(2) referred to by commenter describes a responsibility placed on to a Responsible Agency and is not applicable to a Lead Agency. Therefore, the Comment has misapplied this referenced section. Commenter does not provide other reasons to support their position that the SEIR fails to implement all feasible mitigation.

O1-23 The commenter is concerned about potential health impacts of siting warehousing projects near residential areas and disadvantaged communities and cites several studies to support the concern. To address these issues, the Proposed Project conducted a project specific HRA that evaluated both the Proposed Project's impact to existing off-site residents and also to future on-site residents in the surrounding area (Appendix D of the Draft SEIR). Additionally, the HRA incorporates South Coast AQMD's draft cumulative thresholds for evaluating the Proposed Project's contribution to existing emissions sources in the vicinity of the Project Site. The project-level cancer risk threshold of 10 in a million was adjusted to 5 in a million, per South Coast AQMD's draft guidance based on existing MATES V cancer risk data for the project zip code (which included emissions from existing sources of air emissions) and also future development of the City of Calimesa Mesa Verde Specific Plan. As provided in Section 5.3, *Air Quality,* Table 5.3-27, *Proposed Project Operational Health Risks Results: With Mitigation* on page 5.3-73, health risks at the maximum exposed individual resident (MEIR) would be below South Coast AQMD's significance thresholds with implementation of Mitigation Measures AQ-6 through AQ-11. Therefore, the Proposed Project analysis considered its cumulative contribution to the surrounding area in the air quality and health risk analyses included in Section 5.3, *Air Quality*.

O1-24 The commenter provides a summary of the Pacific Oaks Commerce Center HRA results for the combined Construction plus Operation scenario and disagrees with the results. The reason for the disagreement is provided in Comment O1-25 and responded to below.

O1-25 The commenter is concerned the HRA did not incorporate appropriate fraction of time at home (FAH) parameters, per South Coast AQMD's 2017 Risk Assessment Procedures

for Rules 1401, 1401.1 and 212.[10] The HRA procedures in the referenced South Coast AQMD guidance document are specifically for stationary sources (i.e., source permitted by South Coast AQMD) and do not directly apply to the mobile source emissions or construction-related emissions of the Proposed Project. In addition, the HRA prepared for the Proposed Project did not include FAHs for ages younger than 16 for the operational portion of health risk analyses, which was conducted using CARB's Risk Assessment Standalone Tool. FAH parameters were only included for the construction HRA of the Pacific Oaks Commerce Center, as project construction is not under the purview of South Coast AQMD Rules 1401, 1401.1 and 212.

Therefore, the Proposed Project analysis provided in the air quality and health risk analyses included in Section 5.3, *Air Quality,* was appropriately conducted. As provided in Section 5.3, *Air Quality,* Table 5.3-29, *Pacific Oaks Commerce Center Operation Plus Construction Health Risks Results: With Mitigation* on page 5.3-75, health risks at the maximum exposed individual resident (MEIR) would be below South Coast AQMD's significance thresholds with implementation of Mitigation Measures AQ-6 through AQ-11.

O1-26 Commenter misrepresents the GHG emissions impact analyses. Furthermore, the commenter confuses the analyses and determinations between Impact 5.8-1 and Impact 5.8-2. Commenter references Table 5.8-8 of the SEIR, which is associated with the Impact 5.8-1 discussion of the SEIR and for the Pacific Oaks Commerce Center component of the Proposed Project. However, the conclusion found in the excerpt commenter included is associated with the Impact 5.8-2 discussion of the SEIR, and in addition, pertains to the Specific Plan component of the Proposed Project.

Commenter's statement, "…the SEIR claims that through implementation of Mitigation Measures GHG-1 and GHG-2, the Project would comply with the California Green Building Standards Code (CALGreen) voluntary Tier 2 EV parking standards and consequently result in a less-than-significant GHG impact. However, while the SEIR concludes that the Project would not generate GHG emissions that would have a significant effect on the environment…", misrepresents the analysis and determinations of the SEIR. While the SEIR determines that Impact 5.8-2 would be reduced to less than significant after implementation of mitigation as it pertains to consistency with the 2022 Scoping Plan, nowhere in Chapter 5.8 of the SEIR is it concluded that the Proposed Project would not generate GHG emissions that would have a significant effect on the environment. The question of whether the Proposed Project would generate GHG emissions that would either directly or indirectly have a significant impact on the environment is analyzed under Impact 5.8-1 of the SEIR (see pages 5.8-21 through 5.8-24 and pages 5.8-29 through 5.8-32). As stated in Section 5.8.8, *Level of Significance After Mitigation*, under the Impact 5.8-1 discussion of the SEIR (pages 5.8-31 and 5.8-32), it was

[10] South Coast AQMD, 2017. Risk Assessment Procedures for Rules 1401, 1401.1 and 212, accessed on April 9, 2024 at https://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf.

determined that the GHG emissions impacts of the Specific Plan and the Pacific Oaks Commerce Center would be significant and unavoidable.

O1-27 Review of the Commenter's requested mitigation measures is addressed below:

- *Requiring off-road construction equipment to be hybrid electric-diesel or zero emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities*. Mitigation Measure AQ-6 already requires use of Tier 4 final construction equipment available, which is the highest EPA-rated equipment currently available on the market.

- *Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day*. At the request of the Commenter, this measure has been added to Mitigation Measure AQ-6 (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hookups to the power grid rather than use of diesel-fueled generators to supply their power*. At the request of the Commenter, this measure has been added to Mitigation Measure AQ-6 when feasible (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR). However, it should be noted that this measure would not result in a substantial quantifiable reduction in emissions as use of electric powered equipment may not be commercially available or feasible to use on a construction site that is not currently connected to the power grid.

- *Designating an area in the construction site where electric-powered construction vehicles and equipment can charge*. At the request of the Commenter, this measure has been added to Mitigation Measure AQ-6 (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR). However, it should be noted that this measure would not result in a substantial quantifiable reduction in emissions as electric powered construction vehicles are not currently commercially available.

- *Limiting the amount of daily grading disturbance area*. At the request of the Commenter, this measure has been added to Mitigation Measure AQ-6 (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area*. As discussed in Section 4.3, *Air Quality*, of the Draft SEIR, with mitigation construction of the Proposed Project would not result in the exposure of any sensitive receptors to substantial pollutant concentrations. Thus, the City has

determined that additional mitigation to suspend construction activities is not warranted.

- *Forbidding idling of heavy equipment for more than three minutes.* At the request of the Commenter, this measure has been added to Mitigation Measure AQ-6 (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.* Mitigation Measure AQ-6 already requires that the construction contractor maintain a list of all operating, including the makes, models, Equipment Identification Numbers, Engine Family Numbers, and number of construction equipment on-site.

- *Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.* The City of Yucaipa is required to track and monitor compliance with the Mitigation Measures in the SEIR, including the requirement under AQ-6.

- *Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.* Mitigation Measure AQ-6 already requires paints with a VOC content of 10 grams per Liter (g/L) or building architectural surfaces.

- *Providing information on transit and ridesharing programs and services to construction employees.* At the request of the Commenter, this measure has been added to Mitigation Measure AQ-6 (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.* At the request of the Commenter, this measure has been added to Mitigation Measure AQ-6 (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zero-emission beginning in 2030.* At present, requiring zero-emission vehicles is economically and technologically infeasible; also, such vehicles are not available on a large enough scale to be relied upon. In a report titled "*Transitioning to Zero-Emission Heavy-Duty Freight Vehicles*," the International Council on Clean Transportation (ICCT) provides an overview of advancing technologies.[11] The ICCT reports that although the technology is advancing and although at some point in the distant future non-diesel technology will likely be used in mass to power freight movement, "zero-emission

[11] International Council on Clean Transportation. 2017. Transitioning to Zero-Emission Heavy-Duty Freight Vehicles. https://theicct.org/wp-content/uploads/2021/06/Zero-emission-freight-trucks_ICCT-white-paper_26092017_vF.pdf

vehicle technologies do present considerable challenges. They have a combination of near- and long-term barriers, issues, and questions that will have to be addressed before they can become widespread replacements for conventional trucks and tractor-trailers that are typically diesel fueled" (ICCT pg. 31). "Tesla's announced battery electric semi-tractor prototype is the only (emphasis added) battery electric project we found in our [world-wide] assessment targeting long-haul heavy-duty applications" (ICCT pg. 31). Requiring the Proposed Project to utilize emerging technology as mandatory mitigation when the various types of technological advancements and their timeframes for common availability are not known with any certainty, is not a feasible mitigation measure. An EIR must describe feasible measures that could minimize the project's significant adverse impacts. 14 Cal Code Regs Section 15126.4(a)(1). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact. An EIR also need not identify and discuss mitigation measures that are infeasible. Nor must an EIR analyze in detail mitigation measures it concludes are infeasible. Further, South Coast AQMD adopted a Warehouse Indirect Source Rule, Rule 2305, in May 2021. Rule 2305 applies to warehouse operators and owners of warehouses greater than or equal to 100,000 square feet of indoor floor space within a single building that may be used for warehousing activities. As discussed in Section 4.3, *Air Quality*, of the Draft SEIR, the Proposed Project would be subject to compliance with Rule 2305. Since the Proposed Project will not be operated by the current owner, it is not feasible to commit to specific provisions of Rule 2305; however, future tenants will be obligated to comply with its provisions. Compliance with Rule 2305 would reduce air quality effects associated with the warehouse industry, including the Proposed Project in the region.

- *Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.* Mitigation Measure AQ-6 already requires use of zero-emission offroad equipment. No changes are warranted.

- *Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.* See above regarding the infeasibility of zero-emissions vehicles for speculative warehouses and for this plan-level analysis. Mitigation Measure GHG-1 requires installation of electric vehicles (EV) charging stations and clean air/vanpool parking, which would contribute to and support the use of more EVs and consequently reduce air quality emissions associated with passenger vehicle travel. Thus, no changes are warranted.

- *Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use*. The Proposed Project is required to comply with California Code of Regulations Title 13, Division 3, Chapter 10, Article 1, Section 2485, *Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling*, which limits nonessential idling to five minutes or less for commercial trucks. Mitigation Measure

AQ-10 also currently requires drivers to restrict nonessential idling to no more than two minutes while on site.

- *Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.* Mitigation Measure AQ-10 includes the requested language already. No changes are warranted.

- *Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers*. Development associated with the Proposed Project would be required to adhere to the California Green Building Code Standards requirements for solar photovoltaic. The current CALGreen code requires 100 percent of rooftop to be solar ready.

- *Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.* Development associated with the Proposed Project would be required to adhere to the California Green Building Code Standards requirements for solar photovoltaic. The current CALGreen code requires 100 percent of the rooftop to be solar ready.

- *Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.* Mitigation Measure AQ-9 requires electrification of docking bay for cold storage facilities for trucks with TRUs. Heavy duty EV trucks do not charge at docking bays, as they serve to facilitate the loading and unloading of goods. At the request of the Commenter, a new Mitigation Measure AQ-12 has been added to require EV truck charging for tenants with domiciled trucks onsite (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR). However, requiring zero-emission vehicles is currently economically and technologically infeasible; also, such vehicles are not available on a large enough scale to be relied upon. Therefore, the current technology required for EV truck charging stations is unknown until such time tenants have EV trucks domiciled onsite. Additionally, the 2022 CALGreen standard include mandatory electric medium-duty and heavy-duty truck charging readiness requirements for warehouses under Section 5.106.5.5.1. Pursuant to this section, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s), or subpanel(s) must be installed at the time of construction and must meet the minimum power requirements to accommodate the dedicated branch circuits for the future installation of electric vehicle charging equipment and to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty vehicles. The minimum power requirement is based on building type, building size, and number of off-street loading spaces.

- *Running conduit to designated locations for future electric truck charging stations.* At the request of the Commenter, a new Mitigation Measure AQ-12 has been added (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.* Mitigation Measure AQ-9 requires electrification of docking bay for cold storage facilities for trucks with TRUs. No changes are warranted.

- *Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.* At the request of the Commenter, a new Mitigation Measure AQ-12 has been added to require sufficiently sized electric rooms to accommodate future EV expansion (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10 percent of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance).* Mitigation Measure GHG-1 requires installation passenger vehicle EV charging spaces consistent with the voluntary Tier 2 standard of CALGreen. No changes are warranted.

- *Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.* Mitigation Measure GHG-1 requires installation passenger vehicle EV charging spaces consistent with the voluntary Tier 2 standard of CALGreen. The Proposed Project would meet this requirement since it will be required to meet the Tier 2 CALGreen standards. No changes are warranted.

- *Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.* As provided in Section 5.3, *Air Quality,* Table 5.3-27 on page 5.3-73, health risks at the MEIR would be below South Coast AQMD's significance thresholds with implementation of Mitigation Measures AQ-6 through AQ-11. Therefore, the Proposed Project would not expose sensitive receptors to substantial pollutant concentration. Additional mitigation is not warranted at sensitive receptors proximate to the plan area.

- *Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the*

air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air. The Proposed Project would not expose sensitive receptors to substantial pollutant concentrations. Therefore, there is no need to install additional air quality monitoring stations in the region beyond what South Coast AQMD already provides. No changes are warranted.

- *Requiring all stand-by emergency generators to be powered by a non-diesel fuel.* Emergency generators would only be used in emergency power failure or for routine testing and maintenance. Such intermittent use would not a substantial amount of emissions, since by the very nature of the activity, it would be short-term, intermittent, and infrequent. Requiring that emergency generators to be powered by non-diesel fuel would not result in a significant reduction in air quality emission impacts. No changes are warranted.

- *Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.* Mitigation Measure AQ-10 requires signage and instructions for truck drivers to minimize unnecessary idling onsite. Roadways in the plan area are designed to minimize queuing onsite. At the request of the Commenter, Mitigation Measure AQ-10 has been amended (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Requiring operators to establish and promote a rideshare program that discourages single occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.* At the request of the Commenter, this measure has been added to Mitigation Measure GHG-1 (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.* Buildings onsite would be required to adhere to the latest CALGreen requirements as well as additional voluntary standards of CALGreen as identified in Mitigation Measures GHG-1 for electric vehicle charging.

- *Designing to LEED green building certification standards.* Buildings onsite would be required to adhere to the latest CALGreen mandatory requirements as well as additional voluntary standards of CALGreen as identified in Mitigation Measures GHG-1 for electric vehicle charging.

- *Providing meal options onsite or shuttles between the facility and nearby meal destinations.* At the request of the Commenter, this measure has been added to Mitigation Measure AQ-6 (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Posting signs at every truck exit driveway providing directional information to the truck route.* At the request of the Commenter, this measure has been added to Mitigation Measure AQ-10 (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

- *Improving and maintaining vegetation and tree canopy for residents in and around the project area.* Improving and maintaining vegetation and the tree canopy for residents in and around the plan area would not have any effect on reducing the Proposed Project's air quality and GHG emissions impacts. Additionally, the Specific Plan includes requirements for landscaping within the plan area. and maintaining landscaping is a standard condition of approval applies to all new development projects by the City. Therefore, this additional mitigation measure is not warranted.

- *Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.* The US EPA SmartWay Program is a voluntary public-private program. The Proposed Project cannot control the types of trucks accessing planning areas within the Specific Plan. Because the building occupants/tenants are not yet known, it is highly speculative to assume that the building occupants/tenants will own or control a fleet of trucks. The large majority of warehouses are served by contracted trucking companies and independent drivers, and the building occupant/tenant may have no control over the truck engine type, in which case the building occupant/tenant would need to comply with Rule 2305's requirements through a suite of equivalent measures or payment of the required fee to reduce air quality impacts as required by the Rule. However, at the request of the Commenter, information on the SmartWay program has been added to Mitigation Measure AQ-10 (see Chapter 3, Revisions to the Draft SEIR, of this Final SEIR).

- *Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.* At the request of the Commenter, this measure has been added to Mitigation Measure AQ-10 (see Chapter 3, *Revisions to the Draft SEIR*, of this Final SEIR).

3. Revisions to the Draft SEIR

3.1 INTRODUCTION

This section contains revisions to the Draft SEIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of Draft SEIR publication; and/or (3) typographical errors. This section also includes additional mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the Draft SEIR. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the Draft SEIR. Changes made to the Draft SEIR are identified here in ~~strikeout text~~ to indicate deletions and in <u>underlined text</u> to signify additions.

3.2 DRAFT SEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the Draft SEIR.

The following figures in the Draft SEIR have been updated to reflect changes to the land use plan since the Draft SEIR was circulated. These revised figures can be found in Appendix A, Revised Draft SEIR Figures.

- Figure ES-5, *Proposed Land Use Plan*
- Figure 3-7, *Proposed Land Use Plan*
- Figure 3-8, *Conceptual Circulation Plan*
- Figure 3-9, *Pedestrian Circulation/Trails Plan*
- Figure 3-10, *Conceptual Grading Plan*
- Figure 3-15, *Conceptual Phasing Plan*
- Figure 5.4-1, *Biological Resources Study Area*
- Figure 5.4-3, *Aquatic Resources Jurisdictional Delineation*
- Figure 5.10-2, *FEMA Zones*
- Figure 5.19-2, *Proposed Sewer Plan*
- Figure 5.19-4, *Proposed Potable Water Infrastructure*
- Figure 5.19-5, Proposed Recycled Water Infrastructure

Page 1-15, Chapter 1, *Executive Summary*, Table ES-2, *Proposed Project Buildout Summary*. At the September 2024 City Council hearing, council members directed City staff to modify the Specific Plan to better align with the goals of the City and majority property owners of the plan area. Based on their feedback, the City modified the land use plan to provide additional Regional Commercial (RC) acreage within planning area C5; reclassify lands currently under agricultural production in the Open Space – Conservation (OS-C) as Open Space (OS)

to continue to allow for agricultural uses within these areas; and minor changes to reflect gross v. net acreage the planning areas. The following has been updated based on changes made to the land use plan.

Table ES-2 Proposed Project Buildout Statistical Summary

Designation	Acres	Dwelling Units	Population[1]	Non-residential SF[2]	Employees[3]
Residential	~~225.8~~ 290.3	2,472	6,823	NA	NA
Regional Commercial (RC)[3]	~~72.2~~ 104.4	NA	NA	1,100,761	791
Business Park (BP)[4]	~~223.1~~ 223.2	NA	NA	3,992,503	1,891
~~Agricultural~~ Agro-Commercial Tourism (~~AG~~ AT)[4]	~~48.8~~ 47.5	NA	NA	NA	NA
Open Space (OS)[5]	~~338.5~~ 255.6	NA	NA	NA	NA
Open Space – Conservation (OS-C)[5]	~~159.5~~ 147.3	NA	NA	NA	NA
Existing ROW	15.1	NA	NA	NA	NA
Not a Part (N.A.P)[6]	154.6	NA	NA	NA	NA
TOTAL	1,238[7]	2,472	6,823	5,093,265	2,682

Notes: Totals may not add to 100 percent due to rounding. SF = square feet; ROW = right-of-way.
[1] Based on 2.76 people per unit (DOF 2022).
[2] Based on the Specific Plan maximum allowable non-residential square footage. ~~Acres to square feet based on the maximum FAR allowed in the proposed FCSP of 0.35 for RC. Planning areas BP 2, BP 3, and 19.32 acres of BP 6 are based on the project-level data for the Pacific Oak Commerce Center project (2,054,000 square feet) and the County Line Warehouse project (366,423 square feet). The remaining acreage for planning area BP 6 (9.68 acres) and planning areas BP 1 and BP 4 is based on a maximum FAR of 0.5.~~ It should be noted that planning area BP 4 is the Caltrans rest stop and would remain a rest stop at buildout, as Caltrans currently owns this property. However, there is an agreement that should Caltrans close the rest stop, this property would revert to the Robinson Properties ownership. As a result, square footage associated with this acreage is accounted for to provide a conservative estimate of the potential BP land uses at buildout.
[3] Based on 1,392 square feet per employee for RC uses and 2,111 square feet per employee for BP uses (SCAG 2001).
[4] The Live Oak Canyon Pumpkin Farm has associated employment, but there are no changes to this land use between existing conditions and the Proposed Project scenarios. The Live Oak Canyon Pumpkin Patch and Christmas Tree Farm is seasonal and employment fluctuates, with peak employment during the fall.
[5] Open Space (OS) and Open Space-Conservation (OS-C) acreage is estimated based on the conceptual grading plan.
[6] The WRF is identified as Not a Part in the FCSP Update because it is solely owned by the YVWD.
[7] Acreage for the FCSP Update based on GIS. This four-acre difference between the 2008 Specific Plan acreage (1,242 acres) and the Specific Plan Update acreage (1,238 acres) is based on minor differences in how the boundary was mapped in 2008 and attributed to existing ROW.

Page 1-24, Chapter 1, *Executive Summary*. The following has been updated based on changes made to the land use plan.

This alternative would result in ~~158.1~~ 170.3 acres of additional OS-C compared to the proposed project. However, the additional setbacks would result in a reduction of 744 jobs and 1,393,630 square feet of nonresidential uses compared to the Proposed Project. For the Pacific Oaks Commerce Center project, this would be a reduction of approximately 50 percent.

Page 3-18, Chapter 3, *Project Description*, Table 3-3, *Proposed Project Buildout Summary*. At the September 2024 City Council hearing, council members directed City staff to modify the Specific Plan to better align with the goals of the City and majority property owners of the plan area. Based on their feedback, the City modified the land use plan to provide additional Regional Commercial (RC) acreage within planning area C5; reclassify lands

currently under agricultural production in the Open Space – Conservation (OS-C) as Open Space (OS) to continue to allow for agricultural uses within these areas; and minor changes to reflect gross v. net acreage the planning areas. The following has been updated based on changes made to the land use plan.

Table 3-3 Proposed Project Buildout Statistical Summary

Designation	Acres	Dwelling Units	Population[1]	Non-residential SF[2]	Employees[3]
Residential	~~225.8~~ 290.3	2,472	6,823	NA	NA
Regional Commercial (RC)[3]	~~72.2~~ 104.4	NA	NA	1,100,761	791
Business Park (BP)[4]	~~223.1~~ 223.2	NA	NA	3,992,503	1,891
~~Agricultural~~ Agro-Commercial Tourism (~~AG~~ AT)[4]	~~48.8~~ 47.5	NA	NA	NA	NA
Open Space (OS)[5]	~~338.5~~ 255.6	NA	NA	NA	NA
Open Space – Conservation (OS-C)[5]	~~159.5~~ 147.3	NA	NA	NA	NA
Existing ROW	15.1	NA	NA	NA	NA
Not a Part (N.A.P)[6]	154.6	NA	NA	NA	NA
Total	1,238[7]	2,472	6,823	5,093,265	2,682

Notes: Totals may not add to 100 percent due to rounding. SF = square feet; ROW = right-of-way.
[1] Based on 2.76 people per unit (DOF 2022).
[2] Based on the Specific Plan maximum allowable non-residential square footage. ~~Acres to square feet based on the maximum FAR allowed in the proposed FCSP of 0.35 for RC. Planning areas BP 2, BP 3, and 19.32 acres of BP 6 are based on the project-level data for the Pacific Oak Commerce Center project (2,054,000 square feet) and the County Line Warehouse project (366,423 square feet). The remaining acreage for planning area BP 6 (9.68 acres) and planning areas BP 1 and BP 4 is based on a maximum FAR of 0.5.~~. It should be noted that planning area BP 4 is the Caltrans rest stop and would remain a rest stop at buildout, as Caltrans currently owns this property. However, there is an agreement that should Caltrans close the rest stop, this property would revert to the Robinson Properties ownership. As a result, square footage associated with this acreage is accounted for to provide a conservative estimate of the potential BP land uses at buildout.
[3] Based on 1,392 square feet per employee for RC uses and 2,111 square feet per employee for BP uses (SCAG 2001).
[4] The Live Oak Canyon Pumpkin Farm has associated employment, but there are no changes to this land use between existing conditions and the Proposed Project scenarios. The Live Oak Canyon Pumpkin Patch and Christmas Tree Farm is seasonal and employment fluctuates, with peak employment during the fall.
[5] Open Space (OS) and Open Space-Conservation (OS-C) acreage is estimated based on the conceptual grading plan.
[6] The WRF is identified as Not a Part in the FCSP Update because it is solely owned by the YVWD.
[7] Acreage for the FCSP Update based on GIS. This four-acre difference between the 2008 Specific Plan acreage (1,242 acres) and the Specific Plan Update acreage (1,238 acres) is based on minor differences in how the boundary was mapped in 2008 and attributed to existing ROW.

Page 3-18, Chapter 3, *Project Description*. The following has been updated based on changes made to the land use plan.

3.4.1.1 RESIDENTIAL

As shown in Figure 3-7, the western portion of the plan area includes an approximately 67.7-acre Mixed Use Overlay which is intended to accommodate the Regional Commercial's variety of commercial retail and services, lodging, office uses, recreation and entertainment uses, and similar compatible uses that support the local and regional economy, while leveraging the adjoining the adjacent to R-12 and R-24 residential land use districts to provide a mixed use development where residential and commercial uses are combined. This is intended to allow flexibility in site design and to provide greater amenities to local residents within the plan area.

3. Revisions to the Draft SEIR

The FCSP allows for the following residential densities and product types:

Page 3-21, Chapter 3, *Project Description*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

3.4.1.4 ~~AGRICULTURE~~ AGRO-COMMERCIAL TOURISM (AT)

Provides for agricultural-based commercial uses, including sales of produce, pumpkins, and agriculture-related goods, with activities that help draw visitors with experiences, entertainment activities, and educational programming that provide a consistent draw for the site. This designation also supports a variety of ~~along with supporting~~ businesses such as restaurants, other commercial uses, and overnight accommodations that cater to, or enhance, the agricultural tourism industry.

Page 3-21 and page 3-22, Chapter 3, *Project Description*. The following has been updated based on changes made to the land use plan Open Space (OS) and Open Space – Conservation (OS-C) to reflect areas currently under agricultural production in the vicinity of the pumpkin patch.

3.4.1.5 OPEN SPACE (OS)

Approximately ~~338.5 acres, 27 percent~~ 255.6 acres, 20 percent of the plan area, allows for agriculture-related activities where appropriate and for buffering and transitions between different land uses. Grading activities may be permitted in the Open Space designation provided that vegetated slopes that feature contour grading are implemented to maintain a naturalistic appearance.

3.4.1.6 OPEN SPACE–CONSERVATION (OS-C)

Approximately ~~159.5 acres, 13 percent~~ 147.3 acres, 12 percent of the plan area, is to be dedicated to open space-conservation that includes ridgelines, hillsides, natural drainage courses, natural vegetation, and prominent views and that would be preserved in perpetuity. The Open Space designation provides protection of hillsides, ridgelines, drainage courses, and sensitive habitat areas.

Page 3-22, Chapter 3, *Project Description*. The following has been added in response to Commenter Letter A8, State Water Resources Control Board.

Connections to existing water lines in the adjacent neighborhoods would be necessary to provide water service to the new neighborhoods in the plan area. Water pipelines must be sized to adequately service the plan area's water demands, as required by the serving agency- water service is provided by YVWD, Western Heights Water Company, and South Mesa Water Company. Two different types of pipelines are used to convey water to the plan area—transmission pipelines and distribution pipelines. Transmission pipelines transport water from off-site and on-site reservoirs to the plan area, and distribution pipelines transport water from the backbone system to individual users. The YVWD requires a minimum size of 8 inches for distribution piping, but the Specific Plan shows that 16-inch-diameter potable-water pipelines and 12-inch-diameter nonpotable-water pipelines are proposed to ensure adequate hydraulic flow and pressure.

In addition to proposed pipelines, the Proposed Project would include two new groundwater injection/extraction wells water wells. The dedication of the groundwater well sites would be discussed in future development agreements with property deeded to YVWD in fee title prior to the issuance of building permits for either BP 2 or BP 3 and any planning area east of PA 17. The Proposed Project would also include tanks, and booster pumping plants as needed throughout the FCSP project area. Specific locations of these facilities would be determined and coordinated between the water providers and the developer/landowners before development agreements are executed.

Page 3-38, Chapter 3, *Project Description*. The following has been updated to fix a typographical error.

Development of planning areas BP 2 and BP 3 requires additional grading to provide for building pads, parking areas, and roadway right-of-way for the proposed Wildwood Canyon Road southern extension (see Figure 3-10, *Conceptual Grading Plan*). As a result, the Pacific Oaks Commerce Center project would also grade the residential pad for planning area PA ~~12~~ 10; however, no residential development would occur as part of the Pacific Oaks Commerce Center project. The total disturbance area for the Pacific Oaks Commerce Center is 238 acres. Grading work associated with the Pacific Oaks Commerce Center Project soils would include cuts of 60 feet in depth and fills of 100 feet to achieve the new building pad elevations. The development of the project would be balanced overall but export would be assumed from the nonresidential building pads in BP 2 and BP 3 to the residential pad in PA ~~12~~ 10.

Page 3-43, Table 3-5, *Conceptual Phasing Plan*, Chapter 3, *Project Description*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT) and minor correction to the table number.

…Table 3-~~6~~5, *Conceptual Phasing Plan*, identifies the buildout potential by phase. Phasing is conceptual only; the actual phasing may vary given ownership patterns, market demand for specific commercial and residential products, and the timing of Caltrans's improvements to the Live Oak Canyon Road interchange and the proposed interchange at Wildwood Canyon Road. The necessary infrastructure and utilities needed to support each phase must be in place or committed financially—and bonded—prior to issuance of any certificate of occupancy for that phase. For developments in Phases 5 and 6, secondary freeway access would be provided to connect to I-10, as required by City public safety and emergency response personnel.

3. Revisions to the Draft SEIR

Table 3-6~~5~~ Conceptual Phasing Plan

Phase	Dwelling Units	Regional Commercial (RC) SF	Business Park (BP) SF
1a – County Line Warehouse Project	0	0	366,423
1b – Pacific Oaks Commerce Center	0	0	2,054,000
1c – Remaining BP 6	0	0	210,830
2	1,123	230,215	0
3	472	0	0
4	124	343,035	546,678
5	1,133	0	0
6	0	527,511	0
7	0	0	814,572
Total	2,472	1,100,761	3,989,730

Notes: SF = square feet; The ~~Agricultural~~ Agro-Commercial Tourism (AT) and the Public Facilities (PUB) are existing land uses and therefore not included in this table.
Phase 1a = Planning area BP 6 (part). County Line Road Warehouse (approved development).
Phase 1b = Planning areas BP 2 and BP 3. Pacific Oaks Commerce Center.
Phase 1c = remaining development in planning Area BP 6. SF based on the maximum FAR.

Page 3-44, Chapter 3, *Project Description,* Table 3-6*, Project Approvals Needed.* The following agency has been added as a Responsible Agency to Table 3-6 in response to Commenter Letter A8, State Water Resources Control Board and minor correction to the table number.

... The anticipated approvals required for this project are in Table 3-7~~6~~, *Project Approvals Needed.*

Table 3-7~~6~~ Project Approvals Needed

Lead Agency	Action
City of Yucaipa	• Certification of the SEIR • Adoption of the proposed FCSP • Amendment of the General Plan Land Use Map to correspond to the updated FCSP land use plan and Hillside Overlay • Adoption of the Findings of Fact and Statement of Overriding Considerations • Adoption of the Mitigation Monitoring Program • Approval of a Tentative Tract Map (TTM) 20533 for the Pacific Oaks Commerce Center Project • Approvals and Permits necessary to execute the Pacific Oak Commerce Center, included, but not limited to grading permits, conditional use permit, building permits, etc. • Review of Fire Plan through Building and Safety
Responsible Agencies	**Action**
Yucaipa Valley Water District South Mesa Water District Western Heights Water Company	• Approval of a Water Supply Assessment by the YVWD
State Water Resources Control Board's Division of Drinking Water	• Approval of domestic drinking water supply permit

Page 4-3, Chapter 4, *Environmental Setting*. The following has been updated to fix a typographical error in the acreage for the plan area.

The ~~1,242-acre~~ 1,238-acre Freeway Corridor Specific Plan (FCSP) area is in the City of Yucaipa in San Bernardino County. The plan area is bisected by I-10 and abuts the Riverside County boundary to the south. Regional access to the plan area is provided by I-10 from the east and west. Local access is provided by Live Oak Canyon Road, County Line Road, Oak Glen Road, Wildwood Canyon Road, and Calimesa Boulevard (see Figure 3-1, *Regional Location,* and Figure 3-2, *Local Vicinity,* in Chapter 3, *Project Description*).

Page 5.1-8, Section 5.1, *Aesthetics*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

The areas of the FCSP adjacent to Oak Glen Road, Wildwood Canyon Road, and Live Oak Canyon are designated open space, ~~agricultural~~ agro-commercial tourism, business park, commercial, and residential uses…

Page 5.1-9 to page 5.1-10, Section 5.1, *Aesthetics*. The following has been updated based on changes made to the land use plan and changes the name for the Agro-Commercial Tourism (AT) planning area.

Buildout of the Proposed Project would result in an increase in 25 dwelling units and 507,486 square feet of nonresidential use, a new ~~Agricultural~~ Agro-Commercial Tourism land use designation (~~48.8~~ 47.5 acres), and ~~slight~~ reduction in open space (decrease of ~~51~~ 146 acres).

For this SEIR, the Approved Project represents the CEQA baseline. As a result, though impacts associated with the Approved Project were identified as significant and unavoidable in the 2008 Certified EIR, the impacts of the Proposed Project are not based on existing conditions but assume conditions of the built-out Approved Project (i.e., the developed condition). As shown on Figure ES-4, *Approved Land Use Plan,* and Figure ES-5, *Proposed Land Use Plan,* land uses associated with the Proposed Project would generally be in the same area as the Approved Project. However, under the Proposed Project there are three major differences: (1) under the Proposed Project, the planning area known as the Pumpkin Patch would remain ~~Agricultural~~ Agro-Commercial Tourism (AT), which would preserve the existing landforms and agricultural areas adjacent to Live Oak Canyon Road and I-10 compared to development of a retail area under the Approved Project; (2) the introduction of the Business Park designation in the interior of the site (i.e., Pacific Oaks Commerce Center) would require substantially more landform modification compared to the residential areas previously designated under the Approved Project; and (3) the Proposed Project would result in a reduction in natural open space (Open Space Conservation [OS-C] and Open Space [OS]) compared to the Approved Project because the wastewater treatment plant (which previously included open space) is now considered "not-a-part," and the OS designation now allows for agricultural uses.

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Page 5.1-12, Section 5.1, *Aesthetics*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

As with the Approved Project, the Proposed Project would include Residential, Regional Commercial, Business Park, Public Facilities, and Open Space uses, plus ~~Agricultural~~ Agro-Commercial Tourism uses. Light sources would predominantly be from vehicle lights, exterior lights, landscaping lights, and security lights. Chapter 5, Design Guidelines, of the FCSP, includes sign regulations and outdoor lighting provisions that would reduce light impacts, such as directing and shielding light sources. Pursuit to the Specific Plan, outdoor light fixtures that provide nighttime safety and security are required to conserve energy, protect the night sky, and minimize glare and light trespass within and beyond the project site. Additionally, before issuing any sign permits, the FCSP Update requires preparation of a Master Sign Program for nonresidential uses for review and approval by the Community Development Director, which would also have the potential to minimize light and glare impacts.

Page 5.2-8 through page 5.2-9, Section 5.2, *Agriculture and Forestry Resources*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

Implementation of the Proposed Project would result in a new ~~Agricultural~~ Agro-Commercial Tourism land use designation that would make up approximately ~~48.8~~ 47.5 acres of the plan area. Additionally, the Open Space designation of the Proposed Project would allow agricultural uses.

As shown in Figure 5.2-1 and Figure 3-7, *Proposed Land Use Plan,* the areas designated Prime Farmland and Unique Farmland would be designated ~~Agricultural~~ Agro-Commercial Tourism under the Proposed Project, whereas the Approved Project designated these lands Regional Commercial (see Figure 3-4, *Approved Land Use Plan*). The agricultural operations associated with the Live Oak Pumpkin Patch and Christmas Tree Farm would continue to operate. The Proposed Project would not convert the Prime Farmland and Unique Farmland in the plan area to nonagricultural uses, and no impact would occur. In addition, existing grazing areas and other opportunities for agriculture would be allowed with the Proposed Project.

Page 5.2-9, Section 5.2, *Agriculture and Forestry Resources*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

There are no Williamson Act lands in the plan area (CDC 2023). Under the Proposed Project, the plan area would consist of the following zoning/land use designations: Residential (2 du/ac)–R-2, Residential (4 du/ac)–R-4, Residential (6 du/ac)–R-6, Residential (8 du/ac)–R-8, Residential (12 du/ac)–R-12, Residential (24 du/ac)–R-24, Regional Commercial–RC, Business Park–BP, ~~Agricultural~~ Agro-Commercial Tourism–~~AG-~~ AT, Open Space–OS, and Open Space-Conservation–OS-C. Agricultural uses would be allowed within the ~~Agricultural~~ Agro-Commercial Tourism and Open Space zones. As with the Approved Project, the FCSP would not conflict with zoning for agricultural uses or Williamson Act contracts. No impact would occur. Therefore, the Proposed Project would not result in new or substantially more severe significant impacts in this regard when compared to Approved Project.

Page 5.2-10, Section 5.2, *Agriculture and Forestry Resources*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

The area considered for cumulative impacts to agricultural resources is the plan area. Unlike the Approved Project, the Proposed Project would not result in a loss of Prime Farmland or Unique Farmland because the Proposed Project's ~~Agricultural~~ Agro-Commercial Tourism and Open Space designations would allow agricultural uses. As with the Approved Project, the Proposed Project would not conflict with zoning for agricultural uses or a Williamson Act contract. Additionally, there is no forest land on-site. Therefore, impacts of the Proposed Project would not be cumulatively considerable.

Pages 5.3-12 and 5.3-13, Section 5.3, *Air Quality*. The following regulations have been added to the environmental setting in response to Comment Letter A5, from South Coast AQMD.

- **Rule 201, Permit to Construct.** A person shall not build, erect, install, alter or replace any equipment or agricultural permit unit, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce or control the issuance of air contaminants without first obtaining written authorization for such construction from the Executive Officer. A permit to construct shall remain in effect until the permit to operate the equipment or agricultural permit unit for which the application was filed is granted or denied, or the application is canceled.

- **Rule 203, Permit to Operate.** A person shall not operate or use any equipment or agricultural permit unit, the use of which may cause the issuance of air contaminants, or the use of which may reduce or control the issuance of air contaminants, without first obtaining a written permit to operate from the Executive Officer or except as provided in Rule 202. The equipment or agricultural permit unit shall not be operated contrary to the conditions specified in the permit to operate.

- **Rule 1110.2, Emissions from Gaseous and Liquid Fueled Engines.** This rule applies to stationary and portable equipment of 50 horsepower or more and are fired on gaseous or liquid fuels. The rule establishes emissions limits of 11 ppm for NOX, 30 ppm for VOCs, and 250 ppm for CO for low-use engines, which are defined as engines operating less than 500 hours per year or use less than 1 x 109 British Thermal Units of fuel per year.

- **Rule 1166, VOC Contaminated Soil Excavation.** This rule sets requirements to control the emission of VOCs from excavating, grading, handling and treating VOC contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition.

- **Rule 1401, Air Toxics.** This rule specifies limits for maximum individual cancer risk (MICR), cancer burden, and noncancer acute and chronic hazard index (HI) from new permit units, relocations, or modifications to existing permit units which emit toxic air contaminants.

- **Rule 1466, Control of Particulate Emissions from Soils with Toxic Air Contaminants.** The purpose of this rule is to minimize the amount of off-site fugitive dust emissions containing toxic air contaminants

by reducing particulate emissions in the ambient air as a result of earth-moving activities, including, dredging, excavating, grading, earth-cutting and filling, loading, unloading, handling, mechanized land clearing, treating, stockpiling, transferring, and removing of soil that contains applicable toxic air contaminants.

- **Rule 1470, Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines.** This rule applies to any person who sells, leases, own, or operates stationary compression engine and establishes fueling, emissions standards, operating requirements in addition to recordkeeping, reporting, and monitoring requirements.

- **Regulation XIII, New Source Review.** Establishes New Source Review requirements for permitting to meet state and federal requirements and is applicable to new sources and modified existing sources.

Page 5.3-26, Section 5.3, *Air Quality,* Table 5.3-7, *South Coast AQMD Screening-Level Significance Thresholds*. The following has been updated to fix a typographical error for an incorrect reference for Planning Area 10.

Table 5.3-7 South Coast AQMD Screening-Level Significance Thresholds

Acreage Disturbed	Threshold (lbs./day) Nitrogen Oxides (NO_x)	Carbon Monoxide (CO)	Coarse Particulates (PM_{10})	Fine Particulates ($PM_{2.5}$)
Construction – Pacific Oaks Commerce Center				
Construction ≤1.0 Acre LST[1]	191	1,931	123.20	51.67
Construction ≤1.0 Acre LST[2]	372	7,325	95.66	36.38
Construction ≤1.0 Acre LST[3]	445	11,063	130.21	56.04
Construction ≤1.5 Acre LST[3]	393	7,871	102.78	38.62
Construction ≤2.0 Acre LST[2]	414	8,418	106.90	40.87
Construction ≤4.0 Acre LST[4]	237	1,774	11.66	7.67
Construction ≥5.0 Acre LST[4]	270	2,075	13.99	9.00
Operation – Pacific Oaks Commerce Center				
BP 2 Operation ≥5.0 Acre LST: Onsite[5]	277	2,254	5.53	3.00
BP 2 Operation ≥5.0 Acre LST: Offsite[6]	529	11,763	70.97	40.33
BP 3 Operation ≥5.0 Acre LST: Onsite[7]	365	4,444	15.14	4.66
BP 3 Operation ≥5.0 Acre LST: Offsite[8]	677	21,215	74.42	42.77

Source: South Coast AQMD 2008, 2011.
Note:
[1] LSTs are based on sensitive receptors within 275 feet (86 meters) for NO_x and CO and 950 feet (290 meters) for PM_{10} and $PM_{2.5}$ in SRA 35. These two distances represent residences at 950 feet, which are assumed to be exposed to construction emissions 24 hours a day, and employees of nearby businesses at 275 feet, who would not be exposed to construction emissions for most of the day.
[2] LSTs are based on sensitive receptors within 775 feet (236 meters) for NO_x, CO, PM_{10}, and $PM_{2.5}$ in SRA 35.
[3] LSTs are based on sensitive receptors within 1,000 feet (305 meters) for NO_x, CO, PM_{10}, and $PM_{2.5}$ in SRA 35.
[4] LSTs are based on sensitive receptors within 82 feet (25 meters) for NO_x, CO, PM_{10}, and $PM_{2.5}$ in SRA 35.
[5] Operational LSTs are based on a 5-acre site and sensitive receptors within 100 feet (30 meters) in SRA 35. The nearest onsite receptors would be the future residences in PA ~~12~~ 10 of the FCSP.

Table 5.3-7 South Coast AQMD Screening-Level Significance Thresholds

Acreage Disturbed	Threshold (lbs./day) Nitrogen Oxides (NO_X)	Carbon Monoxide (CO)	Coarse Particulates (PM_{10})	Fine Particulates ($PM_{2.5}$)

[6] Operational LSTs are based on a 5-acre site and sensitive receptors within 800 feet (244 meters) for NO_x and CO and 1,900 feet (579 meters) for PM_{10} and $PM_{2.5}$ in SRA 35. Offsite receptors are receptors outside of the FCSP plan area.

[7] Operational LSTs are based on a 5-acre site and sensitive receptors within 300 feet (91 meters) in SRA 35. The nearest onsite receptors would be the future residences in PA 17 of the FCSP.

[8] Operational LSTs are based on a 5-acre site and sensitive receptors within 1,300 feet (396 meters) for NO_x and CO and 2,000 feet (610 meters) for PM_{10} and $PM_{2.5}$ in SRA 35. Offsite receptors are receptors outside of the FCSP plan area.

Page 5.3-54, Section 5.3, *Air Quality*, Table 5.3-20, *Pacific Oaks Commerce Center Localized On-Site Operational Emissions*. The following has been updated to fix a typographical error for an incorrect reference for Planning Area 10.

Table 5.3-20 Pacific Oaks Commerce Center Localized On-Site Operational Emissions

Source	Pollutants (lbs/day) NO_X	CO	PM_{10}	$PM_{2.5}$
Building 1 (BP 2)				
Onsite Truck Travel[1,2]	2	1	0.67	0.20
Area Sources	<1	46	0.08	0.06
Truck Idling[3]	6	6	0.005	0.005
Off-Road Equipment[4,5]	76	185	3.25	2.99
Transport Refrigeration Units[6,7]	7	1	0.14	0.13
Total Maximum Daily Onsite Operation Emissions	92	239	4.15	3.39
South Coast AQMD Screening-Level LST: On-Site[8]	277	2,254	5.53	3.00
Exceeds Screening-Level LST?	No	No	No	Yes
Total Maximum Daily Onsite Operation Emissions	92	239	4.15	3.39
South Coast AQMD Screening-Level LST: Off-Site[9]	529	11,763	70.97	40.33
Exceeds Screening-Level LST?	No	No	No	No
Building 2 and Trailer Parking (BP 3)				
On-Site Truck Travel[1,10]	6	3	2.10	0.61
Area Sources	<1	46	0.08	0.06
Truck Idling[3]	20	18	0.02	0.02
Off-Road Equipment[4,11]	72	177	3.11	2.86
Transport Refrigeration Units[7,12]	7	1	0.14	0.13
Total Maximum Daily Onsite Operation Emissions	105	244	5.43	3.66
South Coast AQMD Screening-Level LST: On-Site[13]	365	4,444	15.14	4.66
Exceeds Screening-Level LST?	No	No	No	No
Total Maximum Daily On-Site Operation Emissions	105	244	5.43	3.66
South Coast AQMD Screening-Level LST: Off-Site[14]	677	21,215	74.42	42.77
Exceeds Screening-Level LST?	No	No	No	No

Sources: CalEEMod Version 2022.1; South Coast AQMD 2008; Appendix C.

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Table 5.3-20 Pacific Oaks Commerce Center Localized On-Site Operational Emissions

Source	Pollutants (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$

Notes: In accordance with South Coast AQMD methodology, only on-site stationary sources and mobile equipment on the project site are included in the analysis. HHDT = heavy heavy-duty trucks; MHDT = medium heavy-duty trucks

[1] Based on calendar year 2026 CalEEMod vehicle emissions data.

[2] Based on the proportion of distance traveled on-site compared to the overall distance traveled. It is anticipated that each truck would travel approximately two miles on-site on average.

[3] Based on calendar year 2026 emissions data for the MHDT and HHDT vehicle categories obtained from EMFAC2021 Version 1.0.2.

[4] Based on calendar year 2026 emission rates for a 175-horsepower industrial forklift and 175-horsepower industrial yard goat from OFFROAD2021, Version 1.0.5.

[5] Based on 126 diesel-powered forklifts and 4 diesel-powered yard trucks at the facility operating for eight hours per day.

[6] Based on 99 trucks with TRUs per day and 90 mins of idling per TRU per day.

[7] Based on calendar year 2026 Instate Trailer TRU emission rates for HHDT and Instate Truck TRU emissions rates for MHDT obtained from OFFROAD2021, Version 1.0.5.

[8] Operational LSTs are based on a 5-acre site and sensitive receptors within 100 feet (30 meters) in SRA 35. The nearest on-site receptors would be the future residences in PA ~~12~~ 10 of the FCSP.

[9] Operational LSTs are based on a 5-acre site and sensitive receptors within 800 feet (244 meters) for NO_x and CO and 1,900 feet (579 meters) for PM_{10} and $PM_{2.5}$ in SRA 35. Off-site receptors are receptors outside of the FCSP plan area.

[10] Based on the proportion of distance traveled on-site compared to the overall distance traveled. It is anticipated that each truck would travel approximately 2.8 miles on-site on average.

[11] Based on 120 diesel-powered forklifts and 4 diesel-powered yard trucks at the facility operating for eight hours per day.

[12] Based on 94 trucks with TRUs per day and 90 mins of idling per TRU per day.

[13] Operational LSTs are based on a 5-acre site and sensitive receptors within 300 feet (91 meters) in SRA 35. The nearest on-site receptors would be the future residences in PA 17 of the FCSP.

[14] Operational LSTs are based on a 5-acre site and sensitive receptors within 1,300 feet (396 meters) for NO_x and CO and 2,000 feet (610 meters) for PM_{10} and $PM_{2.5}$ in SRA 35. Off-site receptors are receptors outside of the FCSP plan area.

Pages 5.3-63 through and 5.3-65, Section 5.3, *Air Quality*. The following Mitigation Measures have been amended at the request of South Coast AQMD, CARB, and the GSEJA.

AQ-6 The City of Yucaipa shall require that applicants for new development projects incorporate the following to reduce air pollutant emissions during construction activities:

- Use construction equipment rated by the United States Environmental Protection Agency as having Tier 4 (model year 2008 or newer) Final or stricter emission limits for engines between 50 and 750 horsepower. If Tier 4 Final equipment is not available, the applicant shall provide documentation or demonstrate its unavailability to the City of Yucaipa Building & Safety Division prior to the issuance of any construction permits.
- Limit nonessential idling of heavy equipment for more than three minutes.
- Prohibit off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Use electric-powered hand tools, forklifts, and pressure washers, and provide electrical hookups to the power grid rather than use of diesel-fueled generators to supply their power, as feasible.
- Plans submitted for grading permit issuance and building permit issuance once grid power to the site is available, shall designate an area in the construction site where electric-powered construction vehicles and equipment can charge. The provision of temporary

electric infrastructure for such purpose shall be approved by the utility provider, Southern California Edison (SCE). If SCE will not approve the installation of temporary power for this purpose, the establishment of a temporary electric charging area will not be required. If electric equipment will not be used on the construction site because the construction contractor(s) does not have such equipment in its fleet, the establishment of a temporary electric charging area also will not be required. If electric powered equipment is in the contractor(s) equipment fleet, and SCE approval is secured, the temporary charging location is required to be established upon issuance of grading permits and building permits.

- Outside of site preparation, limit the amount of daily grading disturbance area, as feasible.
- During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City of Yucaipa. The construction equipment list shall state the makes, models, Equipment Identification Numbers, Engine Family Numbers, and number of construction equipment on-site.
- Use paints with a VOC content that meets the South Coast Air Quality Management District Super Compliant architectural coatings standard of 10 grams per liter (g/L) or less for coating building architectural surfaces.
- Use paints with a VOC content of 50 g/L or less for parking areas and surfaces.
- Provide information on transit and ridesharing programs and services to construction employees.
- Provide meal options onsite or shuttles between the facility and nearby meal destinations for construction employees, as feasible.

These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Planning Division.

AQ-7 The City of Yucaipa shall require that project developer/facility owners for new development projects that would use off-road equipment (e.g., forklifts and yard trucks) in daily business operations shall only utilize ~~electric-powered~~ zero-emissions off-road equipment. The project developer/facility owner shall disclose this requirement to all tenants/business entities prior to the signing of any lease agreement. In addition, the limitation to use only ~~electric-powered~~ zero-emissions off-road equipment shall be included in all leasing agreements.

Prior to issuance of a Business License for a new tenant/business entity, the project developer/facility owner and tenant/business entity shall provide a signed document (verification document) to the City of Yucaipa Planning Division and Business License Division noting that the project development/facility owner has disclosed to the tenant/business entity the requirement to use only ~~electric-powered~~ zero-emissions equipment for daily operations. This verification document shall be signed by authorized agents for the

project developer/facility owner and tenant/business entities and retained and posted by the Business License by the facility owner onsite. In addition, if applicable, the tenant/business entity shall provide documentation (e.g., purchase or rental agreement) to the City of Yucaipa Planning Division and Business License Division to verify, to the City's satisfaction, that any off-road equipment utilized will be electric powered.

AQ-10 To reduce idling emissions from transport trucks, signage shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations (e.g., Rule 2485) and directional information to the nearest freeway on-ramps. At minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict nonessential idling to no more than two consecutive minutes (compared to five minutes currently allowed under Rule 2485); and 3) telephone numbers of the building facilities manager and CARB to report violations. Directional text on the sign shall read "To Truck Route" with a directional arrow. All signage shall be made of weatherproof materials. Truck check-in points shall be inside the project site to ensure no trucks are queuing on local roadway. All site and architectural plans submitted to the City of Yucaipa Planning Division shall note the locations of these signs. Prior to issuance of the Certificate of Occupancy, the City of Yucaipa Building & Safety Division shall verify the installation of these signs.

In addition, the building owner shall implement the following measures:

- Occupants/tenants shall be provided documentation on the United States Environmental Protection Agency's SmartWay program.
- Occupants/tenants shall be provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than—required engines and equipment.
- Occupants/tenants shall be provided information on efficient scheduling and load management to reduce unnecessary queuing and idling of trucks.

AQ-11 The property manager/owner shall specify in all property maintenance bids that the landscape maintenance contractor shall only use ~~All landscaping equipment (e.g., leaf blower) used for property management shall be electric powered~~ zero emissions landscaping equipment ~~only~~ in line with new requirements from the California Air Resources Board's for small off-road engines. Prior to the issuance of a Certificate of Occupancy, the property manager/facility owner shall provide documentation (e.g., purchase, rental, and/or services agreement) to the City of Yucaipa Building & Safety Division ~~City of Yucaipa Planning Division to verify, to the City's satisfaction,~~ that all landscaping equipment utilized will be ~~electric powered~~ zero emissions equipment. The property manager/facility owner shall also provide the property landscaping maintenance schedule as part of this documentation. Prior to the issuance of a Certificate of Occupancy, the City of Yucaipa Building & Safety Division shall verify, to the City's satisfaction, that any landscaping equipment utilized will be zero emissions equipment.

AQ-12 The City of Yucaipa shall require the following measures for warehouse facilities:

- The buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site.
- Conduit shall be installed from the electrical room to tractor trailer parking spaces in logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available and the buildings are being served by trucks with electric-powered engines.
- If there are electric-powered domiciled heavy-duty trucks (Class 7 and 8), the tenant/operator of the facility shall be required to provide EV truck charging facilities on site sufficient to charge the electric trucks domiciled on the site, and such facilities shall be made available for all electric trucks that use the facility, to the extent the applicable utility authorizes and has capacity to support.

All site and architectural plans submitted to the City of Yucaipa Planning Division shall note the electric charging requirements identified above.

Page 5.3-65, Section 5.3, *Air Quality*. The following text has been amended to reflect the additional mitigation measure added at the request of South Coast AQMD, CARB, and the GSEJA.

Pacific Oaks Commerce Center

Implementation of Mitigation Measures AQ-2 and AQ-4 and new Mitigation Measures AQ-7 through AQ-~~11~~ 12…

Specific Plan

Implementation of Mitigation Measures AQ-2 through AQ-5 and new Mitigation Measures AQ-7 through AQ-~~11~~ 12.

Pacific Oaks Commerce Center

Implementation of Mitigation Measures AQ-2 and AQ-4, and new Mitigation Measures AQ-7 through AQ-~~11~~ 12.

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Pages 5.3-68 through and 5.3-69, Section 5.3, *Air Quality*. The following text has been amended to reflect the additional mitigation measure added at the request of South Coast AQMD, CARB, and the GSEJA.

Specific Plan

Long-term operation of the Proposed Project, like the Approved Project, would exceed the South Coast AQMD regional significance thresholds. Table 5.3-24, *FCSP Maximum Daily Regional Operational Emissions: With Mitigation*, shows the maximum daily operational phase emissions with implementation of Mitigation Measures AQ-2 through AQ-5 and AQ-7 through AQ-~~11~~ 12. As shown in the table, though mitigation would reduce emissions, the regional significance thresholds for these criteria air pollutants would still be exceeded. Impact 5.3-3 would be ***significant and unavoidable*** for the Proposed Project.

Pacific Oaks Commerce Center

Long-term operation of the Pacific Oaks Commerce Center project would exceed the South Coast AQMD regional significance thresholds. Table 5.3-25, *Pacific Oaks Commerce Center Maximum Daily Regional Operational Emissions: With Mitigation*, shows the maximum daily operational phase emissions with implementation of Mitigation Measures AQ-2 and AQ-4, and AQ-7 through AQ-~~11~~ 12. As shown in the table, though mitigation would reduce emissions, the regional significance thresholds for VOC and NO_X would still be exceeded. Impact 5.3-3 would be ***significant and unavoidable*** for the Pacific Oaks Commerce Center project.

Pages 5.3-73, Section 5.3, *Air Quality*. The following text has been amended to reflect the additional mitigation measure added at the request of South Coast AQMD, CARB, and the GSEJA.

Specific Plan

Operational Phase Criteria Air Pollutants

Localized operational phase emissions associated with buildout of the Proposed Project have the potential to exceed the South Coast AQMD's LSTs. Implementation of Mitigation Measures AQ-7, AQ-8, and AQ-~~11~~ 12 would require use of ~~electric-powered~~ zero emissions off-road equipment, hybrid and/or all-electric TRUs, and landscaping equipment. Electrification of these equipment types would contribute to reducing on-site sources of NO_X, CO, PM_{10}, and $PM_{2.5}$. As discussed below for the Pacific Oaks Commerce Center project, implementation of these mitigation measures would be effective in reducing on-site emissions to below the screening-level LSTs for operation. Because the Pacific Oaks Commerce Center project would represent the worst-case project accommodated under the FCSP and these mitigation measures are shown to reduce on-site sources of criteria air pollutants to below the screening-level LSTs, implementation of mitigation would reduce potential operation-related LST impacts from the FCSP to a less than significant level. Therefore, Impact 5.3-5 as it pertains to operational LST impacts of the Proposed Project would be reduced to less than significant.

Operational Phase Toxic Air Contaminants

Localized operational phase emissions associated with buildout of the Proposed Project have the potential to exceed the South Coast AQMD's cumulative cancer risk threshold. Table 5.3-27, *Proposed Project Operational*

Health Risk Assessment Results: With Mitigation, shows the health risk levels with implementation of Mitigation Measures AQ-7 through AQ-~~11~~ 12. As shown in the table, incorporation of mitigation would reduce cancer risks levels to 2.2 in a million, which would not exceed the 5 in a million adjusted cumulative cancer risk threshold. Therefore, Impact 5.3-5 as it pertains to health risk impacts of the Proposed Project would be reduced to less than significant.

Pages 5.3-74, Section 5.3, *Air Quality*. The following text has been amended to reflect the additional mitigation measure added at the request of South Coast AQMD, CARB, and the GSEJA.

Pacific Oaks Commerce Center

Operational Phase Criteria Air Pollutants

Localized operational phase emissions associated with buildout of the Pacific Oaks Commerce Center project have the potential to exceed the South Coast AQMD's LSTs. As shown in Table 5.3-28, *Pacific Oaks Commerce Center Project Localized Onsite Operational Emissions: With Mitigation*, implementation of Mitigation Measures AQ-7 through AQ-~~11~~ 12, which would include such requirements as use of only ~~electric-powered~~ zero emissions off-road equipment, would reduce on-site operation emissions to below the screening-level LSTs. Therefore Impact 5.3-5 as it pertains to operational LST impacts of the Pacific Oaks Commerce Center project would be reduced to a less than significant impact.

Operational Phase Toxic Air Contaminants

Localized operational phase emissions associated with buildout of the Pacific Oaks Commerce Center Project have the potential to exceed the South Coast AQMD's cumulative cancer risk threshold. Table 5.3-29, *Pacific Oaks Commerce Center Operation Plus Construction Health Risk Results: With Mitigation*, shows the combined construction and operational health risks of the Pacific Oaks Commerce Center project with implementation of Mitigation Measures AQ-6 through AQ-~~11~~ 12. As shown, implementation of mitigation would reduce the total combined cancer risks to 4.4 in a million, which would be below the 5 in a million adjusted cancer risk threshold. Therefore, Impact 5.3-5 as it pertains to health risk impacts associated with the Pacific Oaks Commerce Center would be reduced to less than significant.

Page 5.4-47, Section 5.4, *Biological Resources*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

Like the Approved Project, construction and operational activities associated with the Proposed Project could result in temporary and permanent impacts to plant and wildlife species. Differences in development and land designation between the Approved Project and Proposed Project include: (1) under the Proposed Project the planning area known as the Pumpkin Patch would remain ~~Agricultural~~ Agro-Commercial Tourism (AT), which would preserve the existing landforms and agricultural areas adjacent to Live Oak Canyon Road and I-10, compared to development of a retail area under the Approved Project; (2) the introduction of the Business Park designation in the interior of the site (i.e., Pacific Oaks Commerce Center) would require substantially more landform modification compared to the residential areas previously designated under the Approved Project; (3) the Proposed Project would result in a reduction in natural open space (OS-C) compared to the

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Approved Project; and (4) the wastewater treatment plant is now considered not-a-part of the plan area. Figure 5.4-9, *Impacts to Biological Resources in the Study Area*, identifies permanent impacts associated with the Proposed Project. The following describes impacts of the Proposed Project to special-status plants and wildlife in the plan area.

Page 5.4-75 and page 5.4-76, Section 5.4, *Biological Resources.* The following has been updated based on changes made to the land use plan.

The Proposed Project would designate at least ~~155~~ 145 acres of land as OS-C (approximately ~~13~~ 12 percent of the plan area), primarily along the three most prominent drainage features in the plan area: Yucaipa Creek (NWW-01), Oak Glen Creek (NWW-02), and Yucaipa Creek's tributary (NWW-03). The OS-C lands allow for partial to full avoidance of all three drainages. The Proposed Project would also designate at least ~~336~~ 255 acres (approximately ~~27~~ 20 percent of the plan area) of OS along both Yucaipa Creek and Oak Glen Creek and interspersed throughout the plan area, which would provide a buffer and transition zone between different land uses and may support agricultural activities, including those areas already in production. While agricultural activities have the potential to constrain movement, this land is expected to continue to facilitate some wildlife movement.

Page 5.4-91 and page 5.4-92, Section 5.4, *Biological Resources.* The following has been updated based on changes made to the land use plan that affect the Open Space – Conservation acreage and Agro-Commercial Tourism designation referenced in Mitigation Measure B-10.

B-10 **Wildlife Movement.** Future development of the project outside of the Pacific Oaks Commerce Center will prioritize the configuration of open space such that Yucaipa Creek (NWW-01), Oak Glen Creek (NWW-02), and Yucaipa Creek's tributary (NWW-03) are able to support move-through streambed and upland habitat for wildlife. Approximately ~~155~~ 145 acres will be placed under long-term protection (i.e., conservation easement or other protective mechanism, such as the donation of land to the City for maintaining permanent open space), with configuration generally consistent with the Land Use Plan (Figure 3-7, *Proposed Land Use Plan,* of this SEIR).

The following conditions will be implemented among the land use categories outlined in Figure 3-7:

- ~~**Agricultural**~~ **Agro-Commercial Tourism (AT)**: The existing Live Oak Canyon Farm will not change from existing condition as a part of the Specific Plan. Existing condition includes full avoidance of Yucaipa Creek by farm operations. Live Oak Canyon Farm will continue to avoid Yucaipa Creek.
- **Planning Area C6:** Commercial development associated with C6 will avoid Yucaipa Creek's tributary (NWW-03) and be clustered to leave a sufficient buffer from the existing drainage to allow for wildlife movement.

- **Planning Area PA 11**: Residential development associated with PA 11 will avoid Yucaipa Creek's tributary (NWW-03) and be clustered to leave a sufficient buffer from the existing drainage to allow for wildlife movement.
- **Planning Area BP 4:** Business park development in BP 4 will avoid Yucaipa Creek (NWW-01) and be clustered to leave a sufficient buffer from the existing drainage to allow for wildlife movement.

Throughout the conserved open space, the following measures will be implemented:

- Lighting will be directed toward development and shielded away from the open space.
- Trails will not be in use from dusk to dawn, pets must be on leashes, and the trails will only be used for hiking.
- Trails may be temporarily closed to control unauthorized access.

Future development must be consistent with the City of Yucaipa General Plan Environmental Impact Report, which includes the following design standards for habitat connectivity:

- Adhere to low density zoning standards.
- Encourage clustering of development.
- Avoid known sensitive biological resources.
- Provide shielded lighting adjacent to sensitive habitat areas.
- Encourage development plans that maximize wildlife movement.
- Provide buffers between development and wetland/riparian areas.
- Protect wetland/riparian areas through regulatory agency permitting process.
- Encourage wildlife-passable fence designs (e.g., three-strand barbless wire fence) on property boundaries.
- Encourage preservation of native habitat on the undeveloped remainder of developed parcels.
- Minimize road/driveway development to help prevent loss of habitat due to roadkill and habitat loss.
- Use native, drought-resistant plant species in landscape design.
- Encourage participation in local/regional recreational trail design effort.

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Page 5.5-12, Section 5.5, *Cultural Resources.* The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

Table 5.5-2, *Previously Recorded Cultural Resources Within a One-Half-Mile Radius of the Plan Area,* shows the recorded cultural resources within one-half mile of the plan area. Table 5.2-2 also includes previously recorded cultural resources as listed in the 2008 Certified EIR. The cultural survey for the 2008 Certified EIR surveyed the entire FCSP with the exception of the northwestern portion of the plan area that closely corresponds to the land designated ~~Agricultural~~ Agro-Commercial Tourism.

Page 5.5-20, Section 5.5, *Cultural Resources.* The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

- Under the Proposed Project the planning area known as the Pumpkin Patch would remain ~~Agricultural~~ Agro-Commercial Tourism (AT), which would preserve the existing landforms and agricultural areas adjacent to Live Oak Canyon Road and I-10 compared to development of a retail area under the Approved Project

Page 5.5-21, Section 5.5, *Cultural Resources.* The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

As indicated in Impact 5.5-1, above, the land currently designated ~~Agricultural~~ Agro-Commercial Tourism would remain, the introduction of the Business Park designation instead of residential uses would require more landform modification, and a reduction in open space land would occur under the Proposed Project...

Page 5.5-29 through page 5.5-30 Section 5.5, *Cultural Resources*. Mitigation Measure CR-3 has been revised in response to Comment Letter A2, from Agua Caliente Band of Cahuilla Indians.

CR-3 Prior to the issuance of a grading permit and before any brush clearance, grading, excavation and/or ground disturbing activities on the site take place, the project proponent shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in native soils in an effort to identify any unknown archaeological resources.

The project archaeologist, in consultation with interested tribes, the developer, and the City of Yucaipa, shall develop an Archaeological Monitoring Plan (AMP) to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the AMP shall include:

- Project-related ground disturbance (including, but not limited to, brush clearing, grading, trenching, etc.) and development scheduling;

- The development of a rotating or simultaneous schedule in coordination with the developer and the project archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground-disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists ~~(if the tribes cannot come to an agreement on the rotating or simultaneous schedule of tribal monitoring, the Native American Heritage Commission shall designate the schedule for the on-site Native American Tribal Monitor for the proposed project).~~ Tribes shall coordinate as to Tribal Monitoring concurrent with development;
- The protocols and stipulations that the developer, City, Tribes, and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.
- Pursuant to the AMP, a tribal monitor from the consulting tribe (e.g., Morongo Band of Mission Indians, San Manuel Band of Mission Indians, and/or Soboba Band of Luiseño Indians) shall be present during the initial grading activities. If tribal resources are found during grubbing activities, the tribal monitoring shall be present during site grading activities.
- During construction activities, the project proponent shall ~~allow~~ ensure that Native American monitors ~~to~~ have access to the project site ~~on a volunteer basis~~ to monitor grading and excavation activities. If cultural resources are discovered during ground-disturbing activities, the Native American monitor shall have authority to halt all grading activities within a predetermined radius of the find until its significance can be evaluated.

Pages 5.8-30, Section 5.8, *Greenhouse Gas Emissions*. The following Mitigation Measures have been amended at the request of the South Coast AQMD, CARB, and the GSEJA.

GHG-1 The City of Yucaipa shall require applicants of development projects to install electric vehicle (EV) spaces in compliance with the Tier 2 standards under Section A5.106.5.3.2 of the Non-Residential Voluntary Measures or Section A4.106.8.2.1 of the Residential Voluntary Measures, whichever is applicable, in the 2022 California Green Building Standards Code (CALGreen). All site plans submitted to the City of Yucaipa Building and Safety Division shall illustrate compliance to either Section A5.106.5.3.2 or A4.106.8.2.1, whichever is applicable. In addition, the City of Yucaipa shall require applicants of development projects to include car/vanpool program with preferred parking and provide reserved preferential parking spaces for car-share, carpool, and ultra-low or zero emission vehicles.

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Prior to issuance of the certificate of occupancy, the project applicant shall provide documentation to the City of Yucaipa Planning Division that verifies compliance with this measure.

Pages 5.9-7 through 5.9-11, Section 5.9, *Hazards and Hazardous Materials*, Pages 5.15-4 through 5.15-8, Section 5.15, *Public Services*, and Pages 5.20-23 through 5.20-27, Section 5.20, *Wildfire*. The following Conditions of Approval (COAs) have been modified by the City.

Pacific Oaks Commerce Center

…

- Fire Department access roadways and/or public/private streets and driveways shall not exceed 12 percent grade (please note: Engineering Division requirements may be more restrictive).

- ~~Cul-de-sac and dead-end streets shall not exceed 350 feet in FR-1 areas. In all other areas, cul-de-sacs~~ Cul de sacs shall not exceed 600 feet in total length, unless otherwise approved by the Fire Department.

…

- Dependent on occupancy type and load, an automatic smoke ventilation system ~~– fusible link type,~~ shall be installed. Roof vent, venting ratios and draft curtains shall be provided. Three (3) sets of shop plans with material cut sheets and calculations shall be submitted to the Fire Department for review and approval prior to installation.

…

- Commercial and industrial buildings in excess of 20,000 square feet and with an interior area more than 150 feet from exterior exit, shall be equipped with a Class I standpipe system or as needed to meet California Fire Code Section 905. Standpipe connections shall be configured to reach any portion of interior space within 150 feet in any direction of travel. This system shall be calculated to provide 500 gpm from an adjacent automatic fire sprinkler riser at 100 psi nozzle pressure for two hand lines flowing.

…

Page 5.9-12, Section 5.9, *Hazards and Hazardous Materials*. The following has been updated based on changes made to the land use plan and changes to the acronym for Agro-Commercial Tourism (AT).

In comparison to the land uses for the plan area designated in the 2008 Certified EIR, the Proposed Project would designate ~~48.8~~ 47.5 acres for ~~agricultural~~ agro-commercial tourism. Similar to the 2008 Certified EIR, the residential regional commercial and business park uses, the residential areas, and the regional commercial and business park areas of the Proposed Project would result in the routine transport, use, or disposal of hazardous materials. The ~~agricultural~~ agro-commercial tourism portion of the Proposed Project is not

introducing new areas of agriculture because this area is already being used that way. The nearest school to the plan area is the Mesa View Middle School approximately 0.27-mile south of the plan area in the City of Calimesa, and therefore, would not handle hazardous materials within a quarter mile of a school site. Hazardous materials use in the plan area was anticipated and addressed in the 2008 Certified EIR. Overall, existing regulations with respect to hazardous materials transportation, management, and disposal are designed to be protective of human health. The Resource Conservation and Recovery Act, Emergency Planning and Community Right-to-Know Act, and state regulations all minimize potential hazardous material impacts. Therefore, the Proposed Project would not result in new or substantially more severe significant impacts in this regard when compared to the Approved Project.

Page 5.10-19, Section 5.10, *Hydrology and Water Quality*. The following text has been added in response to Comment Letter A4, Santa Ana Regional Water Control Board.

Future development would also implement the requirements of Chapters 2, 4 and 15 of the Yucaipa Municipal Code. However, grading activities could result in erosion impacts. With the implementation of mitigation measure HWQ-1 (formerly HWQ-4 in the 2008 Certified EIR), which requires prompt revegetation and the reduction of disturbed areas, grading impacts associated with the Proposed Project would be reduced to less than significant. Therefore, the Proposed Project would not result in new or substantially more severe significant construction impacts in this regard compared to the Approved Project.

Jurisdictional Waters and Wetlands

The Proposed Project would include construction work that could impact USACE and CDFW jurisdictional waters. Based on the Jurisdictional Delineation report prepared for the Proposed Project (see Appendix E). The total improvement to Wildwood Creek is approximately 37,770 linear feet, with 10,833 linear feet in the plan area. Between these two large channels is a smaller segment that has been identified for improvements. This segment runs parallel to I-10 and is approximately 3,141 linear feet. Similar to Wildwood Creek, a majority of Oak Glen Creek has been identified for improvements and runs within the plan area. The total segment is approximately 30,451 linear feet, with 3,497 linear feet within the plan area. Along the western boundary is an additional channel that was noted for improvements. This segment is completely within the plan area and runs along Live Oak Canyon Road. The total length of the segment is 794 linear feet.

Under Sections 401 and 404 of the CWA, a permit is required from the USACE and a State Water Quality Certification (WQC) is required from the Santa Ana RWQCB for USACE jurisdictional waters. A 401 permit is required for state jurisdictional waters. Under Section 1600 of the California Fish and Game Code, construction activities in California are regulated by a lake or streambed alteration agreement. Permits and certifications would be obtained prior to construction from the USACE, RWQCB, and CDFW as applicable.

Additionally, future developments would require the preparation of a SWPPP that would include construction BMPs that regulate the release of pollutants into creeks such as clear water diversion and temporary stream crossing BMPs. Compliance with these mandated regulations would ensure future construction activities would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality related to jurisdictional waters.

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Page 5.10-25, Section 5.10, *Hydrology and Water Quality*. The following has been updated based on changes made to the land use plan and the acronym for Agro-Commercial Tourism (AT).

Potential runoff is directly related to the percentage of impervious cover for various land uses; therefore, changes between peak runoff were evaluated for the Approved Project and Proposed Project. In accordance with the MPD, the impervious ratio ranges from 20 percent to 65 percent for residential uses. For nonresidential uses, which include commercial and industrial land uses, the impervious ratio per the MPD is 90 percent. The Proposed Project would result in an increase of 25 dwelling units and an additional ~~97.6~~ 129.9 acres of nonresidential area compared to the Approved Project.

Table 5.10-3, *Impervious Conditions Analysis*, breaks down housing densities and nonresidential areas for both the Approved Project and the Proposed Project as well as the relative impervious ratios. The updated FCSP has an open space component as well as an ~~agricultural~~ agro-commercial tourism component. These land uses are assumed to be primarily pervious cover and are not included in this analysis. Commercial/Industrial land uses include both Business Park and Regional Commercial land uses. The impervious condition analysis shows the potential for an overall decrease in impervious conditions by approximately ~~12~~ 17 acres or ~~3~~ 4 percent.

Page 5.10-26, Section 5.10, *Hydrology and Water Quality*, Table 5.10-3, *Impervious Conditions Analysis*. The following has been updated based on changes made to the land use plan.

Table 5.10-3 Impervious Condition Analysis

Land Use	Area (ac)[2]	Impervious Ratio	Total Impervious Area (ac)
Approved Project			
R-1	15.7	0.2	~3
R-2	104.0	0.3	~31
R-4	215.1	0.4	~86
R-8	49.9	0.5	~25
R-24	40.0	0.65	~26
Commercial/Industrial[1]	242.5	0.9	~218
Right-of-Way	25.3	1	~25
		Total	~415
Proposed Project			
R-2	25.7	0.3	~8
R-4	28.5	0.4	~11
R-6	35.2	0.5	~18
R-8	22.7	0.5	~11
R-12	67.2	0.65	~44
R-24	46.5	0.65	~30

Table 5.10-3 Impervious Condition Analysis

Land Use	Area (ac)[2]	Impervious Ratio	Total Impervious Area (ac)
Commercial/Industrial	~~295.3~~ 327.6	0.9	~ ~~266~~ 295
Right-of-Way	15.1	1	~15.~~1~~
		Total	~~403~~ 432
		Net Change	~~12~~ 17

Source: Fuscoe 2024.
ac = acres
1 Includes RC, BP, and Public Facilities land uses.
2 The acreages in this table have been updated, however the numbers in the Infrastructure Report for Hydrology, Sewer, Water, and Water Quality are based on a previous version of the land use plan. The change in acreages does not affect the analysis or findings of the Infrastructure Report for Hydrology, Sewer, Water, and Water Quality.

Page 5.11-2, Section 5.11, *Land Use and Planning*. The following has been updated to fix a typographical error.

Figure 3-3, *Aerial Photograph,* shows the existing land uses in the ~~1,242~~ 1,238-acre plan area, which consist primarily of agricultural land (ranching and farming), a limited number of residences, a wastewater treatment plant, and miscellaneous commercial uses such as an outdoor pottery store and storage. The plan area is bisected by I-10 and abuts the Riverside County boundary to the south. The plan area is surrounded by open space, residential, and commercial uses. Figure 4-1a through Figure 4-1d, *Site Photographs,* show the existing land uses within and surrounding the plan area.

Page 5.11-8 and page 5.11-9, Table 5.11-1, *2020-2045 RTP/SCS Consistency Analysis,* Section 5.11, *Land Use and Planning*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

Table 5.11-1 2020-2045 RTP/SCS Consistency Analysis

Goals	Consistency Analysis
RTP/SCS G1: Encourage regional economic prosperity and global competitiveness.	Consistent. The Proposed Project would add a mix of uses on-site, including Regional Commercial and Business Park uses that would result in additional employment opportunities in San Bernardino County. While the Proposed Project would result in fewer employees than the Approved Project, the FCSP Update would better align job opportunities with the current and forecast market conditions, and therefore be consistent with the RTP/SCS goal of improving regional economic development and competitiveness.
RTP/SCS G2: Improve mobility, accessibility, reliability, and travel safety for people and goods.	Consistent. The Proposed Project would include a mix of uses in the plan area, which is surrounded by I-10, Wildwood Canyon Road, Live Oak Canyon Road, and Oak Glen Road. Furthermore, the plan area would be connected by collector and local streets as well as equestrian and multiuse trails. These features would provide safe and reliable accessibility and mobility for people and goods to and within the plan area.

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Table 5.11-1 2020-2045 RTP/SCS Consistency Analysis

Goals	Consistency Analysis
RTP/SCS G3: Enhance the preservation, security, and resilience of the regional transportation system.	Not Applicable. This goal is not directly applicable to the Proposed Project; the Proposed Project is not a transportation project and would not have a direct impact on the preservation and resiliency of the regional transportation system. The plan area is surrounded by I-10, Wildwood Canyon Road, Live Oak Canyon Road, and Oak Glen Road, allowing easy regional access for people, goods, and services. However, Caltrans identified that the Wildwood Canyon Interchange project, which the plan area would connect to and accommodate for, would result in regional transportation benefits to vehicle miles traveled. Traffic modeling in Section 5.17, *Transportation*, is consistent with this finding because the "With Interchange" scenarios result in lower VMT and VMT per service population.
RTP/SCS G4: Increase person and goods movement and travel choices within the transportation system.	Consistent. See response to RTP/SCS G-2.
RTP/SCS G5: Reduce greenhouse gas emissions and improve air quality.	Consistent. See response to RTP/SCS G-3. The Proposed Project would generate less GHG emissions and criteria air pollutant emissions compared to the Approved Project. The Proposed Project would include a mix of uses in the plan area, which could reduce commuting out of the plan area for services, employment, or living.
RTP/SCS G6: Support healthy and equitable communities.	Consistent. See response to RTP/SCS G-5.
RTP/SCS G7: Adapt to a changing climate and support an integrated regional development pattern and transportation network.	Consistent. See response to G-5. The Proposed Project would be required to comply with the California Green Building Code, as adopted and amended by the City of Yucaipa, and the Building Energy Efficiency Standards. Compliance with these standards would ensure that the Proposed Project provides an energy efficient development. Additionally, the Proposed Project includes multiuse and equestrian trails that encourage active mobility.
RTP/SCS G8: Leveraging new transportation technologies and data-driven solutions that result in more efficient travel.	Not Applicable. This goal is not directly applicable to the Proposed Project. However, the mix of uses in the plan area would encourage fewer vehicle trips outside of the plan area, and the proposed multiuse and equestrian trails would encourage active mobility. Roadways in the plan area include, I-10, Wildwood Canyon Road, Live Oak Canyon Road, and Oak Glen Road, which allow for easy regional access for people, goods, and services.
RTP/SCS G9: Encourage development of diverse housing types in areas that are supported by multiple transportation options.	Consistent. The Proposed Project would result in development of single-family and multifamily residential uses in the plan area, consistent with the recent 2021-2029 Housing Element, that would be supported by internal collector and local streets as well as I-10, Wildwood Canyon Road, Live Oak Canyon Road, and Oak Glen Road. The Proposed Project would also include multiuse and equestrian trails throughout the plan area.
RTP/SCS G10: Promote conservation of natural and agricultural lands and restoration of habitats.	Consistent. The Proposed Project includes land designated for ~~Agricultural~~ Agro-Commercial Tourism, and agricultural uses would be allowed in land designated Open Space. Land designated Open Space-Conservation would preserve open space in the plan area.

Source: SCAG 2020.

Page 5.16-3, Section 5.16, *Recreation*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

- Parks are permitted uses under the Residential, ~~Agricultural~~ Agro-Commercial Tourism, Regional Commercial, and Open Space designations.
- Indoor/outdoor recreation facilities are permitted uses under the Residential, ~~Agricultural~~ Agro-Commercial Tourism, Regional Commercial, and Open Space designations.

Page 5.19-7, Section 5.19, *Utilities and Service Systems.* The following has been updated based on changes made to the land use plan.

YVWD's Design Criteria for Sewer System Facilities includes an average daily generation rate for sewer of 250 gallons per day per dwelling unit (gpd/du) for both single family and multifamily units. YVWD's Design Criteria for Potable Water Distribution Systems includes an indoor potable demand rate of 1,600 gpd per acre (gpd/ac) for light commercial uses. Commercial and industrial sewer generation rates are conservatively estimated to be equivalent to the indoor potable water demands for these land uses. Table 5.19-2, *Change in Sewer Generation,* provides a summary of sewer demands for the Approved Project and the Proposed Project. Detailed calculations are provided in Appendix A of the Infrastructure Report (see Appendix K)~~1~~[12]. As shown in Table 5.19-2, the Proposed Project would increase sewer flows by ~~162,410~~ 213,930 gpd or ~~0.16~~ 0.21 mgd compared to the Approved Project. This increase in flows could impact the sewer infrastructure system.

Page 5.19-7, Section 5.19, *Utilities and Service Systems,* Table 5.19-2, *Change in Sewer Generation.* The following has been updated based on changes made to the land use plan.

Table 5.19-2 Change in Sewer Generation~~1~~[1]

Land Use	Total Sewer Demand (gpd)	Total Sewer Demand (mgd)	Total Sewer Demand (afy)
Approved Project			
Residential	611,750	0.61	685
Regional Commercial	275,200	0.28	308
Business Park	41,120	0.04	46
Total	928,070	0.93	1,039
Proposed Project			
Residential	618,000	0.62	692
Regional Commercial	~~115,520~~ 167,040	~~0.12~~ 0.16	~~129~~ 187
Business Park	356,690	0.36	400
Total	~~1,090,480~~ 142,000	~~1.09~~ 1.14	~~1,221~~ 1,279
Change in Sewer Generation	~~162,410~~ 213,930	~~0.61~~ 0.21	~~182~~ 240

Source: Fuscoe 2024. (see Appendix K)
gpd = gallons per day; mgd = million gallons per day; afy = acre-feet per year
[1] The sewer generation in this table has been updated based on updated acreages. However, the numbers in the Infrastructure Report for Hydrology, Sewer, Water, and Water Quality are based on a previous version of the land use plan. The change in acreages does not affect the analysis or findings of the Infrastructure Report for Hydrology, Sewer, Water, and Water Quality. The unit count and square footages identified in this SEIR remain unchanged.

Page 5.19-25, Section 5.19, *Utilities and Service Systems.* The following has been updated based on changes made to the land use plan.

For the Proposed Project, nonresidential land uses are divided into Regional Commercial and Business Park. The Proposed Project includes ~~295.3~~ 327.6 acres of Regional Commercial and Business Park land uses, which

[12] The sewer generation in the Infrastructure Report for Hydrology, Sewer, Water, and Water Quality are based on a previous version of the land use plan. The change in acreages does not affect the analysis or findings of the Infrastructure Report for Hydrology, Sewer, Water, and Water Quality. The unit count and square footages identified in this SEIR remain unchanged.

include the entire area of the approved County Line Road Warehouse project in the southwest corner of the plan area. The total ~~295.3~~ 327.6 acres of nonresidential land use is Light Commercial under YVWD land use designations.

Page 5.19-29, Section 5.19, *Utilities and Service Systems.* The following has been updated based on changes made to the land use plan.

Figure 5.19-5, *Proposed Recycled Water Infrastructure*, shows the proposed recycled water lines within the YVWD area that extend from the existing line originating from the WRF[13]. Recycled water pipelines would occur adjacent to all proposed potable water infrastructure. Separate pipelines and water storage facilities are used between the two sources to avoid mixing. BP6, which lies within SMWC's service area, and planning areas C1 and PA1 through PA7, which lie within WHWC's service area, would not be provided with recycled water and no proposed recycled water lines are within this area. To add recycled water service to these areas, a separate annexation process would be required by future project applicants and be approved by the San Bernardino County Local Agency Formation Commission (LAFCO) and the respective agencies.

Page 5.19-33, Section 5.19, *Utilities and Service Systems*, and Table 5.19-6, *Residential and Nonresidential Water Demands.* The following has been updated based on changes made to the land use plan.

Table 5.19-6, *Residential and Nonresidential Water Demands,* shows the total water demands for the Approved Project compared to the Proposed Project. As shown in this table, potable water demands would increase by approximately ~~354~~ 412 acre-feet per year (afy), and recycled water demands would decrease~~s~~ by approximately ~~193~~ 177 afy. Refer to Appendix A of the Infrastructure Report for Hydrology, Sewer, Water, and Water Quality (Appendix K of this Draft SEIR) for detailed calculations for potable and recycled water demands[14].

Table 5.19-6 Residential and Nonresidential Water Demands

Land Use	Unit	Potable Water Factor (gpd/ac)	Total Potable Demand (gpd)	Total Potable Demand (afy)	Recycled Water Factor	Total Recycled Demand (gpd)	Total Recycled Demand (afy)
Approved Project							
SFR with lot Sizes > 20,000 SF	108 du	300	32,412	36	700	75,628	85
	117 du*	1,000	116,960	131	0	0	0
SFR with lot Sizes < 20,000 SF	1,863 du	280	521,763	584	420	782,645	877
	359 du*	700	250,992	281	0	0	0
Regional Commercial	138.6 ac	1,600	221,792	248	400	55,448	62
	33.4 ac*	2,000	66,760	75	0	0	0
Business Park	25.7 ac	1,600	41,120	46	400	10,280	12

[13] Although the land use plan for FCSP has changed, the conceptual recycled water plan has not. This figure shows the previous version of the land use plan.

[14] The water demand in the Infrastructure Report for Hydrology, Sewer, Water, and Water Quality are based on a previous version of the land use plan. The change in acreages does not affect the analysis or findings of the Infrastructure Report for Hydrology, Sewer, Water, and Water Quality. The unit count and square footages identified in this SEIR remain unchanged.

Table 5.19-6 Residential and Nonresidential Water Demands

Land Use	Unit	Potable Water Factor (gpd/ac)	Total Potable Demand (gpd)	Total Potable Demand (afy)	Recycled Water Factor	Total Recycled Demand (gpd)	Total Recycled Demand (afy)
Streetscapes and Open Space Slopes – 10 percent of outdoor water demand	—	—	24,582	28	—	92,400	104
Total	—	—	1,276,381	1,430	—	1,016,401	1,139
Proposed Project[1]							
SFR with lot Sizes < 20,000 SF	1,578 du	280	441,840	495	420	662,760	742
	894 du*	700	625,800	701	0	0	0
Regional Commercial	~~68.1~~ 100.3 ac	1,600	~~108,960~~ 160,480	~~122~~ 180	400	~~27,240~~ 40,120	~~31~~ 45
	4.1 ac*	2,000	8,200	9	0	0	0
Business Park	194.1 ac	1,600	310,560	348	400	77,640	87
	29 ac*	2,000	58,000	65	0	0	0
Streetscapes and Open Space Slopes – 10 percent of outdoor water demand	—	—	38,872	44	—	~~76,764~~ 78,052	~~86~~ 87
Total	—	—	~~1,592,232~~ 1,643,752	~~1,784~~ 1,841	—	~~844,404~~ 858,572	~~946~~ 962
Net Change	—	—	~~315,851~~ 367,371	~~354~~ 412	—	~~171,997~~ 157,829	~~-193~~ 177

Source: Fuscoe 2024.
du = dwelling unit; SF = square feet; ac = acres; gpd/du = gallons per day per dwelling unit; gpd = gallons per day; afy = acre-feet per year
* Located outside of YVWD's service area and does not utilize recycled water.
[1] The water demand in this table has been updated based on updated acreages. However, the numbers in the Infrastructure Report for Hydrology, Sewer, Water, and Water Quality are based on a previous version of the land use plan. The change in acreages does not affect the analysis or findings of the Infrastructure Report for Hydrology, Sewer, Water, and Water Quality. The unit count and square footages identified in this SEIR remain unchanged.

Page 5.19-36, Section 5.19, *Utilities and Service Systems*. The Comprehensive Storm Drain Plan has been added to the regulatory section in response to Comment Letter A3, from San Bernardino County Department of Public Works.

City of Yucaipa Master Plan of Drainage

The City of Yucaipa adopted a Master Plan of Drainage in November 1993 that identified the drainage improvements throughout the city necessary to confine the 100-year flood flows within the channel banks. These improvements include channel enlargements and stormwater detention areas necessary to mitigate flood-prone areas and minimize erosion.

San Bernardino County Comprehensive Storm Drain Plan

The plan area is governed by the County's Comprehensive Storm Drain Plan (CSDP) No. 5 adopted in May 1979. The main purpose for the CSDP is to provide a planned network of flood control facilities and to provide a basis for establishing funding mechanisms. The CSDP document is beneficial as a guideline for future flood control facility improvements and planning and coordinating future development activities. The CSDP includes

conceptual hydrology studies for a large area and therefore is less precise than studies which would be required for a specific project. Oftentimes specific projects require a more focused hydrology study (SBCPW 2024).

Page 5.19-38, Section 5.19, *Utilities and Service Systems*. The analysis has been revised to include references to the Comprehensive Storm Drain Plan and that drainage revisions would be reviewed and approved by the City or County in response to Comment Letter A3, from San Bernardino County Department of Public Works.

New development would also be required to prepare a stormwater water quality management plan that includes implementation of on-site best management practices. Additionally, hydromodification impacts would be addressed on a project-by-project basis in accordance with the San Bernardino County Technical Guidance Document. All projects would also be required to evaluate project-specific impervious surface calculations to ensure proper mitigation of runoff is met. All proposed projects would be subject to the provisions in the 2012 MPD and the Comprehensive Storm Drain Plan, which requires projects to match or reduce peak flows compared to predevelopment conditions, and provide a planned network of flood control facilities and to provide a basis for establishing funding mechanisms, respectively. Additionally, all new storm drain systems would be designed in conformance with the City's Standard Design Guidelines for Public Works Construction and Grading. Moreover, any revisions to the drainage would be reviewed and approved by the jurisdictional agency (i.e., the City or County). Therefore, the Proposed Project would not result in a new or substantially more severe significant impact associated with storm drainage infrastructure when compared to the Approved Project, and impacts would be less than significant.

Page 5.19-45, Section 5.19, *Utilities and Service Systems,* Table 5.19-8, *Change in Solid Waste Generation*. The following has been updated to reflect units description (i.e., SF) for Business Park.

Table 5.19-8 Change in Solid Waste Generation

Land Use	Solid Waste Generation Rate	Unit	Solid Waste Generation (lbs/day)
Approved Project			
Residential	10 lbs/du/day[1]	2,447 du	24,470
Regional Commercial	0.046 lbs/SF/day[2]	3,379,737 SF	155,468
Business Park	0.0142 lbs/SF/day[3]	1,206,042 SF	17,126
Total	—	—	197,064
Proposed Project			
Residential	10 lbs/du/day[1]	2,472 du	24,720
Regional Commercial	0.046 lbs/SF/day[2]	1,100,761 SF	50,635
Business Park	0.0142 lbs/SF/day[3]	3,992,503 SF	53,694
Total	—	—	132,049
Change in Sewer Generation	—	—-	-65,015

Sources: CalRecyle 2019f.
Notes: lbs = pounds, du = dwelling unit, SF = square feet.
[1] The rate for "Single Family" from CalRecycle's "Estimated Solid Waste Generation Rates" was used.
[2] The rate for "Commercial Retail" from the EIR for the Central Commercial Redevelopment Project is used as an average rate for commercial, retail, and office rates included in CalRecycle's "Estimated Solid Waste Generation Rates".

[3] The rate for "Manufacturing/Warehouse" from CalRecycle's "Estimated Solid Waste Generation Rates" was used.

Page 7-5, Chapter 7, *Alternatives to the Proposed Project*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

- Land proposed to be designated ~~Agricultural~~ Agro-Commercial Tourism would remain designated as Regional Commercial.

Page 7-6, Chapter 7, *Alternatives to the Proposed Project*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

Under this Alternative, development in the plan area would occur as envisioned under the Approved Project. Under the Proposed Project, the new ~~Agricultural~~ Agro-Commercial Tourism designation and Open Space designation would allow agricultural uses. Therefore, this Alternative would result in greater impacts to agricultural resources because this alternative would not have land designated as ~~Agricultural~~ Agro-Commercial Tourism, compared to the Proposed Project.

Page 7-8, Chapter 7, *Alternatives to the Proposed Project*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

The Proposed Project preserves agricultural resources through the ~~Agricultural~~ Agro-Commercial Tourism and Open Space designations, and natural resources under the Open Space–Conservation designation. Because development would occur within the plan area boundaries, this Alternative would not divide an established community. Compared to the Proposed Project, which determined impacts would be less than significant, this Alternative would result in similar impacts to land use and planning.

Page 7-12, Chapter 7, *Alternatives to the Proposed Project*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

Under this Alternative, agricultural resources would be preserved through the ~~Agricultural~~ Agro-Commercial Tourism and Open Space designations, which allow agricultural uses. As with the Proposed Project, development in the Specific Plan area and Pacific Oaks Commerce Center project site under this Alternative would not result in significant impacts to Williamson Act contracts and forestlands. No impacts to agricultural resources would occur, and impacts would be similar.

Page 7-18, Chapter 7, *Alternatives to the Proposed Project,* and Table 7-7, *Increased Open Space–Conservation Alternative Buildout Statistical Summary*. The following has been updated based on changes made to the land use plan.

Table 7-7, *Increased Open Space–Conservation Alternative Buildout Summary,* shows the net change in buildout between the Proposed Project and the Increased Open Space–Conservation Alternative. This alternative would

result in ~~158.1~~ 170.3 acres of additional OS-C compared to the proposed project. However, the additional setbacks would result in a reduction of 744 jobs and 1,393,630 square feet of nonresidential uses compared to the Proposed Project. For the Pacific Oaks Commerce Center project, this would be a reduction of approximately 50 percent.

Table 7-7 Increased Open Space–Conservation Alternative Buildout Statistical Summary

	Proposed Project	Increased Open Space–Conservation Alternative	Net Change
Specific Plan			
Dwelling Units	2,472	2,472	0
Population	6,823	6,823	0
Employment	2,682	1,938	-744
Nonresidential Square Footage	5,093,265	3,699,635	-1,393,630
Open Space–Conservation (OS-C) acreage	~~159.5~~ 147.3	317.6	~~158.1~~ 170.3
Jobs-to-Housing Ratio	1.08	0.78	N/A
Pacific Oaks Commerce Center			
Employment	973	474	-499
Nonresidential Square Footage	2,054,000	1,001,500	-1,052,500

Note: The Increased Open Space-Conservation Alternative would require compliance with SB 330 and SB 166, which would require upzoning of residential planning areas within the FCSP.

Page 7-18, Chapter 3, *Alternatives to the Proposed Project*. The following has been updated based on changes made to the land use plan.

Under this Alternative, the acreage of land designated OS-C would increase by ~~158.1~~ 170.3 acres (i.e., double) compared to the Proposed Project, while nonresidential square footage would decrease by 1,393,630 square feet under the Specific Plan and 1,052,500 square feet under the Pacific Oaks Commerce Center project. The OS-C designation provides protection for hillsides, ridgelines, drainage courses, and sensitive habitats. Under this Alternative, more prominent views would be protected. Impacts to visual character and scenic highways under this Alternative would not be significant, and light and glare impacts under this Alternative would be less than significant with mitigation incorporated, as with the Proposed Project. As this Alternative would result in an increase in open space, impacts to scenic vistas would be substantially reduced compared to the Proposed Project. Impacts would be reduced, and light and glare impacts would be less than significant with mitigation.

Page 7-19, Chapter 7, *Alternatives to the Proposed Project*. The following has been updated based on changes made to the land use plan acronym for Agro-Commercial Tourism (AT).

The OS-C designation does not allow agricultural uses. As with the Proposed Project, this Alternative would allow agricultural uses on land designated ~~Agricultural~~ Agro-Commercial Tourism and Open Space. Therefore, no impacts to agricultural resources, Williamson Act contracts, and forestlands would occur, and impacts would be similar.

Page 13-8, Chapter 13, *Bibliography*. The following reference has been added to Chapter 13 in response to Comment Letter A3, from San Bernardino County Department of Public Works.

San Bernardino County Public Works Department (SBCPW). 2024, March 11 (accessed). Water Resources. https://dpw.sbcounty.gov/operations/permits-operations-support-division/flood-control/water-resources/.

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Page 1-28 through page 1-32, Table ES-5, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*. The following Mitigation Measures have been revised in response to Comments from South Coast AQMD, CARB, and the GSEJA.

5.3 AIR QUALITY			
Impact 5.3-2: Construction activities associated with the Proposed Project would generate short-term emissions that exceed South Coast AQMD's significance thresholds and would cumulatively contribute to the nonattainment designations of the SoCAB	Potentially Significant	Specific Plan AQ-1 In accordance with South Coast Air Quality Management District (AQMD) Rule 403, the City will require the following measures to be taken during the construction of all future development projects on the Specific Plan Site associated with the proposed Specific Plan to reduce the amount of dust and other sources of PM10: • Water exposed soils at least three times daily and maintain equipment and vehicle engines in good condition and in proper tune; • Wash off trucks leaving development sites and water down all construction areas; • Replace ground cover on construction sites if it is determined that the site will be undisturbed for lengthy periods; • Reduce speeds on unpaved roads to less than 15 miles per hour; • Halt all grading and excavation operations when wind speeds exceed 25 miles per hour; • Properly maintain diesel-powered on-site mobile equipment; • Install particulate filters on off-road construction equipment; • Sweep streets at the end of the day if substantial visible soil material is carried over to the adjacent streets; • Cover all trucks hauling dirt, sand, soil or other loose material to and from the site; • Limit truck construction traffic to non-peak times of the morning or afternoon; • Use surfactants and other chemical stabilizers to suppress dust at construction sites; and • Use wheel washers for construction equipment. AQ-6 The City of Yucaipa shall require that applicants for new development projects incorporate the following to reduce air pollutant emissions during construction activities:	Specific Plan Significant and Unavoidable Pacific Oaks Commerce Center Significant and Unavoidable

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5.3 AIR QUALITY			
		• Use construction equipment rated by the United States Environmental Protection Agency as having Tier 4 (model year 2008 or newer) Final or stricter emission limits, for engines between 50 and 750 horsepower. If Tier 4 Final equipment is not available, the applicant shall provide documentation or demonstrate its unavailability to the City of Yucaipa Building & Safety Division prior to the issuance of any construction permits. • Limit nonessential idling of heavy equipment for more than three minutes. • Prohibit off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day. • Use electric-powered hand tools, forklifts, and pressure washers, and provide electrical hookups to the power grid rather than use of diesel-fueled generators to supply their power, as feasible. • Plans submitted for grading permit issuance and building permit issuance once grid power to the site is available, shall designate an area in the construction site where electric-powered construction vehicles and equipment can charge. The provision of temporary electric infrastructure for such purpose shall be approved by the utility provider, Southern California Edison (SCE). If SCE will not approve the installation of temporary power for this purpose, the establishment of a temporary electric charging area will not be required. If electric equipment will not be used on the construction site because the construction contractor(s) does not have such equipment in its fleet, the establishment of a temporary electric charging area also will not be required. If electric powered equipment is in the contractor(s) equipment fleet, and SCE approval is secured, the temporary charging location is required to be established upon issuance of grading permits and building permits. • Outside of site preparation, limit the amount of daily grading disturbance area, as feasible. • During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City of Yucaipa. The construction equipment list shall state the makes, models, Equipment Identification Numbers, Engine Family Numbers, and number of construction equipment on-site. • Use paints with a VOC content that meets the South Coast Air Quality Management District Super Compliant architectural coatings standard of 10 grams per liter (g/L) or less for coating building architectural surfaces.	

5.3 AIR QUALITY			
		• Use paints with a VOC content of 50 g/L or less for parking areas and surfaces. • <u>Provide information on transit and ridesharing programs and services to construction employees.</u> • <u>Provide meal options onsite or shuttles between the facility and nearby meal destinations for construction employees, as feasible.</u> These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Planning Division. <u>Pacific Oaks Commerce Center</u> Implementation of Mitigation Measure AQ-1 and AQ-6.	
Impact 5.3-3: Operational activities associated with the Proposed Project would generate long-term emissions that exceed South Coast AQMD's significance thresholds that cumulatively contribute to the nonattainment designations of the SoCAB.	Potentially significant.	<u>Specific Plan</u> AQ-2 All appliances installed as part of future development projects shall be energy efficient appliances (i.e., washers/dryers, refrigerators, stoves, etc.). AQ-3 Future residential development projects on the Specific Plan site shall utilize electric fireplaces in lieu of traditional fireplaces and wood burning stoves. AQ-4 Future development projects on the Specific Plan site shall install Energy Star labeled roof materials. AQ-5 Future residential development projects on the Specific Plan site shall install energy-reducing ceiling/whole-house fans. AQ-7 The City of Yucaipa shall require that project developer/facility owner for new development projects that would use off-road equipment (e.g., forklifts and yard trucks) in daily business operations only utilize ~~electric-powered~~ <u>zero-emissions</u> off-road equipment. The project developer/facility owner shall disclose this requirement to all tenants/business entities prior to the signing of any lease agreement. In addition, the limitation to use only ~~electric-powered~~ <u>zero emissions</u> off-road equipment shall be included all leasing agreements. Prior to issuance of a Business License for a new tenant/business entity, the project developer/facility owner and tenant/business entity shall provide to the City of Yucaipa Planning Division and Business License Division, a signed document (verification document) noting that the project development/facility owner has disclosed to the tenant/business entity the requirement to use only ~~electric-powered~~ <u>zero-emissions</u> equipment for daily operations. This verification document shall be signed by authorized agents for the project developer/facility owner and tenant/business entities and retained and posted	Specific Plan Significant and Unavoidable Pacific Oaks Commerce Center Significant and Unavoidable

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5.3 AIR QUALITY				
				by the Business License by the facility owner onsite. In addition, if applicable, the tenant/business entity shall provide documentation (e.g., purchase or rental agreement) to the City of Yucaipa Planning Division and Business License Division to verify, to the City's satisfaction, that any off-road equipment utilized will be ~~electric-powered~~ zero-emissions.
			AQ-8	Only electric standby and/or hybrid electric transport refrigeration units (E/S TRUs) shall be utilized onsite for daily warehouse and business operations. All E/S TRUs shall comply with the California Air Resources Board's "Alternative Technology" requirements under Section 2477(e)(1)(A)(3) of the California Code of Regulations, Title 13, Article 8, Chapter 9, Division 3. The project developer/facility owner shall disclose this requirement to all tenants/business entities prior to the signing of any lease agreement. In addition, the limitation to use only E/S TRUs shall be included all leasing agreements. Prior to issuance of a Business License for a new tenant/business entity, the project developer/facility owner and tenant/business entity shall provide to the City of Yucaipa Planning Division and Business License Division a signed document (verification document) noting that the project development/facility owner has disclosed to the tenant/business entity the requirement to use only E/S TRUs for daily operations. This verification document shall be signed by authorized agents for the project developer/facility owner and tenant/business entities. In addition, if applicable, the tenant/business entity shall provide documentation (e.g., purchase or rental agreement) to the City of Yucaipa Planning Division and Business License Division to verify, to the City's satisfaction, that any TRUs utilized will be E/S TRUs.
			AQ-9	All truck/dock bays that serve cold storage facilities within the proposed buildings shall be electrified to facilitate plug-in capability and support use of electric standby and/or hybrid electric transport refrigeration units. All site and architectural plans submitted to the City of Yucaipa Planning Division shall note all the truck/dock bays designated for electrification. Prior to the issuance of a Certificate of Occupancy, the City of Yucaipa Building & Safety Division shall verify electrification of the designated truck/dock bays.
			AQ-10	To reduce idling emissions from transport trucks, signage shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations (e.g., Rule 2485) and directional information to the nearest freeway on-ramps. At minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict

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			nonessential idling to no more than two consecutive minutes (compared to five minutes currently allowed under Rule 2485); and 3) telephone numbers of the building facilities manager and CARB to report violations. Directional text on the sign shall read "To Truck Route" with a directional arrow. All signage shall be made of weatherproof materials. Truck check-in points shall be inside the project site to ensure no trucks are queuing on local roadway. All site and architectural plans submitted to the City of Yucaipa Planning Division shall note the locations of these signs. Prior to issuance of the Certificate of Occupancy, the City of Yucaipa Building & Safety Division shall verify the installation of these signs. In addition, the building owner shall implement the following measures: • Occupants/tenants shall be provided documentation on the United States Environmental Protection Agency's SmartWay program. • Occupants/tenants shall be provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than—required engines and equipment. • Occupants/tenants shall be provided information on efficient scheduling and load management to reduce unnecessary queuing and idling of trucks.	
		AQ-11	The property manager/owner shall specify in all property maintenance bids that the landscape maintenance contractor shall only use ~~All landscaping equipment (e.g., leaf blower) used for property management shall be electric-powered~~ zero emissions landscaping equipment ~~only~~ in line with new requirements from the California Air Resources Board for small off-road engines. Prior to the issuance of a Certificate of Occupancy, the ~~The~~ property manager/facility owner shall provide documentation (e.g., purchase, rental, and/or services agreement) to the City of Yucaipa Building & Safety Division ~~City of Yucaipa Planning Division to verify, to the City's satisfaction~~, that all landscaping equipment utilized will be ~~electric powered~~ zero emissions equipment. The property manager/facility owner shall also provide the property landscaping maintenance schedule as part of this documentation. Prior to the issuance of a Certificate of Occupancy, the City of Yucaipa Building & Safety Division shall verify, to the City's satisfaction, that any landscaping equipment utilized will be zero emissions equipment.	

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5.3 AIR QUALITY			
		AQ-12 The City of Yucaipa shall require the following measures for warehouse facilities: • The buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. • Conduit shall be installed from the electrical room to tractor trailer parking spaces in logical location(s) on the site determined by the project applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available and the buildings are being served by trucks with electric-powered engines. • If there are electric-powered domiciled heavy-duty trucks (Class 7 and 8), the tenant/operator of the facility shall be required to provide EV truck charging facilities on site sufficient to charge the electric trucks domiciled on the site, and such facilities shall be made available for all electric trucks that use the facility, to the extent the applicable utility authorizes and has capacity to support. All site and architectural plans submitted to the City of Yucaipa Planning Division shall note the electric charging requirements identified above. Pacific Oaks Commerce Center Implementation of Mitigation Measures AQ-2 and AQ-4, and new Mitigation Measures AQ-7 through ~~AQ-11~~ AQ-12.	

Page 1-40 through page 1-42, Chapter 1, *Executive Summary*. The following has been updated based on changes made to the land use plan and the land use plan acronym for Agro-Commercial Tourism (AT).

Table ES-5 Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
5.4 BIOLOGICAL RESOURCES			
Impact 5.4-1: Development of the Proposed Project could impact special-status plant and wildlife species within the plan area.	Potentially Significant.	Specific Plan …. B-10 Wildlife Movement. Future development of the Project outside of the Pacific Oaks Commerce Center will prioritize the configuration of open space such that Yucaipa Creek (NWW-01), Oak Glen Creek (NWW-02), and Yucaipa Creek's tributary (NWW-03) are able to support move-through streambed and upland habitat for wildlife. Approximately ~~155~~ 145 acres will be placed under long-term protection (i.e., conservation easement or other protective mechanism, such as the donation of land to the City for maintaining permanent open space), with configuration generally consistent with the Land Use Plan (Figure 3-7, Proposed Land Use Plan, of this SEIR). The following conditions will be implemented among the land use categories outlined in Figure 3-7: • ~~Agricultural~~ Agro-Commercial Tourism (AT): The existing Live Oak Canyon Farm will not change from existing condition as a part of the Specific Plan. Existing condition includes full avoidance of Yucaipa Creek by farm operations. Live Oak Canyon Farm will continue to avoid Yucaipa Creek. • Planning Area C 6: Commercial development associated with C-6 will avoid Yucaipa Creek's tributary (NWW-03) and be clustered to leave a sufficient buffer from the existing drainage to allow for wildlife movement. • Planning Area PA 11: Residential development associated with PA 11 will avoid Yucaipa Creek's tributary (NWW-03) and be clustered to leave a sufficient buffer from the existing drainage for wildlife movement. • Planning Area BP 4: Business park development in BP 4 will avoid Yucaipa Creek (NWW-01) and be clustered to leave a sufficient buffer from the existing drainage to allow for wildlife movement.	Specific Plan Less than significant Pacific Oaks Commerce Center Less than significant

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Table ES-5 Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation

Environmental Impact	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Throughout the conserved open space, the following measures will be implemented: • Lighting will be directed toward development and shielded away from the open space. • Trails will not be in use from dusk to dawn, pets must be on leashes, and the trails will only be used for hiking. • Trails may be temporarily closed to control unauthorized access. Future development must be consistent with the City of Yucaipa General Plan Environmental Impact Report, which includes the following design standards for habitat connectivity: • Adhere to low density zoning standards. • Encourage clustering of development. • Avoid known sensitive biological resources. • Provide shielded lighting adjacent to sensitive habitat areas. • Encourage development plans that maximize wildlife movement. • Provide buffers between development and wetland/riparian areas. • Protect wetland/riparian areas through regulatory agency permitting process. • Encourage wildlife-passable fence designs (e.g., three-strand barbless wire fence) on property boundaries. • Encourage preservation of native habitat on the undeveloped remainder of developed parcels. • Minimize road/driveway development to help prevent loss of habitat due to roadkill and habitat loss. • Use native, drought-resistant plant species in landscape design. • Encourage participation in local/regional recreational trail design effort. …	

Page 1-56 through page 1-59, Table ES-5, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*. Mitigation Measure CR-3 has been revised in response to Comment A2, from Agua Caliente Band of Cahuilla Indians.

5.5 CULTURAL RESOURCES			
Impact 5.5-2: Development of the project could impact archaeological resources.	<u>Specific Plan</u> Potentially Significant. <u>Pacific Oaks Commerce Center</u> Potentially Significant.	<u>Specific Plan</u> CR-2 Prior to the issuance of any permits allowing ground-disturbing activities, the project proponent/operator shall retain a Qualified Archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior, 2011), to carry out all mitigation measures related to archaeological resources. The contact information for this Qualified Archaeologist shall be provided to the City of Yucaipa's Planning Department prior to the commencement of any construction activities on-site. Further, the Qualified Archaeologist shall be responsible for ensuring employee training provisions are implemented during implementation of the Project: • Prior to any ground disturbance, the Qualified Archaeologist, or their qualified designee, shall provide worker environmental awareness protection training to construction personnel for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should unanticipated cultural resources be made during construction. New construction personnel shall also receive the worker environmental awareness protection training. • In the event that unanticipated cultural resources are encountered during any phase of project construction, all construction work within 50 feet of the find shall cease and the Qualified Archaeologist, in coordination with the City's Planning Department, shall assess the find for importance. Construction activities may continue in other areas. If the discovery is determined to not be significant by the Qualified Archaeologist, work will be permitted to continue in the area. • If a find is determined to be important by the Qualified Archaeologist, they shall immediately notify the City's Planning Department. The City's Planning Department shall determine whether the resource is eligible for inclusion in the California Register of Historical Resources (CRHR). If the City determines the resource is eligible for inclusion on the CRHR,	Specific Plan Less than significant Pacific Oaks Commerce Center Less than significant

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5.5 CULTURAL RESOURCES			
		project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. • Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if it is demonstrated that known resources (P36-000915, P36-0012602, P36-0012604, and P36-0012605) and unanticipated finds cannot be avoided, the Lead Archaeologist, shall develop additional treatment measures in consultation with the City, which may include placement within conservation easements, preservation-in-place (e.g. capping sites with sterile, chemically neutral soil, geofabric, and some form of shallow-rooted landscaping), Phase II testing, Phase III data recovery or other appropriate measures. The City shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. Diagnostic archaeological materials with research potential recovered during any investigation shall be curated at an accredited curation facility. The Lead Archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the City and to the South Central Coastal Information Center at California State University, Fullerton. • If the cultural resource is identified as being potentially eligible for listing on either the NRHP or CRHR, and project designs cannot be altered to avoid impacting the site, a Phase III Data Recovery Program to mitigate project effects shall be initiated. A Data Recovery Treatment Plan detailing the objectives of the Phase III Program shall be developed and contain specific testable hypotheses pertinent to the Research Design and relative to the site(s) under study. The Phase III Data Recovery Treatment Plan shall be submitted to the City's Planning Department, the appropriate Native American Band or Tribe, if applicable for review and comment prior to implementation of the Data Recovery Program. After Approval of the Treatment Plan, the Phase III Data Recovery Program for affected, eligible site(s) shall be completed. Typically, a Phase III Data Recovery Program involves the excavation of a statistically representative sample of the site(s) to preserve those resource values that qualify the site(s) as being eligible for listing on the NRHP/CRHR. The Phase III Data Recovery Report shall be submitted to the City's Planning Department, the appropriate Native American Band	

5.5 CULTURAL RESOURCES			
		or Tribe, if applicable, and the SHPO for review and comment prior to the issuance of a grading permit. CR-3 Prior to the issuance of a grading permit and before any brush clearance, grading, excavation and/or ground disturbing activities on the site take place, the project proponent shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in native soils in an effort to identify any unknown archaeological resources. The project archaeologist, in consultation with interested tribes, the developer and the City of Yucaipa, shall develop an Archaeological Monitoring Plan (AMP) to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the AMP shall include: • Project-related ground disturbance (including, but not limited to, brush clearing, grading, trenching, etc.) and development scheduling; • The development of a rotating or simultaneous schedule in coordination with the developer and the project archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground-disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists ~~(if the tribes cannot come to an agreement on the rotating or simultaneous schedule of tribal monitoring, the Native American Heritage Commission shall designate the schedule for the on-site Native American Tribal Monitor for the proposed project)~~. Tribes shall coordinate as to Tribal Monitoring concurrent with development; • The protocols and stipulations that the developer, City, Tribes and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. • Pursuant to the AMP, a tribal monitor from the consulting tribe (e.g., Morongo Band of Mission Indians, San Manuel Band of Mission Indians, and/or Soboba Band of Luiseño Indians) shall be present during the initial grading activities. If tribal resources are found during grubbing	

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5.5 CULTURAL RESOURCES			
		activities, the tribal monitoring shall be present during site grading activities • During construction activities, the project proponent shall ~~allow~~ ensure that Native American monitors ~~to~~ have access to the project site ~~on a volunteer basis~~ to monitor grading and excavation activities. If cultural resources are discovered during ground-disturbing activities, the Native American monitor shall have authority to halt all grading activities within a predetermined radius of the find until its significance can be evaluated. Pacific Oaks Commerce Center Implementation of Mitigation Measures CR-2 and CR-3.	

Page 1-63, Table ES-5, *Summary of Environmental Impacts, Mitigation Measures, and Levels of Significance After Mitigation*. The following Mitigation Measures have been revised in response to Comments from South Coast AQMD, CARB, and the GSEJA.

5.8 GREENHOUSE GAS EMISSIONS			
Impact 5.8-1: The Proposed Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment but would be less than that of the Approved Project.	Specific Plan Potentially Significant Pacific Oaks Commerce Center Potentially Significant	Specific Plan Implementation of Mitigation Measures AQ-2 through and AQ-5 would be required. GHG-1 The City of Yucaipa shall require applicants of development projects to install electric vehicle (EV) spaces in compliance with the Tier 2 standards under Section A5.106.5.3.2 of the Non-Residential Voluntary Measures or Section A4.106.8.2.1 of the Residential Voluntary Measures, whichever is applicable, in the 2022 California Green Building Standards Code (CALGreen). All site plans submitted to the City of Yucaipa Building and Safety Division shall illustrate compliance to either Section A5.106.5.3.2 or A4.106.8.2.1, whichever is applicable. In addition, the City of Yucaipa shall require applicants of development projects to include car/vanpool program with preferred parking and provide reserved preferential parking spaces for car-share, carpool, and ultra-low or zero emission vehicles.	Specific Plan Significant and unavoidable Pacific Oaks Commerce Center Significant and unavoidable

5.8 GREENHOUSE GAS EMISSIONS			
		Prior to issuance of the certificate of occupancy, the project applicant shall provide documentation to the City of Yucaipa Planning Division that verifies compliance with this measure. GHG-2 The City of Yucaipa shall require applicants to design and construct all buildings to be all electric with electricity to be the only permanent source of energy for water-heating, mechanical and heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling), cooking, and clothes-drying. All major appliances (e.g., dishwashers, refrigerators, clothes washers and dryers, and water heaters) provided/installed are electric powered Energy Star certified or of equivalent energy efficiency where applicable. Prior to issuance of building permits, applicants shall provide plans that show the aforementioned requirements to the City of Yucaipa Planning Division. Prior to issuance of the certificate of occupancy, the City of Yucaipa Building & Safety Division shall verify installation of the electric-powered Energy Star or equivalent appliances. <u>Pacific Oaks Commerce Center</u> Implementation of Mitigation Measures AQ-2 and AQ-4 and Mitigation Measures GHG-1 and GHG-2 would be required.	

3. Revisions to the Draft SEIR

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Appendix A Revised Draft SEIR Figures

Appendix

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Figure ES-5 - Proposed Land Use Plan

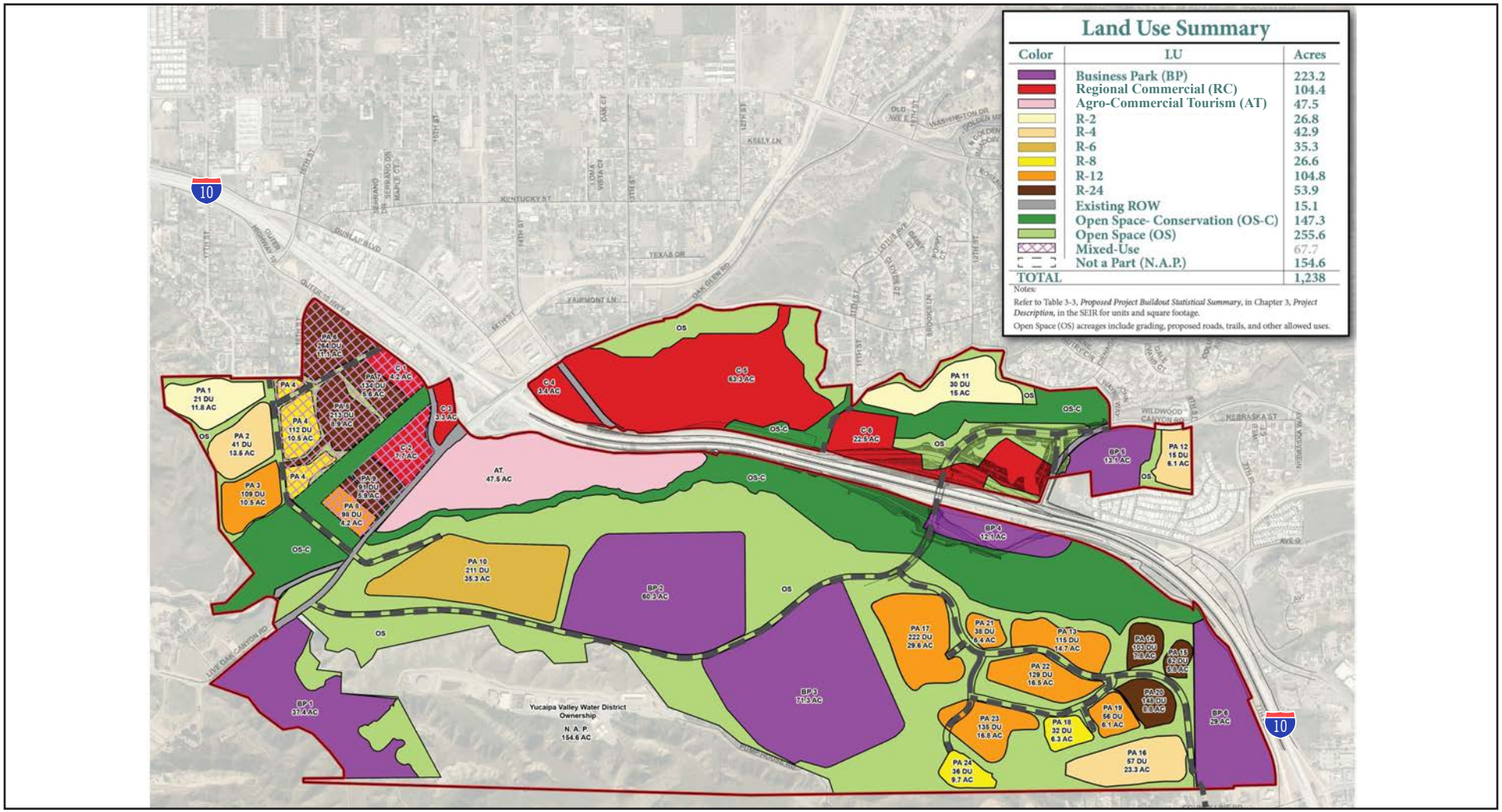
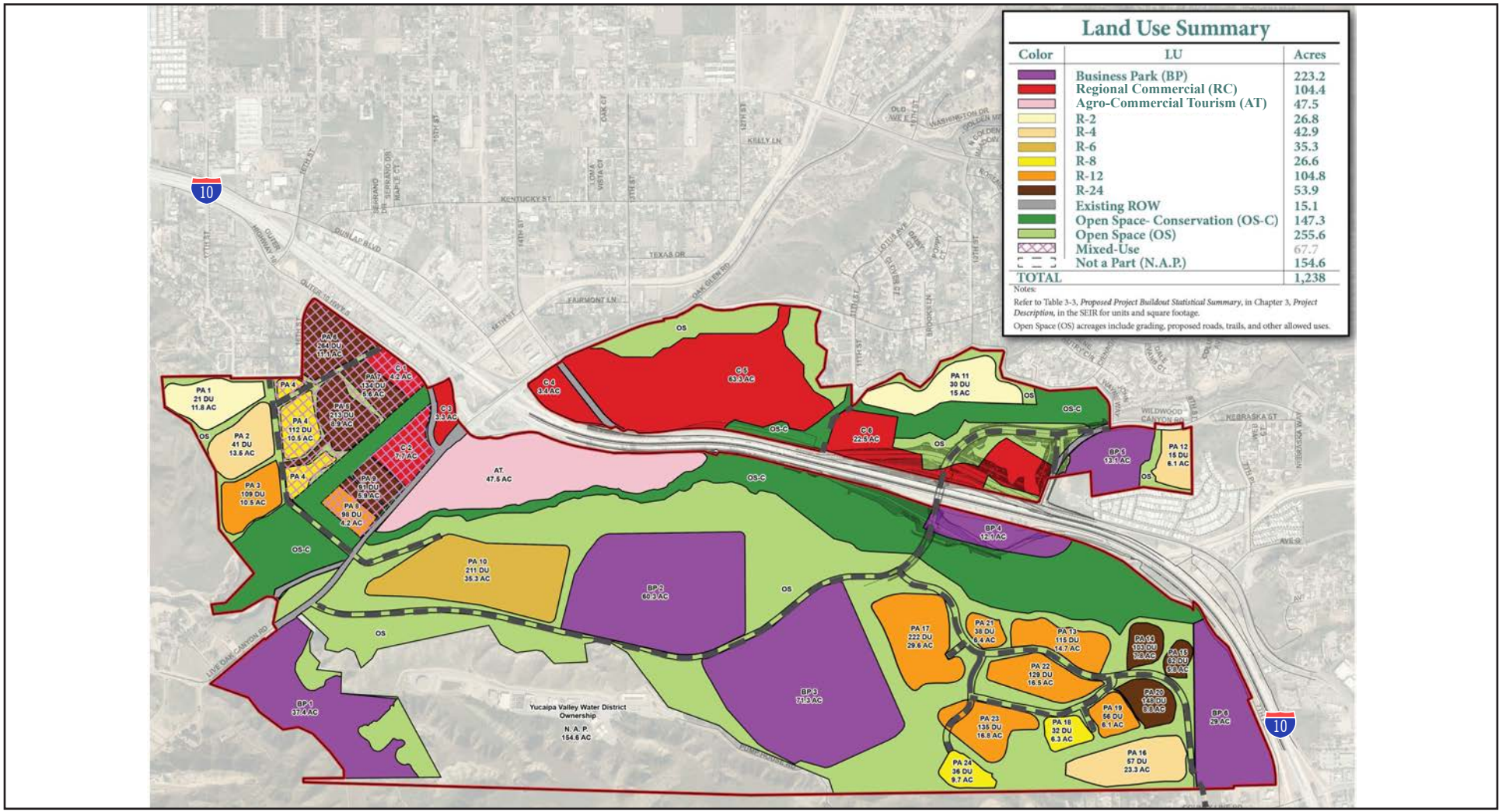


Figure 3-7 - Proposed Land Use Plan



PlaceWorks

Figure 3-8 - Conceptual Circulation Plan

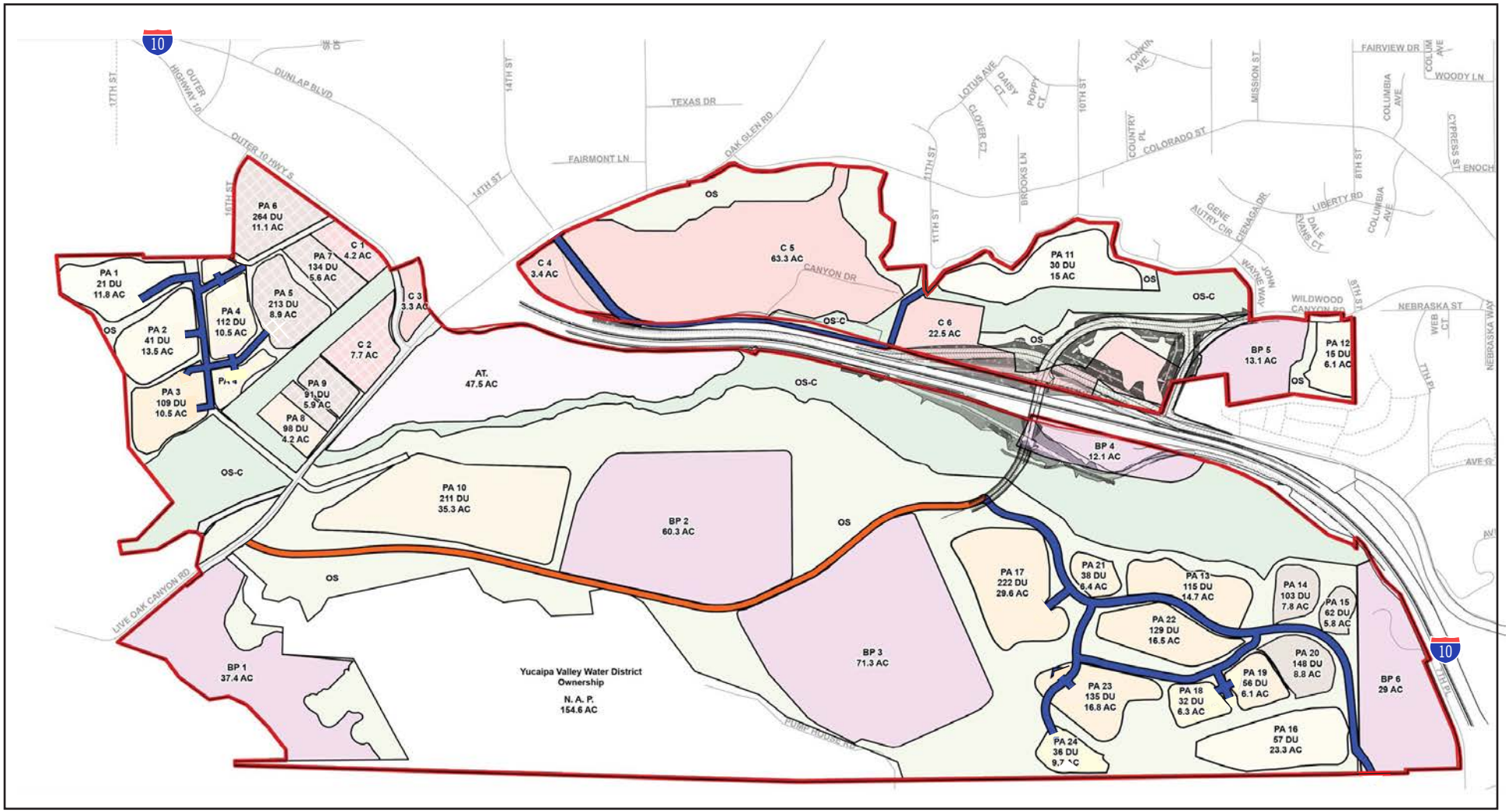


Figure 3-9 - Pedestrian Circulation/Trails Plan

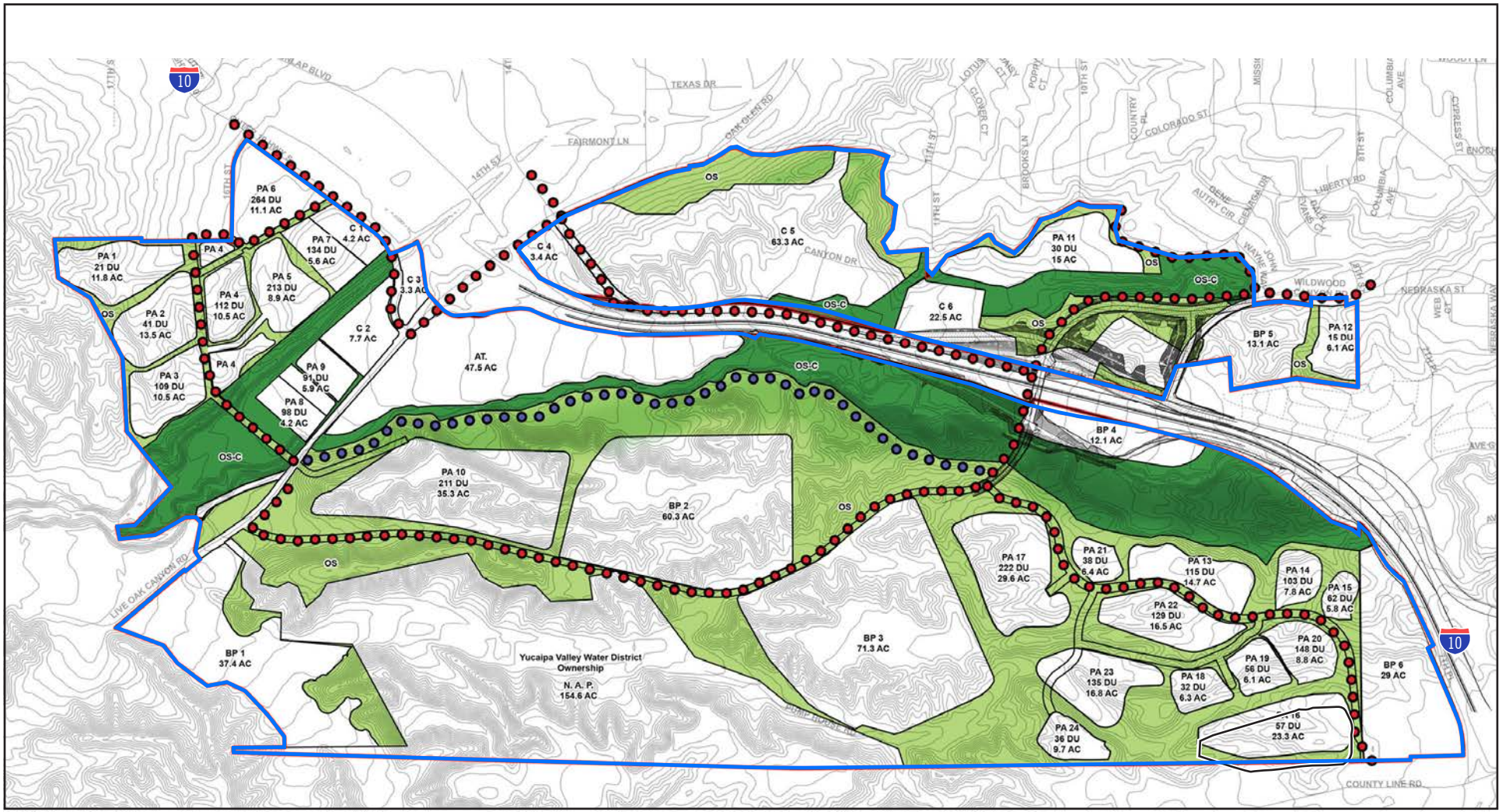
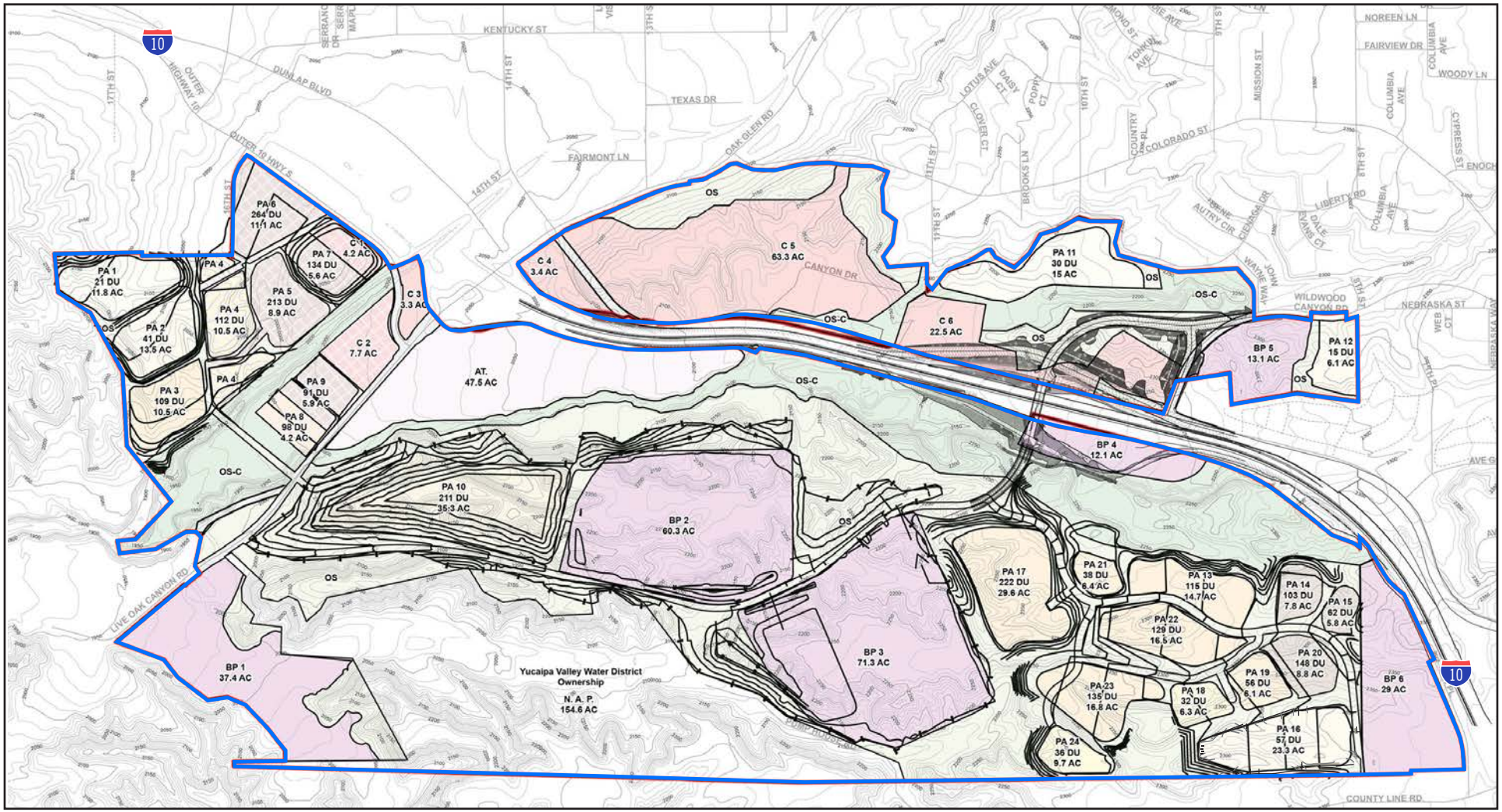


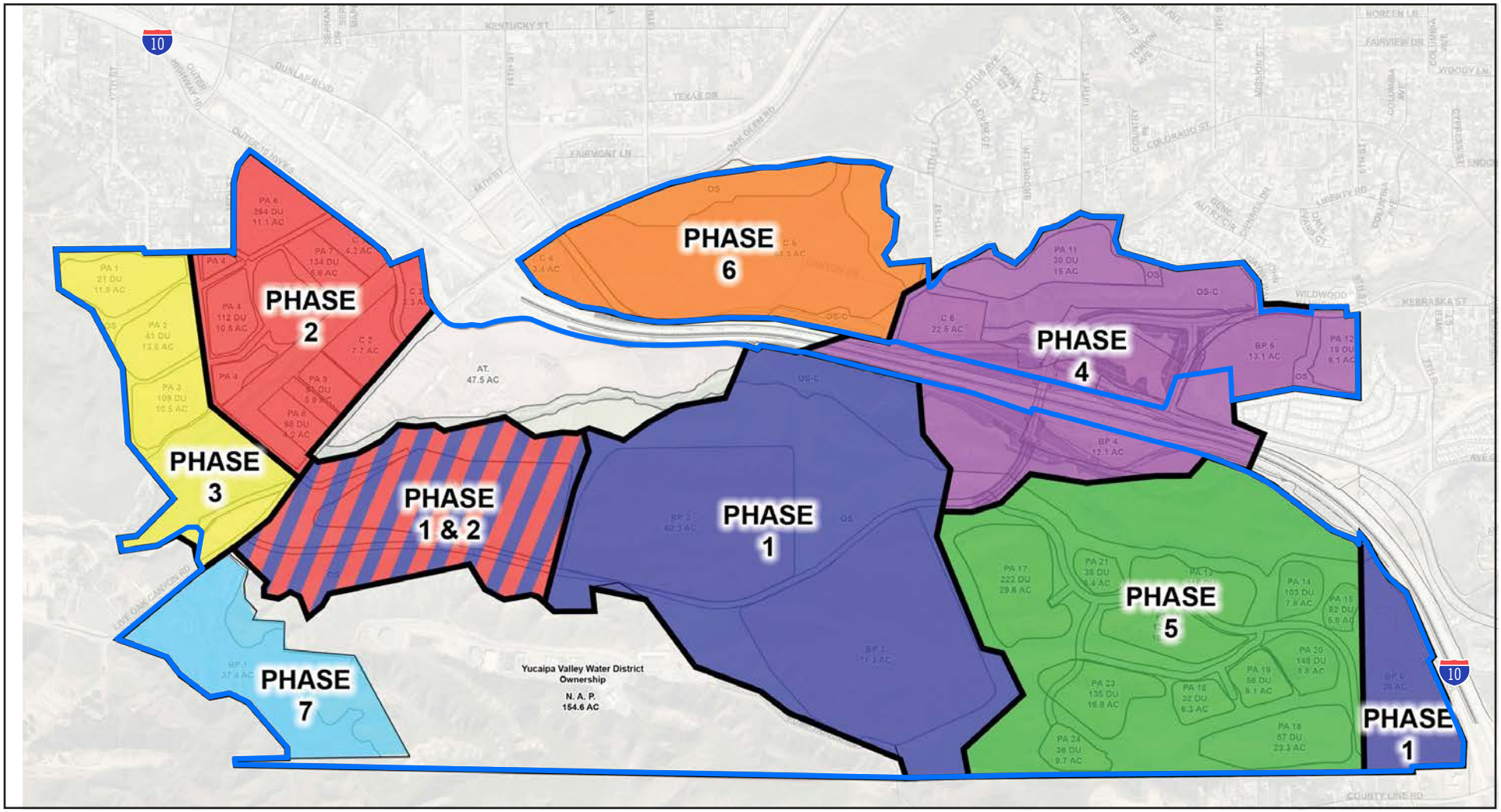
Figure 3-10 - Conceptual Grading Plan



Specific Plan Boundary

0 1,450
Scale (Feet)

Figure 3-15 - Conceptual Phasing Plan

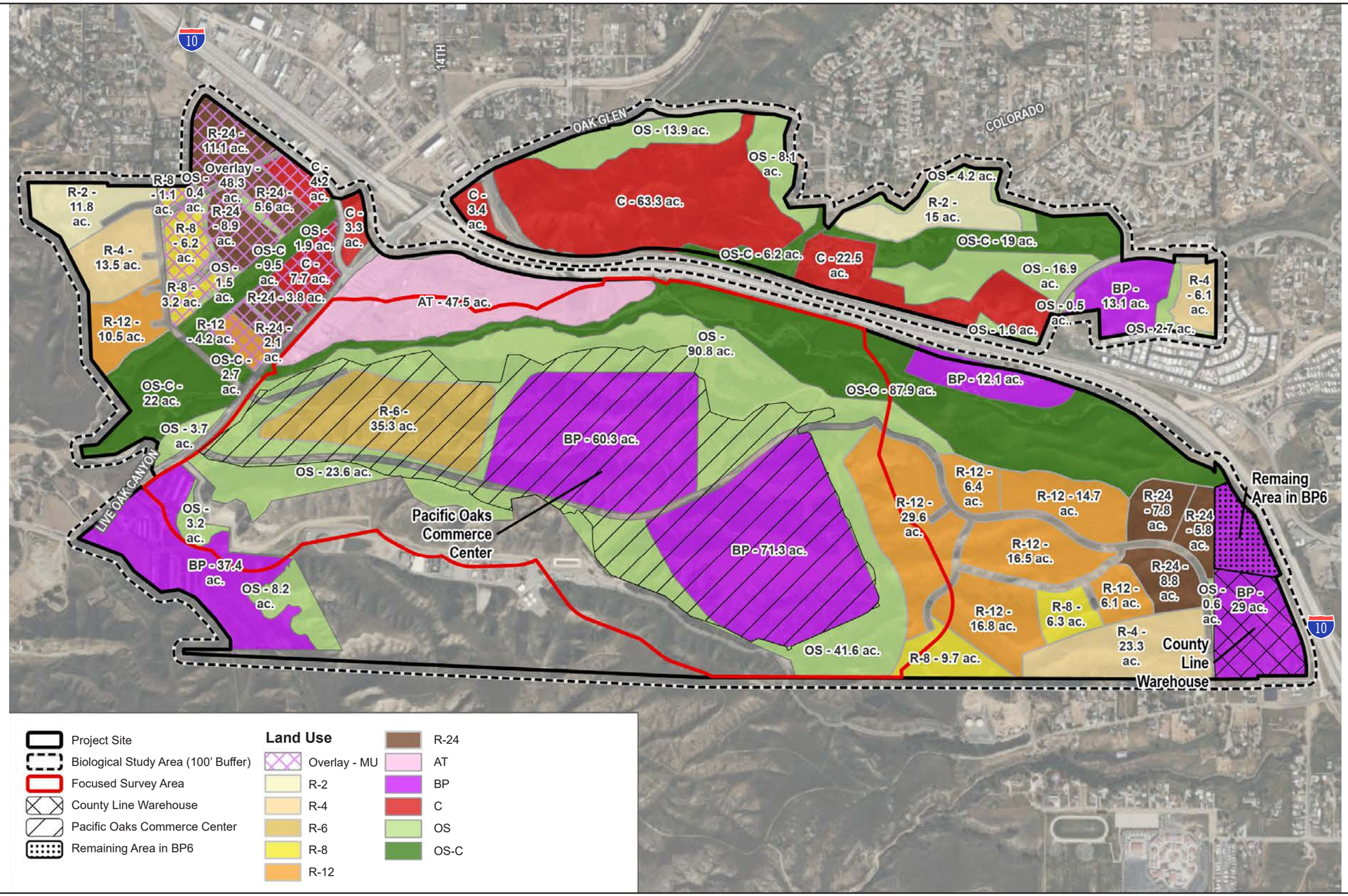


Specific Plan Boundary

Note: The County Line Warehouse project is an approved project that would develop 363,650 square feet of warehouse on 19.32 acres of planning area BP 6.

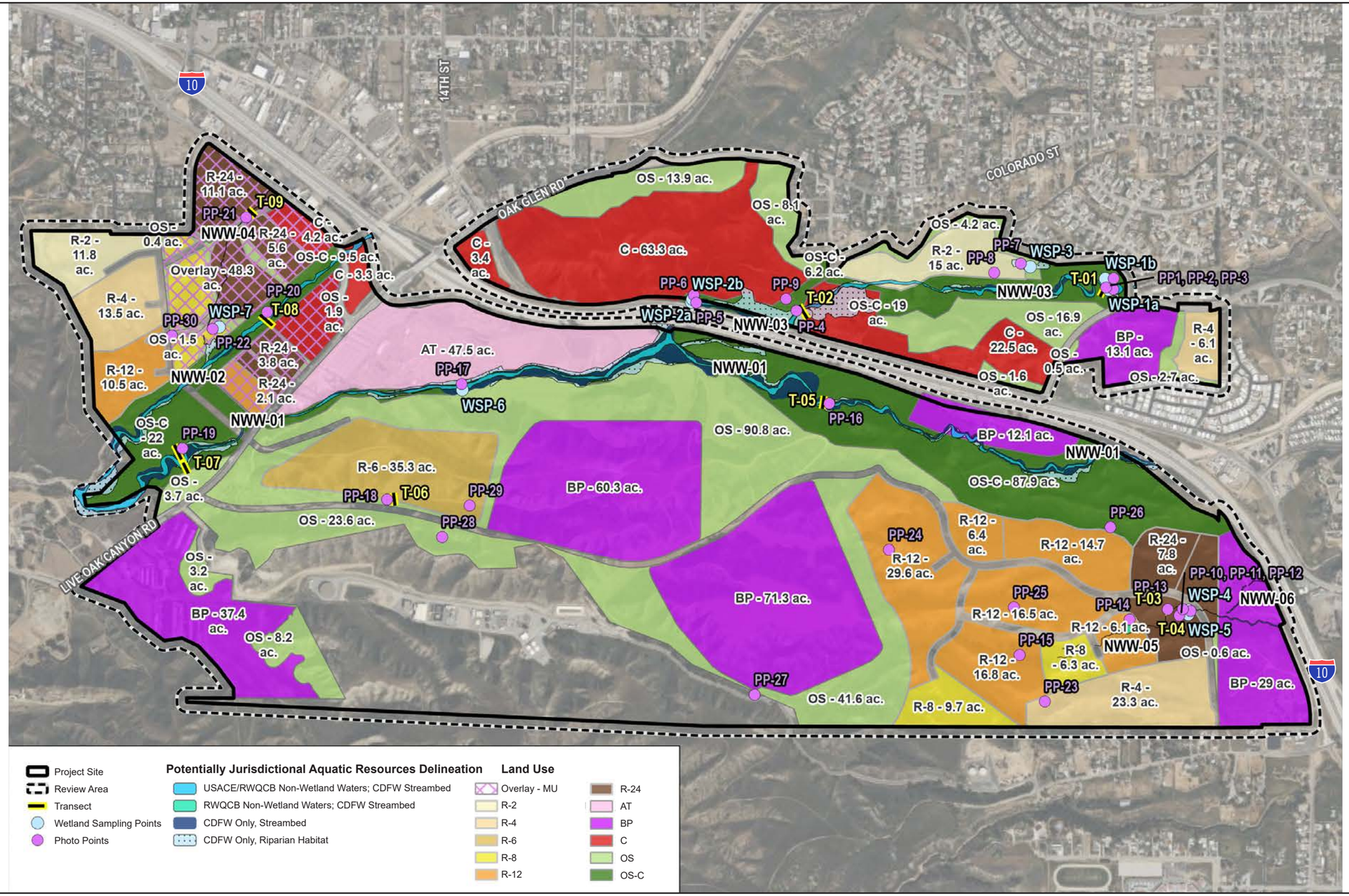
0 1,450
Scale (Feet)

Figure 5.4-1 - Biological Resources Study Area



Source: Dudek 2025.

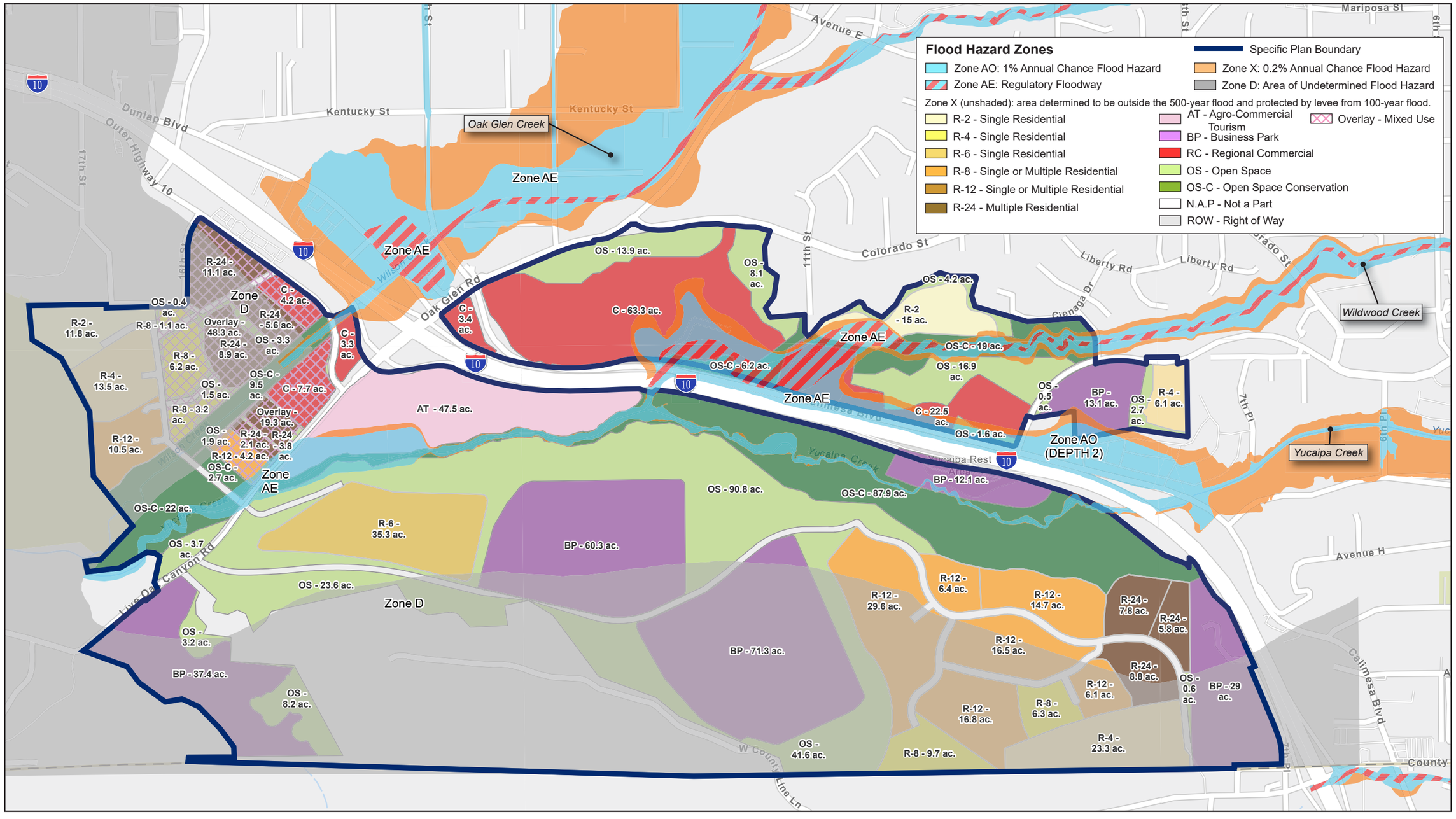
Figure 5.4-3 - Aquatic Resources Jurisdictional Delineation



0 1,100
Scale (Feet)

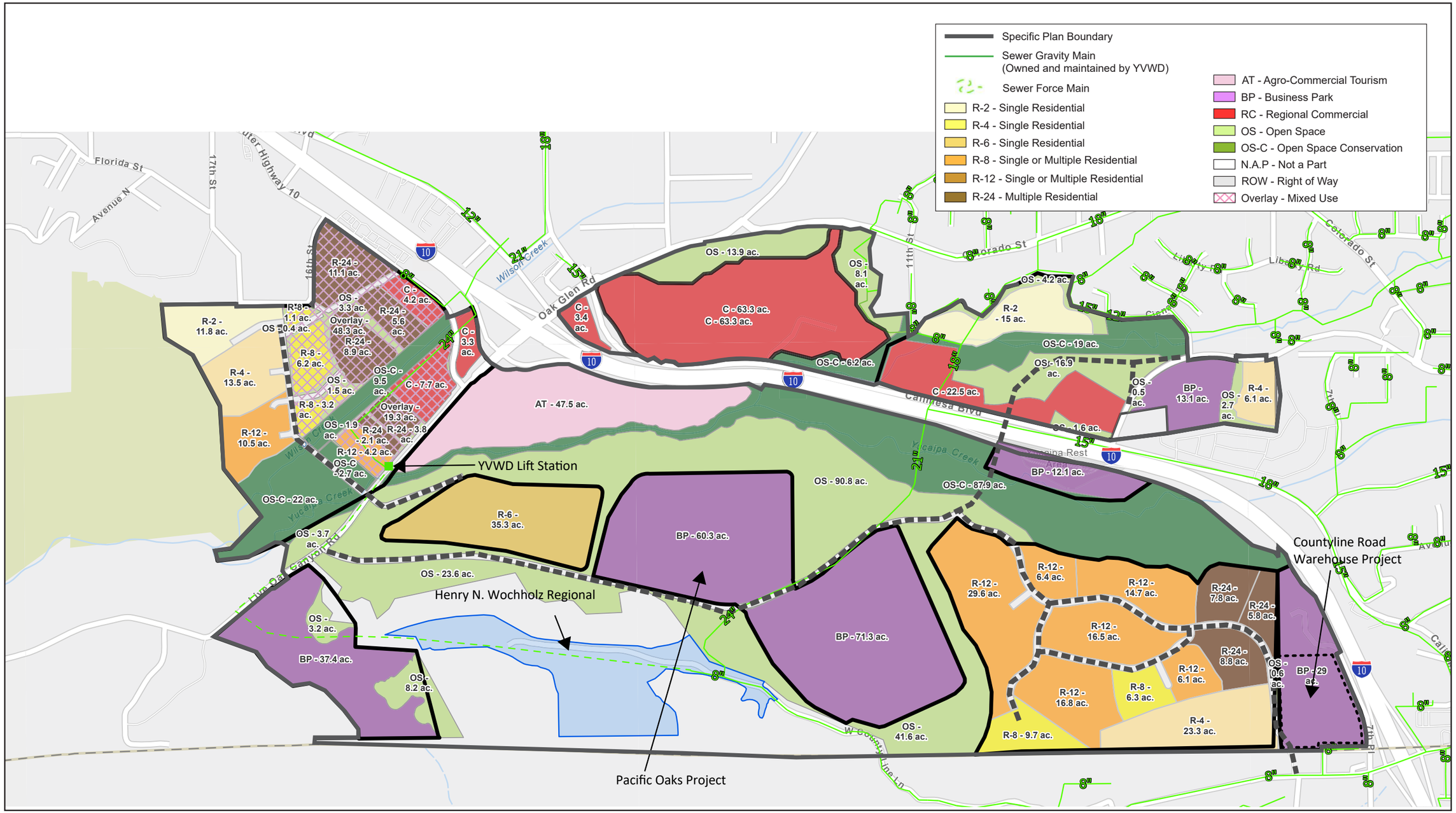
Source: Dudek 2025.

Figure 5.10-2 - FEMA Zones



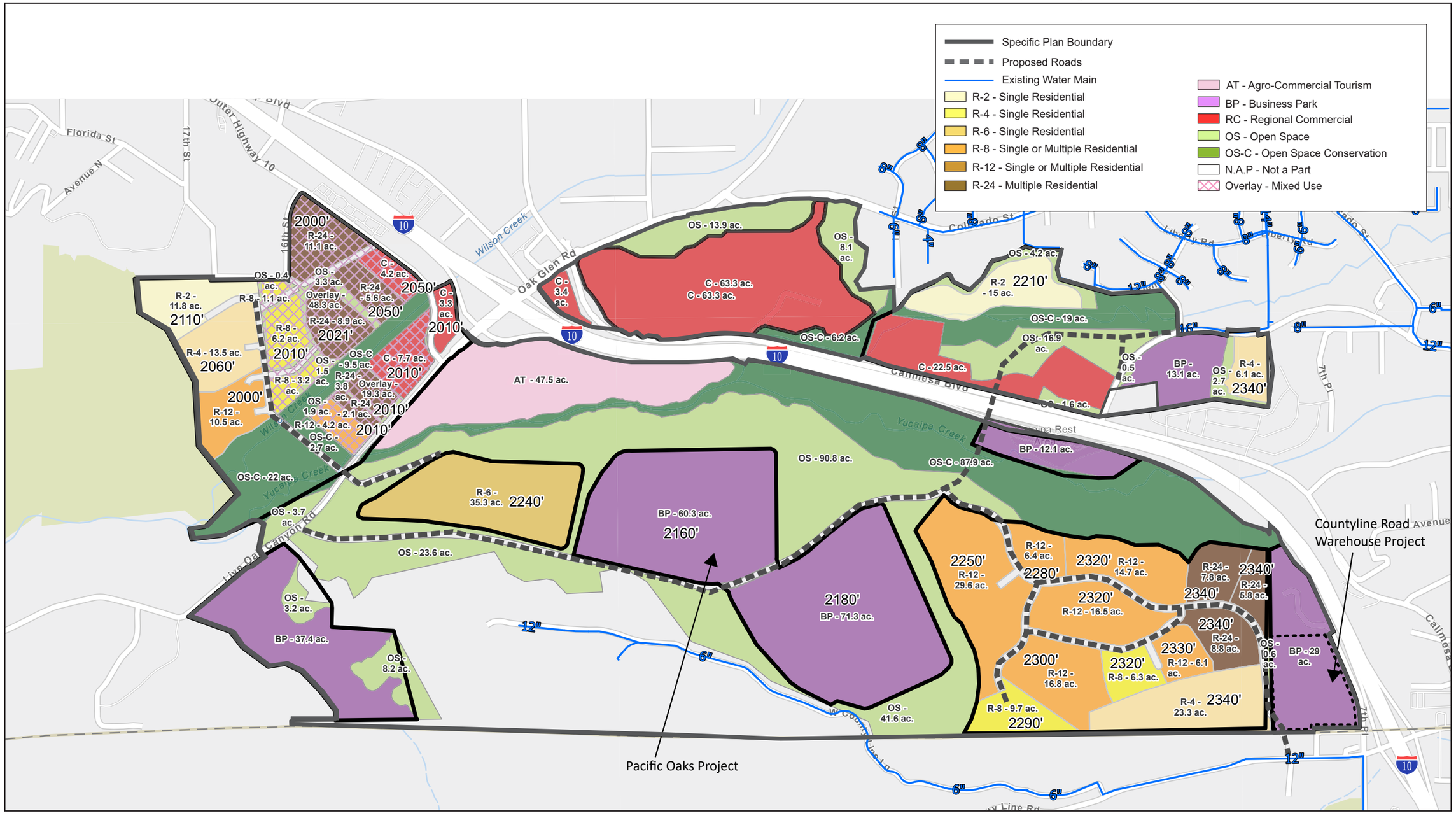
Source: Fuscoe 2025.

Figure 5.19-2 - Proposed Sewer Plan



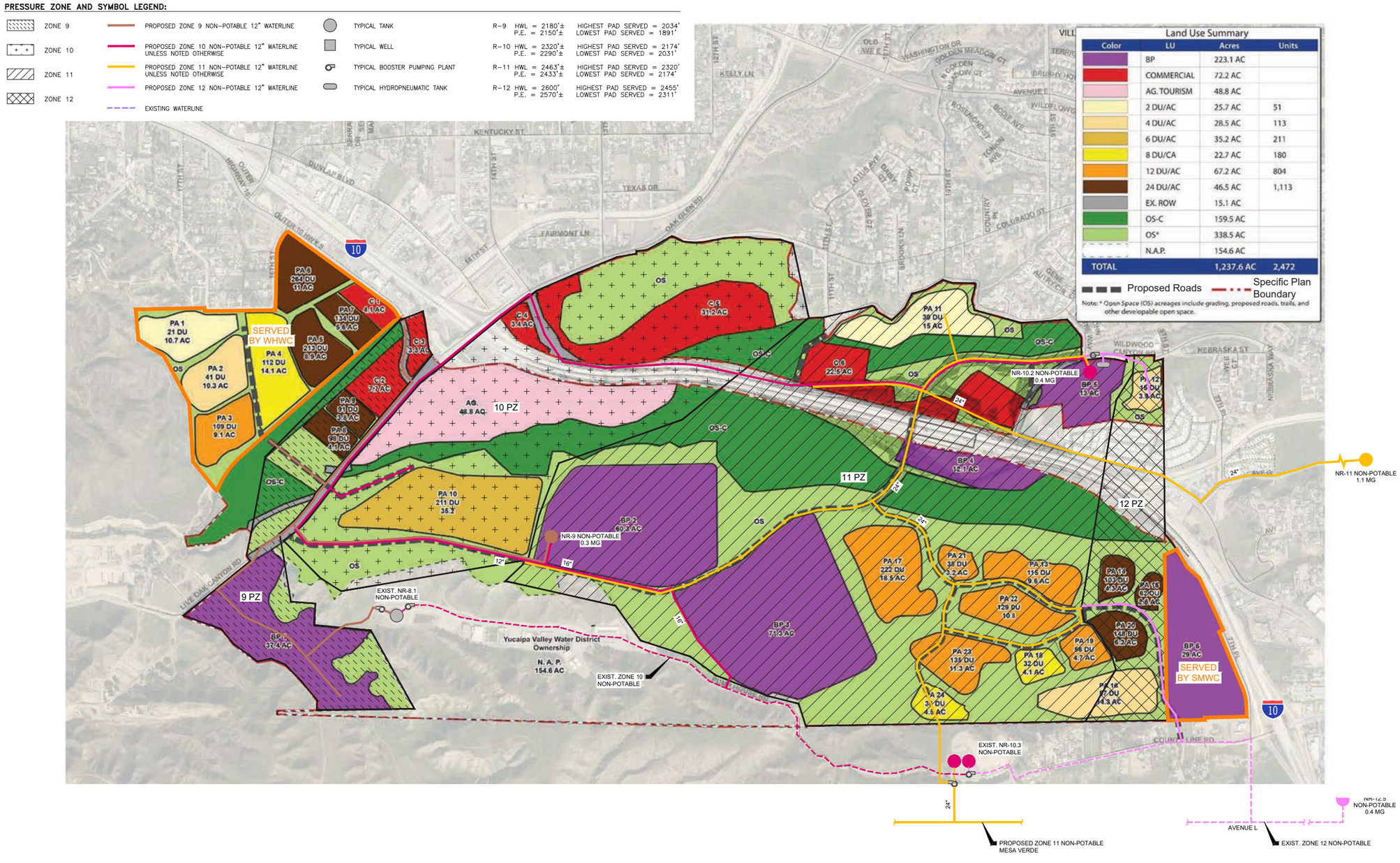
Source: Fuscoe 2025.

Figure 5.19-4 - Proposed Potable Water Infrastructure



Source: Fuscoe 2025.

Figure 5.19-5 - Proposed Recycled Water Infrastructure



Note: This figure is based on an older site plan. However, the recycled water plan remains unchanged.

0 1,000
Scale (Feet)

Source: Kreiger & Stewart 2023.