KISS LOGISTICS CENTER PROJECT

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Final Environmental Impact Report

EPD SOLUTIONS, INC

1. Introduction

This Final Environmental Impact Report (FEIR; Final EIR) has been prepared in conformance with the environmental policy guidelines for the implementation of the California Environmental Quality Act (CEQA) to evaluate the environmental effects that may result from construction and operation of the proposed KISS Logistics Center (proposed Project).

1.1 Project Overview

The proposed Project would include development of a single-story, 655,468-square foot (SF) industrial building on the 29.61-acre site. The proposed Project would also include a Specific Plan Amendment (SPA) to change the site's MSFC-SP designation from Neighborhood Commercial (NC) to Commercial/Industrial Business Park (CIBP). The proposed building would have a building footprint of 650,468 SF and a mezzanine of 5,000 SF for total of 655,468 SF. Additional improvements proposed include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and drive aisles. Approximately 1.3 acres of offsite improvements would be required for necessary roadway and utility infrastructure to support the Project. A detailed description of the Project is contained in the Draft EIR in Chapter 3, Project Description. As described below, the Draft EIR is incorporated herein as part of the FEIR but provided under a separate cover.

1.2 Contents and Use of Final EIR

As described in CEQA and the CEQA Guidelines, public agencies are charged with the duty to avoid or substantially lessen significant environmental effects, with consideration of other conditions, including economic, social, technological, legal, and other benefits. As required by CEQA, this FEIR assesses the significant direct and indirect environmental effects of the Project, as well as the significant cumulative impacts that could occur from implementation of the Project. This FEIR is an informational document only, the purpose of which is to identify the significant effects of the Project on the environment; to indicate how those significant effects could be avoided or significantly lessened, including feasible mitigation measures; to identify any significant and unavoidable adverse impacts that cannot be mitigated to less than significant; and to identify reasonable and feasible alternatives to the Project that would avoid or substantially lessen any significant adverse environmental effects associated with the Project and achieve the fundamental objectives of the Project.

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

(a) The Draft Environmental Impact Report (DEIR; Draft EIR) or a revision of the Draft EIR;

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

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

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

(e) Any other information added by the lead agency.

This document contains responses to comments received on the Draft EIR during the public review period, which began October 3, 2023, and ended on December 1, 2023. This document has been prepared in accordance with CEQA, the State CEQA Guidelines, and represents the independent judgment of the lead agency, the City of Riverside. This document and the circulated Draft EIR comprise the Final EIR in accordance with CEQA Guidelines, Section 15132.

1.3 Format of the Final EIR

The following chapters are contained within this document:

Chapter 1, Introduction. This chapter describes CEQA requirements and the content of the Final EIR.

Chapter 2, Response to Comments. This chapter provides a list of agencies, organizations and/or members of the public who commented on the Draft EIR, as well as copies of their comment letters received during and following the public review period, and individual responses to their comments.

Chapter 3, Mitigation, Monitoring, and Reporting Program. This chapter includes the Mitigation Monitoring and Reporting Program (MMRP). CEQA requires lead agencies to "adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA Section 21081.6, CEQA Guidelines Section 15097). The MMRP was prepared based on the mitigation measures included in this Final EIR and has been included as Chapter 3.0.

1.4 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 the possible impacts on the environment and ways in which the 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 (PRC) Section 21092.5, copies of the written responses to public agencies are being forwarded to those agencies at least 10 days prior to certification of the Final EIR, with copies of this Final EIR document, which conforms to the legal standards established for response to comments on the Draft EIR pursuant to CEQA.

2. Errata

2.1. Introduction

As provided in Section 15088(c) of the CEQA Guidelines, responses to comments may take the form of a revision to a Draft EIR or may be a separate section in the Final EIR. This section complies with the latter option and provides changes to the Draft EIR in this chapter shown as strikethrough text (i.e., ~~strikethrough~~) signifying deletions and red bold text (i.e., **underline**) signifying additions. These changes are meant to provide clarification, corrections, or minor revisions made to the Draft EIR initiated by the Lead Agency, City of Hesperia, reviewing agencies, the public, and/or consultants based on their review. Text changes are presented in the section and page order in which they appear in the Draft EIR. None of the corrections or additions constitutes significant new information or substantial project changes that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

2.2. Changes to the Draft Environmental Impact Report

2.2.1. Section 1.0 Executive Summary

Location: Executive Summary, pp. 1.0-15

Explanation for Change and Discussion:

The numbering of mitigation measures within the Executive Summary under Biological Resources has been corrected to be consistent with the numbering of the measures within Section 5.3, Biological Resources.

Changes to DEIR:

Mitigation Measure BIO-1: Relocation of Desert Native Plants (Hesperia Municipal Code Chapter 16.24), as listed above.
Mitigation Measure BIO-2: Conservation of Western Joshua Tree Lands (CESA), as listed above.
Mitigation Measure BIO-3: Compliance Monitoring, as listed above.
Mitigation Measure BIO-4: Pre-construction Surveys for Burrowing Owl and Avoidance, as listed above.
Mitigation Measure BIO-5: Lighting, as listed above.
Mitigation Measure BIO-6: Invasive Plant Management, as listed above.
Mitigation Measure BIO-7: Hazardous Waste, as listed above.
Mitigation Measure BIO-8: Herbicides, as listed above.
Mitigation Measure BIO-9: Pre-construction Nesting Bird Survey, as listed above.
Mitigation Measure BIO-10: Pre-construction Surveys for Burrowing Owl, as listed above.
Mitigation Measure BIO-11: Pre-construction Surveys for Crotch Bumble Bee, as listed above.
Mitigation Measure BIO-~~11~~12: Lighting, as listed above.
Mitigation Measure BIO-~~12~~13: Invasive Plant Management, as listed above.

2.2.2. Section 3 Project Description

Location: 3.7 Description of the Project, pp. 3.0-13

Explanation for Change and Discussion:

Since the DEIR has been circulated, the proposed alignment for offsite utility improvements has been revised. Offsite utility improvements are now proposed to follow roadway right-of-way along Caliente Road, Phelan Road/Main Street, and connect into existing utilities on Mesa Linda Street and Cataba Road. The project

description regarding proposed utilities has been updated accordingly. Additionally, several minor changes to setbacks, parking, and landscaping have occurred throughout various plan set revisions. The changes below are nominal and overall would not result in any changes to determinations made in the original analysis.

Changes to DEIR:

3.7 DESCRIPTION OF THE PROJECT

Project Overview

The proposed Project would include development of a single-story, 655,468-square foot (SF) industrial building on the 29.61-acre site. The proposed Project would also include a Specific Plan Amendment (SPA) to change the site's MSFC-SP designation from NC to CIBP (see *Figure 3-5, Proposed MSFC-SP Zoning Designation*).

The proposed building would have a building footprint of 650,468 SF and a mezzanine of 5,000 SF for total of 655,468 SF. Additional improvements proposed include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and drive aisles. Approximately ~~8.9~~**1.3** acres of offsite improvements would be required for necessary roadway and utility infrastructure to support the Project.

Building and Architecture

The proposed building would consist of a new industrial building that would support warehouse, manufacturing, and office uses. The proposed building area would provide a total of 655,468 SF, inclusive of 639,468 SF of warehouse, 11,000 SF of ground floor office space, and a 5,000 SF mezzanine for additional office use. The gross lot acreage is defined in the City municipal code to include the property dimensions up to the centerline of the street. Therefore, based upon the gross lot acreage of 1,355,149 SF, the proposed building would result in an FAR of 0.48. *Figure 3-6, Conceptual Site Plan*, illustrates the proposed site plan.

As shown in *Figure 3-7, Elevations*, the proposed Project building would be single-story and approximately 49 feet tall. The Project would establish an architectural presence through emphasis on building finish materials and consistent material usage and color scheme. The use of landscaping, building layout, finish materials, and accenting on the Project site would create a quality architectural presence from the existing and proposed public right-of-way.

The Project would include a building setback of approximately ~~208~~**164** feet along the proposed 'A' Street **(Caliente Road)**, a building setback of ~~118~~**126** feet along the northern property line, a building setback of approximately ~~185~~**118** feet along the eastern property line, and a building setback of approximately ~~94~~**96** feet along the southern property line, as shown in *Figure 3-6, Conceptual Site Plan*.

Circulation and Street Improvements

Access to the proposed Project would be provided via two driveways from the proposed public road ('A' Street **or Caliente Road**) that would be constructed along the west side of the Project. The proposed roadway would extend from Phelan Road, approximately 630 feet south of the Project site, to Yucca Terrace Drive, approximately 930 feet north of the Project site. The roadways would be built to half width (35 feet). Proposed infrastructure improvements are show in *Figure 3-8, Infrastructure Improvements*.

The proposed driveways would be 40 feet wide and provide access for trucks, passenger vehicles, and emergency vehicles. Internal circulation would be provided via 40-foot drive aisles. Trucks are expected to

primarily utilize Phelan Road, Highway 395, I-15, and Joshua Road, which are all designated truck routes within the City (see *Figure 3-9, Truck Routes*).

The Project would construct 12-foot sidewalks along the proposed 'A' Street and Yucca Terrace Drive. Sidewalk area would be dedicated to the City as part of the Project.

Loading Docks and Parking

Truck loading docks would be located along the east and west sides of the building. The building would include 30 loading dock doors along the east side of the building and 30 dock doors along the west side of the building for a total of 60 dock doors.

The Project would also provide ~~82~~**74** trailer stalls located opposite of the loading dock doors on the east and west perimeter of the proposed parking areas. Additionally, the building would provide ~~374~~**377** vehicle parking stalls inclusive of ~~38~~**33** electric vehicle/clean **air**~~are~~/carpool spaces.

Table 3-2: Project Parking

Parking Type	Stall Provided
Standard Stalls	~~309~~ **349**
Accessible Stalls	~~16~~ **16**
Electric Vehicle/Clean Air Stalls	~~49~~ **33**
Vehicle Total	~~374~~ **377**
Trailer Parking	~~82~~ **74**

Note: Parking counts do not add up to total due to overlapping categories.

Landscaping and Walls

The proposed Project includes approximately 209,075 SF of ornamental landscaping that would cover approximately ~~16.5~~**15.3** percent of the site, as shown in *Figure 3-6 Conceptual Site Plan*. Proposed landscaping would include 24-inch and 36-inch box trees, various shrubs, and ground covers to screen the proposed building, infiltration/detention basin, and parking and loading areas from off-site viewpoints. Proposed landscaping would extend around the perimeter of the Project site and in between the parking areas.

The proposed Project would also include an 8-foot-tall concrete screening wall at the southern entrance of the western truck court. Additionally, the Project would include an 8-foot-tall concrete screening wall along the perimeter of the trailer parking of the eastern truck court. A 6-foot-high combination concrete masonry unit (CMU) block and wrought iron security fence is proposed around the proposed detention basin in the northern portion of the site.

Energy and Communications Utilities

Regulated electrical, gas, and communication utilities would be extended to the site from existing facilities along Phelan Road.

Water

The Project would include construction of new onsite and offsite water lines. Water lines would be constructed within the proposed 'A' Street **or Caliente Road** right-of-way to the west of the Project site and extend approximately 1,300 feet south toward Phelan Road**. The proposed water main would then run adjacent to the existing water main within Phalen Road/Main Street for approximately 3,980 feet to Mesa Linda Street. The water main would then continue approximately 2,700 feet south and connect to the existing main at Sultana Street. The proposed water line within Phelan Road/Main Street and Mesa Linda Street has been approved and will be constructed as part of the adjacent Hesperia Commerce Center II Project**

(SCH # 2019110418). The Project would be responsible for constructing the portion of water line from along Caliente Road from Phelan Road to Yucca Terrace Road and the connection to the proposed building. ~~then easterly, crossing Phelan Road. The water line would continue throughout the southern part of Los Banos Avenue for about 2,677 feet until it reaches Sultana Avenue. The water alignment would continue approximately 164 feet easterly along Sultana Avenue until reaching a jack and bore pit to cross beneath Oro Grande Wash, ultimately connecting to existing City water lines at the intersection of U.S. Highway 395 and Sultana Street.~~ Proposed water improvements are shown in *Figure 3-10, Utility Improvements*.

Sewer

The Project would include construction of new onsite and offsite sewer lines. The proposed sewer line would begin from the northern portion of "A" Street **or Caliente Road and extend approximately 2,600 feet south to Phelan Road. The proposed sewer system would include a combination of proposed sewer force main and proposed sewer gravity main with a sewer lift station located at the intersection of Caliente Road and Yucca Terrace Drive. The sewer would then** ~~and~~ extend approximately ~~1,600 feet north until reaching Yucca Terrace Drive~~ **one mile to connect to existing facilities within Cataba Road. The proposed sewer line within Phelan Road/Main Street and Mesa Linda Street has been approved and will be constructed as part of the adjacent Hesperia Commerce Center II Project (SCH # 2019110418). The Project would be responsible for constructing the portion of sewer line along Caliente Road from Phelan Road to Yucca Terrace Road and the connection to the proposed building.** ~~From there, the alignment would travel 3,400 feet easterly passing U.S. Highway 395. The sewer line includes jack and bore pits that would be used to align the sewer beneath Oro Grande Wash.~~ Proposed sewer improvements are shown in *Figure 3-10, Utility Improvements*.

Drainage

The Project applicant would install new onsite storm drain lines throughout the site. No off-site storm drain improvements are proposed for this Project. Stormwater would be collected using a system of catch basins and roof drains that route flows to underground pipes. All stormwater runoff would be conveyed to a proposed detention basin at north end of the Project site. **The detention basin would contain dry wells that would treat the stormwater collected from the Project site.**

The offsite flows would be collected via a 5-foot wide by 2.5-foot-deep concrete channel that runs along the southern boundary of the Project site. The concrete channel would then flow east into a 30-inch High density polyethylene (HDPE) pipe located at the southeast corner of the site. Once collected within the 30-inch HDPE pipe, offsite flows would be conveyed north along the east boundary of the Project site and discharged at the northeast corner of the site along with the onsite flows. The offsite flows would be kept separate from the onsite flows until after water quality treatment has occurred for the onsite runoff. Flows would continue to the north along the west side of Hwy 395 a mile north to the California Aqueduct, consistent with existing conditions. ~~Overflow would drain into existing City stormwater drainage. Curbs and gutters would be installed around the perimeter of the Project site.~~

Location: 3.7 Description of the Project, Figure 3-5, Proposed MSFC SP Land Use, pp. 3.0-15

Explanation for Change and Discussion:

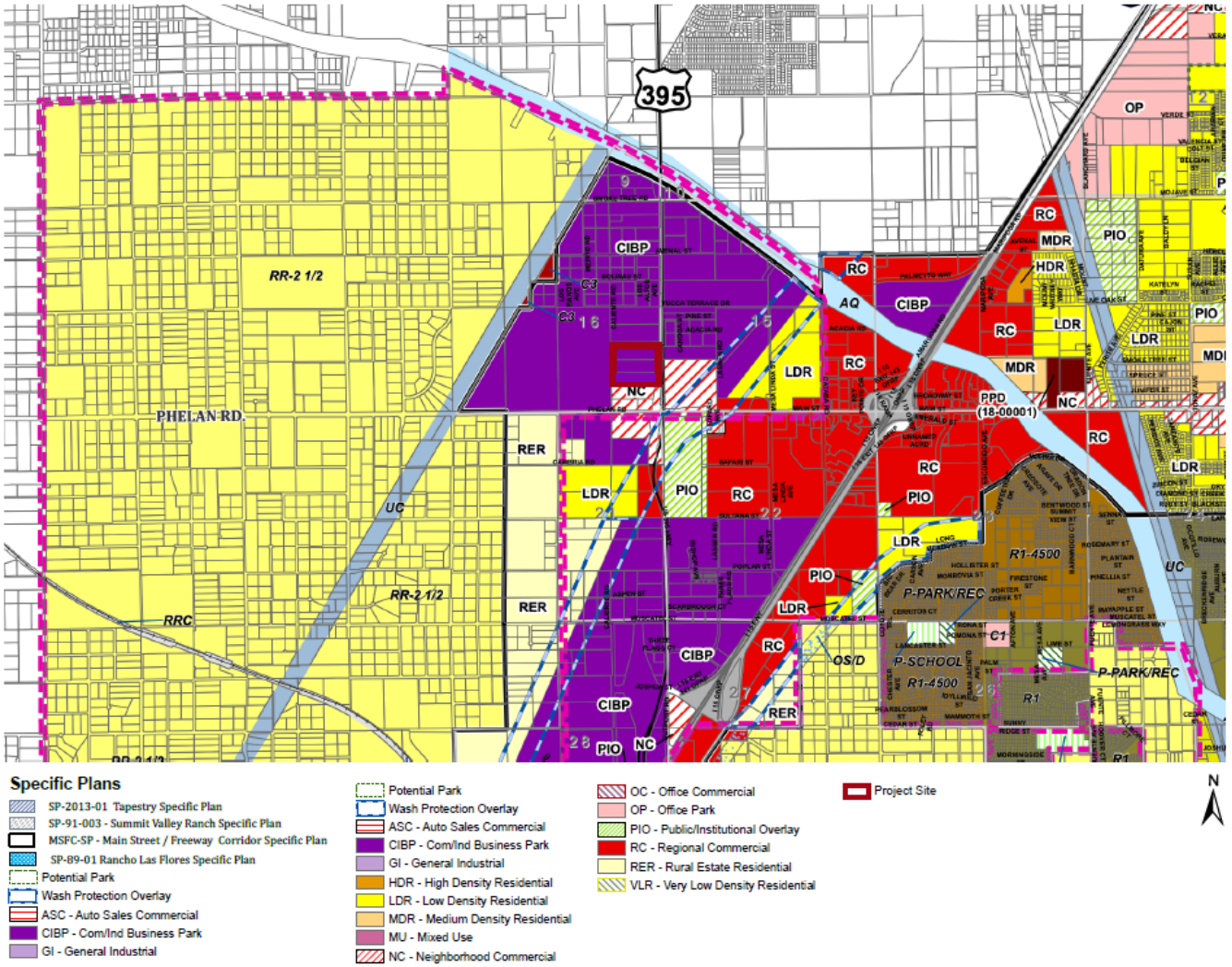
The DEIR contained an error in which the Existing MSFC SP Land Use figure was illustrated as Figure 3-5 rather than the Proposed MSFC SP Land Use. Therefore, this figure has been updated.

Location: 3.7 Description of the Project, Utility Improvements, pp. 3.0-25

Explanation for Change and Discussion:

Since the DEIR has been circulated, the proposed alignment for offsite utility improvements has been revised. Figure 3-10, *Utility Improvements*, has been updated accordingly.

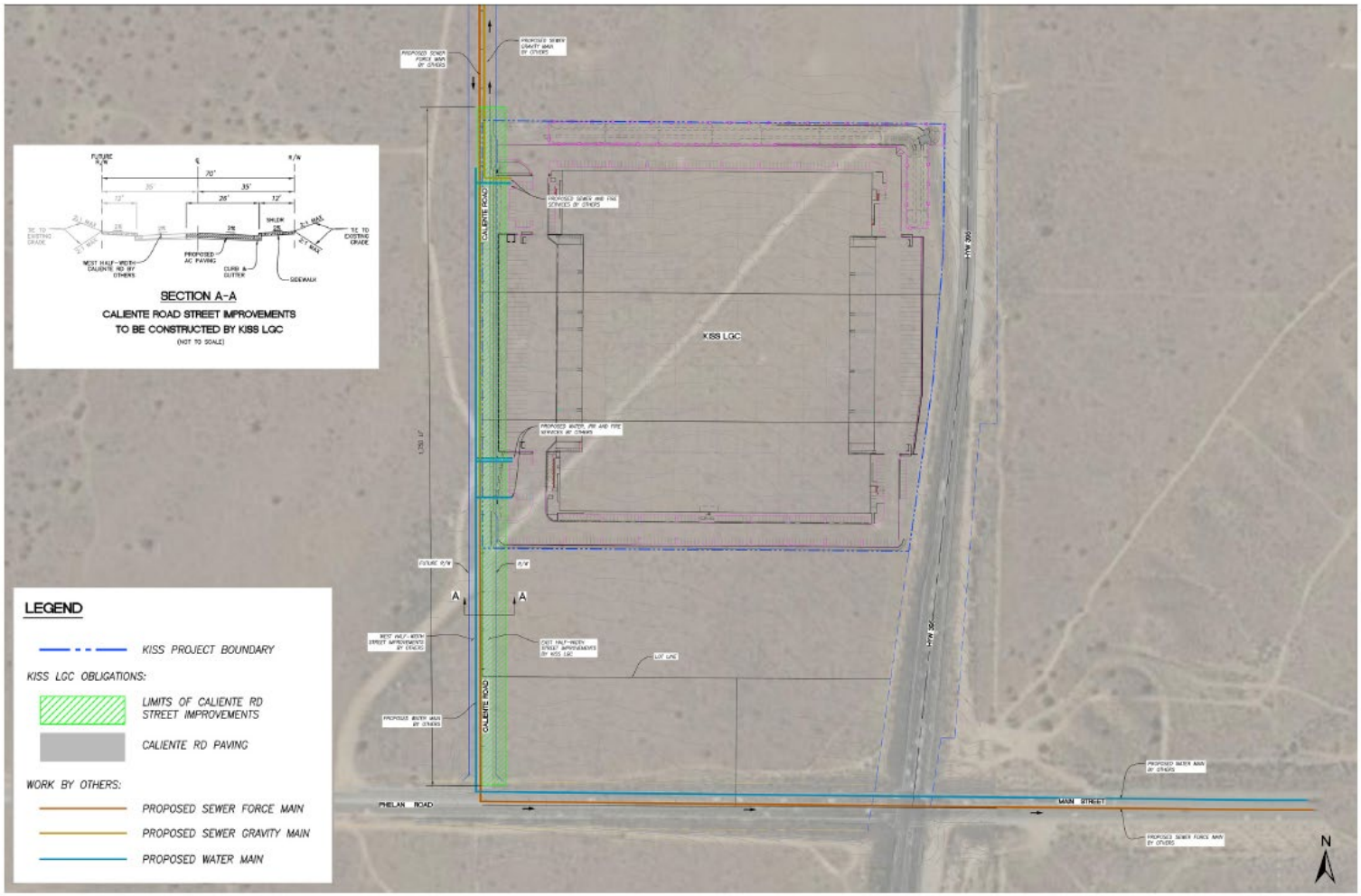
Proposed MSFC SP Land Use



KISS Logistics Center Project
City of Hesperia

Figure 3-5

Utility Improvements



Hwy 395
City of Hesperia

Figure 3-10

Location: 3.7 Description of the Project, Construction, pp. 3.0-27

Explanation for Change and Discussion:

Construction information included in the Project Description has been updated to include a clarifying statement regarding grading of the site.

Changes to DEIR:

Project development is estimated to take approximately 14 months, beginning fourth quarter 2023 and fourth quarter November 2024. Construction activities for the Project would occur over one phase and would be conducted in the order of: site preparation, grading, building construction, paving, and architectural coatings. **The preliminary grading plans indicate that soil quantities on the Project site would be balanced, and no import or export of soil would be required.** Each phase of the construction process is assumed to be conducted from start to finish without overlap. Staging for the project would be contained within the Project area. Table 3-3 provides the anticipated construction schedule. Table 3-4 provides the type of construction equipment and number of units anticipated to be used for Project construction.

Location: 3.8 Project Design Features and Existing Plans, Programs, or Policies, pp. 3.0-28

Explanation for Change and Discussion:

The Project Design Features listed below have been refined to match the updated Project design. Thus, the Project description has been revised to include the full list of Project Design Features that will be incorporated into Project development and/or operation.

Changes to DEIR:

Throughout the impact analysis in this Draft EIR, reference is made to existing Plans, Programs, or Policies (PPPs) currently in place which effectively reduce environmental impacts. Where applicable, PPPs are listed to show their effect in reducing potential environmental impacts. The Project proponent has incorporated into the Project various sustainable design features, as detailed below, and are identified and discussed in the impact analysis. These sustainable design features have been included as PPPs where applicable, as they are required pursuant to the *California Green Building Standards Code, California Regulations, Title 24, Part 11*.

The Project would also include specific design features, Project Design Features (PDFs), that would result in the reduction of Project emissions and energy demand. Project PDFs have been identified and discussed throughout the impact analysis as applicable. Where the application of these measures does not reduce an impact to below a level of significance, Project-specific mitigation is introduced. The City will include these PPPs and Mitigation Measures in the Mitigation Monitoring and Reporting Program (MMRP) for the Project to ensure their implementation.

Sustainable Design Features

The Project would comply with the *California Green Building Standards Code, California Code of Regulations, Title 24, Part 11 (CALGreen Code)* policies related to sustainable design and energy conservation by incorporating the following features into Project development and/or operation.

- Installation of enhanced insulation
- Design structure to be solar ready
- Design electrical system to accommodate future renewable energy technologies, solar PV systems, and battery storage systems
- Installation of energy efficient lighting, heating and ventilation systems, and appliances
- Installation of drought-tolerant landscaping and water-efficient irrigation systems

- Implementation of a City construction waste diversion program

Project Design Features

PDF-1 **Renewable energy system/solar electricity generation and battery system – 90 kilowatt hours (kWh) generation and 38 kwh battery to allow for peak energy usage offset;**

PDF-2 **Automatic Light Switches;**

PDF-3 **Control receptacles (shut off after certain durations);**

PDF-4 **The proposed building would be designed to Leadership in Energy and Environmental Design (LEED) certification standards;**

PDF-5 **EV chargers would be installed per Title 24 requirements day one;**

PDF-6 **Low volatile organic compound (VOC) coatings and paint (less than 10 grams per liter);**

PDF-7 **Vistacool layer and Solarban layer on exterior glazing which reduces energy consumption due to solar heat gain.**

2.2.3. Chapter 4 Environmental Setting

Location: Environmental Setting, Jurisdictional Waters, pp. 4.0-8

Explanation for Change and Discussion:

The description of jurisdictional waters within the Environmental Setting Section has been revised to reflect offsite utility improvements and provide a clearer description of the location of the Oro Grande Wash in relationship to the Project site.

Changes to DEIR:

Jurisdictional Waters

The Mojave River is approximately nine miles to the east. The Oro Grande Wash **extends southwest to northeast adjacent to the Project and** is a tributary to the Mojave River ~~and~~**. The delineated jurisdictional boundary of the Oro Grande Wash begins** ~~is located~~ approximately 0.25 miles west of the BSA.~~, and t~~**The** California Aqueduct **is** 1 mile to the north **of the BSA. Due to local topography, area west of Hwy 395 drains north to the California Aqueduct and area east of Hwy 395 drains east to the Oro Grande Wash**. No state or federal wetlands or waters are present within the BSA.

2.2.4. Chapter 5.2 Air Quality

Location: Air Quality, Construction, pp. 5.2-16 to 5.2-18

Explanation for Change and Discussion:

CalEEMod was revised to reflect the changes made to off-site improvements as described above in the revised Project Description. As shown in Appendix A, construction and operational emissions associated with the project would still not exceed the daily or annual MDAQMD thresholds for volatile organic compounds (VOCs), nitrogen oxides (NOx), carbon monoxide (CO), sulfur oxides (SOx), particulate matter less than 2.5 microns in size (PM2.5), or particulate matter less than 10 microns in size (PM10) emissions. Therefore, impacts would remain less than significant and no new mitigation would be required.

Changes to DEIR:

Construction

Construction activities associated with the proposed Project would result in emissions of CO, VOCs, NO_x, SO_x, PM_{10}, and $PM_{2.5}$. Pollutant emissions associated with construction would be generated from the following construction activities: (1) grading and excavation; (2) construction workers traveling to and from the Project site; (3) delivery and hauling of construction supplies to, and debris from, the Project site; (4) fuel combustion by onsite construction equipment; (5) building construction; application of architectural coatings; and paving. These construction activities would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants.

Construction emissions are short-term and temporary. The maximum daily construction emissions for the proposed Project were estimated using CalEEMod version 2022.1. Table 5.2-5 provides the maximum daily emissions of criteria air pollutants from construction of the Project**, including the off-site improvements**. As shown in Table 5.2-5, emissions resulting from construction would not exceed criteria pollutant thresholds. Therefore, impacts would be less than significant, and no mitigation measures are required.

Table 5.2-5: Maximum Peak Construction Emissions

Project Construction	Pollutant Emissions					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Maximum Pounds Per Day						
Linear, Grubbing & Land Clearing and Site Preparation	2.1	65.3	50.3	0.1	22.7	12.1
Linear, Grubbing & Land Clearing	0.9	25.9	20.9	<0.1	1.7	0.9
Linear, Grubbing & Land Clearing and Grading	2.4	74.3	57.6	0.1	12.5	5.9
Grading	1.4	49.0	36.7	0.1	10.8	4.9
Linear, Grading & Excavation and Building Construction	3.3	50.0	62.2	0.1	6.9	2.7
Building Construction	2.3	24.0	40.8	0.1	5.3	1.8
Building Construction and Linear, Drainage, Utilities, & Sub-Grade	3.3	49.2	62.1	0.1	6.9	2.7
Building Construction, Linear, Drainage, Utilities, & Sub-Grade, and Architectural Coating	8.4	50.6	68.1	0.1	7.7	3.0
Building Construction and Architectural Coating	7.4	25.3	46.7	0.1	6.0	2.0
Building Construction, Architectural Coating, and Linear, Paving	7.9	34.8	55.1	0.1	6.6	2.5
Architectural Coating, Linear, Paving, and Paving	7.1	24.8	24.8	<0.1	2.1	1.3
Architectural Coating	5.1	1.4	4.3	<0.1	0.8	0.2
Maximum (lbs/day)	8.4	74.3	68.1	0.1	22.7	12.1
MDAQMD Thresholds	137.0	137.0	548.0	137.0	82.0	65.0
Exceeds?	No	No	No	No	No	No
Tons Per Year						
2023	0.1	2.0	1.9	<0.1	0.4	0.2
2024	0.7	5.5	6.4	<0.1	0.8	0.3
Maximum (tons/year)	0.7	5.5	6.4	<0.1	1.2	0.3
MDAQMD Thresholds	25	25	100	25	15	12
Exceeds?	No	No	No	No	No	No

Source: Compiled by LSA (February 2024).
CO = carbon monoxide
lbs/day = pounds per day
MDAQMD = Mojave Desert Air Quality Management District
NO_X = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
SO_X = sulfur oxides
VOC = volatile organic compounds

~~**Table 5.2-5: Maximum Peak Construction Emissions**~~

~~Project Construction~~	~~Pollutant Emissions~~					
	~~VOC~~	~~NO_X~~	~~CO~~	~~SO_X~~	~~PM_{10}~~	~~$PM_{2.5}$~~
~~Maximum Pounds Per Day~~						
~~Site Preparation~~	~~1.2~~	~~40.0~~	~~29.5~~	~~<0.1~~	~~8.1~~	~~4.1~~
~~Grading~~	~~1.4~~	~~49.0~~	~~36.7~~	~~0.1~~	~~4.1~~	~~1.2~~
~~Building Construction~~	~~2.3~~	~~24.4~~	~~40.7~~	~~<0.1~~	~~5.3~~	~~1.8~~
~~Paving~~	~~1.4~~	~~13.4~~	~~11.5~~	~~<0.1~~	~~0.8~~	~~0.6~~
~~Architectural Coating~~	~~24.2~~	~~1.4~~	~~5.9~~	~~<0.1~~	~~0.8~~	~~0.2~~
~~**Maximum (lbs/day)**~~	~~**26.5**~~	~~**49.0**~~	~~**46.7**~~	~~**0.1**~~	~~**8.1**~~	~~**4.2**~~
~~**MDAQMD Thresholds**~~	~~**137.0**~~	~~**137.0**~~	~~**548.0**~~	~~**137.0**~~	~~**82.0**~~	~~**65.0**~~
~~**Exceeds?**~~	~~**No**~~	~~**No**~~	~~**No**~~	~~**No**~~	~~**No**~~	~~**No**~~
~~Tons Per Year~~						
~~2023~~	~~<0.1~~	~~0.9~~	~~0.8~~	~~<0.1~~	~~0.1~~	~~0.1~~
~~2024~~	~~1.8~~	~~2.9~~	~~4.2~~	~~<0.1~~	~~0.6~~	~~0.2~~
~~**Maximum (tons/year)**~~	~~**1.8**~~	~~**2.9**~~	~~**4.2**~~	~~**<0.1**~~	~~**0.6**~~	~~**0.2**~~
~~**MDAQMD Thresholds**~~	~~**25**~~	~~**25**~~	~~**100**~~	~~**25**~~	~~**15**~~	~~**12**~~
~~**Exceeds?**~~	~~**No**~~	~~**No**~~	~~**No**~~	~~**No**~~	~~**No**~~	~~**No**~~

~~Source: Compiled by LSA (April 2023).~~
~~Note: Maximum emissions of VOC and CO occurred during the overlapping building construction and architectural coating phases.~~

~~CO = carbon monoxide~~
~~lbs/day = pounds per day~~
~~MDAQMD = Mojave Desert Air Quality Management District~~
~~NO_x = nitrogen oxides~~
~~$PM_{2.5}$ = particulate matter less than 2.5 microns in size~~
~~PM_{10} = particulate matter less than 10 microns in size~~
~~SO_x = sulfur oxides~~
~~VOC = volatile organic compounds~~

Operation

Implementation of the proposed Project would result in long-term emissions of criteria air pollutants from area sources generated by the proposed warehouse and manufacturing building and related vehicular emissions, landscaping, and use of consumer products. As shown in Table 5.2-6, the Project's operational activities would not exceed the numerical thresholds of significance established by the MDAQMD. Therefore, impacts would be less than significant.

Table 5.2-6: Summary of Peak Operational Emissions

Emission Type	Pollutant Emissions					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Pounds Per Day						
Area Sources	~~19.6~~ 14.2	~~0.2~~ <0.1	~~28.5~~ <0.1	<0.1	<0.1	0.1
Energy Sources	0.0	0.0	0.0	0.0	0.0	0.0
Mobile Sources – Vehicles and Light Duty Trucks	6.9	12.8	109.0	0.3	8.2	1.6
Mobile Sources – Heavy Heavy Duty Trucks	0.5	34.8	4.7	0.3	5.1	1.7
Stationary Sources	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Total Project Emissions	**~~27.0~~ 21.6**	**~~47.8~~47.6**	**~~142.2~~113.7**	**0.6**	**13.3**	**3.4**
MDAQMD Thresholds	**137.0**	**137.0**	**548.0**	**137.0**	**82.0**	**65.0**
Significant?	**No**	**No**	**No**	**No**	**No**	**No**
Tons Per Year						
Area Sources	~~3.1~~2.6	<0.1	~~2.6~~<0.1	<0.1	<0.1	<0.1
Energy Sources	0.0	0.0	0.0	0.0	0.0	0.0
Mobile Sources – Vehicles and Light Duty Trucks	1.2	2.4	16.1	0.1	1.5	0.3
Mobile Sources – Heavy Heavy Duty Trucks	0.1	6.4	0.9	0.1	0.9	0.3
Stationary Emissions	<0.1	0.2	0.1	<0.1	<0.1	<0.1
Total Emissions	**~~4.4~~ 3.4**	**9.0**	**~~19.7~~17.1**	**0.2**	**2.4**	**0.6**
MDAQMD Thresholds	**25**	**25**	**100**	**25**	**15**	**15**

Significant?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Compiled by LSA (~~April 2023~~ **February 2024**).

CO = carbon monoxide
lbs/day = pounds per day
MDAQMD = Mojave Desert Air Quality Management District
NO_X = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
SO_X = sulfur oxides
VOC = volatile organic compounds

Location: Air Quality, Construction Mobile Source Health Risk, pp. 5.2-18

Explanation for Change and Discussion:

The construction HRA, which evaluates construction-period health risk to off-site receptors, was revised to reflect the changes made to off-site improvements assuming the use of Tier 2 construction equipment, as proposed by the project, at the MEI, which is the nearest sensitive receptor. As shown in the revised Table 5.2-7 below, construction of the proposed project would still not exceed MDAQMD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations. As such, impacts would remain less than significant.

Changes to DEIR:

Construction Mobile Source Health Risk

Less than Significant Impact. MDAQMD requires that any proposed industrial project within 1,000 feet of an existing or planned (zoned) sensitive receptor land use must be evaluated to determine whether the proposed industrial project would expose sensitive receptors to substantial pollutant concentrations. A Construction Health Risk Assessment, included as part of Appendix B, was prepared to evaluate the health risk impacts as a result of exposure to DPM as a result of heavy-duty diesel trucks and equipment activities from Project construction. MDAQMD recommends using a 10 in one million cancer risk threshold. A risk level of 10 in one million implies a likelihood that up to 10 people, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of toxic air contaminants over a specified duration of time. The closest sensitive receptor to the Project site include residential uses located approximately 1,100 feet southwest of the Project site along Phelan Road. As shown in Table 5.2-7, the maximum cancer risk for the sensitive receptor maximally effected individual (MEI) would be ~~4.60~~ **7.36** in one million, which would not exceed the MDAQMD cancer risk threshold of 10 in one million. The worker receptor risk would be lower at ~~0.08~~ **0.18** in one million, which would also not exceed the threshold. The total chronic hazard index would be ~~0.005~~ **0.010** for ~~both~~ the worker receptor MEI and **0.008 for the** sensitive receptor MEI, which ~~is~~ **would both be** below the threshold of 1.0. In addition, the total acute hazard index would be nominal (0.000), which would also not exceed the threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity, and impacts would be less than significant.

Table 5.2-7: Project Construction Health Risks at Nearby Sensitive Receptors

Location	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index
Worker Receptor Risk	~~0.08~~ **0.18**	~~0.005~~ **0.010**	0.000
Sensitive Receptor Risk	~~4.60~~ **7.36**	~~0.005~~ **0.008**	0.000
MDAQMD Significance Threshold	**10.0 in one million**	**1.0**	**1.0**
Significant?	**No**	**No**	**No**

Source: LSA (~~April 2023~~ **February 2024**).
MDAQMD = Mojave Desert Air Quality Management District

2.2.5. Section 5.3 Biological Resources

Location: Biological Resources, Impact BIO-1, pp. 5.3-13

Explanation for Change and Discussion:

Since the Draft EIR was circulated for the KISS Logistics Project, the impact footprint has changed. Specifically, the offsite impacts due to utility improvements has been reduced from 8.9 acres to 1.3.

Furthermore, the methodology for taking data regarding Joshua trees has changed since the passing of the Western Joshua Tree Conservation Act (WJTCA). As a result of newly adopted methodology, Joshua tree "clones" must now be counted as individual species for purposes of WJTCA fee calculations, whereas in previous methodology used, clones were counted together with the parent as one single unit. Additionally, as a result of changed methodology for calculating Western Joshua tree individuals, the 186-foot buffer is no longer applicable; however, a 50-foot buffer was still applied to the Project site for impact calculation purposes. As a result, impacts to biological resources were recalculated.

New impacts to Joshua tree Woodland would be approximately 9.5 acres, inclusive of onsite and offsite areas, and new impacts to individual trees would be 248 trees, inclusive of onsite and offsite areas. Overall, Project impacts to Joshua tree Woodland would be reduced as a result of a reduced Project footprint; however, the number of trees that would be impacted has increased due to changes in methodology, not due to impacts of the Project. Therefore, the Project impacts would not be considered a new or more significant impact than previously disclosed. An addendum to the original Biological Resources Technical Report has been prepared and is attached to this Final EIR as Appendix E, *Biological Resources Technical Report Addendum*.

Changes to DEIR:

The proposed Project would include development of a single-story, 655,468-square foot (SF) industrial building on the 29.61-acre site. The proposed building would have a building footprint of 650,468 SF and a mezzanine of 5,000 SF for total of 655,468 SF. Additional improvements proposed include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and drive aisles. Approximately **1.3**~~8.9~~ acres of offsite improvements would be required for necessary roadway and utility infrastructure to support the Project.

Direct Impacts

Western Joshua tree, a candidate species for state listing under CESA, was observed and would be directly impacted by the Project. The Project would result in direct impacts to ~~97~~ **248** western Joshua tree individuals. All ground-disturbing activities are considered permanent impacts to western Joshua trees. Direct impacts to western Joshua tree are considered significant absent mitigation under CEQA.

~~Based on a literature review completed by CDFW (Vander Wall et al. 2006), research suggests the western Joshua tree locations should be buffered by 186 feet to account for the impacts of seed bank for western Joshua tree and their associated habitat. Therefore, A 86-foot buffer (or radius) was applied to each western Joshua tree location. The direct impacts to this 186-foot buffer were analyzed, including impacts to their seed bank and their associated habitat.~~ Of the ~~97~~ **248** western Joshua tree individuals, ~~a total of 13~~ **several** overlap the Hesperia Commerce Center II project (ITP No. 2021-038-06) (see Figure 5.3-2). The project that takes those trees first would be responsible for the mitigation of those subject trees and the latter project would not be required to mitigate for the take of the trees.

Western Joshua trees remain listed as a Candidate; therefore, the impacted ~~97~~ **248** trees would require mitigation pursuant to CESA. As required by Mitigation Measure (MM) BIO-2 (Conservation of Western Joshua Tree Lands), mitigation for direct impacts to western Joshua trees, their seed bank, and associated

habitat will be fulfilled through conservation of western Joshua trees through a payment of fees consistent with The Western Joshua Tree Conservation Act or through payment to a CDFW-approved mitigation bank as approved by the City of Hesperia and CDFW. In addition, implementation of MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Programs), and MM BIO-5 (Construction Monitoring Notebook) would reduce potential direct impacts during Project construction to a less-than significant level.

Location: Biological Resources, Impact BIO-1, pp. 5.3-18

Explanation for Change and Discussion:

Since the Draft EIR was circulated for the KISS Logistics Project, the impact footprint has changed. As a result, impacts to biological resources were recalculated. An addendum to the original Biological Resources Technical Report has been prepared and is attached to this Final EIR as Appendix E, *Biological Resources Technical Report Addendum*.

Changes to DEIR:

Loggerhead shrike
Extensive suitable nesting habitat, particularly western Joshua trees, is present within the BSA. The Project would result in the loss of ~~34.3~~ **32.0** acres of suitable habitat for loggerhead shrike, including impacts to desert almond—Mexican bladdersage scrub, Joshua tree woodland, **and** California buckwheat scrub~~, and rubber rabbitbrush scrub~~. These potential direct impacts to loggerhead shrike could be considered significant.

Location: Biological Resources, Impact BIO-1, pp. 5.3-19

Explanation for Change and Discussion:

Since the Draft EIR was circulated for the KISS Logistics Project, the impact footprint has changed. As a result, impacts to biological resources were recalculated. An addendum to the original Biological Resources Technical Report has been prepared and is attached to this Final EIR as Appendix E, *Biological Resources Technical Report Addendum*.

Changes to DEIR:

LeConte's Thrasher
The Project would result in the loss of approximately ~~23.4~~ **22.5** acres of suitable habitat for LeConte's thrasher, including impacts to desert almond—Mexican bladdersage scrub, **and** California buckwheat scrub~~, and rubber rabbitbrush scrub~~. These potential direct impacts to LeConte's thrasher could be considered significant.

To avoid potential impacts to nesting LeConte's thrasher, vegetation removal activities would be conducted outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey would be conducted by a qualified biologist prior to vegetation removal. This requirement is outlined in MM BIO-9 (Pre-construction Nesting Bird Surveys).

As required by MM BIO-2, mitigation for direct impacts to ~~11~~ **9.5** acres of western Joshua trees, their seed bank, and their associated habitat will be fulfilled through conservation of western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree would focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree would also mitigate impacts to loss of suitable habitat for LeConte's thrasher.

Potential long-term indirect impacts that could result from development within or adjacent to LeConte's thrasher habitat include night-time lighting and increased invasive plant species that may degrade habitat. MM BIO-12 (Lighting) would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM BIO-13 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (http://www.cal-ipc.org/ip/inventory/index.php).

Implementation of MM BIO-2 (Conservation of Western Joshua Tree Lands) and MM BIO-9 (Pre-construction Nesting Bird Surveys) would reduce potential operational impacts to LeConte's thrasher to less than significant.

Burrowing Owl

The Project would result in the loss of ~~37.5~~ **32.7** acres of suitable habitat for burrowing owl, including impacts to desert almond—Mexican bladdersage scrub, Joshua tree woodland, **and** California buckwheat scrub~~, and rubber rabbitbrush scrub~~. These potential direct impacts to burrowing owls could be considered significant. Focused surveys for burrowing owl conducted in 2022 (see Table 5.3-1, Biological Site Surveys). Based on the results of focused surveys within the study area, burrowing owls are considered absent from the site. However, this species may colonize an area quickly and continue to have a moderate potential to occur before construction begins. A pre-construction survey is needed to confirm their absence prior to construction.

Location: Biological Resources, Impact BIO-1, pp. 5.3-20

Explanation for Change and Discussion:

Since the Draft EIR was circulated for the KISS Logistics Project, the impact footprint has changed. As a result, impacts to biological resources were recalculated. An addendum to the original Biological Resources Technical Report has been prepared and is attached to this Final EIR as Appendix E, *Biological Resources Technical Report Addendum*.

Changes to DEIR:

Joshua tree woodland is considered suitable habitat for burrowing owl. As required by MM BIO-2, mitigation for direct impacts to ~~11~~ **9.5** acres of western Joshua trees, their seed bank, and their associated habitat will be fulfilled through conservation of western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree will focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree will double as mitigation for impacts to loss of suitable habitat for burrowing owl, which use similar habitat.

As required by MM BIO-1 (Western Joshua Tree Fee Payment), mitigation for direct impacts to ~~97~~ **248** western Joshua trees will be fulfilled through payment of applicable fees consistent with The Western Joshua Tree Conservation Plan or through payment to a CDFW-approved mitigation bank. The fees will contribute to conservation of western Joshua tree, which will also provide habitat for Crotch bumble bee. Thus, mitigation for impacts to western Joshua tree would also mitigate for impacts to loss of potential habitat for Crotch bumble bee.

Location: Biological Resources, Impact BIO-2, pp. 5.3-21

Explanation for Change and Discussion:

Since the Draft EIR was circulated for the KISS Logistics Project, the impact footprint has changed. As a result, impacts to biological resources were recalculated. The Project buffer was modified to include an addendum

to the original Biological Resources Technical Report has been prepared and is attached to this Final EIR as Appendix E, *Biological Resources Technical Report Addendum*.

Changes to DEIR:

The proposed Project would include development of a single-story, 655,468-square foot (SF) industrial building on the 29.61-acre site. The proposed building would have a building footprint of 650,468 SF and a mezzanine of 5,000 SF for total of 655,468 SF. Additional improvements proposed include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and drive aisles. Approximately **1.3**~~8.9~~ acres of offsite improvements would be required for necessary roadway and utility infrastructure to support the Project.

Less Than Significant Impact With Mitigation. Six vegetation communities were mapped within the BSA (includes the Project site, offsite improvement area, and a 100-foot buffer), including ~~28.5~~ **22.4** acres of Desert Almond-Mexican Bladdersage Scrub, ~~29.6~~ **32.7** acres of Joshua Tree Woodland, ~~1.0~~ **0.1** acre of California Buckwheat Scrub, ~~16.8 acres of Rubber Rabbitbrush Scrub, 8.1 acres of urban/developed area,~~ and ~~13.5~~ **0.7** acres of disturbed habitat (see Figure 5.3-1). State rankings of 1, 2, or 3 are considered high priority for inventory or special-status and impacts to these communities typically require mitigation Joshua Tree Woodland is ranked as S3, or "vulnerable to extirpation or extinction", by the California Natural Community List. All other communities listed are ranked as S4 or S5, or unranked, which are not considered sensitive vegetation communities.

As discussed above, the Project would result in the disturbance of 29.5-acre within the Project site and ~~8.9~~ **1.3** acres of off-site area. Biological research and site surveys conducted for the Project identified six vegetation communities BSA (and 100-foot buffer around the Project site), including ~~28.5~~ **22.4** acres of Desert Almond-Mexican Bladdersage Scrub, ~~29.6~~ **32.7** acres of Joshua Tree Woodland, ~~1.0~~ **0.1** acre of California Buckwheat Scrub, ~~16.8 acres of Rubber Rabbitbrush Scrub, 8.1 acres of urban/developed area,~~ and ~~13.5~~ **0.7** acres of disturbed habitat. State rankings of 1, 2, or 3 are considered high priority for inventory or special-status and impacts to these communities typically require mitigation Joshua Tree Woodland is ranked as S3, or "vulnerable to extirpation or extinction", by the California Natural Community List. All other communities listed are ranked as S4 or S5, or unranked, which are not considered sensitive vegetation communities.

All ground-disturbing activities are considered permanent impacts to Joshua tree woodland. The Project would result in permanent impacts to ~~11.0~~ **9.5** acres of the **32.7**~~29.6~~ total acres of Joshua tree woodland within the BSA. The Project would also result in permanent impacts to 27.3 acres of vegetation communities and land cover types that are not considered sensitive by CDFW, including desert almond—Mexican bladdersage scrub, California buckwheat scrub, ~~and rubber rabbitbrush scrub~~, and disturbed habitat~~, and urban/developed lands~~.

In the event that western Joshua trees remain listed as a candidate species or are elevated to "threatened" status, the impacted ~~97~~ **248** trees would require mitigation pursuant to CESA and/or the Western Joshua Tree Conservation Act. Mitigation for direct impacts to ~~97~~ **248** western Joshua tree individuals will also mitigate for impacts to ~~11.0~~ **9.5** acres of Joshua tree woodland. As required by MM BIO-2 (Conservation of Western Joshua Tree Lands), mitigation for direct impacts to ~~97~~ **248** western Joshua trees will be fulfilled through conservation of Western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree will focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree will also mitigate for impacts to ~~11.0~~ **9.5** acres of Joshua tree woodland.

Location: Biological Resources, Environmental Impacts, pp. 5.3-22

Explanation for Change and Discussion:

The DEIR references the Project's proximity to the Oro Grande Wash several times. The distance that is stated within Section 5.3 Biological Resources regarding the distance between the Project site and the Oro Grande Wash contains an error. The distance noted is 300 feet; however, the Project is approximately 0.25 mile from the delineated boundary of the Oro Grande Wash (see Appendix C, Biological Resources Report, of the DEIR). The response to Impact BIO-3 has been revised to reflect the correct distance between the wash and the Project.

Changes to DEIR:

IMPACT BIO-3: WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT ON STATE OR FEDERALLY PROTECTED WETLANDS (INCLUDING, BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS

No Impact. The Oro Grande Wash is located approximately ~~300 feet~~ **0.25 mile** southeast of the Project site, and the proposed sewer line includes jack and bore pits that would be used to align the sewer would run beneath Oro Grande Wash. The Mojave River is located approximately nine miles east of the Project site. The Project site does not contain any state or federally protected wetlands or waters. Therefore, Project construction and operation would not have any impacts on State- or Federally-protected wetlands, including vernal pools or marsh areas as a result of direct removal, filling, hydrological interruption, or other means.

Location: Biological Resources, Impact BIO-5, pp. 5.3-23

Explanation for Change and Discussion:

Since the Draft EIR was circulated for the KISS Logistics Project, the impact footprint has changed. Furthermore, the methodology for taking data regarding Joshua trees has changed since the passing of the WJTCA. As a result, impacts to biological resources were recalculated.

Changes to DEIR:

As stated above, the Project site includes ~~97~~ **248** Joshua trees are located within the Project site. The western Joshua tree is currently listed as a Candidate Threatened Species under the California Endangered Species Act (CESA). As a listed species under CESA, the Project applicant would be required to obtain an ITP under Section 2081 of the Fish and Game Code (MM BIO-2). Additionally, the applicant will apply for mitigation land credits from a CDFW-approved mitigation bank established to protect Joshua trees or pay fees according to the Western Joshua Tree Conservation Act at a minimum of a 1:1 ratio of equal or better function.

Location: Biological Resources, Cumulative Impacts, Special-Status Species, pp. 5.3-24

Explanation for Change and Discussion:

Since the Draft EIR was circulated for the KISS Logistics Project, the impact footprint has changed. Furthermore, the methodology for taking data regarding Joshua trees has changed since the passing of the WJTCA. As a result, impacts to biological resources were recalculated.

Changes to DEIR:

Special-Status Species.

The Project could result in impacts to *b*urrowing owls, Loggerhead shrike, Le Conte's thrasher, and Joshua trees. Joshua tree woodlands are considered a sensitive natural community by CDFW (CDFW 2020).

As required by MM BIO-2, mitigation for direct impacts to ~~97~~ **248** western Joshua trees will be fulfilled through purchase of credits at a CDFW-approved mitigation bank or payment of in-lieu fees per the Western Joshua Tree Conservation Act, as approved by the City of Hesperia and CDFW.

Location: Biological Resources, Cumulative Impacts, Sensitive Habitat, pp. 5.3-24

Explanation for Change and Discussion:

Since the Draft EIR was circulated for the KISS Logistics Project, the impact footprint has changed. Furthermore, the methodology for taking data regarding Joshua trees has changed since the passing of the WJTCA. As a result, impacts to biological resources were recalculated.

Changes to DEIR:

Sensitive Habitat.

The Project site is currently undeveloped and does not contain any riparian habitat or jurisdictional waters. Therefore, cumulative impacts related to riparian habitat and jurisdictional waters would be less than cumulatively significant.

The Project would result in permanent impacts to ~~11.0~~ **9.5** acres of Joshua tree woodland. Mitigation for direct impacts to ~~97~~ **248** western Joshua tree individuals will also mitigate for impacts to ~~11.0~~ **9.5** acres of Joshua tree woodland. In the event that western Joshua trees remain listed as a Candidate species or are elevated to "Threatened" status, as required by MM BIO-2 (Conservation of Western Joshua Tree Lands), mitigation for direct impacts to ~~97~~ **248** western Joshua trees will be fulfilled through conservation of Western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree will focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree will also mitigate for impacts to ~~11.0~~ **9.5** acres of Joshua tree woodland. In the event that western Joshua trees are delisted as a Candidate threatened species, the Hesperia Municipal Code Chapter 16.24 would apply, which would require the development and implementation of a desert native plants relocation plan to plan for the removal and replacement of impacted Joshua trees (MM BIO-1). The less than significant impacts, with implementation of MM BIO-1. The less than significant impacts, with implementation of MM BIO-1 and/or MM BIO-2, from the Project are not anticipated to combine with other development projects to substantially affect this sensitive habitat to a point where availability in the region is substantially diminished. Therefore, Project impacts would not be cumulatively considerable.

Location: Biological Resources, Mitigation Measures, pp. 5.3-27

Explanation for Change and Discussion:

The DEIR includes a statement in page 5.3-27 stating that the Western Joshua Tree Conservation Act is currently under consideration by the California Fish and Game Commission. However, this statement is incorrect as the Western Joshua Tree Conservation Act has now passed, and the DEIR acknowledges the passage of the Conservation Act throughout the document. The DEIR also provides mitigation measures that fulfill the requirements of the Act.

Mitigation Measure BIO-2 has been revised to remove the incorrect statement.

Changes to DEIR:

Mitigation Measure BIO-2: Conservation of Western Joshua Tree Lands (CESA)
In the case that the California Fish and Game Commission lists western Joshua trees as threatened under the California Endangered Species Act, the following measure will be implemented:

- Prior to the initiation of Joshua tree removal, obtain California Endangered Species Act (CESA) ITP under Section 2081 of the Fish and Game Code. The Project Applicant will adhere to measures and conditions set forth within the ITP.
- Mitigation for direct impacts to western Joshua trees shall be fulfilled through conservation of western Joshua trees at a 1:1 habitat replacement ratio, of equal or better functions and values to those impacted by the Project. Mitigation can be through purchases of credits at a California Department of Fish and Wildlife (CDFW)-approved mitigation bank for western Joshua tree. Additionally, no take of western Joshua tree will occur without authorization from CDFW in the form of an ITP pursuant to Fish and Game Code 2081.
- Name, qualifications, business address, and contact information of a biological monitor (designated botanist) shall be submitted to CDFW at least 30 days prior to Project activities. The designated botanist shall be responsible for monitoring Project activities to help minimize and fully mitigate or avoid incidental take of Joshua trees.
- The designated botanist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid unauthorized take of an individual Joshua tree.
- The Project analyzed impacts to western Joshua trees**, which** ~~by applying the 186-foot buffer zone~~ overlap with the adjacent proposed developments. Any impacts to overlapping Joshua trees will be analyzed by CDFW to ensure no Joshua trees are mitigated twice.
- The Western Joshua Tree Conservation Act ~~is currently under consideration~~ **has been approved** by the California Fish and Game Commission. ~~In the event that the~~ **The** Western Joshua Tree Conservation Act is **now in** ~~effect, implemented, effectively replacing the function of species protection under~~ **which provides an alternative mitigation option to traditional** CESA **mitigation.**~~, a~~ **Alternative Western Joshua Tree Conservation Act** ~~habitat replacement~~ **mitigation** mechanisms, providing equal or better function and value to existing mechanisms under CESA, will be implemented **in combination with traditional mitigation banking or in lieu of mitigation banking** as ~~required~~ **allowed** under state law.

2.2.6. Chapter 5.5 Energy

Location: Energy, Construction, pp. 5.5-5

Explanation for Change and Discussion:

CalEEMod was revised to reflect the changes made to off-site improvements as described above in the revised Project Description. However, the change in construction energy use would have a negligible effect on local and regional energy supplies. Fuel consumption during construction would not be inefficient, wasteful, or unnecessary. Impacts would remain less than significant.

Changes to DEIR:

Construction

Construction activities related to the proposed Project and the associated infrastructure are not expected to result in a greater demand for fuel on a per-unit-of-development basis than other development projects in Southern California. Also, CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. The energy analysis modeling for the proposed Project (included as Appendix B) details that construction-related use of off-road equipment would utilize ~~66,462.3~~ **135,870.5** gallons of diesel fuel and ~~100,308.7~~ **116,177.2** gallons of gasoline, as detailed in Table 5.5-1. Percentage increases represent the annual construction-generated fuel use in San Bernardino County.

Table 5.5-1: Estimated Construction Fuel Consumption

Energy Type	Total Energy Consumption	Percentage Increase Countywide
Diesel Fuel (total gallons)	~~66,462.3~~ 135,870.5	~~<0.01~~ 0.04
Gasoline (total gallons)	~~100,308.7~~ 116,177.2	<0.01

Source: ~~Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B)~~ Compiled by LSA, February 2024.

Location: Energy, Operation, pp. 5.5-5

Explanation for Change and Discussion:

As discussed above under Project Description, the Project would include Project Design Features (PDFs) that would reduce operational Project emissions and energy demand. This has been included and noted in the operation impacts discussion of the Energy section.

Changes to DEIR:

Less than Significant Impact. Once operational, the Project building would generate demand for electricity, as well as gasoline for motor vehicle trips. Operational use of energy includes the heating, cooling, lighting of buildings, water heating, operation of electrical systems and plug-in appliances within buildings, parking lot and outdoor lighting, and the transport of electricity, and water to the areas where they would be consumed. Additionally, the Project includes five percent of floor space dedicated to cold storage, which has been included in the analysis below. This use of energy is typical for urban development, and no operational activities or land uses would occur that would result in extraordinary energy consumption. **The Project includes several Project Design Features (PDFs) that would reduce Project emissions and energy demand. Project PDF-1 through PDF-6 include energy reduction measures such as implementation of renewable energy system, inclusion of automatic light switches and control receptacles, the Project would be designed to meet LEED certification standards, low volatile organic compound (VOC) coatings and paint would be used, and exterior glazing to reduce solar heat gain would be applied.**

Location: Energy, Project Design Features, pp. 5.5-7

Explanation for Change and Discussion:

As discussed above under Project Description, the Project would include Project Design Features (PDFs) that would reduce operational Project emissions and energy demand. The Project PDFs have been added as Section 5.5.9 within the Energy analysis.

Changes to DEIR:

5.5.9 PROJECT DESIGN FEATURES

The following design features would be implemented as part of the Project and would reduce Project energy demand:

PDF-1 **Renewable energy system/solar electricity generation and battery system – 90 kilowatt hours (kWh) generation and 38 kwh battery to allow for peak energy usage offset;**

PDF-2 **Automatic Light Switches;**

PDF-3 **Control receptacles (shut off after certain durations);**

PDF-4 **The proposed building would be designed to Leadership in Energy and Environmental Design (LEED) certification standards;**

PDF-5 **EV chargers would be installed per Title 24 requirements day one;**

PDF-6 **Low volatile organic compound (VOC) coatings and paint (less than 10 grams per liter);**

PDF-7 **Vistacool layer and Solarban layer on exterior glazing which reduces energy consumption due to solar heat gain.**

2.2.7. Section 5.7 Greenhouse Gas Emissions

Location: Greenhouse Gas Emissions, Construction, pp. 5.7-12

Explanation for Change and Discussion:

CalEEMod was revised to reflect several changes that were made to the Project since circulation of the Draft EIR and incorporation of Project elements not previously captured in the Project's air quality and GHG modeling, which include the following:

- Changes to offsite improvements as described above in the revised Project Description;
- Incorporation of a 235-horsepower (HP) diesel fire pump that would be anticipated to run up to 26 hours per year;
- Project Design Features (PDFs) that are incorporated into Project design and would reduce Project emissions and energy consumption as described above in the revised Project Description;
- Incorporation of additional measures that would be anticipated to reduce Project emissions and energy consumption but are not quantifiable and are not included in the Project modeling; and
- Incorporation of voluntarily best practices that could reduce Project emissions and energy consumption but are not enforceable, quantifiable, and are not included in the Project modeling.

With incorporation of the changes above, the change in construction and operation emissions would be nominal and GHG impacts would remain significant and unavoidable.

Changes to DEIR:

It is estimated that the Project would generate approximately ~~1,184~~**1,715.8** MT/year CO_2e during construction of the Project. When amortized over the 30-year life of the Project, annual emissions would be ~~39.5~~**57.2** MT/year CO_2e (Appendix B).

Location: Greenhouse Gas Emissions, Operation, pp. 5.7-12 to 5.12-14

Explanation for Change and Discussion:

CalEEMod was revised to reflect the changes described above. The changes in Project pre-mitigation emissions associated with the Project would result in a slight increase from previous conditions and post-mitigation conditions would result in a slight decrease. However, Project GHG would continue to exceed the SCAQMD threshold. Therefore, impact determinations would remain the same as those identified in the Draft EIR.

Changes to DEIR:

The Project would include construction and operation of a 655,468 SF industrial facility. The Project includes several Project Design Features (PDFs) that would reduce Project emissions and energy demand. Project PDF-1 through PDF-6 include energy and GHG reduction measures such as

implementation of renewable energy system, inclusion of automatic light switches and control receptacles, the Project would be designed to meet LEED certification standards, low volatile organic compound (VOC) coatings and paint would be used, and exterior glazing to reduce solar heat gain would be applied. As shown in Table 5.7-1, the annual GHG emissions associated with construction and operation of the proposed Project would result in annual emissions of ~~11,679.6~~ **11,630.5** $MTCO_2e$/yr, which is more than the screening threshold of 3,000 $MTCO_2e$/yr. Therefore, the following discussion compares the proposed Project to the efficiency-based threshold **as well**.

Table 5.7-1: Proposed Project Generated Greenhouse Gas Emissions

Source	Greenhouse Gas Emissions, CO_2e
	Metric Tons per Year
Project Operational Emissions	
Area Sources	~~9.6~~ **<0.1**
Energy Sources	1,070.0
Mobile Sources – Vehicles and Light Duty Trucks	4,317.0
Mobile Sources – Heavy Heavy Duty Trucks	5,598.0
Stationary Sources	20.5
Waste Sources	204.0
Water Sources	421.0
Total Project Emissions	~~11,640.1~~**11,630.5**
Amortized Construction Emissions	~~39.5~~ **57.2**
Total Annual Emissions	~~11,679.6~~ **11,687.7**
SCAQMD Threshold	**3,000**
Significant?	**Yes**

Source: ~~Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B)~~**Compiled by LSA, February 2024**.
CO2e = carbon dioxide equivalent

According to the Southern California Association of Governments (SCAG), the generation rate for employees required for operation of an industrial project is 1 employee for every 1,195 SF of industrial space. As the Project would build and operate a 655,468 SF industrial facility, operation of the Project would require approximately 549 employees. The proposed Project would not accommodate new residents; therefore, the total service population would be 549 people (residents plus employees). As such, the proposed Project would result in a per service population of ~~21.3~~ **21.2** MT CO2e per year per service population, which exceeds the SCAQMD's threshold of 4.8 MT CO2e per year per service population. Therefore, the proposed Project would have the potential to generate significant GHG emissions. As such, Mitigation Measure GHG-1 is included in the Project which requires that the Project incorporate sustainable transportation technologies and practices appropriate for the proposed use. **Additionally, voluntary best practices have been included that could reduce Project GHG emissions and energy consumption but are not enforceable. These measures are subject to the availability of technology and/or are dependent on human behavior, which neither the applicant nor the Lead Agency can ensure. These measures have not been included in Project modeling and reductions in GHG emissions have not been taken.**

Table 5.7-2 shows Project operation GHG emissions with implementation of **Project PDFs and** Mitigation Measure GHG-1. As shown, with implementation of Mitigation Measure GHG-1, the proposed Project would result in approximately ~~10,614.0~~ **10,583.4** MT/year CO2e **or 19.2 MT CO2e per year per service population. Due to the GHG emissions exceedance, the proposed Project would have the potential to generate direct or indirect GHG emissions that would result in a significant impact on the environment, thereby requiring mitigation. Implementation of Mitigation Measure GHG-1 aims to reduce the Project's GHG emissions through minimization of construction emissions via idling limitations and use of lower-emission equipment. The measure also includes implementation of infrastructure necessary for building**

and vehicle electrification that meets existing and anticipated future demands. Mitigation Measure GHG-1 includes programs intended to reduce car trips of Project workers. Through implementation of Mitigation Measure GHG-1, 100 percent of the Project's electricity demand would come from renewable energy with the support of solar panels. Overall, Mitigation Measure GHG-1 is designed to reduce Project construction and operational-source emissions. Table 5.7-2 shows the GHG emission reduction associated with implementation of Mitigation Measure GHG-1.

Table 5.7-2: Mitigated Project Generated Greenhouse Gas Emissions

Source	Greenhouse Gas Emissions, CO_2e
	Metric Tons per Year
Project Operational Emissions	
Area Sources	~~9.6~~<0.1
Energy Sources	~~43.4~~<0.1
Mobile Sources – Vehicles and Light Duty Trucks	4,317.0
Mobile Sources – Heavy Heavy Duty Trucks	5,598.0
Stationary Sources	~~20.5~~ 22.8
Waste Sources	204.0
Water Sources	~~382.0~~ 384.4
Total Project Emissions	~~10,614.0~~10,526.2
Amortized Construction Emissions	~~39.5~~ 57.2
Total Annual Emissions	~~10,614.0~~10,583.4
SCAQMD Threshold	3,000
Significant?	Yes

Source: ~~Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B)~~ Compiled by LSA, February 2024.
CO2e = carbon dioxide equivalent

As shown in Table 5.7-2, Mitigation Measure GHG-1 would result in a reduction in overall GHG due to the provision of 100 percent of Project electricity through renewable energy sources. However, there is no way to quantify GHG reductions of the other components of Mitigation Measures GHG-1 in CalEEMod. Although it is likely Project emissions would decrease with implementation of the other components, to provide a conservative evaluation of Project impacts, no reductions were applied to the estimated Project emissions.

Further, 94 percent of Project emissions would primarily result from mobile source emissions, both vehicle and truck. There are no available feasible Project measures that would further reduce vehicular and truck emissions to below the GHG threshold, since neither the Project Applicant nor the Lead Agency (City of Hesperia) can substantively or materially affect reductions in Project mobile-source emissions and/or available technologies. Thus, emissions would be reduced to the extent feasible; however, emissions would continue to exceed the SCAQMD threshold. Therefore, with implementation of Mitigation Measure GHG-1, operation of the proposed Project would have the potential to generate significant GHG emissions that would have a significant effect on the environment. Impacts would be significant and unavoidable.

Location: Greenhouse Gas Emissions, Project Design Features, pp. 5.7-24

Explanation for Change and Discussion:

As discussed above under Project Description, the Project would include Project Design Features (PDFs) that would reduce operational Project emissions and energy demand. The Project PDFs have been added as Section 5.6.9 within the Greenhouse Gas Emissions analysis.

Changes to DEIR:

5.6.9 PROJECT DESIGN FEATURES

The following design features would be implemented as part of the Project and would reduce Project GHG emissions:

PDF-1 **Renewable energy system/solar electricity generation and battery system – 90 kilowatt hours (kWh) generation and 38 kwh battery to allow for peak energy usage offset;**

PDF-2 **Automatic Light Switches;**

PDF-3 **Control receptacles (shut off after certain durations);**

PDF-4 **The proposed building would be designed to Leadership in Energy and Environmental Design (LEED) certification standards;**

PDF-5 **EV chargers would be installed per Title 24 requirements day one;**

PDF-6 **Low volatile organic compound (VOC) coatings and paint (less than 10 grams per liter);**

PDF-7 **Vistacool layer and Solarban layer on exterior glazing which reduces energy consumption due to solar heat gain.**

Location: Greenhouse Gas Emissions, Mitigation Measures, pp. 5.7-24

Explanation for Change and Discussion:

Mitigation Measure GHG-1 has been updated to clarify the specific actions that will be taken by the applicant and City in enforcement of GHG emission reduction strategies, remove measures that are unenforceable (reclassified as best practices), and include additional measures under Mitigation Measure GHG-1 that would further reduce Project GHG emissions.

Changes to DEIR:

Mitigation Measure GHG-1: Prior to issuance of a building permit, the City of Hesperia shall identify project design details and specifications to document implementation and compliance with the following emission reduction measures. Implementation of the following measures will be required prior to building permits and is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- ~~Use the cleanest technologies available and~~ provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site, **including but not limited to running conduit to dock doors to allow for future plug-in of TRUs or truck charging**.
- All loading/unloading docks and trailer spaces shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. ~~Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration shall be encouraged for operational fleets.~~
- All TRUs **operated by the owner/applicant** entering the Project site be shall plug-in capable.
- ~~Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible.~~
- All heavy-duty trucks ~~entering or~~ **operated by the owner/applicant** on the Project site shall be model year 2014 or later.

- The Project Applicant shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation.
- Trucks and support equipment shall be prohibited from idling longer than ~~five~~**three** minutes while on site.
- On-site TRU diesel engine runtime shall be limited to no longer than 15 minutes.
- Include rooftop solar panels ~~that~~ **and** supply 100 percent of **Project** electricity from renewable energy resources.
- Implement a transportation demand program. Program measures may include free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the Project site **(see Mitigation Measure T-1 of Section 5.12, Transportation)**.
- ~~Implement a zero-waste program or other feasible waste reduction measures such as composting waste food scraps from employee activities and food waste processing.~~
- Install water-efficient fixtures (toilets, faucets, showers), water efficient landscape irrigation systems (drip irrigation with control panel and soil moisture sensors), and water efficient landscaping.
- **Keep onsite and furnishing to the lead agency of other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classification.**
- **Provide information on transit and ridesharing programs and services to construction employees.**
- **Provide information on nearby meal/dining destinations for construction workers.**
- **Run conduit to designated locations for future vehicle electric charging stations.**
- **Expand the electrical room by 10 percent to (25 percent total) to accommodate future expansion of electric vehicle charging capability.**
- **Run conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.**
- **The building shall have breakroom with food storage capabilities.**
- **Signs shall be posted at every truck exist driveway to provide directional information to the truck route.**
- **The owner shall provide any future tenants with information on incentive programs, such as Carl Moyer program and Voucher Incentive Program, to upgrade their fleets.**

Best Practices: In addition to mitigation identified above, the following voluntary best practices would be implemented by the applicant to the greatest extent possible:

- **Use the cleanest technologies available.**
- **Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration shall be encouraged for operational fleets.**
- **Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible.**
- **Implement a zero-waste program or other feasible waste reduction measures such as composting waste food scraps from employee activities and food waste processing.**
- **The project contractor will use Tier 4 equipment as commercially available.**

- **Expedite a transition to zero-emission vehicles and be fully zero-emission beginning in 2030 if feasible.**

2.2.8. Section 5.9 Hydrology

Location: Hydrology and Water Quality, Environmental Impacts (pp. 5.9-15)

Explanation for Change and Discussion:

Information within the analysis for impacts of the Project on the site's hydrology and drainage included incorrect information that the peak flow rate would increase as a result of the Project. However, the Project would maintain existing peak flow rates. Therefore, the information has been revised accordingly.

Changes to DEIR:

Operation

Less than Significant Impact. As described previously, the proposed Project would result in an increase in impervious area onsite. As a result, the Project would increase surface flows compared to existing conditions. However, installation of new stormwater facilities, including an aboveground stormwater basin, pervious landscaped areas, and new storm drains would be installed. The proposed stormwater drainage system would collect onsite flows via a series of catch basins and storm drains.

Proposed onsite stormwater infrastructure has capacity to treat and detain 100 percent of the WQMP DCV. In addition, stormwater runoff would be directed towards landscaped areas wherever possible for treatment and infiltration. The aboveground and underground storage facilities are expected to retain and infiltrate the 100-year 24-hour storm. The use of the detention basin and landscaping would regulate the rate and velocity of stormwater flows and would control the amount of discharge into the offsite drainage system. As determined by the Preliminary WQMP (Appendix K) and Preliminary Hydrology Report (Appendix I), the proposed drainage improvements would slightly ~~increase~~ **maintain** peak flow rates for a 100-year storm from existing conditions of 59.10 cubic feet per second (cfs)~~to 91.66 cfs~~. Proposed hydromodifications would be consistent with County requirements within the San Bernardino County Hydrology Manual flow requirements. As determined by the Preliminary WQMP (Appendix K) and Preliminary Hydrology Report (Appendix I), the proposed Project would not result in flooding conditions to upstream or downstream properties with the proposed improvements. As part of the permitting approval process, the proposed drainage and water quality design and engineering plans would be reviewed by the City Department of Public Works to ensure that they meet the County NPDES Permit requirements and would not result in flood impacts.

Overall, the drainage facilities proposed for the Project have been sized to be consistent with the County MS4 permit requirements. Thus, implementation of the Project would not substantially increase the rate or amount of surface runoff, such that flooding would occur. Impacts would be less than significant.

2.2.9. Section 5.11 Noise

Location: Noise, Construction, pp. 5.11-14

Explanation for Change and Discussion:

The Noise Report and supporting modeling has been revised to ensure that the revised utility alignment is included and sensitive receptors in proximity to the Project are considered. The construction noise level at the

closest sensitive receptor from the off-site utility improvements would be 57 dBA which would remain below the 80 dBA Leq 8-hour construction noise level criteria and impacts would remain less than significant.

Changes to DEIR:

While construction noise will vary, it is expected that composite noise levels during construction at the nearest residential uses southwest of the Project would reach 58 dBA Leq. These predicted noise levels would only occur when all construction equipment is operating simultaneously; and therefore, are conservative assumptions. While construction-related short-term noise levels have the potential to be higher than existing ambient noise levels in the Project area under existing conditions, the noise impacts would no longer occur once Project construction is completed. As shown on Table 5.11-5, construction noise from the proposed Project at the nearby receptor locations would range from 54 to 58 dBA Leq, which would not exceed the 80 dBA Leq 8-hour construction noise level criteria as established by the FTA for residential land uses. Therefore, impacts related to construction noise would be less than significant.

Table 5.11-1: Construction Noise Levels at Nearest Receptors

Receptor (Location)	Composite Noise Level (dBA Leq) at 50 feet1	Distance (feet)	Composite Noise Level (dBA Leq)
Residential/ Office Uses (North)	88[1]	1,610	58
Residences (East)		2,575	54
Residences (Southwest)		2,575	54
Off-Site Utility Improvements			
Residential/ Office Uses (Northeast)	**82**	**885[2]**	**57**

Source: Noise and Vibration Impact Analysis, 2023~~3~~**4** (Appendix **C of Final EIR**)
(1) The composite construction noise level represents the grading phase which is expected to result in the greatest noise level as compared to other phases. (2) Due to linear nature of this construction phase, the closest distance from construction activities to the nearest sensitive use is assumed.

Location: Noise, Sensitive Receptors, pp. 5.11-11

Explanation for Change and Discussion:

The Noise Report and supported modeling has been revised to ensure that the revised utility alignment is included and sensitive receptors in proximity to the Project are considered and adequately reflected.

Changes to DEIR:

Sensitive Receptors

Noise sensitive receptors are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include: residences, schools, hospitals, and recreation areas.

The closest sensitive receptors[1] include office and residential uses located approximately 900 feet north**east** of the Project site, West Main Villas multifamily residential community located approximately 1,600 feet east of the Project site, and rural single family residential approximately 1,500 feet southwest opposite Phelan Road.

[1] Note: Sensitive receptors in the Noise and Vibration Impact Analysis were measured from the center of the Project site.

Location: Noise, Operation, pp. 5.11-15 to 5.11-16

Explanation for Change and Discussion:

The Noise Report has been revised to ensure that the proposed heavy truck volumes are limited to the roadways identified in the Project Description and Traffic Impact Analysis. The prior analysis distributed truck trips to all roads that provide access to and from the freeway and since has excluded those segments which will not see heavy trucks, specifically Main Street, as part of the Project. Noise level increases from off-site generated traffic would remain below the 3 dBA threshold. Thus, impact determinations made in the DEIR would be less than significant.

Changes to DEIR:

Operation

Traffic Noise Impacts

Vehicle noise is a combination of the noise produced by the engine, exhaust and tires. The level of traffic noise depends on three primary factors (1) the volume of traffic, (2) the speed of traffic, and (3) the number of trucks in the flow of traffic.

As detailed in Section 5.12, Transportation, the proposed Project is anticipated to generate approximately 1,941 daily trips, 187 a.m. peak hour trips and 231 p.m. peak hour trips. Truck trips would occur along Phelan Road to Highway 395 while passenger vehicle trips would occur along Main Street to I-15. Table 5.11-6 provides the traffic noise levels for the existing with and without Project scenarios and opening year with and without Project scenarios. These noise levels represent the worst-case scenario, which assumes no shielding is provided between the traffic and the location where the noise contours are drawn.

As shown in Table 5.11-6, the increase in Project-related traffic noise would be no greater than ~~1.6~~ **1.8** dBA ~~at existing industrial uses~~ **during existing conditions** and no greater than ~~1.4~~ **1.6** dBA ~~at existing noise-sensitive residential uses~~ **during opening year conditions** which is below the threshold of a 3.0 dBA noise level increase. Therefore, traffic noise impacts from project-related traffic on off-site sensitive receptors would be less than significant, and no mitigation measures are required.

Offsite Stationary Noise Impacts

Adjacent offsite land uses would be potentially exposed to stationary-source noise impacts from the proposed onsite heating, ventilation, and air conditioning (HVAC) equipment and truck deliveries and loading and unloading activities. To provide a conservative analysis, it is assumed that operations would occur equally during all hours of the day and that half of the 60 loading docks would be active at all times. Additionally, it is assumed that within the peak hour, consistent with the Project's trip generation, 20 heavy trucks would maneuver to park near or back into one of the proposed loading docks.

The Project would include eight rooftop HVAC units on the building to provide ventilation to the proposed office spaces. The HVAC equipment could operate 24 hours per day and would generate sound power levels (SPL) of up to 87 dBA SPL or 72 dBA Leq at 5 feet, based on manufacturer data (Trane).

Delivery trucks are anticipated to generate a noise level of 75 dBA Leq at 20 feet (see Noise and Vibration Impact Analysis [Appendix J]). Delivery trucks would arrive onsite and maneuver their trailers so that trailers would be parked within the loading docks. During this process, noise levels are associated with the truck engine noise, air brakes, and back-up alarms while the truck is backing into the dock. These noise levels would occur for a shorter period of time (less than 5 minutes). After a truck enters the loading dock, the doors would be closed and the remainder of the truck loading activities would be enclosed, and therefore, much less perceptible. To present a conservative assessment, it is assumed that unloading activities could occur at

half of the 60 docks simultaneously for a period of more than 30 minutes in a given hour. Maximum noise levels that would occur during the docking process are anticipated to be 86 dBA Lmax at a distance of 20 feet (see Noise and Vibration Impact Analysis [Appendix J]).

Table 5.11-2: Traffic Noise Levels Without and With Proposed Project

Roadway Segment	Existing Without Project		Existing With Project			Opening Year		Opening Year With Project		
	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	Increase from Existing Conditions	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	Increase from Near-Term Conditions
Phelan Road ~~West of~~ from US-395 to Caliente Rd	~~16,930~~ 19,475	77.~~3~~9	~~18,950~~ 22,816	78.9~~6~~	~~1.6~~0.7	~~26,670~~22,945	~~79.2~~78.6	~~28,690~~26,286	~~80.7~~79.2	~~1.5~~0.6
Phelan Road From Caliente Road to Los Banos Avenue	19,406	77.9	21,381	78.3	0.4	22,547	78.5	24,522	78.9	0.4
US-395 From Phelan Road to Caliente Road	31,943	80.7	34,209	82.2	1.5	40,413	81.7	42,679	83.1	1.4
US-395 From Phelan Road to Poplar Street	26,013	79.8	29,160	81.5	1.7	33,618	80.9	36,765	82.5	1.6
Joshua Street from US-395 to I-15 SB Off-Ramp	6,634	73.9	7,712	75.7	1.8	14,359	77.2	15,437	78.7	1.5
Joshua Street from I-15 SB Off-Ramp to Mariposa Road	3,540	71.2	4,094	73.0	1.8	7,694	74.5	8,248	76.0	1.5
~~Main Street East of US-395~~	~~18,520~~	~~77.6~~	~~19,160~~	~~79.0~~	~~1.4~~	~~31,920~~	~~80.0~~	~~32,140~~	~~81.2~~	~~1.2~~
~~US-395 North of Main Street~~	~~24,590~~	~~79.6~~	~~24,800~~	~~80.8~~	~~1.2~~	~~34,810~~	~~81.1~~	~~34,600~~	~~82.2~~	~~1.1~~
~~US-395 South of Main Street~~	~~22,060~~	~~79.1~~	~~22,320~~	~~79.3~~	~~0.2~~	~~29,320~~	~~80.3~~	~~30,490~~	~~81.7~~	~~1.4~~

Roadway Segment	Existing Without Project		Existing With Project			Opening Year		Opening Year With Project		
	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	Increase from Existing Conditions	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	Increase from Near-Term Conditions

Source: Noise and Vibration Impact Analysis, 2023~~4~~ (Appendix ~~J~~ **C of Final EIR**).
Note: Traffic noise within 50 feet of the roadway centerline should be evaluated with site-specific information.
Shaded cells indicate roadway segments adjacent to the project site.
ADT = average daily traffic

2.2.10. Section 5.12 Transportation

Location: Environmental Impacts, (pp. 5.12-6)

Explanation for Change and Discussion:

The Draft EIR incorrectly stated that the Project would be consist with General Plan Policy CI-2.8: Reduce trip generation through development and implementation of Transportation Demand Management Programs because "the Project s effect on VMT would not be considered significant with implementation of Mitigation Measure T-1 which requires implementation of a Commute Trip Reduction Program." However, the EIR concludes that even with implementation of Mitigation Measure T-1, the Project s VMT impact would be significant and unavoidable and cumulatively considerably. Therefore, the Table has been revised to state that the Project's VMT impacts would remain significant and unavoidable with implementation of Mitigation Measure T-1.

Changes to DEIR:

Table 5.12-1: Consistency with Transportation Plans and Policies

Plan/Policy	Proposed Project Consistency with Policy
City of Hesperia General Plan	
Policy CI-2.8 Reduce trip generation through development and implementation of Transportation Demand Management Programs.	Consistent. The Project~~'s effect on VMT would not be considered significant with~~ **would** implement~~ation of~~ Mitigation Measure T-1 which requires implementation of a Commute Trip Reduction Program. **However, implementation of Mitigation Measure T-1 is unlikely to reduce VMT below the 32.7 Countywide significance threshold. Therefore, with implementation of the Mitigation Measure T-1, the Project's VMT impact would remain significant and unavoidable.** ~~Therefore~~ **Nonetheless, the Project would implement Transportation Demand Management Programs and therefore** the Project would not conflict with this policy.

2.2.11. Section 5.14 Utilities and Service Systems

Location: Utilities and Service Systems, Impact UT-1, pp 5.14-7

Explanation for Change and Discussion:

Since the DEIR has been circulated, the proposed alignment for offsite utility improvements has been revised. Offsite utility improvements are now proposed to follow roadway right-of-way along "A Street" (Caliente Road,) Phelan Road/Main Street, and connect into existing utilities on Mesa Linda Street and Cataba Road, as described above in the Project Description.

Changes to DEIR:

Less than Significant Impact.

The Project includes the development of a one-story, 655,468 SF warehouse and manufacturing facility on the 29.61-acre site and would be served by the HWD water utility. A ~~16~~4-inch water line would be constructed within the proposed 'A' Street right-of-way to the west of the Project site, that would extend approximately 1,300 feet south toward Phelan Road and then easterly, crossing Phelan Road. **The water main would then continue approximately 2,700 feet south and connect to the existing main at Sultana Street. The proposed water line within Phelan Road/Main Street and Mesa Linda Street has been**

approved and will be constructed as part of the adjacent Hesperia Commerce Center II Project (SCH # 2019110418). The Project would be responsible for constructing the portion of water line from along Caliente Road from Phelan Road to Yucca Terrace Road and the connection to the proposed building.

Location: Utilities and Service Systems, Impact UT-2, pp 5.14-7

Explanation for Change and Discussion:

The Project specific Water Supply Assessment, now included as Appendix D of the Final EIR, states that the water demand rate for the proposed Project is 3,000 gallons per day per acre. Therefore, this text has been revised to provide an accurate description of the water demand.

Less than Significant Impact. Water service to the Project site would be provided by the Hesperia Water District (HWD). The Hesperia Water District 2020 Urban Water Management Plan (UWMP), adopted in June 2021, was prepared for the HWD and therefore accounts for the water usage that would be attributed to development of the Project site. As shown in *Table 5.14-2: HWD Projected Water Demand and Supply During Normal and Dry Years (AF)*, HWD has verified that it has the water supplies available during normal, single-dry, and multiple-dry years within a 20-year projection that would meet the projected demand associated with the Project, in addition to existing and planned future uses.

Additionally, the 2020 UWMP detailed a 2020 water demand of 129 gallons per capita per day. ~~However, in order to conservatively estimate water used for irrigation and domestic uses for the proposed Project, a water demand rate of 2,000 gallons per day per acre was used.~~[2] **However, a Project specific Water Supply Assessment (WSA) was prepared for the proposed Project and is included as Appendix D. The WSA states that the water demand rate for the proposed Project is 3,000 gallons per day per acre (Appendix D).** As described previously, the Project includes development of a 29.61-acre site. Thus, the Project would generate an increased water demand of ~~59,220~~ **88,830** gallons per day or **99.5** ~~66.33~~ AF per year, which is within the anticipated increased demand and supply for water from 2020 to 2025, as shown on Table 5.14-2.

Based on the above, it is anticipated that existing and future water entitlements from groundwater and purchased or imported water sources, plus recycling and conservation, would be sufficient to meet the Project's demand at buildout, in addition to forecast demand for HWD's entire service area. Therefore, water demand from the proposed Project would be within the HWD's current and projected water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. In addition, all new developments that connect to the system are required to pay its applicable fair-share Development Impact Fee(s). Thus, impacts related to the need for new or expanded water supplies and entitlements would be less than significant.

Location: Utilities and Service Systems, Impact UT-3, pp 5.14-10

Explanation for Change and Discussion:

Since the DEIR has been circulated, the proposed alignment for offsite utility improvements has been revised. Offsite utility improvements are now proposed to follow roadway right-of-way along "A Street" (Caliente Road,) Phelan Road/Main Street, and connect into existing utilities on Mesa Linda Street and Cataba Road, as described above in the Project Description.

Changes to DEIR:

~~[2] Water demand of 2,000 gallons per day per acre was utilized from comparison to other industrial/warehouse uses in the County of San Bernardino in order to account for the increase water needs of industrial facilities.~~

Less than Significant Impact. The Project includes the development of a one-story, 655,468 SF warehouse and manufacturing facility on the 29.61-acre site. The Project would include construction of new onsite and offsite sewer lines. The proposed ~~12~~6-inch sewer line would begin from the northern portion of "A" Street **or Caliente Road and extend approximately 2,600 feet south to Phelan Road. The proposed sewer system would include a combination of proposed sewer force main and proposed sewer gravity main with a sewer lift station located at the intersection of Caliente Road and Yucca Terrace Drive. The sewer would then** ~~and~~ extend approximately **one mile to connect to existing facilities within Cataba Road. The proposed sewer line within Phelan Road/Main Street and Mesa Linda Street has been approved and will be constructed as part of the adjacent Hesperia Commerce Center II Project (SCH # 2019110418). The Project would be responsible for constructing the portion of sewer line along Caliente Road from Phelan Road to Yucca Terrace Road and the connection to the proposed building.** ~~1,600 feet north until reaching Yucca Terrace Drive. From there, the alignment would travel 3,400 feet easterly passing U.S. Highway 395. The sewer line includes jack and bore pits that would be used to align the sewer beneath Oro Grande Wash.~~

Location: Utilities and Service Systems, Cumulative Impacts, pp. 5.14-17

Explanation for Change and Discussion:

The DEIR contains a textual error within the DEIR that incorrectly describes the drainage path of proposed drainage that is inconsistent with what is described throughout the rest of the DEIR and within Appendix I of the DEIR, Hydrology Report. Therefore, this text has been revised to provide an accurate description of the proposed drainage improvements.

Changes to DEIR:

The Project would implement a stormwater system that would capture, treat, and infiltrate the 100-year, 24-hour storm. Additional overflows would be discharged to the **northeast** corner of **the Project site** ~~Mesa Linda Street and Sultana Street~~ to follow the existing northerly **natural** drainage path**, eventually discharging a mile north** to the **California Aqueduct** ~~Oro Grande Wash~~. The Project's offsite stormwater flows would be accommodated by **the existing natural drainage culvert along Hwy 395** ~~San Bernardino County Flood Control District facilities~~. The construction activities related to the proposed stormwater system to serve the Project is included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. The Project would accommodate the DCV as required by the County's stormwater permit. The Project would not result in the addition of stormwater runoff and pollutants that would exceed capacity of existing stormwater facilities. Additional stormwater facilities would not need to be expanded or created as a result of the Project and Project impacts would be less than significant. Thus, the Project would not result in cumulatively considerable stormwater utility impacts.

2.2.12. Section 6.0 Other CEQA Considerations

Location: Significant and Unavoidable Environmental Effects, pp. 6.0-1

Explanation for Change and Discussion:

This section notes that the Project would result in a significant and unavoidable impact associated with increasing hazards due to a geometric design feature related to queuing. This statement is incorrect and does not reflect the analysis that was provided in Section 5.12, Transportation, of the Draft EIR. Therefore, the narrative has been updated to remove the incorrect information.

Changes to DEIR:

~~The Project could result in potentially significant impacts associated with increasing hazards due to a geometric design feature related to queuing. The Project may increase a hazardous condition due to queuing~~

~~impacts at the intersections of US-395/Phelan Road-Main Street, US-395/Poplar Street, and Joshua Street/I-15 SB Off-Ramp under the Opening Year (2024) Baseline analysis scenario. However, these intersections are not within the City's jurisdiction, but rather within the jurisdiction of other agencies, such as the California Department of Transportation. Since the City does not have jurisdiction over these facilities, the proposed intersection and roadway improvements cannot be assumed to be in place prior to Project's occupancy. Therefore, the Project's impact to increase in hazardous conditions (i.e., queuing) would be significant and unavoidable, and the Project could thereby contribute to a cumulatively considerable impact associated with queuing and hazardous design features.~~

As detailed in Section 5.12, *Transportation,* the proposed Project's effect on vehicle miles traveled (VMT) would not be considered significant as the Countywide roadway VMT per service population would be reduced with the Project in both the 2016 and 2040 conditions (see Table 5.12-4 and 5.12-5). However, because the cumulative VMT per service population of 37.1 would be 13.51 percent above the County's regional average of 32.7, the Project would have a significant impact on VMT. ~~Additionally, Project would result in a significant and unavoidable impact on vehicle miles traveled (VMT). The Project proposes a commuter trip reduction (CTR) program based on the guidance of California Air Pollution Control Officers Association (CAPCOA) 2021 Handbook. However, the Project proponent and future tenant are not able to ensure that future employees utilize the program.~~ **The Project would implement Commute Trip Reduction Marketing (CAPCOA Measure T-7), provide a Ridesharing Program (CAPCOA Measure T-8), and provide end of trip bicycle facilities (CAPCOA Measure T-10) to encourage employee carpooling, use of transit, and biking as alternative modes of transportation to work (Mitigation Measure [MM] T-1). The Project's cumulative VMT per service population is forecast to be. Implementation of MM T-1 could reduce VMT by up to 7.89 percent. Thus, implementation of MM T-1 would reduce the total VMT per service population; however, would not reduce VMT below the 32.7 Countywide significance threshold.** Therefore, with implementation of the MM T-1, the Project's VMT impact would be significant and unavoidable. Therefore, the Project would result in significant and unavoidable impacts, and the Project could thereby contribute to a cumulatively considerable impact associated with VMT.

Location: Significant and Unavoidable Environmental Effects, pp. 6.0-1

Explanation for Change and Discussion:

This section erroneously left out a discussion regarding the Project's significant and unavoidable GHG impact. This section has been corrected to state that the Project would result in a significant and unavoidable impact associated with GHG emissions, consistent with the findings of Section 5.7, Greenhouse Gas Emissions, in the Draft EIR.

Changes to DEIR:

Greenhouse Gas

The Project would result in significant and unavoidable impacts associated with GHG emissions. The Project would result in annual emissions of 11,679.6 MTCO2e/yr, which is more than the applied SCAQMD screening threshold of 3,000 MTCO2e/yr, and 21.2 MT CO2e per year per service population, which exceeds the SCAQMD's threshold of 4.8 MT CO2e per year per service population. The Project would include Mitigation Measure GHG-1, which includes various GHG reduction measures, most notable the requirement for implementation of solar roofs and for the Project's electric supply to be from 100 percent renewable energy. With implementation of Mitigation Measure GHG-1, the Project would result in 10,583.4 MT/year CO2e or 19.2 MT CO2e per year per service population. Therefore, GHG impacts as a result of the Project would remain significant and unavoidable. The Project would also thereby contribute to a cumulatively considerable impact on GHG as well.

2.2.13. Section 8.0 Alternatives

Location: 8.2 Significant Environmental Effects, pp. 8.0-2

Explanation for Change and Discussion:

Since the DEIR has been circulated, the proposed alignment for offsite utility improvements has been revised. As a result of changes to offsite utility improvements, Project impacts have slightly changed as well. Section 8.2.1 reiterates the significant and unavoidable impacts described throughout Section 5, *Environmental Impact Analysis*, and Section 6, *Other CEQA Considerations*. Changes to the technical analyses from earlier sections would carry over to this section as well.

Changes to DEIR:

Project changes would result in minor changes to GHG impacts, as discussed above (see Section 2.2.12, Other CEQA Considerations). Impacts would remain significant and unavoidable.

Additionally, Project changes would result in minor changes to biological resource impacts, including special status plant and wildlife species and sensitive natural communities, as discussed above (see Section 5.3, *Biological Resources*).

Location: 8.4 Alternatives Selected for Further Analysis, pp. 8.0-11

Explanation for Change and Discussion:

The description of Alternative 3: Reduced Project incorrectly concluded that the Reduced Alternative would eliminate the Project's significant and unavoidable impact on hazardous traffic conditions due to queuing. The section has been corrected to state that the significant and unavoidable impact is related to vehicle miles traveled, not hazardous traffic conditions due to queuing.

Changes to DEIR:

Alternative 3: Reduced Project. The Reduced Project Alternative would reduce the intensity of the proposed industrial uses, locate the development on the northern portion of the site, and the remainder of the site would be left in its existing condition. Development under this alternative would be consistent with MSFC-SP designation of the two northerly parcels of the site (APN 3064-401-03 and -04) as Commercial/Industrial Park (CIBP) and the southerly parcel of the site (APN 3064-401-05) as Neighborhood Commercial (NC). Under this alternative, the northern 6.34-acre portion of the site (APN 3064-401-03) would be developed at a FAR of 0.48 with a 132,561 SF warehouse building (including manufacturing and cold storage as proposed under the Project). A proportional reduction in the amount of loading docks, surface parking area and commensurate number of parking spaces for vehicles and trucks also would occur in the Reduced Project Alternative. This alternative would implement all offsite improvements proposed under the Project, including the construction of "A" Street along the west side of the Project site and proposed utility improvements. The remaining 23.29 acres (79 percent) of the Project site would remain undeveloped and in its existing condition. Under this alternative, 274 trips would be generated. The Reduced Alternative would **not** eliminate the Project's significant and unavoidable impact on ~~hazardous traffic conditions due to queuing~~ **vehicle miles traveled**. However, the Project would have the same potential impacts to aesthetics, biological resources, cultural resources, paleontological resources, VMT, and tribal cultural resources and mitigations would be required.

Location: 8.8 No Project/Existing Land Use Alternative, 8.8.1 Environmental Impacts

Explanation for Change and Discussion:

Since the DEIR has been circulated, the proposed alignment for offsite utility improvements has been revised. As a result of changes to offsite utility improvements, Project impacts have slightly changed as well. Subsequently, impacts as a result of Project alternatives would slightly change as well, since they are relative to the proposed Project.

Biological Resources (pp. 8-19)

The No Project/Existing Land Use would reduce the amount of building area and associated parking stalls proposed for the Project site. This alternative would largely reduce the impacts to Joshua Trees. As detailed in Section 5.3, *Biological Resources*, ~~97~~ **248** Joshua trees within the Project boundaries (Project site and offsite improvement areas) have the potential to be impacted. The development area of the No Project/Existing Land Use would avoid approximately ~~22~~**50** onsite Joshua trees. Therefore, under the No Project/Existing Land Use, the project would result in an impact of ~~75~~**198** Joshua trees. Thus, this alternative would result in impacts to avoid impacts to ~~23~~**20** percent of the Joshua trees within the Project area. However, because some Joshua trees would still be impacted by this alternative, MMs would continue to be required to reduce impacts to Joshua trees to a less than significant level. Similarly, the area of potential impacts to other sensitive wildlife species would be reduced; however, MMs BIO-1 through BIO-13 would continue to be required to be implemented. Thus, this alternative would result in less than significant impacts with mitigation, but fewer impacts to biological resources compared to the proposed Project.

Greenhouse Gas Emissions (pp. 8-20)

The No Project/Existing Land Use would develop the Project site with the same type of industrial warehouse use, but with a 29 percent reduction in square footage. Therefore, a reduction of construction and related production of GHG emissions would occur, compared to the proposed Project. In addition, the reduced amount of square footage that would be developed by this alternative would result in less stationary source emissions from equipment on-site, and less vehicular trip associated GHG emissions than the Project. The increase in GHG emissions that would be generated from operation of this alternative would be approximately 29 percent less than the proposed Project, which would total approximately ~~8,292~~ **7,514.2** MT CO2e per year. Additionally, proportionally, the Project would still be anticipated to result in similar MT CO2e per year per service population as the Project (~~21.3~~**19.2** MT CO2e) since service population demand would proportionally decrease with building/operation scale. Therefore, the alternative would result in a significant and unavoidable impact, but less of an impact compared to the Project.

Location: 8.7 Conclusion, Ability to Reduce Impacts, pp. 8.0-23

Explanation for Change and Discussion:

The description of the No Project/Existing Land Use Alternative's ability to reduce impacts compared to the proposed Project incorrectly concluded that the No Project/Existing Land Use Alternative would result in a significant and unavoidable impact on hazardous traffic conditions due to queuing. The section has been corrected to state that the significant and unavoidable impact is related to vehicle miles traveled and greenhouse gas emissions, not hazardous traffic conditions due to queuing.

Changes to DEIR:

The No Project/Existing Land Use would reduce the total graded and developed area which would decrease the impacts related to biological, cultural, paleontological, transportation, and tribal cultural resources. However, similar to the Project, this alternative would require MMs to ensure impacts are less than significant. Consistent with the Project, the No Project/Existing Land Use would result in ~~a~~ significant and unavoidable impact**s** related to ~~hazardous traffic conditions~~ **GHG emissions and vehicle miles traveled**. However, the volume of impacts would be less with the No Project/Existing Land Use in comparison to the Project. Mitigation for biological resources, cultural resources, paleontological resources, traffic, and tribal cultural resources would still be required to reduce the identified potentially significant impacts to less than significant levels.

This alternative would further reduce the less than impacts related to air quality, ~~greenhouse gas,~~ energy, and noise. However, similar to the Project, no mitigation related to these environmental topics are required.

Location: 8.9 Reduced Project, 8.9.1 Environmental Impacts

Explanation for Change and Discussion:

Since the DEIR has been circulated, the proposed alignment for offsite utility improvements has been revised. As a result of changes to offsite utility improvements, Project impacts have slightly changed as well. Subsequently, impacts as a result of Project alternatives would slightly change as well, since they are relative to the proposed Project.

Biological Resources (pp. 8-27)

The Reduced Project Alternative would reduce the amount of building area and associated parking stalls proposed for the Project site. This alternative would largely reduce the impacts to Joshua Trees. As detailed in Section 5.3, *Biological Resources*, ~~97~~ **248** Joshua trees within the Project boundaries (Project site and offsite improvement areas) have the potential to be impacted. The development area of the Reduced Project Alternative would avoid approximately ~~22~~**168** onsite Joshua trees. Therefore, under the Reduced Project Alternative, the project would result in an impact of ~~75~~**80** Joshua trees. Thus, this alternative would result in impacts to avoid impacts to ~~23~~**68** percent of the Joshua trees within the Project area. However, because some Joshua trees would still be impacted by this alternative, MMs would continue to be required to reduce impacts to Joshua trees to a less than significant level. Similarly, the area of potential impacts to other sensitive wildlife species would be reduced; but, MMs BIO-1 through BIO-13 would continue to be required to be implemented. Thus, this alternative would result in fewer impacts to biological resources compared to the proposed Project.

Greenhouse Gas Emissions (pp. 8-28)

The Reduced Project Alternative would develop the Project site with the same type of industrial warehouse use, but with a 79 percent reduction in square footage. Therefore, a reduction of construction and related production of GHG emissions would occur, compared to the proposed Project. In addition, the reduced amount of square footage that would be developed by this alternative would result in less stationary source emissions from equipment on-site, and less vehicular trip associated GHG emissions than the Project. The increase in GHG emissions that would be generated from operation of this alternative would be approximately 79 percent less than the proposed Project; therefore, GHG would result in approximately ~~2,452~~ **2,222.5** MT CO2e per year, which would be below be below the SCAQMD threshold of 3,000 MT CO2e per year. However, proportionally, the Project would still be anticipated to result in similar MT CO2e per year per service population as the Project (~~21.3~~**19.2** MT CO2e) since service population demand would proportionally decrease with building/operation scale. Therefore, the alternative would result in a significant and unavoidable impact, but less of an impact compared to the Project.

Location: 8.10 Environmentally Superior Alternative, pp. 8.0-32

Explanation for Change and Discussion:

The description of the Environmentally Superior Alternative incorrectly concluded that the No Project/Existing Land Use Alternative would result in a significant and unavoidable impact on hazardous traffic conditions due to queuing. The section has been corrected to state that the significant and unavoidable impact is related to vehicle miles traveled and GHG emissions, not hazardous traffic conditions due to queuing.

Changes to DEIR:

The Environmentally Superior Alternative (other than the No Project/No Build Alternative) is the No Project/Existing Land Use, which would reduce the building size by approximately 79 percent, to an

approximate sized of 140,000 SF, with a reduction in parking area and parking spaces. Although some of the less than significant impacts would be reduced under the No Project/Existing Land Use in comparison to the proposed Project, all MMs would be applied. ~~However~~ **Additionally**, under this alternative, the Project's significant and unavoidable impact**s** ~~on hazardous traffic conditions~~ **related to GHG emissions and vehicle miles traveled** would be **reduced but not** eliminated.

3. Response to Comments

This chapter of the Final Environmental Impact Report (EIR) for the KISS Logistics Center Project (Project) includes a copy of all comment letters that were submitted during the public review period for the DEIR, along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 45-day review period for the Draft Environmental Impact Report (DEIR) began on October 3, 2023, and ended on December 1, 2023.

The responses amplify or clarify information provided in the DEIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the Project unrelated to its environmental impacts) are noted for the record. Where text changes in the DEIR are warranted based on comments received, updated Project information, or other information provided by City staff, those changes are noted in the response to comment and the reader is directed to Chapter 2, Changes to the DEIR, of this Final Environmental Impact Report (FEIR).

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

All written comments on the DEIR are listed in Table 3-1. All comment letters received on the DEIR have been coded with a number to facilitate identification and tracking. The comment letters were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers. To aid readers and commenters, electronically bracketed comment letters have been reproduced in this document with the corresponding responses provided immediately following each comment letter. The interested parties listed in Table 3-1 submitted letters during the public review period for the DEIR.

Table 3-1. Comments Received on the DEIR

Comment Letter	Commenter	Date
1	Department of Water Resources	November 16, 2023
2	Mohave Desert Air Quality Management District	November 13, 2023
3	Advocates for the Environment	November 15, 2023
4	Blum Collins (on behalf of Golden State Environmental Justice Alliance)	November 16, 2023
5	CARE CA	December 1, 2023
6	Center for Biological Diversity	December 1, 2023

To finalize the EIR for the Project, the following responses were prepared to address comments that were received during the public review period.

Comment Letter 1: Department of Water Resources, dated November 16, 2023 (7 pages)

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STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

November 16, 2023

Mr. Ryan Leonard
City of Hesperia
9700 Seventh Ave.
Hesperia, California 92345
rleonard@cityofhesperia.us

SCH# 2022110097 KISS Logistics Center

Dear Mr. Leonard:

The California Department of Water Resources (DWR) Civil Engineering Branch has reviewed the City of Hesperia's (City) Draft Environmental Impact Report (DEIR) for the proposed KISS Logistics Center project and has the following comments. 1.1

Project Description

The proposed project will include development of a one-story 655,468 square foot (SF) warehouse building on a 29.61-acre site. An asphalt parking lot will surround the building and an open water quality/detention basin will run linearly along the north boundary. A new public road that provides primary and secondary access to the site along the west boundary is an offsite public improvement which is required for this project.

The project site is generally flat, and most stormwater sheet flows travel from over the site south to north to Yucca Terrace Drive. Run-on flows sheets onto the site from the south, but is limited by Phelan Road, which is approximately 300 feet south of the project site. The stormwater infrastructure would consist of an onsite private storm drain system for onsite flows that would capture and treat the 100-year, 24-hour storm. The storm water management system would consist of an above-ground hybrid infiltration/bio infiltration basin at the north end of the project. Stormwater runoff from the site would be collected via a proposed on-site storm drain system which would collect onsite stormwater using a system of catch basins and roof drains that route flows to underground pipes that will convey the stormwater to that water quality/detention basin at the north end of the project. The overflow stormwater would be pumped from an outlet at the northeast corner of the site prior then discharged beyond the project boundary where the flows would follow the existing City stormwater drainage patterns. 1.2

Comments

Inconsistent Drainage Information within Document

The DEIR's information on drainage is incomplete and inconsistent in a way that does not assist the reader in understanding the environmental impacts of the project. As a result, the descriptions and analyses in the DEIR appear to be unreliable and inadequate. The DEIR's information needs to be consistent and understandable, so the impact analyses are adequate. 1.3

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The following are examples of incomplete information and inconsistencies:

-3.0 Project Description explains that overflow stormwater would drain into existing city stormwater drainage but does not explain what the existing city stormwater drainage is.
-4.0 Environmental Settings explains that stormwater facilities within the Project region are managed by the San Bernardino County Flood Control District (District) but does not state whether the San Bernardino County Flood Control District has facilities that serve the project site.
-4.0 Environmental Settings explains the project site is generally flat and sheet flows from south to north on a relatively uniform plane to Yucca Terrace Road.
- The description of the Oro Grande Wash location, a tributary to the Mojave River, is inconsistent within the document. All analyses related to the Wash need to describe its location as extending southwest to northeast of the project site.
-5.14.7 Utilities and Service Systems Cumulative Impacts states additional overflows would be discharged to the corner of Mesa Linda Street and Sultana Street to follow the existing northerly drainage path to the Oro Grande Wash and the Project's offsite, but there is no description of how the overflows will travel from Yucca Terrace Drive to the corner of Mesa Linda Street and Sultana Street.
-5.14.7 explains stormwater flows would be accommodated by San Bernardino County Flood Control District facilities but, as mentioned previously, the DEIR does not describe which District facilities will accommodate the flows nor how the project site stormwater flows will reach the district facilities.
-Figure 8.1 appears to show the overflow outlet near Caliente Drive. There needs to be supporting information which explains any proposed outlet near Caliente Drive.

1.3 cont.

3.0 Project Description

3.6 Surrounding General Plan and Zoning Designation

Table 3-1 describes the existing land use to the east as vacant and undeveloped followed by a multifamily residential community. The description includes Highway 395 to the east but does not include the Oro Grande Wash nor the California Aqueduct as east of the project. The portion of the Wash to the east of the project is a significant component of the local setting and needs to be included in the Surrounding Land Uses and Setting section.

1.4

In addition, according to the Hesperia Main Street and Freeway Corridor Specific Plan, (amended July 15, 2021), the Oro Grande Wash (Wash) serves as a natural storm runoff channel. The Wash has been identified as an active component of the City of Victorville stormwater runoff system, and portions of the Wash are within the coverage area of the City of Hesperia's Storm Water Management Program as well. Please identify the lands within the Wash which are part of Victorville system and Hesperia program be identified as such on relevant maps in the DEIR and supporting documents.

1.5

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4.0 Environmental Settings

4.4.9 Hydrology and Water Quality

Existing Drainage and Flood Zone

See section 5.9 Hydrology and Water quality for comments to modify the existing drainage and flood zone description that apply to this section. 1.6

5.0 Environmental Impact Analysis

5.9 Hydrology and Water Quality

5.9.3 Environmental Setting

Existing Drainage

The DEIR explains that stormwater facilities within the Project region are managed by the San Bernardino County Flood Control District but does not state whether the San Bernardino County Flood Control District has facilities that serve the project site. The project description explains that overflow stormwater would drain into existing city stormwater drainage but does not explain what the existing city stormwater drainage is. The EIR needs to provide more information about the existing stormwater facilities and drainage system that serve the project site, because from the information provided, it is likely that the drainage system for the site are unmanaged sheet flows from south to north to Yucca Terrace Drive and add any drainage the un-named wash #1 may provide. The area drainage system description includes Yucca Terrace Drive but does not explain the complete drainage system. In addition, Yucca Terrace Drive is approximately 930 feet north of the Project site, so the project stormwater discharge must flow through an adjacent property to reach Yucca Terrace Drive. Considering another project, Commerce Center II, appears to include a structure which will be located between the project and Yucca Terrace Drive, an assumption that stormwater would sheet flow over that property to Yucca Terrace Drive may not be feasible. The DEIR needs to update the description of the existing drainage to include any changes in the northerly sheet flows due to the building located to the north of the project site. 1.7

The DEIR notes that some run-on flow sheets onto the Project site from the south but is limited by the Phelan Road approximately 300 feet away that acts a barrier to any flow further south. (4.0-14) There is no existing public storm drain infrastructure along Phelan Road or within the vicinity of the Project site. The description of Oro Grande Wash, a tributary to the Mojave River, describes the Wash's location as directly southeast of the project site. The Wash is also directly east of the project site, and that location of the Wash is significant, because it is likely project stormwater drainage discharges to the Wash at that location. The Existing Drainage and Flood Zone description in the Environmental Settings section needs to include this additional information so the 1.8

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environmental setting for existing drainage is more comprehensive and accurate.

5.9.6 Environmental Impacts

A project may have a significant effect if it substantially alters the existing drainage pattern of the site or area in a manner which would: result in substantial erosion or siltation on- or off-site; result in flooding on- or off-site; or exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Erosion or Siltation

The existing drainage pattern DWR is concerned that the project's discharge would create increased surface runoff into the Wash towards DWR's Box Culvert MP394.5 which allows Oro Grande Wash flows and drainage to cross the CA Aqueduct to the east side of the Aqueduct where the flows continue to the Mojave River. Any additional stormwater flows from Yucca Terrace Drive which meet with stormwater flows from Cataba Road at Oro Grande Wash may result in offsite erosion and scour which could deposit material and create siltation within CA Aqueduct right of way 1.9

The DEIR does not provide evidence that the new directional flows from the project's overflow outlet would not create erosion, siltation, or deposit at any point from the outlet site to the SWP milepost 394.5. In order to analyze adequately these potential impacts, the EIR must provide information as to the path current and future stormwater flows from the project location to the Oro Grande Wash, update any impact analyses and explain how the flows along Yucca Terrace Drive would eventually discharge to the Oro Grande Wash east of the project.

On or Offsite Flooding

The EIR finds a less than significant impact for impacts from project operations. This conclusion is based in part due to the flow design where onsite flows greater than the onsite stormwater infrastructure capacity of 100-year, 24-hour storms will be pumped from an outlet at the northeast corner of the property into existing off-site stormwater drainage, then east along Yucca Terrace Drive where the flows will eventually discharge to the Oro Grande Wash east of the project and in part on the conclusion that the post-project drainage characteristics would be maintained similar to the pre-Project condition.

The Project would include implementation of best management practices designed to fully capture and infiltrate the Project's DCV (that this proposed system would address the San Bernardino County Phase II Small MS4 General Permit for the Mojave River Watershed requirements and design capture volume (DCV) (85th percentile, 24-hour storm). In addition, the City of Hesperia Engineering Department requested that the applicant provide capture of the 100-year, 24-hour storm, which exceeds existing San Bernardino County requirements. 1.10

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The DEIR concludes there would be less than significant impacts to upstream or downstream properties because the proposed drainage would only slightly increase peak flow rates for a 100-year storm conditions of 59.10 cubic feet per second (cfs) to 91.66 cfs as determined, in part, by the Preliminary Hydrology Report (Appendix I), Exhibit I calls out DEV Q100 91.66 CFS for developed condition for 100-year design storm on the northeast corner of the Project Site. The geographic reach of properties that may be impacted for the study included in the preliminary hydrology report is unclear.

The study needs to confirm that the Node no. 7 showing 91.66 cfs is the overflow from the project site that will be released from the project stormwater outlet towards Yucca Terrace Drive. The study needs to explain whether the project stormwater flows could continue across Highway 395 in an easterly direction into the Oro Grande Wash when the design storm event is exceeded. The Oro Grande Wash flows transverse the California Aqueduct at two DWR cross drainage structures: box Culvert MP394.5 and Overchute MP394.0 from west to east side of CA Aqueduct. The impact analysis needs to explain the quantity of the overflow (cfs) which may reach these DWR cross drainage structure when the project detention design storm capacity is exceeded. (See attached DWR as-builts for these cross-drainage structures.) 1.10 cont.

5.9.7 Cumulative impacts

An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, that is when the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The cumulative impacts section explains that the Project would implement a stormwater system that would capture, treat, and infiltrate the 100-year, 24-hour storm and the project would not result in additional stormwater runoff that would exceed capacity of existing stormwater facilities. The DEIR explains that additional overflows would be discharged to the corner of Mesa Linda Street and Sultana Street to follow the existing northerly drainage path to the Oro Grande Wash. There is no discussion related to the corner of Mesa Linda Street and Sultana in the DEIR prior to this cumulative impacts discussion. Mesa Linda Street and Sultana Street intersection is approximately 1 mile southeast of the proposed project site whereas the normal drainage patterns in this area are draining towards northeast. We request that this location be identified on a map with an explanation of the connection between the project stormwater flows from Yucca Terrace Drive to the Mesa Lina Street and Sultana Street discharge location to the Oro Grande Wash. 1.11

The DEIR concludes that the cumulative impacts related to drainage would be less than significant based on the conclusions that project would not generate runoff that could combine with additional runoff from cumulative projects that could cumulatively combine to impact erosion, siltation, flooding, and water quality. However, there are projects in the area which may result in cumulative impacts related to drainage The projects in the 1.12

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area include, but are not limited to, Commerce Center II to the west and north of the project and U.S. Cold Storage to the north of the project. The DEIR does not provide sufficient information and analyses to support the conclusion that these projects' cumulative impacts to hydrology and water quality are less than significant. Please note that historically existing drainage patterns in this area drain towards the north and northeast. However, the Commerce Center II project will block project overflows from reaching Yucca Terrace Drive, and with the Commerce Center II and US Cold Storage Facility to the north/northeast the only path remining for overflow to drain from KISS Logistics Center Project is towards east to Oro Grande Wash and eventually into CA Aqueduct Box Culvert at milepost 394.5. It is very important to analyze the cumulative impacts of these projects' overflow runoff considering the normal drainage patterns in this area will change once these proposed projects are constructed. 1.12 cont.

The DEIR asserts the geographic reach for stormwater drainage cumulative impacts analysis is the geographic area served by the existing stormwater infrastructure for the Project area, from capture of runoff through final discharge points. Since there is no indication in the DEIR that there is built stormwater infrastructure in the project area, the existing stormwater discharge system appears to be the sheet flows that flow to Yucca Terrace Drive, which is likely to flows to Oro Grande Wash. Considering each of these projects' stormwater plans include capturing the 100 year 24 hour storm onto their property as the design storm level, and once the design storm is exceeded, the excess overflow would drain following the normal drainage patterns, it is highly likely that "normal drainage patterns" include directing flows to Yucca Terrace Drive to discharge to the Oro Grande Wash and towards CA Aqueduct, creating cumulative erosion and siltation impacts at the Oro Grande Wash and the CA Aqueduct. Since the Yucca Terrace flows join Cataba Road flows before entering the Oro Grande Wash, the erosion and siltation caused by the Cataba Road stormwater flows contribute to these cumulative impacts 1.13

An adequate analysis of these cumulative impacts from past, current, and future projects' stormwater runoff erosion impacts may conclude that the cumulative impacts are severe and likely to occur. The potential cumulative impacts of these projects' overflow draining from Yucca Terrace Drive into the Oro Grande Wash, creating erosion at the Wash and then siltation at the box culvert MP394.5 within CA Aqueduct right of way need to be analyzed. The culvert at MP394.5 is the only cross drainage structure draining the entire wash from west to east of CA Aqueduct, so the cumulative impact analysis should include modelling of runoff from existing projects, these projects and proposed projects upstream of the confluence of the Yucca Terrace Drive and Cataba Road runoff at Oro Grande Wash which creates erosion as the flows enters the Oro Grande Wash. 1.14

The current cumulative erosion and siltation impacts within the California Aqueduct right of way may be mitigated by retention basins with energy dissipators where Oro Grande Wash intersects Aqueduct west of the aqueduct's right of way boundary. This would likely minimize to less than significant the cumulative erosion impacts and prevent siltation filling up the Box Culvert conveying Oro Grande Wash. Siltation deposition at 1.15

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the Box Culvert due to these projects could lead to failure of the culvert, and failure of this culvert could lead to major damage to CA Aqueduct. 1.15 cont.

Considering the DEIR does not provide an analysis which concludes that there is less than significant erosion impact to DWR right of way, the applicant may need to acquire an encroachment permit per CA Code of Regulations Section 605. 1.16

For questions about encroachment permits, please contact Delia Grijalva, Delia.Grijalva@water.ca.gov or at (916) 657-4400. For all other questions, please contact me at Nancy.Finch@water.ca.gov. 1.17

Thank you for addressing our concerns.

Sincerely,

nancy finch

Nancy Finch
Senior Attorney

enclosure

Response to Comment Letter 1: Department of Water Resources, dated November 16, 2023

In response to this comment, Appendix A: Addendum to Hydrology Report has been prepared to support the findings provided below. Please see Appendix A for additional technical information pertaining to the preparation and conclusions regarding the hydrology of this Project.

Response to Comment 1.1: This comment states that the Department of Water Resources (DWR) has reviewed the Draft Environmental Impact Report (DEIR) for the Project. The comment is introductory in nature and does not provide substantial evidence of any environmental impact. No further response is warranted.

Response to Comment 1.2: This comment states that the letter is written by the State of California Natural Resources Agency, Department of Water Resources. This comment summarizes the existing setting of the Project site and proposed drainage improvements. The comment is introductory in nature and does not provide substantial evidence of any environmental impact. No further response is warranted.

Response to Comment 1.3: This comment states that the description of drainage information is inconsistent throughout the DEIR. The comment includes specific locations throughout the DEIR where information is incomplete.

Response to each individual comment regarding inconsistency is individually addressed below:

- 3.0 Project Description: The commenter states that the Project description does not state specifically where the site overflow would drain regarding the meaning of "existing city stormwater drainage".

  Onsite stormwater would be mitigated to existing conditions via above ground detention basin with dry wells. The detention basin is sized to accommodate the 100-year runoff volume (with additional surplus) for the Project site. Overflows would be discharged to the northeastern corner along with the offsite run-on flows, which would follow existing drainage patterns, where flows would discharge from the northeast corner of the site and into an existing natural drainage channel that continues to the north and runs along the west side of Highway 395 (Hwy 395) to Yucca Terrace Drive. Flows would continue north to eventually confluence with the California Aqueduct, identical to existing conditions (see Appendix C of Appendix A, Regional Drainage Exhibit).

- 4.0 Environmental Setting: The commenter reiterates that this section describes the Project site as generally flat and sheet flows from south to north on a relatively uniform plane to Yucca Terrace Road. This comment does not raise a specific CEQA concern, and no further response is warranted.

- General: The commenter states that the description of the Oro Grande Wash in relation to the Project site is inconsistent and should be described as extending southwest to northeast of the Project site. The DEIR has been searched for inconsistencies and two areas of revisions were identified.

  The language describing the boundaries of the Oro Grande Wash has been revised for clarity within the Jurisdictional Waters subsection of the Environmental Setting Section of the DEIR as shown below and captured within Chapter 2, Errata.

  Location: Environmental Setting, Jurisdictional Waters, pp. 4.0-8

  Jurisdictional Waters

  The Mojave River is approximately nine miles to the east. The Oro Grande Wash **extends southwest to northeast adjacent to the Project and** is a tributary to the Mojave River ~~and~~**. The delineated jurisdictional boundary of the Oro Grande Wash begins** ~~is located~~ approximately 0.25 miles west of the BSA.~~, and t~~**The** California Aqueduct **is** 1 mile to the north **of the BSA. Due to local topography, area west of Hwy 395 drains north to the California Aqueduct and area east of Hwy 395 drains east to the Oro Grande Wash**. No state or federal wetlands or waters are present within the BSA.

Additionally, the distance that is stated within Section 5.3 Biological Resources regarding the distance between the Project site and the Oro Grande Wash contains an error. The distance noted is 300 feet; however, the Project is approximately 0.25 mile from the delineated boundary of the Oro Grande Wash (see Appendix C, Biological Resources Report, of the DEIR). The response to Impact BIO-3 has been revised to reflect the correct distance between the wash and the Project.

IMPACT BIO-3: WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT ON STATE OR FEDERALLY PROTECTED WETLANDS (INCLUDING, BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS

No Impact. The Oro Grande Wash is located approximately ~~300 feet~~ **0.25 mile** southeast of the Project site, and the proposed sewer line includes jack and bore pits that would be used to align the sewer would run beneath Oro Grande Wash. The Mojave River is located approximately nine miles east of the Project site. The Project site does not contain any state or federally protected wetlands or waters. Therefore, Project construction and operation would not have any impacts on State- or Federally-protected wetlands, including vernal pools or marsh areas as a result of direct removal, filling, hydrological interruption, or other means.

- 5.14.7 Utilities and Service Systems Cumulative Impacts: This comment reiterates language in the DEIR that describes additional overflows would be discharged to the corner of Mesa Linda Street and Sultana Street to follow the existing northerly drainage path to the Oro Grande Wash and the Project's offsite. The comment notes that the narrative of this text within the DEIR does not specify how the overflows will travel from Yucca Terrance Drive to the corner of Mesa Linda Street and Sultana Street. The DEIR contains an error, and this text has been revised, as captured within Chapter 2, Errata, of this FEIR and shown below.

  Location: Utilities and Service Systems, Cumulative Impacts, pp. 5.14-17

  The Project would implement a stormwater system that would capture, treat, and infiltrate the 100-year, 24-hour storm. Additional overflows would be discharged to the **northeast** corner of **the Project site** ~~Mesa Linda Street and Sultana Street~~ to follow the existing northerly **natural** drainage path**, eventually discharging a mile north** to the **California Aqueduct** ~~Oro Grande Wash~~. The Project's offsite stormwater flows would be accommodated by **the existing natural drainage culvert along Hwy 395** ~~San Bernardino County Flood Control District facilities~~. The construction activities related to the proposed stormwater system to serve the Project is included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this DEIR. The Project would accommodate the DCV as required by the County's stormwater permit. The Project would not result in the addition of stormwater runoff and pollutants that would exceed capacity of existing stormwater facilities. Additional stormwater facilities would not need to be expanded or created as a result of the Project and Project impacts would be less than significant. Thus, the Project would not result in cumulatively considerable stormwater utility impacts.

  The comment also notes that this section explains stormwater flows would be accommodated by San Bernardino County Flood Control District facilities but does not describe which district facilities would accommodate the flows. As described above, the Project would mitigate storm flows to existing conditions and would outflow stormwater at the existing flow volume and speed (designed for the 100-year storm) to the northeast corner of the Project site. Flows would follow the existing drainage path northerly along Hwy 395 and eventually discharge to the California Aqueduct a mile to the north, consistent with existing conditions. No further changes have been made to the EIR directly in response to this comment.

- Figure 8.1: This comments states that Figure 8.1 illustrates that the overflow outlet would be located near Caliente Drive. The comment requests additional supporting information to describe the proposed outlet. Figure 8.1 of the DEIR, No Project/Existing Use Alternative, does not contain details of the proposed Project design. The figure that the commenter is referencing was unable to be located within the DEIR and supporting Appendices. Therefore, no further changes or response has been provided.

Therefore, the DEIR has been revised, and changes have been made as described above and captured within Chapter 2, Errata, of this FEIR. The impact analysis provided is now adequate and correctly describes the Project and potential impacts. No new or more significant impacts have been identified and the EIR is adequate.

Response to Comment 1.4: This comment describes that Table 3-1 fails to include the Oro Gande Wash as a surrounding land use. The purpose of this table is to describe the surrounding zoning and General Plan designations and the existing development in fulfillment of the City's plans and zones. The Oro Grande Wash has been identified as a surrounding hydrological feature within multiple sections of the document, as described above in Response to Comment 1.3. Therefore, no changes have been made and no further response is warranted.

Response to Comment 1.5: This comment states that the Oro Grande Wash is part of the City of Victorville stormwater runoff system and within the City of Hesperia Storm Water Management Program. The comment requests that a figure be included showing which portion of the Wash is under the jurisdiction of Victorville and Hesperia. The Project does not include construction within the jurisdictional boundaries of the Oro Grande Wash. As noted above in Response to Comment 1.3, the Project would not result in any impacts to the Oro Grande Wash. Therefore, the delineation of the Wash is irrelevant to the DEIR document prepared and the analysis prepared with disclosed potential impacts is adequate. Therefore, no changes have been made and no further response is warranted.

Response to Comment 1.6: This comment cross references Section 5.9 Hydrology and Water quality comments. This comment does not raise any unique CEQA issues. Responses have been provided below in response to Section 5.9 Hydrology and Water quality comments. Therefore, no further response is warranted.

Response to Comment 1.7: This comment summarizes the DEIR's description of stormwater facilities. The comment notes that the project description does not identify whether the project site is served by San Bernardino County Flood Control District facilities. Additionally, the comment states that the project description describes that overflow stormwater would drain to city stormwater facilities. The commenter states that the EIR needs to provide more information about the existing city stormwater drainage serving the Project site, and whether it includes unmanaged sheet flows from south to north to Yucca Terrace Drive and unnamed wash #1. Lastly, the comment notes that another adjacent project, Commerce Center II proposes a structure that would be located between the Project and Yucca Terrace Drive, and any assumptions that the Project flows would sheet flow over the site to the north is infeasible. The commenter asserts that the DEIR needs to be updated to describe any changes in the northerly sheet flows due to the proposed building north of the Project.

As discussed above under Response to Comment 1.3, the Project would discharge existing flows to the north within the existing natural drainage channel along the west side of Hwy 395. The existing setting and Project description have been updated accordingly to reflect these conditions and clarify the site's existing and proposed hydrology, as captured within Section 2, Errata, of this document.

Additionally, since distribution of the DEIR, the offsite utility alignment has been revised to reflect the most up-to-date proposed development of other projects surrounding the Project site anticipated for completion prior Project completion. The Project Description has been updated accordingly to reflect these new conditions. This captures the proposed improvements of Hesperia Commerce Center II. The Project would not result in offsite impacts to the north or the neighboring proposed development of Hesperia Commerce Center II and impacts to hydrologic conditions have been fully analyzed under the CEQA document prepared for the project (SCH # 2019110418). The Project is not required to analyze project-specific impacts of adjacent proposed developments, and therefore, further analysis of such has not been included within this CEQA document for the purposes of the Project.

Therefore, revisions to the DEIR have been made as reflected above, and no further changes would be required. No further response is warranted.

Location: Project Description, pp. 3.0-13

Water

The Project would include construction of new onsite and offsite water lines. Water lines would be constructed within the proposed 'A' Street **or Caliente Road** right-of-way to the west of the Project site and extend approximately 1,300 feet south toward Phelan Road**. The proposed water main would then run adjacent to the existing water main within Phalen Road/Main Street for approximately 3,980 feet to Mesa Linda Street. The water main would then continue approximately 2,700 feet south and connect to the existing main at Sultana Street. The proposed water line within Phelan Road/Main Street and Mesa Linda Street has been approved and will be constructed as part of the adjacent Hesperia Commerce Center II Project (SCH # 2019110418). The Project would be responsible for constructing the portion of water line from along Caliente Road from Phelan Road to Yucca Terrace Road and the connection to the proposed building.** ~~then easterly, crossing Phelan Road. The water line would continue throughout the southern part of Los Banos Avenue for about 2,677 feet until it reaches Sultana Avenue. The water alignment would continue approximately 164 feet easterly along Sultana Avenue until reaching a jack and bore pit to cross beneath Oro Grande Wash, ultimately connecting to existing City water lines at the intersection of U.S. Highway 395 and Sultana Street.~~ Proposed water improvements are shown in *Figure 3-10, Utility Improvements*.

Sewer

The Project would include construction of new onsite and offsite sewer lines. The proposed sewer line would begin from the northern portion of "A" Street **or Caliente Road and extend approximately 2,600 feet south to Phelan Road. The proposed sewer system would include a combination of proposed sewer force main and proposed sewer gravity main with a sewer lift station located at the intersection of Caliente Road and Yucca Terrace Drive. The sewer would then** ~~and~~ extend approximately ~~1,600 feet north until reaching Yucca Terrace Drive~~ **one mile to connect to existing facilities within Cataba Road. The proposed sewer line within Phelan Road/Main Street and Mesa Linda Street has been approved and will be constructed as part of the adjacent Hesperia Commerce Center II Project (SCH # 2019110418). The Project would be responsible for constructing the portion of sewer line along Caliente Road from Phelan Road to Yucca Terrace Road and the connection to the proposed building.** ~~From there, the alignment would travel 3,400 feet easterly passing U.S. Highway 395. The sewer line includes jack and bore pits that would be used to align the sewer beneath Oro Grande Wash.~~ Proposed sewer improvements are shown in *Figure 3-10, Utility Improvements*.

Drainage

The Project applicant would install new onsite storm drain lines throughout the site. No off-site storm drain improvements are proposed for this Project. Stormwater would be collected using a system of catch basins and roof drains that route flows to underground pipes. All stormwater runoff would be conveyed to a proposed detention basin at north end of the Project site. **The detention basin would contain dry wells that would treat the stormwater collected from the Project site.**

The offsite flows would be collected via a 5-foot wide by 2.5-foot-deep concrete channel that runs along the southern boundary of the Project site. The concrete channel would then flow east into a 30-inch High density polyethylene (HDPE) pipe located at the southeast corner of the site. Once collected within the 30-inch HDPE pipe, offsite flows would be conveyed north along the east boundary of the Project site and discharged at the northeast corner of the site along with the onsite flows. The offsite flows would be kept separate from the onsite flows until after water quality treatment has occurred for the onsite runoff. Flows would continue to the north along the west side of Hwy 395 a mile north to the California Aqueduct, consistent with existing conditions. ~~Overflow would drain into existing City stormwater drainage. Curbs and gutters would be installed around the perimeter of the Project site.~~

Response to Comment 1.8: This comment reiterates the description of Oro Grande Wash in relation to the Project site, which states that the Oro Grande Wash is directly southeast of the Project site. The comment asserts that additional description should be included within Section 4, Environmental Setting, to identify that the Oro Grande Wash is east of the site, in addition to southeast. The description of the location of Oro Grande Wash provides the nearest proximity point between the Project site and the wash, which is southeast. As described in Response to Comment 1.3, the Environmental Setting has been updated to clarify the existing drainage pattern from the site to the California Aqueduct. Additionally, the Project description has been revised to reflect changes to the proposed offsite utility alignments and provide clarity regarding the how run on flows would be managed as described above in Response to Comment 1.7. Therefore, no further revisions would be required, and no further response is warranted.

Response to Comment 1.9: This comment states that DWR is concerned the Project would result in discharge that would create increased surface runoff into the Oro Grande Wash towards the DWR Box Culvert MP394.5, which allows the wash flows and drainage to cross the California Aqueduct and continue to the Mojave River. The commenter asserts that any additional stormwater flows from Yucca Terrace Drive may result in offsite erosion and scour, which could create siltation within the aqueduct. The comment also states that the DEIR does not provide evidence that the flows from the Project overflow outlet would not result in siltation impacts at any point from or deposit at any point from the outlet site to the SWP milepost 394.5. The commenter states that the DEIR must provide information as to the path current and future stormwater flows from the project location to the Oro Grande Wash, update any impact analyses and explain how the flows along Yucca Terrace Drive would eventually discharge to the Oro Grande Wash east of the project.

Since the release of the Project DEIR, the proposed offsite utility improvements have been modified (see Figure 3-10 from Chapter 2). As described in the responses above (see Response to Comment 1.3 through 1.7), the Project would be designed to mimic existing hydrologic conditions and would not result in additional offsite flows or altered drainage that could result in siltation or altered drainage patterns. The Project would capture the 100-year storm and the storage volume would accommodate flows to match the existing outflow discharge of the Project site. By not exceeding the existing Q100 flowrate or volume discharge, through providing adequate conveyance of offsite flows, and by not directly discharging into the Oro Grande Wash, the Project would not result in offsite erosion and scour, which could create siltation within the aqueduct. Therefore, no further revisions would be required, and no further response is warranted.

Response to Comment 1.10: This comment includes a summary of the description provided for the drainage and post construction best management practices (BMP) proposed as part of the Project. The comment reiterates the DEIR conclusion that the Project would result in a less than significant impact because there would only be a slight increase peak flow rates for a 100-year storm conditions of 59.10 cubic feet per second (cfs) to 91.66 cfs as determined, in part, by the Preliminary Hydrology Report (Appendix I of the DEIR). The commenter notes that Exhibit I calls out DEV Q100 91.66 CFS for developed condition for 100-year design storm on the northeast corner of the Project site. The comment states that the Preliminary Hydrology Report needs to confirm that Node no. 7 will be released from the Project stormwater outlet to Yucca Terrace Drive. The comment also states that the study needs to explain whether flows would cross Hwy 395 and the California Aqueduct at DWR cross structures when the Project detention design storm capacity is exceeded.

An addendum to the Preliminary Hydrology Report was prepared and has been attached as Appendix A. The study provides clarification regarding the proposed drainage patterns, detention, and retention of the Project site. The Project would capture and bio-infiltrate the 100-year storm onsite via an above ground detention basin with biomedia and underdrains and dry wells to facilitate residual infiltration. Overflows would be discharged at rates consistent with the existing discharge rates of the Project site. As described above in Response to Comment 1.3, the Project would mimic existing conditions of the site and would not contribute to additional peak flows that could impact the existing DWR infrastructure. Therefore, no further revisions would be required, and no further response is warranted.

Response to Comment 1.11: This comment states that an EIR shall discuss cumulative impacts of a project in connection with the effects of past, currently, and probable future projects. The commenter notes that the cumulative discussion within Section 5.14, Utilities and Service Systems, describes that Project overflows would be discharged to the corner of Mesa Linda Street and Sultana Street to follow the existing drainage path; however, this is not mentioned throughout the rest of the document. The commenter requests additional maps and information to describe how flows would be routed to this area.

As described in Response to Comment 1.3, the text that describes the Project would have overflows discharge to Mesa Linda Street and Sultana Street is erroneous. The text has been revised and incorporated into Chapter 2, Errata. Therefore, no further revisions would be required, and no further response is warranted.

Response to Comment 1.12: This comment reiterates that the DEIR concludes the Project would result in less than significant cumulative impacts related to drainage. The commenter notes that projects in the area may result in cumulative impacts related to drainage and provides several other projects in the area currently approved. The commenter notes that historically the Project vicinity drains to the north and northeast, and the proposed Commerce Center II Project would block the Project overflows from reaching Yucca Terrace Drive, which would limit flows to drain east towards the Oro Grande Wash, and eventually California Aqueduct Box Culvert at milepost 394.5. The commenter requests that the cumulative drainage be analyzed to consider potential impacts on the DWR infrastructure.

As described in Response to Comment 1.7, the Project would not discharge any additional flows beyond existing conditions and run on would be routed around the site and discharge to follow existing drainage patterns. Neighboring projects have analyzed stormwater based on existing conditions, which would not be modified by the Project. The text has been revised and incorporated into Chapter 2, Errata. Therefore, no further revisions would be required, and no further response is warranted. Under Section 5.14, the analysis includes determination as to whether a project would result in cumulatively considerable impacts that would contribute to conditions necessitating the construction of new stormwater drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects. As described in Response to Comment 1.7, the Project would not contribute flows beyond existing conditions. Therefore, the Project would not result in significant Project-specific impacts, or further, cumulatively considerable discharges that would necessitate the construction of new stormwater drainage facilities. Therefore, no further revisions would be required, and no further response is warranted.

Response to Comment 1.13: This comment states that the existing drainage patterns for the Project site appear to be sheet flows onto Yucca Terrace Drive, which likely flows to the Oro Grande Wash. The commenter asserts that in consideration of the drainage plans of proposed development that propose to capture the 100-year, 24-hour storm, onsite, overflows would flow to the Oro Grande Wash and the California Aqueduct, Aqueduct, creating cumulative erosion and siltation impacts at the Oro Grande Wash and the California Aqueduct. The commenter states that erosion and siltation caused by Cataba Road stormwater flows should be considered cumulative impacts.

Since the release of the Project DEIR, the proposed offsite utility improvements have been modified (see Figure 3-10 from Chapter 2). As described in the responses above (see Response to Comment 1.3 through 1.7), the Project would be designed to mimic existing hydrologic conditions and would not result in additional offsite flows or altered drainage that could result in siltation or altered drainage patterns. The Project would capture the 100-year storm and the storage volume would accommodate flows to match the existing outflow discharge of the Project site. Flows would travel to the north along Hwy 395 and discharge to the California Aqueduct, consistent with existing conditions. By not exceeding the existing Q100 flowrate or volume discharge, through providing adequate conveyance of offsite flows, and by not directly discharging into the Oro Grande Wash, the Project would not result in offsite erosion and scour, which could create siltation within the aqueduct. Therefore, no further revisions would be required, and no further response is warranted.

Response to Comment 1.14: The commenter states that adequate analysis of these cumulative impacts from past, current, stormwater runoff erosion impacts may conclude that the cumulative impacts are severe and likely to occur relative to future overflow discharge into the Oro Grande Wash and California Aqueduct. The comment states that the culvert at MP394.5 is the only cross drainage structure draining the entire wash from west to east of California Aqueduct, so the cumulative impact analysis should include modelling of runoff from existing projects, these projects and proposed projects upstream of the confluence of the Yucca Terrace Drive and Cataba Road runoff at Oro Grande Wash which creates erosion as the flows enters the Oro Grande Wash.

The Project would discharge non-sediment laden flows that match the rate of the existing condition at the northeast corner of the project and into an existing natural drainage feature. The natural drainage then flows north and stays on the west side of Hwy 395 until discharging to the California Aqueduct. Therefore, no further revisions would be required, and no further response is warranted.

Response to Comment 1.15: This comment states that the current cumulative erosion and siltation impacts within the California Aqueduct right of way may be mitigated by retention basins with energy dissipators where Oro Grande Wash intersects Aqueduct. The commenter asserts that this would likely minimize to less than significant the cumulative erosion impacts and prevent siltation filling up the Box Culvert conveying Oro Grande Wash.

The Project site is primarily paved and sediment would not be generated in any significant amount following construction of the Project. Peak discharge rates would match existing condition in order to avoid any impacts downstream. Since the Project would not result in impacts, the Project would not be subject to mitigation. Therefore, no further revisions would be required and no further response is warranted.

Response to Comment 1.16: This comment asserts that the DEIR does not provide an analysis that shows there is a less than significant impact related to erosion and that the applicant may be required to acquire an encroachment permit per CA Code of Regulations Section 605. As described in the responses above (see Response to Comment 1.3 through 1.15), the Project would be designed to mimic existing hydrologic conditions and would not result in additional offsite flows or altered drainage patterns. The Project would not result in erosion or siltation beyond existing conditions since the Project would not increase offsite flow volume or rates. Therefore, no further revisions would be required and no further response is warranted.

Response to Comment 1.17: This comment includes the commenter's contact information in case of any further questions. The comment is conclusory in nature and does not raise any CEQA concerns. Therefore, no further response is required.

Comment Letter 2: Mohave Desert Air Quality Management District, dated November 13, 2023 (2 pages)

Mojave Desert Air Quality Management District
Brad Poiriez, *Executive Director*
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2022
www.MDAQMD.ca.gov • @MDAQMD

November 13, 2023

Ryan Leonard, Associate Planner
City of Hesperia, Planning Department
9700 Seventh Avenue
Hesperia, CA 92345

Project: Hesperia KISS Logistics Center Project DEIR

Dear Mr. Leonard:

The Mojave Desert Air Quality Management District (District) has reviewed the Draft EIR for the KISS Logistics Center Project. The project proposes to build an industrial building that would support warehouse, manufacturing, and office uses. The proposed building area would be 639,468 square feet (sf) of warehouse space, 11,000 sf of ground floor office space, and 5,000 sf of mezzanine office space for a total 655,468 sf industrial building. The proposed project includes 75 percent of warehouse uses, 5 percent of cold storage uses, and 20 percent of manufacturing uses. In addition, the proposed project would designate 16.8 percent or approximately 209,075 sf of the total project area to ornamental landscaping. Parking spaces required by City code would be maintained in a 374-space parking lot, including 49 electric vehicle/clean air/carpool spaces. In addition, the proposed project would include 60 loading dock doors and 82 trailer stalls. The proposed project would include an 800 kilowatt (1,073-horsepower) emergency backup generator and operations are assumed to occur 24 hours per day, 7 days per week. Once operational, the proposed project would generate a total of approximately 1,357 average daily trips including 976 passenger vehicles, 68 2-axle truck trips, 77 3-axle truck trips, and 236 4+-axle truck trips. 2.1

We have reviewed the NOP of a DEIR for the KISS Logistics Center Project as proposed and based on the information available to us at this time, the District will require the implementation of the following mitigation measures: 2.2

- Preparation and submission to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at http://mdaqmd.ca.gov/permitting/compliance-forms.

- Signage compliant with Rule 403 Attachment B shall be posted at each project site entrance no later than the commencement of construction.

- Use a water truck to maintain disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

- All perimeter fencing shall be wind fencing or the equivalent, and a minimum of four feet of high. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

- Obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to: Emergency Generators and/or Internal Combustion Engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower.

2.2 cont.

The MDAQMD is concerned that the DEIR air quality analysis has underestimated the true potential proportion of the warehouse space utilizing cold storage. Unless there is an obligation for the end-user to keep cold storage warehousing under 5% of the total building square footage, the model may be significantly underestimating emissions. Given the potentially significant impact of the project on the factors mentioned above, the District is recommending the City of Hesperia require less than 5% of the warehousing space be utilized for cold storage.

2.3

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

2.4

Sincerely,

Chris Anderson
Planning and Air Monitoring Supervisor

CA/bg Hesp KISS Logistics Center 2023 13 2023

Response to Comment Letter 2: Mohave Desert Air Quality Management District, dated November 13, 2023

Response to Comment 2.1: This comment states that the Mojave Desert Air Quality Management District (MDAQMD) has reviewed the Draft Environmental Impact Report (DEIR) for the Project. The comment includes a summary of the Project description. The comment is introductory in nature and does not provide substantial evidence of any environmental impact. No further response is warranted.

Response to Comment 2.2: This comment includes construction best management practice (BMP) measures that MDAQMD requires for implementation as part of the Project. The measures included are already required as part of MDAQMD Rules. A list of MDQAQMD Rules that the Project would be required to comply with can be found on page 5.2-9 of the DEIR. The DEIR acknowledges that the Project is subject to the requirements of MDAQMD and has assumed compliance with such requirements. These measures will be included and implemented as part of the necessary dust control plan and Project Stormwater Pollution Prevention Plan (SWPPP). The applicant and lead agency are aware of these requirements and agree to them. Therefore, no further revision or response is required.

Response to Comment 2.3: This comment states that MDAQMD is concerned that the DEIR could be underestimating the Project's air quality impacts due to the potential for the end-user to operate the proposed warehouse at a greater amount of cold storage than the five percent of total square footage assumed for the Project. The commenter requests that the City of Hesperia require less than five percent of the proposed warehouse as cold storage.

The applicant does not currently anticipate the use of cold storage for the warehouse. A condition of approval will be included to require any future operator of the Project that wants to add a cold storage use to conduct additional environmental analysis before converting part of the Project into a cold storage use. Therefore, the City has accommodated the request of the commenter, and no further revision or response is required.

Response to Comment 2.4: This comment provides the contact information for the commenter in the case that the lead agency has any additional questions. This comment is conclusory in nature and does not raise any CEQA issues. Therefore, no further revision or response is required.

Comment Letter 3: Advocates for the Environment, dated November 15, 2023 (7 pages)

November 15, 2023

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization

Ryan Leonard
Senior Planner
City of Hesperia
9700 Seventh Avenue
City of Hesperia, CA 92345

Via U.S. Mail and email to rleonard@cityofhesperia.us

re: Comments on Draft Environmental Impact Report for KISS Logistics Center, SCH No. 2022110097

Dear Mr. Leonard:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (**DEIR**) for the KISS Logistics Center project (**Project**). The Project Site is located along Main Street and Interstate 395 in the City of Hesperia (**City**), County of San Bernadino. The Project proposes to develop a 655,468 square-foot warehouse building with cold storage on the 29.61-acre Project Site. The Project anticipates employing up to 549 employees. (DEIR, p. 5.7-13.) We have reviewed the DEIR and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**). 3.1

The City Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions. It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero. 3.2

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero communities after losing CEQA lawsuits to environmental groups. The ability for these large projects

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to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same. 3.2 cont.

We urge the City to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that "achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: "it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed … in order to meet our GHG and air quality targets." (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.) 3.3

Moving this Project forward as a net-zero project would not only be the right thing for the City to do, but also would also help protect the City and the Applicant from CEQA GHG litigation.

GHG Mitigation is Insufficient under CEQA

The calculated project-related emissions amount to 11,679.6 metric tons of carbon dioxide equivalent (**MTCO2e**) per year (DEIR, p. 5.7-13). The lead agency adopted a numeric GHG significance threshold of below 3,000 MTCO2e, following the recommendations from the South Coast Air Quality Management District (**SCAQMD**) guidelines. (DEIR, p. 4.7-13.) Based on this threshold, City concluded the Project would have significant GHG emissions. To reduce this significant GHG impact, the GHG Analysis offered Mitigation Measure GHG-1 (**MM-GHG-1**). (DEIR, p. 5.7-24.)

MM-GHG-1 proposes the following actions: (1) Use the "cleanest technologies available" and provide the "necessary infrastructure" for zero emission vehicles; (2) Equip docks and trailer spaces with electrical hookups for transportation refrigeration units (**TRUs**); (3) Require all TRUs to be plug-in capable; (4) Require zero-emission light and medium-duty delivery vehicles where feasible; (5) Require heavy-duty trucks to be model year 2014 or newer, and "expedite a transition to zero-emission vehicles" with the goal of fully zero-emission by 2030; (6) Comply with current air quality regulations including CARB's Heavy-Duty Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and Statewide Truck and Bus Regulation; (7) Restrict idling of trucks and support equipment for more than five minutes on site; (8) Restrict idling to fifteen minutes for TRU diesel engines; (9) Include solar panels which supply 100% of electricity from renewable energy resources; (10) Implement a Transportation Demand Management Plan, which "may include" transit infrastructure or employee incentives; (11) Implement feasible waste reduction measures; and (12) Implement water-efficient fixtures and landscaping. (DEIR, p. 5.7-24.) 3.4

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After accounting for the GHG reductions from the proposed mitigation measure, the DEIR quantified mitigated emissions at 10,614.0 MTCO2e annually. (DEIR, p. 5.7-13.) Despite the availability of other GHG mitigation and Project alternatives, the DEIR declared that the Project's mitigated emissions were unavoidable. However, because this conclusion is not supported by substantial evidence, the DEIR should have included more mitigation to reduce the Project's GHG emissions to the extent required by CEQA. 3.4 cont.

MM-GHG-1 is Vague and Improperly Deferred

Vague and unenforceable mitigation measures violate CEQA (*California Clean Energy Comm. v. City of Woodland* (2014) 225 Cal. App. 4th 173, 180.) There is no showing that certain mitigation measures would be enforceable, which constitutes improper deferral. 3.5

MM-GHG-1 states that the City "shall identify project design details and specifications" prior to issuing a building permit. However, this DEIR itself should be the instrument through which the City identifies the specifications and details required to achieve reductions, because it is mandatory through CEQA to do so. The City's failure to evaluate, in the DEIR, which specifications would be necessary for this Project is an improper deferral of its responsibility as the lead agency.

While the overarching measure states that "the following measures will be required," several of the individual parts of MM-GHG-1 use permissive language which is too vague to enforce the details that were specified. For instance, the measure regarding development of a transportation demand program does not specify any mandatory features of such a program, only stating that the program "may include" two examples of employee incentives well as a reference to unspecified "additional transit infrastructure." Additionally, the "zero-waste program" is exchangeable "other feasible waste reduction measures," including certain listed examples. Even with the inclusion of some details, allowing alternative options without a specific standard that the options or alternatives adhere to is vague and unenforceable because it impermissibly allows the City or applicant to decline to adopt certain measures, even if feasible, and substitute a more preferable option that could potentially be less effective than any of the specifications mentioned in the mitigation measure. 3.6

Other measures do not include enforceable performance criteria. For example, the "cleanest technologies available" is open to interpretation and does not commit to a particular technology, preventing decision-makers and the public from assessing whether it is, in fact, the "cleanest" or most "available." The lack of measurable standards here is an improper deferral of mitigation. Likewise, the "zero-waste program" has no standard to judge its effectiveness or future compliance. 3.7

Even some instances where mandatory language is used, it is framed alongside other language that is much more lenient. For example, MM-GHG-1 notes that cryogenic transport refrigeration "shall be encouraged," which is not committing to the implementation or adoption of such technology to any extent, even though it mandates that the City "encourage" its use. The target that the measure 3.8

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aims to encourage—whether that be the applicant, the tenant, or some other entity—is also unclear from this language, leaving the effect of such encouragement entirely undeterminable. 3.8 cont.

The measure that contemplates the addition of solar panels to the project is vague and potentially misleading by stating that the Project: "include rooftop solar panels that supply 100 percent of electricity from renewable energy resources." By the literal interpretation of this clause, it requires that 100% of the electricity that the solar panel produces comes from renewable sources. This is necessarily true because solar panels convert renewable solar energy into electricity and says nothing about the Project's energy portfolio. At the same time, this wording may be misleading to readers who instead interpret it as a commitment to powering 100% of the Project's electricity needs by solar panels, rather than the panels themselves supplying 100% renewable energy. If City was intending to commit to the former, it should have clarified as such by ensuring that "100 percent of electricity" refers to the Project's energy usage rather than the solar panel's supply. 3.9

Similarly, other instances of "shall" ultimately diminish the conclusiveness of the commitment by later indicating that the measure is only required "if feasible." While this correctly conveys the legal standard that CEQA requires feasible mitigation, the role of the lead agency is to specifically identify mitigation measures that *are* feasible, by the agency's reasonable discernment at the time of drafting the EIR, rather than defer the determination of which measures are feasible (and to what extent) for a later unknown date. 3.10

The only exceptions to the general unenforceability of MM-GHG-1 are the specifications regarding compliance with CARB's air quality regulations for trucks, plug-in capability of TRUs (which CARB requires by 2023), idling restrictions, and water efficiency measures, which make up five of the twelve sub-measures. 3.11

Overall, MM-GHG-1 violates CEQA's requirement for specific and enforceable mitigation measures because MM-GHG-1 is not committing to any particular standards, and components of the measure lack sufficient performance criteria. 3.12

Infeasibility Finding Lacks Substantial Evidence

The conclusion that the Project will not be able to achieve any mitigation beyond which was identified in MM-GHG-1 is not supported with substantial evidence. Even though MM-GHG-1 is essentially twelve mitigation measures in one package, it is still not sufficient to mitigate the Project's emissions to the extent feasible. Although the qualitative extent to which the applicant intends to implement the measures discussed in MM-GHG is unknown, the DEIR estimates that the quantity of GHG reductions achieved through this measure would only amount to 1,065.6 MTCO2e per year, which is slight in comparison to the project's full impact of 11,679.6 MTCO2.[1] So although it would appear that the language of MM-GHG-1 contemplates GHG emissions reductions, the DEIR should 3.13

[1] $11{,}679.6\ MTCO2e - 10{,}614.0\ MTCO2e = 1{,}065.6\ MTCO2e$

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have proposed these features to be applied to the maximum-feasible extent in order to justify the conclusion that the Project's GHG impact would be unavoidable due to lack of feasibility of further mitigation. 3.13 cont.

It Is Feasible to Alter Proposed Mitigation Measures to Increase Mitigation

While these measures are a good start, the City did not demonstrate that these actions would represent the maximum feasible mitigation to support a finding that the Project's impact would be significant and unavoidable.

For example, the City did not provide any support for why five minutes would be the maximum restriction feasible for on-site idling restrictions. It would seem feasible to instruct, train, and manage the warehouse site such that workers turn off the engine immediately upon putting the truck in park. Likewise, the limit of TRU diesel engines is fifteen minutes, which is arbitrary without further support for why this is the maximum feasible for TRUs. Moreover, even though MM-GHG-1 encourages the TRUs to be zero-emissions, it contemplates that they will nonetheless be powered by a fossil-fuel combustion engine. The City could have reduced emissions further by requiring the TRUs to be powered by zero-emission engines. 3.14

Additionally, a transportation management plan would have minimal effect on GHG reduction because it merely encourages changes in employee lifestyle to transition to alternative transportation measures and does not have enforceable conditions that require infrastructural changes and incentives to make it practical for employees to do so. The City should have included enforceable actions which would achieve actual GHG reductions and did not explain why it would be infeasible to do so. 3.15

Overall, the lead agency carries the burden of including an adequate discussion of feasible mitigation measures, including identifying the reasons for infeasibility, and the failure to do so here is a violation of CEQA and insufficient to meet the City's burden. 3.16

It Is Feasible to Adopt Further Mitigation Measures

CEQA requires that the lead agency identifies specific reasons for infeasibility of further mitigation when concluding significant and unavoidable impact. The City did attempt to specify any other infeasible mitigation measures when concluding that MM-GHG-1 was the only feasible mitigation measure, stating: "The vast majority of GHG is generated by mobile source emissions of vehicles, which cannot be controlled by the City or the applicant. Therefore, mitigation to reduce impacts is infeasible." (DEIR, p. 5.7-25.) 3.17

While it is true that the City and applicant do not have regulatory authority over individual vehicle emissions, the City and applicant together can commit to design and technology specifications that reduce emissions. Thus, the conclusion that further mitigation is infeasible was not supported by

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substantial evidence; there are other readily available mitigation measures, even considering that a majority of the impact originates from mobile emissions. Further, even if MM-GHG-1 represents the maximum reductions from mobile emissions, the City can choose to develop non-mobile project features that mitigate GHGs by reducing energy by adopting more green building features. 3.17 cont.

The Project's GHG Impacts Must be Fully Mitigated

CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, this means mitigation of the full extent of the Project's GHG impacts. The DEIR claims that no other mitigation measures are feasible, beyond MM-GHG-1. But that conclusion is incorrect, and not supported by substantial evidence.

The amount of GHG emissions that comprises the Project's fair share is clear. The Project's mitigated annual emissions were estimated at 10,614.0 MTCO2e, and the reasonable lifespan this Project is approximately 30 years, as indicated by the amortization of construction emissions. (DEIR, p. 5.7-13.) Therefore, the Project would likely contribute to approximately 318,420 MTCO2e during its entire lifespan.[2] This would be a good starting point from which to subtract the effect of additional non-offset mitigation measures, before implementing offset purchases. 3.18

Operational Emissions Reductions are Feasible

In addition to the recommended modifications to the existing mitigation measure MM-GHG-1 there are several other mitigation measures that are feasible, including renewable energy systems and batteries to power the commercial buildings during non-peak hours, solar water heaters, automatic light switches, among many other mitigation strategies that can be incorporated in the project as design features or as mitigation measures. Such features could be adopted individually or as part of a comprehensive goal of sustainable building certification, such as Leadership and Energy and Environmental Design (**LEED**). Further, even though the Project contemplates cold storage, there is no proposed mitigation for warehouse refrigeration storage—only for the TRUs. The Project could have committed to low-warming HFCs or other alternatives to traditional coolants, as well as energy efficient refrigeration systems. 3.19

Even after implementing on-site emissions reductions to the maximum-feasible extent, the City could also require the Applicant to enter into an agreement to buy clean power for the remaining warehouse's electricity usage. Overall, there are more options available to mitigate emissions to the full extent of project emissions, but the measures identified in the DEIR were only able to mitigate less than 10% of the Project's impact.[3] 3.20

[2] (10,614.0 MTCO2e) x (30 years) =318,420 MTCO2e
[3] (11,679.6 MTCO2e – 10,614.0 MTCO2e)[mitigation measures impact] ÷ 11,679.6 MTCO2e [full project impact] = 0.09123 = 9.12%

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Offsets Are Feasible

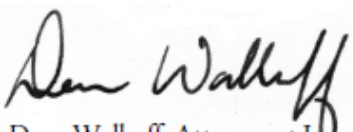
The DEIR did not mention offsets as an available mitigation measure when it concluded that further mitigation is not feasible, nor did it provide any explanation of why offsets would be infeasible. And offsets are acceptable mitigation measures under CEQA (See CEQA Guidelines § 15126.4 (c)(3).) Because the City has provided no reason why offsets are infeasible, the EIR's conclusion that it is not feasible to fully mitigate the Project's GHG emissions is not supported by substantial evidence. The City should require the Applicant to purchase offsets to the extent necessary to mitigate the Project's emissions. 3.21

Conclusion

The DEIR fails to require all feasible mitigation, despite concluding that the significant GHG impact will be unavoidable. The lead agency has not met its burden of showing that such measures are infeasible, and therefore the DEIR should be amended to reflect all feasible mitigation to the fair-share extent, including offsets. 3.22

Please put me on the interest list to receive updates about the progress of this Project.

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

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Response to Comment Letter 3: Advocates for the Environment, dated November 15, 2023

Response to Comment 3.1: This comment states that the letter is written by "Advocates for the Environment" and summarizes the project description. This comment also states that they have reviewed the DEIR and have submitted comments on the insufficiency of the DEIR's GHG analysis under CEQA. The comment is introductory in nature and does not provide substantial evidence of any environmental impact. No further response is warranted.

Response to Comment 3.2: This comment states that a net-zero significance threshold is feasible, and it is economically unsound to construct new buildings that are not net-zero. The comment provides background regarding the litigation of Newhall Ranch (now FivePoint Valencia) and Centennial (part of Tejon Ranch). The commenter states that the Applicant should create a net-zero Project, consistent with the outcomes of Newhall Ranch and Centennial cases.

The Project in question proposes industrial development, whereas the examples in this comment refer only to non-industrial projects. Therefore, the examples provided in this comment do not necessarily apply to the Project and are not reliable. This Project is located within the jurisdiction of the MDAQMD; however, the Project was conservatively evaluated against SCAQMD's thresholds which are more stringent than MDAQMD's thresholds and supported by substantial evidence. By implementing a more stringent threshold, the Project was found to have a significant impact on GHG and the Applicant has adopted Mitigation Measure GHG-1, which requires 100 percent of Project electricity to come from renewable energy resources, to reduce impacts of the Project to the maximum extent feasible. The application of a net-zero threshold is unprecedented for warehouse projects and would effectively result in a moratorium on such facilities within the city. While the application of a net-zero threshold may be appropriate and feasible for residential projects, such as the two mentioned by the commentator, it is not appropriate to apply such a threshold to warehouse projects where the vast majority of operational GHG emissions result from mobile-source emissions. The comment does not contain any information requiring changes to the DEIR. No further response is warranted.

Response to Comment 3.3: The commenter urges to City to adopt a net-zero significance threshold for the Project. Further, the comment cites the CARB 2017 and 2022 Scoping Plans, which include language in support of no net additional increase in GHG emissions and the transition to zero-emission technologies. The commenter asserts that moving the Project forward as a net-zero project would be the right thing for the City to do and would help protect the City and the Applicant from CEQA GHG litigation.

Additionally, the 2022 CARB Scoping Plan includes overall state goals, therefore the referenced goal is not a Project specific goal. The Project would provide contemporary, energy-efficient/energy-conserving design features and operational procedures. The proposed Project would not interfere with the state's implementation of AB 1279's target of 85 percent below 1990 levels and carbon neutrality by 2045 because it does not interfere with implementation of the GHG reduction measures listed in CARB's Updated Scoping Plan (2022), as demonstrated in Tables 5.7-2 as found in Section 5.7, Greenhouse Gas Emissions, on page 5.7-15 in the DEIR. CARB's 2022 Scoping Plan reflects the 2045 target of a, 85 percent reduction below 1990 levels, set by Executive Order B-55-18, and codified by AB 1279. Therefore, the Project not being constructed as net zero emissions does not conflict with the GHG significance threshold or any plan, policy, or goal related to GHG. The comment does not contain any information requiring changes to the DEIR. No further response is warranted.

Response to Comment 3.4: This comment provides a summary of the findings of the Project's GHG impacts, as well as the Project's mitigation measures incorporated to reduce GHG impacts, as provided in the DEIR. The comment states that the Project's conclusion that GHG impacts would be significant and unavoidable is not supported by substantial evidence and the DEIR should have included more mitigation to reduce the Project's GHG emissions to the extent required by CEQA.

The commenter's assertion that the DEIR does not provide substantial evidence for the determination that GHG impacts of the Project would be significant and unavoidable is unsubstantiated and vague. The commenter does not provide additional data or specific measures for consideration or incorporation.

Responses to additional comments provided by the commenter related to this comment are provided below (Response to Comment 3.6 to 3.13). The comment does not contain any information requiring changes to the DEIR. No further response is warranted.

Response to Comment 3.5: This comment cites the findings from *California Clean Energy Comm. v. City of Woodland (2014)* and states that vague and unenforceable mitigation measures violate CEQA. The commenter asserts that Project mitigation measures lack enforceability and constitute as improper deferral. The commenter states that the language from Mitigation Measure GHG-1, the City of Hesperia "shall identify project design details and specifications" constitutes as a failure of the City to evaluate which specifications would be necessary for the Project to achieve GHG reductions as part of the CEQA document.

The commenter misinterprets the language within Mitigation Measure GHG-1. The full statement within the measures reads "Prior to issuance of a building permit, the City of Hesperia shall identify project design details and specifications to document implementation and compliance with the following emission reduction measures" (DEIR, page 5.7-24). This statement is meant to specify that the City would be responsible for enforcement of Mitigation Measure GHG-1 through verification that all Project plans and documents comply with the emission reduction measures specified prior to issuance of a building permit. This statement is not meant to imply that specific reductions measures would be developed prior to issuance of a building permit, but rather that the City would enforce the implementation of Mitigation Measure GHG-1 prior to issuance of a building permit.

Several measures within Mitigation Measure GHG-1 are unenforceable and unmeasurable, as inferred by the commenter. Mitigation language that has been reclassified as best practice include:

- "Use the cleanest technologies available"…
- Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible.

These measures could reduce Project GHG emissions and energy consumption but are subject to the availability of technology and/or are dependent on human behavior, which neither the applicant nor the Lead Agency can ensure. As such, these measures have been classified as best practices that the applicant would voluntarily implement as feasible rather than mitigation for the purpose of reducing GHG. An agency may reject mitigation measures or project alternatives if it finds them to be "infeasible." Pub Res C §21081(a)(3); 14 Cal Code Regs §15091(c)(3). "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. Pub Res C §21061.1; 14 Cal Code Regs §15364. Therefore, Mitigation Measure GHG-1 has been revised to remove language that does not qualify as proper CEQA mitigation. These measures have not been included in Project modeling and reductions in GHG emissions have not been taken but have been included as best practices instead.

The original AQ, GHG, and Energy Report (included as Appendix B of the DEIR) did not take credit for these specific unquantifiable measures or assume their implementation. Reclassifying the measures as best practices, as shown Chapter 2, Errata, would not increase the previously disclosed GHG quantities identified within the original Project AQ, GHG, and Energy Report or DEIR. The revised Mitigation Measure GHG-1 does not constitute as deferral and is fully enforceable through Project Conditions of Approval (COAs) and verification of the City prior to approval of the grading permit as required under CEQA Guidelines, §15126.4, subd. (a)(1)(B) and CEQA Guidelines § 15126.4(a)(4). No new or worsened impacts regarding Project GHG would result from the proposed changes.

The language describing the Project GHG mitigation GHG-1 has been revised for clarity within Section 5.7, Greenhouse Gas, of the DEIR as shown below and captured within Chapter 2, Errata.

> **Location: Greenhouse Gas, Mitigation Measures, pp. 5.7-24**
>
> **Mitigation Measure GHG-1:** Prior to issuance of a building permit, the City of Hesperia shall identify project design details and specifications to document implementation and compliance with the following emission reduction measures. Implementation of the following measures will be required

prior to building permits and is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- ~~Use the cleanest technologies available and~~ provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site, **including but not limited to running conduit to dock doors to allow for future plug-in of TRUs or truck charging**.
- All loading/unloading docks and trailer spaces shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration shall be ~~encouraged~~**used** for operational fleets **operated by the owner/tenant on the Project site**.
- All TRUs **operated by the owner/applicant** entering the Project site be shall plug-in capable.
- Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible.
- All heavy-duty trucks ~~entering or~~ **operated by the owner/tenant of** ~~on~~ the Project site shall be model year 2014 or later.
- The Project Applicant shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation.
- Trucks and support equipment shall be prohibited from idling longer than ~~five~~**three** minutes while on site.
- On-site TRU diesel engine runtime shall be limited to no longer than 15 minutes.
- Include rooftop solar panels that supply 100 percent of **Project** electricity from renewable energy resources.
- Implement a transportation demand program. Program measures may include free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the Project site **(implemented via Mitigation Measure T-1 of Section 5.12, Transportation)**.
- Implement a zero-waste program or other feasible waste reduction measures such as composting waste food scraps from employee activities and food waste processing. **75 percent of Project solid waste generated will be reduced, recycled, or composted per AB 341, supported through the implementation of Project recycling and composting bins.**
- Install water-efficient fixtures (toilets, faucets, showers), water efficient landscape irrigation systems (drip irrigation with control panel and soil moisture sensors), and water efficient landscaping.

- **Keep onsite and furnishing to the lead agency of other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classification.**
- **Provide information on transit and ridesharing programs and services to construction employees.**
- **Provide information on nearby meal/dining destinations for construction workers.**
- **Run conduit to designated locations for future vehicle electric charging stations.**

- **Expand the electrical room by 10 percent to (25 percent total) to accommodate future expansion of electric vehicle charging capability.**
- **Run conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.**
- **The building shall have breakroom with food storage capabilities.**
- **Signs shall be posted at every truck exist driveway to provide directional information to the truck route.**
- **The owner shall provide any future tenants with information on incentive programs, such as Carl Moyer program and Voucher Incentive Program, to upgrade their fleets.**
- **The Project contractor will use commercially available Tier 4 equipment.**

The specific measures that follow the statement include clear emission reduction strategies that would be implemented as part of the Project. The comment does not provide substantial evidence requiring changes to the DEIR. No further response is warranted.

Response to Comment 3.6: This comment states that several of the individual parts of Mitigation Measure GHG-1 use permissive language which is too vague to enforce the details that were specified. Specifically, the commenter notes that measure regarding development of a transportation demand program does not specify any mandatory features of such a program, only stating that the program "may include" two examples of employee incentives well as a reference to unspecified "additional transit infrastructure."

As shown above in Response to Comment 3.5, Mitigation Measure GHG-1 was revised to specifically point to the Project's Mitigation Measure T-1. Section 5.12 of the DEIR included a transportation demand program as mitigation:

> "To mitigate the significant VMT impact, the Project would implement applicable measures from the California Air Pollution Control Officers Association (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (hereafter CAPCOA). The Project would implement Commute Trip Reduction Marketing (CAPCOA Measure T-7), provide a Ridesharing Program (CAPCOA Measure T-8), and provide end of trip bicycle facilities (CAPCOA Measure T-10) to encourage employee carpooling, use of transit, and biking as alternative modes of transportation to work. A CTR Marketing strategy includes information sharing and marketing to promote and educate employees about their travel choices to the employment location. The Ridesharing Program would encourage carpooling or vanpooling by providing incentives to future employees such as priority parking spaces and/or a daily or monthly stipend for participants. As part of Mitigation Measure T-1, the Project would also install and maintain end-of-trip facilities for employee use that facilitate bicycling to work. Facilities could include bike parking, bike lockers, personal lockers and shower facilities." (p. 5.12-13)

The discussion then continues to go on to quantify the VMT reduction that would result from the measure (7.89 percent). The measure would require monitoring to be conducted to ensure enforceability of the program. The full Mitigation Measure T-1 is provided below and can be found on page 5.12-17 of the DEIR.

> **Mitigation Measure T-1:** The Project applicant shall implement Commute Trip Reduction Marketing (CAPCOA Measure T-7), provide a Ridesharing Program (CAPCOA Measure T-8), and provide end of trip bicycle facilities (CAPCOA Measure T-10) to encourage employees carpooling, taking transit, and biking to work. 100 percent of employees would be eligible to participate in all identified measures. Each measure is discussed further below:
>
> 1. Implement Commute Trip Reduction Marketing (CAPCOA Measure T-7). A CTR Marketing strategy includes information sharing and marketing to promote and educate employees about their travel choices to the employment location. This measure would require an on-site employee transportation coordinator and commuter information services, and on-site or online transit pass sales.

2. Provide Ridesharing Program (CAPCOA Measure T-8). Incentives for carpooling or vanpooling such as priority parking spaces and/or a daily or monthly stipend for participants. Additional incentives for carpool and/or vanpool drivers could also be provided. Preferred parking for carpool or vanpool vehicles.
3. Provide End-of-Trip Bicycle Facilities (CAPCOA Measure T-10). This measure includes installation and maintenance of end-of-trip facilities for employee use that facilitate bicycling to work. Facilities could include bike parking, bike lockers, personal lockers and shower facilities. Initially, the project shall provide secure bicycle parking (bicycle racks or lockers) for at least 9 bicycles (consistent with San Bernardino County Code Section 83.14.030 which requires secure bicycle parking at a rate of one per 30 parking spaces).

To comply with components 1 and 2 of MM T-1, tenants of the Project could participate in the IE Commuter program (iecommuter.org) or alternative program. Monitoring of the program shall be conducted by the onsite transportation coordinator and an annual report shall be provided to the City. The report shall include a summary of the current CTR program, the number of employees participating in the program, summary of any partnerships with outside agencies such as IE Commuter, and total amount of subsidies provided by type (if any). If project tenants choose to comply with MM T-1 via participation in the IE Commuter program, then the Commute Activity Report provided by IE Commuter shall be sufficient for annual reporting.

The commenter also notes Mitigation Measure GHG-1 includes language, which specifies that the "zero-waste program" is exchangeable with "other feasible waste reduction measures," including certain listed examples. The commenter asserts that allowing alternative options without a specific standard that the options or alternatives adhere to is vague and unenforceable and could be substituted for a more preferable option that could potentially be less effective than any of the specifications mentioned in the mitigation measure. Mitigation Measure GHG-1 has been modified to state:

- Implement a zero-waste program or other feasible waste reduction measures such as composting waste food scraps from employee activities and food waste processing. **Implementation of Project recycling and composting will be implemented per AB 341, which requires 75 percent of Project solid waste generated to be reduced, recycled, or composted.**

The proposed Project would not include food processing. The generation of food waste would be derived exclusively from employee food scraps. Therefore, the reduction of GHG from a zero waste program for employee activities would result in a nominal reduction. More largely, this measure would support the larger requirement per AB 341 to divert 75 percent of solid waste generated by the Project to recycling and composting, of which the Project would implement both. Recycling and composting will be implemented as part of the Project in compliance with the State initiative. The proposed measure revisions clarify and amplify the previous measure text and is considered an insignificant modification. Therefore, the proposed revision would not warrant recirculation of the EIR pursuant Section 15088.5 of the CEQA Guidelines.

Revisions to Mitigation Measure GHG-1 shown above have been incorporated in Chapter 2, Errata. No further response is warranted.

Response to Comment 3.7: This comment notes that Mitigation Measure GHG-1 language, cleanest technologies available" is open to interpretation and does not commit to a specific technology. The commenter asserts that this measure is an improper deferral of mitigation.

As discussed above, language within Mitigation Measure GHG-1 has been reclassified as best practices due to unenforceability and/or infeasibility. The applicant has voluntarily committed to these best practices, although credit towards GHG reduction was and will not be taken. Reclassifying the clean technologies measure as a best practice, as shown above and in Chapter 2, Errata, would not increase the previously disclosed GHG quantities identified within the original Project AQ, GHG, and Energy Report or DEIR.

Revisions to Mitigation Measure GHG-1 shown above have been incorporated in Chapter 2, Errata. No further response is warranted.

Response to Comment 3.8: This comment states that the language within Mitigation Measure GHG-1, "shall be encouraged" regarding cryogenic transport refrigeration does not commit to action.

Mitigation Measure GHG-1 language has been modified to commit to a specific action. The measure has also been modified to apply only to fleet operated by the owner/tenant of the Project site, since the site operator would not be able to impose such requirements on equipment externally owned/operated. Mitigation Measure GHG-1 has been modified to state:

- All loading/unloading docks and trailer spaces shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration shall be ~~encouraged~~**used** for operational fleets **operated by the owner/tenant on the Project site**.

Revisions to Mitigation Measure GHG-1 shown above have been incorporated in Chapter 2, Errata. No further response is warranted.

Response to Comment 3.9: This comment states that the language within Mitigation Measure GHG-1, "include rooftop solar panels that supply 100 percent of electricity from renewable energy resources" is unclear and can be interpreted to require that 100 percent of the electricity that the solar panel produces comes from renewable solar energy. The commenter suggests that if the City's intention of the measure is to require the Project to provide 100 percent of the Project's electricity needs via solar that the City revise the language to clarify that that "100 percent of electricity" refers to the Project's energy usage rather than the solar panel's supply.

The intention of this measure is that 100 percent of the Project's electricity would be supplied via renewable energy. The word "Project" has been included to clarify.

- Include rooftop solar panels that supply 100 percent of **Project** electricity from renewable energy resources.

Revisions to Mitigation Measure GHG-1 shown above have been incorporated in Chapter 2, Errata. No further response is warranted.

Response to Comment 3.10: This comment notes that the use of the word "shall" is diminished by the later use of the wording "if feasible" regarding several components of Mitigation Measure GHG-1. The commenter states that the role of the lead agency is to specifically identify mitigation measures that are feasible, by the agency's reasonable discernment at the time of drafting the EIR, rather than defer the determination of which measures are feasible (and to what extent) for a later unknown date.

Mitigation Measure GHG-1 has been revised to remove "if feasible" and other infeasibility language. Measures that the applicant, nor the Lead Agency, can ensure implementation of have been included as best practices as described above. Revisions to Mitigation Measure GHG-1 shown above have been incorporated in Chapter 2, Errata. No further response is warranted.

Response to Comment 3.11: This comment states that the only exception to the general unenforceability of Mitigation Measure GHG-1 is the requirement regarding compliance with CARB's air quality regulations for trucks, plug-in capability of TRUs, idling restrictions, and water efficiency measures. There are no CEQA issues raised within this comment and no further response is warranted.

Response to Comment 3.12: This comment is conclusory, stating that Mitigation Measure GHG-1 violates the CEQA requirement for specific and enforceable mitigation. Further, the commenter states that Mitigation Measure GHG-1 does not commit to any particular standards and lacks performance criteria. This comment has been addressed under Response to Comments 3.5 to 3.11, which provides specific responses and revisions to the issues raised for each individual component of Mitigation Measure GHG-1. Revisions to Mitigation Measure GHG-1 shown above have been incorporated in Chapter 2, Errata. Therefore, this comment has been addressed and no further response is warranted.

Response to Comment 3.13: This comment states that the conclusion the Project will not be able to achieve any mitigation beyond Mitigation Measure GHG-1 is not supported by substantial evidence. The comment notes that according to the DEIR, Mitigation Measure GHG-1 would reduce Project emissions by 1,065.6 MTCO2e per year. The commenter assert that this amount is slight in comparison to the Project's full impact of 11,679.6 MTCO2. The commenter states that the measure should be enhanced to the maximum feasible extent.

The commenter's assertion that the DEIR does not provide substantial evidence for the determination that the Project will not be able to achieve any mitigation beyond Mitigation Measure GHG-1 is unsubstantiated and vague. This comment is introductory and the commenter does not provide additional data or specific measures for consideration or incorporation under this specific comment. Responses to additional comments provided by the commenter related to this comment are provided below (Response to Comment 3.14 to 3.17). The comment does not contain any information requiring changes to the DEIR. No further response is warranted.

Response to Comment 3.14:

This comment claims that the City did not demonstrate that included mitigation measures were the maximum feasible mitigation to support the significant and unavoidable finding. Specifically, the commenter states that:

- The City does not provide any support for why 5 minutes would be the maximum restriction feasible for on-site idling requirements
- The EIR includes an idling limit for TRU diesel engines of 15 minutes, which the commenter states is arbitrary without further support. The commenter requests that TRUs be required to be powered by zero-emission engines.

As a part of the environmental review for the proposed Project, the City reviewed potential mitigation measures and has developed and included all mitigation measures feasible to reduce GHG emissions from the proposed Project. As discussed in the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR), the Project includes a considerable number of heavy heavy duty (HHD) truck trips over long distances; therefore, Mitigation Measure GHG-1 requires several measures to reduce emissions associated with heavy-duty trucks and associated transport refrigeration units (TRUs). These include installing electrical hookup equipment for TRUs at all loading docks, requiring the use of newer (model year 2014 or newer) heavy duty trucks to accelerate transition to more efficient vehicles, and practices limiting truck idling and TRU run-time.

Mitigation Measure GHG-1 also requires the Project applicant to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site. However, the Project operator would have limited control of the composition of third-party truck fleets and it would not be feasible to require other parties to upgrade truck fleets to incorporate zero or near-zero emissions technologies as mitigation for the Project. However, the project applicant is required to implement this mitigation measure to infrastructure to support electric trucks will be available as the technology is more widely adopted. Due to the Project's limited control over other parties' truck fleets, the project could not feasibly reduce all mobile source emissions from the project.

Additionally, truck and support equipment are prohibited from idling longer than 5 minutes while on-site under current State law, which is a restriction that was found to be feasible and cost-effective through the latest suite of regulatory efforts to reduce emissions from heavy-duty trucks, as conducted by CARB. Furthermore, TRUs are restricted from idling for longer than 15 minutes, which is an extended length of time that allows the operator time to conduct loading and unloading activities with the refrigerator unit actively cooling. A shorter idling restriction would be technologically and practically unfeasible, as the refrigeration system is necessary to cool refrigerated goods and, after door opening and loading events occur, there is tremendous temperature variation that must be rectified in order to maintain the proper temperature for refrigerated products, especially in the hot summer months. While zero-emission TRU units are available on the market, as the ultimate end-user of the proposed project is unknown, and as trucks and TRUs that make deliveries to the proposed Project site would not be under the direct control of the Project operator, it is not

feasible to require that all TRUs operating at the proposed project site be zero-emissions equipment. However, as specified under Mitigation Measure GHG-1, all onsite TRUs would be zero-emission. The comment does not contain any information requiring changes to the DEIR. No further response is warranted.

Response to Comment 3.15:

This comment claims that a Transportation Management Plan would have minimal effect of GHG reductions because it encourages employee transition to alternative transportation measures but does not have enforceable conditions that require infrastructural changes and incentives for employees. This comment also claims that City should have included enforceable actions which would achieve actual GHG reductions and should explain why it is not feasible to do so.

The commenter incorrectly states that the required mitigation would not include enforceable conditions, infrastructure changes and employee incentives. The City is responsible for the review and approval of the Transportation Demand Program and will require such plan to be developed for review and approval prior to approval of building permits. As included in Mitigation Measure GHG-1, the Transportation Demand Program may include both incentives and infrastructure at the proposed Project site. A Transportation Demand Program has been adopted as was described in the DEIR in Section 12, Transportation, page 5.12-17. The measure is implementable, measurable, and enforceable. The comment does not contain any information requiring changes to the DEIR. No further response is warranted.

Response to Comment 3.16:

This comment states that the lead agency carries the burden of including an adequate discussion for feasible mitigation measures and identifying reasons for infeasibility. The comment is conclusory in nature and does not raise a specific issue with the adequacy of the DEIR evaluation. The commenters' concerns were addressed above in Responses 3.1 through 3.15 above. In reviewing the above-listed comments and making the appropriate revisions, when necessary, no significant new information was incorporated, and further, the mitigation measures, and feasibility discussion thereof, are adequate for the purposes of CEQA. The comment does not contain any information requiring changes to the DEIR. No further response is warranted.

Response to Comment 3.17:

The comment states that while it is true that the City and applicant do not have authority over individual vehicle emissions, the City and applicant can commit to design and technology specifications that reduce emissions and the conclusion that further mitigation is infeasible was not supported by substantial evidence. The commenter asserts that there are other readily available mitigation measures, even considering that a majority of the impact originates from mobile emissions, the City can choose to develop non-mobile project features that mitigate GHGs by reducing energy by adopting more green building features.

The Project would result in 11,687.7 MTCO2e per year before mitigation and 10,583.4 MTCO2e per year following the implementation of Mitigation Measure GHG-1. As shown in Table 5.7-2, *Mitigated Project Generated Greenhouse Gas Emissions*, the Project would result in less than 0.1 MTCO2e related to area and energy sources. Mobile sources account for 97 percent of anticipated Project emissions, as energy source emissions would be mitigated as a result of the Project's implementation of 100 percent renewable energy. Stationary, waste, and water sources would result in approximately five percent of total emissions (611.2 MTCO2e per year). Project Design Features (PDFs) that have been included as part of the Project since circulation of the DEIR, such as Project design would meet LEED requirements, would reduce stationary, waste, and water source emissions; however, there is no way to quantify GHG reductions for these design components in CalEEMod. Source emissions alone would not exceed the 3,000 MTCO2e threshold and would not constitute as a GHG impact; however, mobile source contributions to Project GHG impacts substantially exceed the 3,000 MTCO2e threshold. The Project has committed to several new additional mitigation measures under Mitigation Measure GHG-1 since circulation of the DEIR, which include the following:

- **Keep onsite and furnishing to the lead agency of other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classification.**

- **Provide information on transit and ridesharing programs and services to construction employees.**
- **Provide information on nearby meal/dining destinations for construction workers.**
- **Run conduit to designated locations for future vehicle electric charging stations.**
- **Expand the electrical room by 10 percent to (25 percent total) to accommodate future expansion of electric vehicle charging capability.**
- **Run conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.**
- **The building shall have breakroom with food storage capabilities.**
- **Signs shall be posted at every truck exist driveway to provide directional information to the truck route.**
- **The owner shall provide any future tenants with information on incentive programs, such as Carl Moyer program and Voucher Incentive Program, to upgrade their fleets.**
- **The Project contractor will use commercially available Tier 4 equipment.**

All measures proposed by commenters and agencies during circulation of the DEIR determined to be feasible for the Project have been included. Measures considered infeasible have been addressed and justification as to why the measure would be infeasible has been addressed in the individual response to comments within this Final EIR. These measures target the reduction of mobile source emissions; however, there is no way to quantify GHG reductions for these design components in CalEEMod. Therefore, the estimated mitigated Project GHG provided in Table 5.7-2, *Mitigated Project Generated Greenhouse Gas Emissions,* is a conservative estimate of Project emissions and does not include all potential mitigation reductions to total GHG. Mitigation Measure GHG-1 includes strict standards for vehicles owned and operated by the Project owner/tenant, including zero emission TRUs; however, the Project operator would have limited control of the composition of third-party truck fleets, and it would not be feasible to require other parties to upgrade truck fleets to incorporate zero or near-zero emissions technologies as mitigation for the Project. In reviewing the above-listed comments and making the appropriate revisions, when necessary, no significant new information was incorporated, and further, the mitigation measures, and feasibility discussion thereof, are adequate for the purposes of CEQA. The comment does not contain any information requiring changes to the DEIR. No further response is warranted.

Response to Comment 3.18: This comment cites Napa Citizens for Honest Gov't v. Napa County Board of Supervisors (2001) and states that CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. This comment states that the conclusion the Project will not be able to achieve any mitigation beyond Mitigation Measure GHG-1 is not supported by substantial evidence. As addressed under Response to Comments 3.14 to 3.17, Mitigation Measure GHG-1 has been revised to provide greater clarity and enforcement of the required emission-reduction actions and expands Mitigation Measure to mitigate emissions to the greatest extent feasible. Therefore, no further revisions to the DEIR are required.

The comment also notes that according to the DEIR, the Project would annually result in 10,614.0 MTCO2e, and the reasonable lifespan this Project is approximately 30 years, as indicated by the amortization of construction emissions. The commenter calculates this to mean that the Project would likely contribute to approximately 318,420 MTCO2e during its entire lifespan. The commenter asserts that this quantity would be a good base to subtract additional non-offset mitigation measures from before the purchase of GHG offsets. This comment does not raise a specific CEQA issue, and no further revision or response is warranted.

Response to Comment 3.19:

This comment states that the Mitigation Measure GHG-1 could include additional design features, including renewable energy systems and batteries to power the commercial buildings during non-peak hours, solar water heaters, automatic light switches, LEED certification, low-warming HFCs or other alternatives to traditional coolants, as well as energy efficient refrigeration systems, among many other mitigation strategies that can be incorporated in the project as design features or as mitigation measures.

Several Project Design Features (PDFs) have been identified for the Project that would reduce Project emissions.

Location: Greenhouse Gas Emissions, Project Design Features, pp. 5.7-24

5.6.9 PROJECT DESIGN FEATURES

The following design features would be implemented as part of the Project and would reduce Project GHG emissions:

PDF-1 Renewable energy system/solar electricity generation and battery system – 90 kilowatt hours (kWh) generation and 38 kwh battery to allow for peak energy usage offset;

PDF-2 Automatic Light Switches;

PDF-3 Control receptacles (shut off after certain durations);

PDF-4 The proposed building would be designed to Leadership in Energy and Environmental Design (LEED) certification standards;

PDF-5 EV chargers would be installed per Title 24 requirements day one;

PDF-6 Low volatile organic compound (VOC) coatings and paint (less than 10 grams per liter);

PDF-7 Vistacool layer and Solarban layer on exterior glazing which reduces energy consumption due to solar heat gain.

The Project's PDFs include the commenter's suggested design features. Solar heaters have been determined to be infeasible due to lack of commercial availability for the scale required for Project operation. Revisions to Project PDFs shown above have been incorporated into the Project description and Chapter 2, Errata. No further response is warranted.

Response to Comment 3.20:

The commenter states that the City could require the applicant to enter into an agreement t buy clean power for the remaining warehouse's electricity usage. As discussed above, the Project's GHG emissions do not come from electricity usage, but rather, mobile source emissions. Mitigation Measure GHG-1 already requires 100 percent renewable energy for the Project. The comment does not contain any information requiring changes to the DEIR. No further response is warranted.

Response to Comment 3.21:

The comment state s that the City should require the Project applicant to purchase carbon offsets to mitigation the Project's GHG emissions to zero.

While it is true that it is possible to purchase carbon offsets, recent Court of Appeal decisions have cast considerable doubt on the use of such offsets to mitigate GHG impacts from land use development projects. In *Golden Door Properties, LLC v. County of San Diego (2020)* 50 Cal,Ap.5th 467, the Court of Appeal invalidated a mitigation measure that required the purchase of offsets from a "CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard." (Id. At 510.) Although the court insisted its decision "should not be construed as blanked prohibition on using carbon offsets" to mitigate GHG missions under CEQA, it found numerous flaws with the measure at issue and failed to provide a clear roadmap for how to craft a similar valid measure. The court also declined to express an opinion on a number of issues, including whether offsets could potentially be used to mitigation more than 8 percent of a project's emissions and the extent to which out-of-country offsets could be used. (Id. At 503, 513, n 27.) Subsequent to *Golden Door* (and within the last year), another measure requiring the purchase of offsets was similarly found to be invalid in an unpublished Court of Appeal decision, with the court finding the measure's inclusion of additional standards for offsets did "not cure the defects found in Golden Door." (*Sierra Club v. County of San Diego* (Dec. 21, 2021, No. D077548) 2021 WL 6050624, at *11.) In light of such uncertainty, the City finds that the carbon offsets are not feasible method for mitigating

the Project's GHG emissions. The comment does not contain any information requiring changes to the DEIR. No further response is warranted.

Response to Comment 3.22: This comment concludes the comment letter and states that the Final EIR should remedy the inconsistencies and defects that are identified throughout the comment letter. Specifically, the comment states that the City should have determined that the Project would have a significant impact to GHG since it is not consistent with applicable plans and is therefore required to include all feasible mitigation to reduce GHG impacts to a less than significant level. The comment also requests to be added to the notification list of interested parties for all further actions regarding the Project.

The comment is conclusory in nature and does not raise a specific issue with the adequacy of the DEIR evaluation. The commenters' concerns were addressed above in Responses 3.1 through 3.22. In reviewing the above listed comments and making the appropriate revisions, when necessary, no significant new information was incorporated, and further, the impacts disclosed in the DEIR accurately reflect the proposed Project and subsequent potential environmental impacts. Therefore, per CEQA Guidelines and CA Code of Regulations 15088.5, DEIR recirculation would not be warranted.

Comment Letter 4: Blum Collins (on behalf of Golden State Environmental Justice Alliance), dated November 16, 2023 (29 of 146 pages, see full comment included as Attachment A)

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November 16, 2023

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VIA EMAIL TO:
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Subject: Comments on Kiss Logistics Center EIR (SCH NO. 2022110097)

Dear Mr. Leonard,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed KISS Logistics Center. 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. 4.1

1.0 Summary

The project proposes the construction and operation of one 655,468 square foot (sf) industrial/warehouse building on a 29.61 acre site. The building consists of 639,468 sf of warehouse space, 11,000 sf ground floor office space, and a 5,000 sf mezzanine for additional office space. The building is designed as a cross-dock fulfillment center with 30 truck/trailer loading dock doors along the east and west sides of the building for a total of 60 truck/trailer loading dock doors. The site provides 83 truck/trailer parking stalls and 374 passenger vehicle parking stalls. The building has a proposed maximum height of 49 feet. The Project site has a General Plan land use designation of Main Street and Freeway Corridor Specific Plan (MSFC-SP). Within the MSFC-SP, the Project site is zoned as Commercial/Industrial Business Park (CIBP) and Neighborhood Commercial (NC). The proposed Project would also include a Specific Plan Amendment (SPA) to change the site's MSFC-SP designation from NC to CIBP. 4.2

3.0 Project Description

The EIR does not include a floor plan, detailed site plan, detailed building elevations, or a conceptual grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. Additionally, the site plan provided in Figure 3-6 has been edited to remove pertinent information from public view. For example, it does not provide any detailed information such as earthwork quantity notes, parking requirements, or floor area ratio. The building elevations in Figure 3-7 do not include the height of the proposed building. The EIR also provides no information about the grading requirements for the project site other than that the site is "relatively flat," and there is no method for the public or decision makers to verify this statement. The quantity of soil imported/exported from the project site contributes to the quantity of truck trips during the grading phase of construction and will increase project emissions. Providing a grading plan is vital to ensure that the public and decision makers can verify this information and for the EIR to provide an accurate environmental analysis. The EIR has excluded the grading plan, floor plan, and detailed site plan and elevations from public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the floor plan, grading plan, and detailed site plan contribute directly to analysis of the problem at hand. The EIR must be revised to include all application items for review, analysis, and comment by the public and decision makers in their whole and true form in order to provide an adequate and accurate environmental analysis. 4.3

The project requires a Specific Plan Amendment to change the land use designation from NC to CIBP. The EIR includes Figure 3-4: Existing MSFC SP Zoning and Figure 3-5: Proposed MSFC SP Zoning. However, the figures are identical and no changes to the project site area depicted. This does not comply with CEQA's requirements for meaningful disclosure and accurate informational documents. The EIR must be revised to provide an accurate Figure that depicts the proposed MSFC SP Zoning. 4.4

5.2 Air Quality, 5.5 Energy, and 5.7 Greenhouse Gas Emissions 4.5

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. According to CalEnviroScreen 4.6

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 (6071010017) experiences high rates of pollution burden. The surrounding community, including residences to the north and west, bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 91st percentile for ozone burden, the 83rd percentile for traffic impacts, and the 58th percentile for diesel particulate matter (PM) 2.5 burden. All of these environmental factors are typically attributed to heavy truck activity in the area. Traffic impacts represent the vehicles in a specified area, resulting in human exposures to chemicals that are released into the air by vehicle exhaust, as well as other effects related to large concentrations of motor vehicles[2]. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births[3]. 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[4].
Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[5].

4.6 cont.

The project census tract bears more impacts from cleanup sites than 73% 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[6]. The census tract also ranks in the 66th percentile for hazardous waste 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[7].

4.7

Further, the census tract is a diverse community including 55% Hispanic and 6% African-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 67% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community has a high rate of poverty, meaning 67% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect

4.8

[1] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40
[2] OEHHA CalEnviroScreen Report
https://oehha.ca.gov/media/downloads/calenviroscreen/report/calenviroscreen40reportf2021.pdf
[3] OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density
[4] OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter
[5] OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[6] OEHHA Cleanup Sites https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites
[7] OEHHA Hazardous Waste Generators and Facilities
https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities

health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care[8]. Poor communities are often located in areas with high levels of pollution[9]. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution[10]. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 99th percentile for incidence of cardiovascular disease and 85th percentile for incidence of asthma. 4.8 cont.

The State of California lists three approved compliance modeling softwares[11] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved 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, 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. 4.9

5.10 Land Use and Planning

The EIR concludes that the project will not have significant land use and planning impacts because, "the Project involves modifying the southern portion of the Project site s Specific Plan designation from NC to CIBP which would require a Specific Plan Amendment. *Approval of the proposed Specific Plan Amendment and the CUP would make the Project consistent MSFC-SP*. Therefore, in consistency with the MSFC-SP, the Project would be consistent with the General Plan." The EIR relies upon approval of the Specific Plan Amendment itself for consistency with both the MSFC SP and the General Plan. This conclusion is illogical and does not provide any meaningful evidence to support this conclusion. Reliance upon the SPA itself for project consistency with policies, regulations, and documents adopted for the purpose of avoiding environmental impacts circumvents the requirement to provide an adequate environmental analysis of the compatibility of the project proposal with the applicable regulations. As a result of the SPA to accommodate the proposed project, the proposed project will generate significant and unavoidable Greenhouse 4.10

[8] OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty
[9] Ibid.
[10] Ibid.
[11] 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

Gas Emissions and Transportation (VMT) impacts. Therefore, the EIR must be revised to state that the project is not consistent with the existing MSFC SP designation and include a finding of significance. 4.10 cont.

Further, Table 5.10-3: Specific Plan Consistency Analysis does not include a consistency analysis with all applicable goals and policies of the Main Street and Freeway Corridor Specific Plan. A revised EIR must be prepared which includes an analysis of the project in conjunction with all applicable goals and policies, including the following: 4.11

1. Goal LU-1a: Respond to market trends and development pressures by creating a forward looking and responsible development plan for the Specific Plan area.
2. Policy LU-1.3: Mix land uses to create a vibrant and more active environment and make the most efficient use of available land.
3. Policy LU-2.3: Maximize the economic impact of available industrial land by careful use of industrial properties, giving priority to clean enterprises that yield large numbers of highly skilled high-paying jobs relative to site size.

Table 5.10-2: General Plan Consistency Analysis does not provide an accurate or adequate consistency analysis with the General Plan. The project has significant potential to conflict with many of these items, including but not limited to the following from the General Plan: 4.12

1. Goal LU-1 Regulate development so that the density of residential development and the intensity of non-residential development are appropriate to the property, surrounding properties, and the general neighborhood.
2. Implementation Policy LU-1.1 Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context and building form and scale.
3. Implementation Policy LU-1.3 Require that new construction, additions, renovations, and infill developments be sensitive to the intent of the land use designations, incorporating neighborhood context as well as building form and scale.
4. Implementation Policy LU-1.4 Encourage architecture which breaks massive buildings into smaller parts. Focus on maintaining a human scale when creating common spaces or amenities.
5. Goal LU-3 Promote balanced, efficient commercial development that is functional, safe, attractive and convenient to users, and which will strengthen the local economy.
6. Implementation Policy LU-3.1 Encourage a diverse mix of commercial and service businesses that support the local tax base, are beneficial to residents, and support the economic need of the community.
7. Implementation Policy LU-3.2 Sufficient lands should be designated to provide a full range of commercial services to the community and surrounding areas to serve the residential properties at build-out.

8. Implementation Policy LU-3.5 Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, and other techniques.
9. Goal LU-7 Facilitate a self-contained community with a well designed and maintained community with a full range of densities and uses within the capacity of infrastructure and services.
10. Implementation Policy LU-7.2 Promote sustainable building practices that go beyond the requirements of Title 24 of the California Administrative Code, and encourage energy-efficient design elements, consistent with Policy LU-6.1.
11. Implementation Policy CI-1.10 Ensure that new development provides for adequate road improvements to serve internal circulation needs, as well as to mitigate impacts of increased traffic on the existing road system.
12. Implementation Policy CI-2.1 Strive to achieve and maintain a LOS D or better on all roadways and intersections: LOS E during peak hours shall be considered acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395). 4.12 cont.
13. Implementation Policy CI-2.2 Work with regional agencies which have authority over roadways within the City to ensure a minimum Level of Service D for roadways and a minimum Level of Service E for intersections.
14. CI Policy 2.4 Develop policies and regulations to ensure that future development does not reduce the Level of Service of roadways and intersections below the minimum Levels of Service goals.
15. Goal: CN-7 Develop, promote and implement policies to reduce and limit Greenhouse Gas Emissions
16. Goal: CN- 8 Implement policies and measures to reduce air pollution and emissions of pollutants.

A revised EIR must be prepared to include an analysis of the project's significant potential inconsistency with these goals and policies, particularly in consideration of the required SPA to accommodate the proposed project and the resulting significant and unavoidable cumulatively considerable Greenhouse Gas Emissions and Transportation (VMT) impacts. 4.13

Appendix K: VMT Analysis provides a full LOS analysis and concludes the following intersections will operate at peak hour deficiencies per the City s thresholds: 4.14

1. US-395/Phelan Road-Main Street
2. US-395/Poplar Street
3. Joshua Street/I-15 SB Off-Ramp

Table 16: Project Mitigation and Fair Share for Intersections within Appendix S provides a list of fee payments and improvements to mitigate significant and unavoidable impacts to the intersection to less than significant levels. It must be noted that the impacts to all deficient intersections are under jurisdiction of Caltrans. Any improvements planned/constructed or in-lieu fees/fair share fees paid for Caltrans facilities are beyond the control/scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, *Save our Peninsula Comm. v. Monterey County Bd. Of Supers.* (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. None of the improvements required are listed as part of an existing DIF/TUMF program and therefore are not planned to occur at all or by any certain date, whether by the City or Caltrans. Any improvements recommended or fees paid to mitigate impacts for Caltrans facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by Caltrans has not been provided. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold A and Land Use and Planning Impact Threshold B because it is not consistent with the following General Plan items:

1. Implementation Policy CI-1.10 Ensure that new development provides for adequate road improvements to serve internal circulation needs, as well as to mitigate impacts of increased traffic on the existing road system.
2. Implementation Policy CI-2.1 Strive to achieve and maintain a LOS D or better on all roadways and intersections: LOS E during peak hours shall be considered acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395).
3. Implementation Policy CI-2.2 Work with regional agencies which have authority over roadways within the City to ensure a minimum Level of Service D for roadways and a minimum Level of Service E for intersections.
4. CI Policy 2.4 Develop policies and regulations to ensure that future development does not reduce the Level of Service of roadways and intersections below the minimum Levels of Service goals.

4.14 cont.

Table 5.10-4: SCAG RTP/SCS Consistency Analysis finds that the project is consistent with all goals of Connect SoCal, resulting in less than significant impacts. The consistency analysis provided within the table is misleading to the public and decision makers and does not provide an adequate analysis of the proposed project. Due to errors in modeling, modeling without supporting evidence (as noted throughout this comment letter and attachments), and the EIR's conclusion that

4.15

the project will result in significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT), 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.

There is no discussion of the project's significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT). The EIR's consistency analysis is misleading and does not provide any meaningful supporting evidence within SCAG's 2020-2045 Connect SoCal RTP/SCS to support this conclusion, in violation of CEQA's requirements for meaningful disclosure. The EIR must be revised to include revised modeling and an accurate consistency analysis with all goals of SCAG's 2020-2045 Connect SoCal RTP/SCS, including a finding of significance due to the project's direct inconsistency with these goals due to its significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT).

4.15 cont.

All of the above is especially vital given the recent amendments that have been approved in the MSFC SP, to increase the amount of light industrial uses than originally planned for in the MSFC SP and its EIR, and the General Plan and its EIR:

1. SPLA21-00001[12] to change the land use designation of approximately 40 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) and construct a 742,000 square foot industrial warehouse (approved February 7, 2023).
2. SPLA21-00003[13] to change the land use designation of approximately 40 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) (approved October 19, 2021).
3. SPLA19-00005[14] to change the land use designation of approximately 105 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP)(approved January 7, 2020).

4.16

[12] February 7, 2023 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/LegislationDetail.aspx?ID=6007292&GUID=24F4EA31-B34B-4FEB-A48C-DBA6AEBEED3F&Options=&Search=

[13] October 19, 2021 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/MeetingDetail.aspx?ID=886220&GUID=FE5161D9-45B6-4E8D-85CB-BEE65BA03C5D&Options=&Search=

[14] January 7, 2020 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/MeetingDetail.aspx?ID=748381&GUID=828BC297-EB08-4BF7-A8C6-8FDB942F7CCC&Options=&Search=

4. SPLA19-00003[15] to change the land use designation of approximately 21 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP)(approved May 7, 2019).

Overall, the MSFC SP has been amended four times in the past four years to increase the amount of CIBP uses. This has increased the amount of light industrial acreage, uses, and employees within the MSFC SP by a cumulative 206 acres, (235.6 acres including the proposed project). The EIR must be revised to provide this information for analysis and include the quantity of CIBP acreage in the MSFC SP area upon adoption and the increase of CIBP acreage via amendments, including the proposed project in order to provide an adequate and accurate environmental analysis. A revised EIR must be prepared with analysis of projects approved, proposed, or "in the pipeline" of the MSFC SP to demonstrate that the combined workforce and floor area of all projects does not exceed the growth estimates/buildout scenario analyzed by the MSFC SP EIR. 4.16 cont.

5.12 Transportation

The EIR provides erroneous and misleading analysis regarding the project's conflicts with programs, plans, ordinances, or policies addressing the circulation system. Table 5.12-1: Consistency with Transportation Plans and Policies concludes that the project is consistent with General Plan Policy CI-2.8: Reduce trip generation through development and implementation of Transportation Demand Management Programs because "the Project s effect on VMT would not be considered significant with implementation of Mitigation Measure T-1 which requires implementation of a Commute Trip Reduction Program. Therefore, the Project would not conflict with this policy." However, the EIR concludes that even with implementation of Mitigation Measure T-1, the Project s VMT impact would be significant and unavoidable and cumulatively considerable. The EIR must be revised to include this fact for analysis and also make a finding of significance due to this inconsistency. 4.17

Further, Table 5.12-1 finds that the project is consistent with or does not conflict with all goals of Connect SoCal, resulting in less than significant impacts. The consistency analysis provided within the table is misleading to the public and decision makers and does not provide an adequate analysis of the proposed project. Due to errors in modeling, modeling without supporting evidence (as noted throughout this comment letter and attachments), and the EIR's conclusion that the project will result in significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT), the proposed project is directly inconsistent with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and 4.18

[15] May 7, 2019 City Council Meeting Agenda and Attachments
https://hesperia.legistar.com/MeetingDetail.aspx?ID=677675&GUID=BF1D7F0B-57F0-4DD0-8410-837E0A846CF8&Options=&Search=

equitable communities, and Goal 7 to adapt to a changing climate. There is no discussion of the project's significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT). The EIR's consistency analysis is misleading and does not provide any meaningful supporting evidence within SCAG's 2020-2045 Connect SoCal RTP/SCS to support this conclusion, in violation of CEQA's requirements for meaningful disclosure. The EIR must be revised to include revised modeling and an accurate consistency analysis with all goals of SCAG's 2020-2045 Connect SoCal RTP/SCS, including a finding of significance due to the project's direct inconsistency with these goals due to its significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT).

4.18 cont.

Appendix K: VMT Analysis provides a full LOS analysis and concludes the following intersections will operate at peak hour deficiencies per the City s thresholds:

1. US-395/Phelan Road-Main Street
2. US-395/Poplar Street
3. Joshua Street/I-15 SB Off-Ramp

Table 16: Project Mitigation and Fair Share for Intersections within Appendix S provides a list of fee payments and improvements to mitigate significant and unavoidable impacts to the intersection to less than significant levels. It must be noted that the impacts to all deficient intersections are under jurisdiction of Caltrans. Any improvements planned/constructed or in-lieu fees/fair share fees paid for Caltrans facilities are beyond the control/scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, *Save our Peninsula Comm. v. Monterey County Bd. Of Supers.* (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. None of the improvements required are listed as part of an existing DIF/TUMF program and therefore are not planned to occur at all or by any certain date, whether by the City or Caltrans. Any improvements recommended or fees paid to mitigate impacts for Caltrans facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by Caltrans has not been provided. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold A and Land Use and Planning Impact Threshold B because it is not consistent with the following General Plan items:

4.19

1. Implementation Policy CI-1.10 Ensure that new development provides for adequate road improvements to serve internal circulation needs, as well as to mitigate impacts of increased traffic on the existing road system.

2. Implementation Policy CI-2.1 Strive to achieve and maintain a LOS D or better on all roadways and intersections: LOS E during peak hours shall be considered acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395).
3. Implementation Policy CI-2.2 Work with regional agencies which have authority over roadways within the City to ensure a minimum Level of Service D for roadways and a minimum Level of Service E for intersections.
4. CI Policy 2.4 Develop policies and regulations to ensure that future development does not reduce the Level of Service of roadways and intersections below the minimum Levels of Service goals.

4.19 cont.

Further, the EIR has underreported the quantity VMT generated by the proposed project operations. 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 work at the proposed project, they will conduct their jobs by driving 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. Even though the EIR concludes the project's employees will generate a significant and unavoidable VMT impact, the project's total operational VMT generated further exceeds the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

4.20

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. The EIR has not provided any exhibits depicting the available truck/trailer turning radius at the intersection of the project driveways to determine if there is enough space available to accommodate heavy truck maneuvering. Further, there are no exhibits providing on-site analysis regarding available space on the property to accommodate heavy truck maneuvering. Notably, truck/trailer parking stalls are adjacent to the truck/trailer loading docks on the east and west sides of the building. These parking stalls that may be in use at any time and further restrict truck/trailer movement on the site.

4.21

Additionally, both project driveways would accommodate trucks, passenger vehicles, and emergency vehicles. The EIR has not analyzed the potentially significant conflicts between heavy trucks, passenger vehicles, and emergency vehicles utilizing the same areas to enter and exit the

4.22

2. Implementation Policy CI-2.1 Strive to achieve and maintain a LOS D or better on all roadways and intersections: LOS E during peak hours shall be considered acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395).
3. Implementation Policy CI-2.2 Work with regional agencies which have authority over roadways within the City to ensure a minimum Level of Service D for roadways and a minimum Level of Service E for intersections.
4. CI Policy 2.4 Develop policies and regulations to ensure that future development does not reduce the Level of Service of roadways and intersections below the minimum Levels of Service goals.

4.19 cont.

Further, the EIR has underreported the quantity VMT generated by the proposed project operations. 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 work at the proposed project, they will conduct their jobs by driving 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. Even though the EIR concludes the project's employees will generate a significant and unavoidable VMT impact, the project's total operational VMT generated further exceeds the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

4.20

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. The EIR has not provided any exhibits depicting the available truck/trailer turning radius at the intersection of the project driveways to determine if there is enough space available to accommodate heavy truck maneuvering. Further, there are no exhibits providing on-site analysis regarding available space on the property to accommodate heavy truck maneuvering. Notably, truck/trailer parking stalls are adjacent to the truck/trailer loading docks on the east and west sides of the building. These parking stalls that may be in use at any time and further restrict truck/trailer movement on the site.

4.21

Additionally, both project driveways would accommodate trucks, passenger vehicles, and emergency vehicles. The EIR has not analyzed the potentially significant conflicts between heavy trucks, passenger vehicles, and emergency vehicles utilizing the same areas to enter and exit the

4.22

project site. There are also no exhibits depicting emergency vehicle access. The EIR also states that, "Roadway design would conform with City Development Design Standards for internal access and local roadway improvements. Future improvements related to Caltrans facilities (US 395 and I-15) would go through an additional process to ensure interchange and ramp configurations are consistent with Caltrans design standards. Design would be confirmed during the plan check process through the City prior to issuance of a grading permit and Project approval," and that the "City s Fire Department would review the development plans prior to approval to ensure adequate emergency access." This is deferred mitigation to after the CEQA public review process. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation, deferred mitigation, and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include a finding of significance due to these significant and unavoidable impacts.

4.22 cont.

6.1 Significant and Unavoidable Environmental Effects

The EIR is inadequate as an informational document and misleading to the public and decision makers. The EIR excludes any discussion of the project's significant and unavoidable cumulatively considerable Greenhouse Gas Emissions impacts. The EIR must be revised to include a statement and analysis regarding the project's significant and unavoidable cumulatively considerable Greenhouse Gas Emissions impacts in order to provide an adequate informational document and comply with CEQA's requirements for meaningful disclosure.

4.23

6.2 Growth Inducement and 6.3 Significant Irreversible Effects

The EIR does not discuss or analyze the project's significant and unavoidable cumulatively considerable Greenhouse Gas Emissions and Transportation (VMT) impacts in this section. The EIR must be revised to include the projects SU impacts for discussion and include a finding of significance.

Further, the proposed project removes a barrier to growth by increasing the developable industrial area of the MSFC SP without providing any information or analysis on the buildout conditions of the MSFC SP area. This is misleading to the public and decision makers. The EIR must be revised to include the required Specific Plan Amendment for discussion and analysis and include a finding of significance as the project will contribute to growth that was not included as part of growth forecasts in Connect SoCal, the General Plan, the AQMP, and/or the MSFC SP and each items associated EIR. The EIR must also include discussion for the precedence setting action that approval of the Specific Plan Amendment sets for future land use changes in the area.

4.24

All of the above is especially vital given the recent amendments that have been approved in the MSFC SP, to increase the amount of light industrial uses than originally planned for in the MSFC SP and its EIR, and the General Plan and its EIR:

1. SPLA21-00001[16] to change the land use designation of approximately 40 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) and construct a 742,000 square foot industrial warehouse (approved February 7, 2023).

2. SPLA21-00003[17] to change the land use designation of approximately 40 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) (approved October 19, 2021).

3. SPLA19-00005[18] to change the land use designation of approximately 105 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP)(approved January 7, 2020).

4. SPLA19-00003[19] to change the land use designation of approximately 21 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP)(approved May 7, 2019).

Overall, the MSFC SP has been amended four times in the past four years to increase the amount of CIBP uses. This has increased the amount of light industrial acreage, uses, and employees within the MSFC SP by a cumulative 206 acres, (235.6 acres including the proposed project). The EIR must be revised to provide this information for cumulative analysis and include the quantity of CIBP acreage in the MSFC SP area upon adoption and the increase of CIBP acreage via amendments, including the proposed project in order to provide an adequate and accurate environmental analysis. A revised EIR must be prepared with analysis of projects approved, proposed, or "in the pipeline" of the MSFC SP to demonstrate that the combined workforce and floor area of all projects does not exceed the growth estimates/buildout scenario analyzed by the MSFC SP EIR.

4.24 cont.

[16] February 7, 2023 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/LegislationDetail.aspx?ID=6007292&GUID=24F4EA31-B34B-4FEB-A48C-DBA6AEBEED3F&Options=&Search=
[17] October 19, 2021 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/MeetingDetail.aspx?ID=886220&GUID=FE5161D9-45B6-4E8D-85CB-BEE65BA03C5D&Options=&Search=
[18] January 7, 2020 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/MeetingDetail.aspx?ID=748381&GUID=828BC297-EB08-4BF7-A8C6-8FDB942F7CCC&Options=&Search=
[19] May 7, 2019 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/MeetingDetail.aspx?ID=677675&GUID=BF1D7F0B-57F0-4DD0-8410-837E0A846CF8&Options=&Search=

The EIR must also include a cumulative employment analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. For example, other recent industrial projects such as US Cold Storage (913 employees), Hesperia Commerce Center I (2,928 employees), Hesperia Commerce Center II (3,959 employees), Dara Industrial (628 employees), I-15 Industrial Park (2,309 employees), Poplar 18 (657 employees), and Mesa Linda Street Development (342 employees) combined with the proposed project will cumulatively generate 12,285 employees. This represents 52% of the City s job growth over 29 years accounted for by only eight recent industrial projects. These totals increase exponentially when commercial development activity is added to the brief list of industrial activity above. The EIR must be revised to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project will exceed the employment/population growth forecasts by SCAG, the City's General Plan, and/or the MSFCSP and their applicable EIRs. 4.25

7.3 Effects Found Not Significant: Population and Housing

The EIR utilizes misleading language that the project's "new employment opportunities would be within the forecasted and planned growth of the City," without providing the context of the required SPA to change the existing land use designations of the project site from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP). The required SPA to change the land use designation indicates that the growth proposed by the project was not accounted for in the AQMP, General Plan, MFCSP, or RTP/SCS. A revised EIR must include this information for discussion and analysis with a finding of significance. 4.26

The EIR has not provided any calculation of the construction jobs generated by the project. Additionally, the EIR states that as of "February 2023, Hesperia s unemployment rate was approximately 6 percent," without providing any additional information about the actual quantity of available workers and their qualifications or interest for work in the industrial sector. The EIR must be revised to include this information for analysis. Relying on the entire labor force potentially within San Bernardino County to fill the project's construction and operational jobs will increase VMT and emissions during all phases of construction and operations and the EIR must be revised to account for longer worker trip distances. For example, Hesperia is approximately 54 miles from Chino Hills, 54 miles from Yucaipa, 88 miles from Twentynine Palms, 103 miles from Baker, and 181 miles from Needles while the VMT analysis determines that the project generated VMT is 37.1 VMT per service population (per employee) under cumulative conditions, which is already above the cumulative threshold. 4.27

SCAG's Connect SoCal Demographics and Growth Forecast[20] notes that the City will add 23,600 jobs between 2016 - 2045. Utilizing the EIR's calculation of 549 employees, the project represents 2.3% of the City s employment growth from 2016 - 2045. A single project accounting for this amount of projected growth over 29 years represents a significant amount of growth. The EIR must be revised to includes this analysis, and also provide 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 for the City. For example, other recent industrial projects such as US Cold Storage (913 employees), Hesperia Commerce Center I (2,928 employees), Hesperia Commerce Center II (3,959 employees), Dara Industrial (628 employees), I-15 Industrial Park (2,309 employees), Poplar 18 (657 employees), and Mesa Linda Street Development (342 employees) combined with the proposed project will cumulatively generate 12,285 employees. This represents 52% of the City s job growth over 29 years accounted for by only eight recent industrial projects. These totals increase exponentially when commercial development activity is added to the brief list of industrial activity above. The EIR must be revised to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project will exceed the employment/population growth forecasts by SCAG, the City's General Plan, and/or the MSFCSP and their applicable EIRs.

4.28

8.0 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.) The alternatives chosen for analysis include the CEQA required "No Project" alternative and only two others - No Project (Existing Land Use) and Reduced Project. The EIR does not evaluate a reasonable range of alternatives as only two alternatives beyond the required No Project alternative is analyzed. 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 the proposed project's significant and unavoidable cumulatively considerable Greenhouse Gas Emissions and Transportation (VMT) impacts, and a mixed-use project that provides affordable housing and local-serving commercial uses that may reduce VMT, GHG emissions, and improve Air Quality.

4.29

[20] 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

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated 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. 4.30

Sincerely,

Gary Ho
Blum, Collins & Ho LLP

Attachments:
1. SWAPE Analysis

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November 15, 2023

Gary Ho
Blum, Collins & Ho LLP
707 Wilshire Blvd, Ste. 4880
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Subject: Comments on the KISS Logistics Warehouse Project (SCH No. 2022110097)

Dear Mr. Ho,

We have reviewed the October 2023 Draft Environmental Impact Report ("DEIR") for the KISS Logistics Warehouse Project ("Project") located in the City of Hesperia ("City"). The Project proposes to construct 655,468-square foot ("SF") of industrial space, including 11,000-SF of office space and 374 parking spaces on the 29.61-acre site.

4a.1

Our review concludes that the DEIR 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 Provide Complete CalEEMod Output Files

Land use development projects under the California Environmental Quality Act ("CEQA") typically evaluate air quality impacts and calculate potential criteria air pollutant emissions using the California Emissions Estimator Model ("CalEEMod"). [1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user

4a.2

[1] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide.

can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are used in calculating the Project's air pollutant emissions and demonstrate which default values are changed. Justifications are provided for the selected values.

According to the DEIR, CalEEMod Version 2022.1 is relied upon to estimate Project emissions (p. 3.0 28). However, this poses a problem as the currently available version of CalEEMod 2022.1 is described as a "soft release" which fails to provide complete output files.[2] Specifically, the "User Changes to Default Data" table no longer provides the quantitative counterparts to the changes to the default values (see excerpt below) (Appendix B, pp. 158, 240):

8. User Changes to Default Data

Screen	Justification
Land Use	Total project site is 29.6 acres and will consist of a 655,468 sq ft industrial building with 5% cold storage and 20% manufacturing. Approximately 269,075 sq ft will be dedicated to landscape
Construction: Construction Phases	Construction is anticipated to begin in Fall of 2023 and be completed in 2024. Overlap of building construction with architectural coating phase.
Construction: Off-Road Equipment	Default construction equipment with Tier 2 Engine.
Operations: Vehicle Data	Passenger cars and medium trucks trip generation only. Total of 570 ADT are for the Unrefrigerated Warehouse, 34 ADT are for cold storage, and 517 ADT are for manufacturing
Operations: Fleet Mix	Based on fleet mix distribution from the Traffic Impact Analysis. Passenger cars and medium trucks only
Operations: Energy Use	The proposed project would not utilize natural gas
Operations: Emergency Generators and Fire Pumps	Project would include a 1,075 HP emergency generator to be used 50 hours per year

4a.2 cont.

However, previous CalEEMod Versions, such as 2020.4.0, include the specific numeric changes to the model's default values (see example excerpt below):

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	230.00	167.00
tblConstructionPhase	PhaseEndDate	11/22/2023	8/25/2023
tblConstructionPhase	PhaseEndDate	9/27/2023	6/30/2023
tblConstructionPhase	PhaseEndDate	10/25/2023	7/28/2023
tblConstructionPhase	PhaseStartDate	10/26/2023	7/29/2023
tblConstructionPhase	PhaseStartDate	9/28/2023	7/1/2023
tblLandUse	LandUseSquareFeet	160,000.00	160,371.00
tblLandUse	LandUseSquareFeet	119,000.00	41,155.00
tblLandUse	LotAcreage	3.67	3.68
tblLandUse	LotAcreage	2.73	2.74

The output files associated with CalEEMod Version 2022.1 fail to present the exact parameters used to calculate Project emissions. To remedy this issue, the DEIR should have provided access to the model's ".JSON" output files, which allow third parties to review the model's revised input parameters.[3] Without

[2] "CalEEMod California Emissions Estimator Model Soft Release." California Air Pollution Control Officers Association (CAPCOA), 2022, *available at:* https://caleemod.com/.
[3] "Video Tutorials for CalEEMod Version 2022.1." California Air Pollution Control Officers Association (CAPCOA), May 2022, *available at:* https://www.caleemod.com/tutorials.

access to the complete output files, including the specific numeric changes to the default values, we cannot verify that the DEIR's air modeling and subsequent analysis is an accurate reflection of the proposed Project. As a result, a revised EIR should be prepared to include an updated air quality analysis that correctly provides the complete output files for CalEEMod Version 2022.1, or includes an updated air model using an older release of CalEEMod.[4]

4a.2 cont.

Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the "KISS Logistics Warehouse Project - Vehicles Only" model includes several changes to the default individual construction phase lengths (see excerpt below) (Appendix B, pp. 158, 240).

Screen	Justification
Land Use	Total project site is 29.6 acres and will consist of a 655,488 sq ft industrial building with 5% cold storage and 20% manufacturing. Approximately 209,075 sq ft will be dedicated to landscape
Construction: Construction Phases	Construction is anticipated to begin in Fall of 2023 and be completed in 2024. Overlap of building construction with architectural coating phase.
Construction: Off-Road Equipment	Default construction equipment with Tier 2 Engine.
Operations: Vehicle Data	Passenger cars and medium trucks trip generation only. Total of 578 ADT are for the Unrefrigerated Warehouse, 34 ADT are for cold storage, and 517 ADT are for manufacturing
Operations: Fleet Mix	Based on fleet mix distribution from the Traffic Impact Analysis. Passenger cars and medium trucks only.
Operations: Energy Use	The proposed project would not utilize natural gas.
Operations: Emergency Generators and Fire Pumps	Project would include a 1,073 HP emergency generator to be used 50 hours per year

As a result of these changes, the model includes the following construction schedule (see excerpt below) (Appendix B, pp. 147, 223):

4a.3

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase
Site Preparation	Site Preparation	10/2/2023	10/20/2023	5.00	15.0
Grading	Grading	10/23/2023	11/17/2023	5.00	20.0
Building Construction	Building Construction	12/18/2023	11/1/2024	5.00	230
Paving	Paving	11/4/2024	11/22/2024	5.00	15.0
Architectural Coating	Architectural Coating	6/3/2024	11/30/2024	5.00	130

As previously stated, the CalEEMod User's Guide requires any changes to model defaults be justified.[5] As demonstrated above in the "User Changes to Default Data" table, the justification provided for these changes is:

> "Construction is anticipated to begin in Fall of 2023 and be completed in 2024. Overlap of building construction with architectural coating phase" (Appendix B, pp. 158, 240).

Regarding the Project's anticipated construction duration, the DEIR states:

> "Project development is estimated to take approximately 14 months, beginning fourth quarter 2023 and fourth quarter November 2024" (p. 3.0-27).

[4] "CalEEMod Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* http://www.aqmd.gov/caleemod/download-model.
[5] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.

3

Additionally, the DEIR includes the following schedule regarding the duration of construction phase lengths (p. 3.0-27, Table 3-3):

Table 3-3: Construction Schedule

Construction Activity	Working Days
Site Preparation	15
Grading	20
Building Construction	230
Architectural Coating	15
Paving	130

However, the changes to the individual construction phase lengths remain unsubstantiated. While the DEIR justifies a total length of Project construction of 14 months, the DEIR fails to provide a source for the individual construction phase lengths outlined above. Until a proper source is provided, the model should have included proportionately altered individual phase lengths to match the proposed construction duration of 14 months.[6]

4a.3 cont.

The construction schedule included in the model presents an issue, as the construction emissions are improperly spread out over a longer period of time for some phases, but not for others. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).[7]

> *Demolition* involves removing buildings or structures.
>
> *Site Preparation* involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.
>
> *Grading* involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.
>
> *Building Construction* involves the construction of the foundation, structures and buildings.
>
> *Architectural Coating* involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.
>
> *Paving* involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

By disproportionately altering and extending some of the individual construction phase lengths without proper justification, the model assumes there are a greater number of days to complete the construction activities required by the prolonged phases. As a result, there will be less construction activities required per day and, consequently, less pollutants emitted per day. Until we are able to verify

[6] See Attachment A for proportionately altered construction schedule.
[7] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 32.

the revised construction schedule, the model may underestimate the peak daily emissions associated with some phases of construction and should not be relied upon to determine Project significance. 4a.3 cont.

Unsubstantiated Changes to Operational Fleet Mix Values

Review of the CalEEMod output files demonstrates that the "Kiss Logistics Center Warehouse Project – Vehicles Only" model includes changes to the default operational vehicle fleet mix percentages (see excerpt below) (Appendix B, pp. 158, 240).

Screen	Justification
Land Use	Total project site is 29.8 acres and will consist of a 655,468 sq ft industrial building with 5% cold storage and 20% manufacturing. Approximately 209,075 sq ft will be dedicated to landscape
Construction: Construction Phases	Construction is anticipated to begin in Fall of 2023 and be completed in 2024. Overlap of building construction with architectural coating phase.
Construction: Off-Road Equipment	Default construction equipment with Tier 2 Engine.
Operations: Vehicle Data	Passenger cars and medium trucks trip generation only. Total of 570 ADT are for the Unrefrigerated Warehouse, 34 ADT are for cold storage, and 517 ADT are for manufacturing
Operations: Fleet Mix	Based on fleet mix distribution from the Traffic Impact Analysis. Passenger cars and medium trucks only.
Operations: Energy Use	The proposed project would not utilize natural gas
Operations: Emergency Generators and Fire Pumps	Project would include a 1,073 HP emergency generator to be used 50 hours per year

Regarding fleet mix percentages, the DEIR includes the following table (see excerpt below) (p. 5.12-10, Table 5.12-2):

Table 5.12-2: Project Trip Generation 4a.4

				AM Peak Hour			PM Peak Hour		
Land Use		**Units**	**Daily**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Trip Rates									
High-Cube Transload and Short-Term Storage[1]		TSF	1.40	0.06	0.02	0.08	0.03	0.07	0.10
Manufacturing [2]		TSF	4.75	0.52	0.16	0.68	0.23	0.51	0.74
Project Trip Generation									
High-Cube Transload and Short-Term Storage	491.60 1	TSF	688	30	9	39	14	35	49
Without Cold Storage (75%)									
Vehicle Mix[3]		**Percent** [3]							

However, these changes remain unsubstantiated. As previously discussed, the output files for CalEEMod 2022.1 do not present the numeric changes to any model defaults. Upon further review of the output files, the model's fleet mix percentages are not provided whatsoever. Until the DEIR verifies that the model includes the correct breakdown of every vehicle type that will access the Project site during operations, we cannot verify that the values included in the model are accurate.[8]

[8] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 38.

These unsubstantiated changes present an issue, as CalEEMod uses operational vehicle fleet mix percentages to calculate the Project's operational emissions associated with on-road vehicles.[9] By including several unsubstantiated changes to the default operational vehicle fleet mix percentages, the model may underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

4a.4 cont.

Unsubstantiated Reductions to Natural Gas Energy Use Values

Review of the CalEEMod output files demonstrates that the "Kiss Logistics Center Warehouse Project – Vehicles Only" model includes changes to the default natural gas energy use values (see excerpt below) (Appendix B, pp. 158, 240).

Screen	Justification
Land Use	Total project site is 29.8 acres and will consist of a 855,468 sq ft industrial building with 5% cold storage and 20% manufacturing. Approximately 209,075 sq ft will be dedicated to landscape
Construction: Construction Phases	Construction is anticipated to begin in Fall of 2023 and be completed in 2024. Overlap of building construction with architectural coating phase.
Construction: Off-Road Equipment	Default construction equipment with Tier 2 Engine.
Operations: Vehicle Data	Passenger cars and medium trucks trip generation only. Total of 570 ADT are for the Unrefrigerated Warehouse, 34 ADT are for cold storage, and 517 ADT are for manufacturing
Operations: Fleet Mix	Based on fleet mix distribution from the Traffic Impact Analysis. Passenger cars and medium trucks only.
Operations: Energy Use	The proposed project would not utilize natural gas
Operations: Emergency Generators and Fire Pumps	Project would include a 1,073 HP emergency generator to be used 50 hours per year

4a.5

As previously stated, the CalEEMod User's Guide requires any changes to model defaults be justified.[10] As demonstrated above in the "User Changes to Default Data" table, the justification provided for these changes is:

> "The proposed project would not utilize natural gas" (Appendix B, pp. 158, 240).

As a result of these changes, the energy use table demonstrates the Project will not use any natural gas (see excerpt below) (Appendix B, pp. 154, 230):

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Unrefrigerated Warehouse-No Rail	< 0.005	532	0.0330	0.0040	0.00
Manufacturing	0.22	532	0.0330	0.0040	0.00
Refrigerated Warehouse-No Rail	< 0.005	532	0.0330	0.0040	0.00
Parking Lot	179,345	532	0.0330	0.0040	0.00

However, these changes remain unsubstantiated as the DEIR and associated documents fail to discuss the use of natural gas whatsoever. Until further clarification is provided in a revised EIR, the assumption that the Project would not require the use of natural gas is unsupported.

[9] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 36.
[10] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.

4a.5 cont.

These unsubstantiated reductions present an issue, as the energy use values are used by CalEEMod to calculate the Project's emissions associated with building electricity and natural gas usage. [11] By assuming that the Project would not rely on any natural gas utilities, the model may underestimate the Project's operational emissions and should not be relied upon to determine Project significance.

Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to more accurately estimate the Project's emissions we prepared an updated CalEEMod model, using the Project-specific information provided by the DEIR. In our updated model, we omitted the unsubstantiated changes to the operational vehicle fleet mix values and natural gas emission factors; additionally, we proportionately altered the construction phase lengths to match the total construction duration of 14 months.[12]

Our updated analysis estimates that the VOC emissions associated with Project construction exceed the applicable MDAQMD threshold of 137 pounds per day ("lbs/day"), as referenced by the DEIR (p. 5.2-17, Table 5.2-5) (see table below).[13]

4a.6

SWAPE Criteria Air Pollutant Emissions

Model	Construction VOC (lbs/day)	Operational NOX (lbs/day)
DEIR	26.5	47.8
SWAPE	902.4	395.6
% Increase	3,305%	728%
MDAQMD Threshold	**137**	**137**
Exceeds?	*Yes*	*Yes*

As demonstrated above, the Project's construction-related VOC and operational NO_x emissions, as estimated by SWAPE, increase by approximately 3,305% and 728%, respectively, and exceed the applicable MDAQMD significance thresholds. Our updated modeling demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed by the DEIR. As a result, a revised EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the environment.

[11] "CalEEMod User's Guide Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 43.
[12] See Attachment A for updated CalEEMod model.
[13] "California Environmental Quality Act (CEQA) And Federal Conformity Guidelines." MDAQMD, August 2016, *available at:* https://www.mdaqmd.ca.gov/home/showdocument?id=192#:~:text=Significance%20Thresholds,-Any%20project%20is&text=Exposes%20sensitive%20receptors%20to%20substantial,than%20or%20equal%20to%201, p. 10.

Diesel Particulate Matter Emissions Inadequately Evaluated

The DEIR conducts a health risk analysis ("HRA") evaluating impacts from exposure to diesel particulate matter ("DPM") emissions during Project construction and operation. Specifically, the DEIR estimates that the maximum cancer risk posed to nearby, existing residential sensitive receptors as a result of Project construction and operation would be 4.60 and 1.84 in one million, respectively (see tables below) (p. 5.2-18, Table 5.2-7; p. 5.2-19, Table 5.2-8).

Table 5.2-7: Project Construction Health Risks at Nearby Sensitive Receptors

Location	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index
Worker Receptor Risk	0.08	0.005	0.000
Sensitive Receptor Risk	4.60	0.005	0.000
MDAQMD Significance Threshold	10.0 in one million	1.0	1.0
Significant?	No	No	No

Source: LSA (April 2023).
MDAQMD = Mojave Desert Air Quality Management District

Table 5.2-8: Project Operational Health Risks at Nearby Sensitive Receptors

Location	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index
Worker Receptor Risk	0.25	0.001	<0.001
Sensitive Receptor Risk	1.84	0.001	<0.001
MDAQMD Significance Threshold	10.0 in one million	1.0	1.0
Significant?	No	No	No

Source: LSA (April 2023).
MDAQMD = Mojave Desert Air Quality Management District

4a.7

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

First, the DEIR's construction and operational HRA are incorrect, as it relies upon emissions estimates from a flawed air model, as discussed above in the section titled "Unsubstantiated Input Parameters Used to Estimate Project Emissions." As such, the HRA are based on a potentially underestimated DPM concentration to calculate the health risk associated with Project construction. As a result, the DEIR's HRA and resulting cancer risk should not be relied upon to determine Project significance.

Second, the DEIR fails to mention or provide the exposure assumptions for the HRA, such as the age sensitivity factors ("ASF") or fraction of time at home ("FAH") values whatsoever. Until the DEIR substantiates the use of correct exposure assumptions, the HRA may underestimate the cancer risk posed to nearby, existing sensitive receptors because of Project construction. Furthermore, according to the *Risk Assessment Guidelines* provided by the Office of Environmental Health Hazard Assessment

4a.8

("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, the DEIR's models should have used the following equation:[14]

A. **Equation 8.2.4 A:** $RISK_{inh\text{-}res} = DOSE_{air} \times CPF \times ASF \times ED/AT \times FAH$

7. $RISK_{inh\text{-}res}$ = Residential inhalation cancer risk
8. $DOSE_{air}$ = Daily inhalation dose (mg/kg-day)
9. CPF = Inhalation cancer potency factor ($mg/kg\text{-}day^{-1}$)
10. ASF = Age sensitivity factor for a specified age group (unitless)
11. ED = Exposure duration (in years) for a specified age group
12. AT = Averaging time for lifetime cancer risk (years)
13. FAH = Fraction of time spent at home (unitless)

4a.8 cont.

However, the DEIR and associated documents fail to include a dose and risk equation to calculate the Project's construction and operational cancer risks. As such, we cannot verify that the DEIR's HRA is accurate, and the Project's cancer risks may be underestimated.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would result in net annual mitigated greenhouse gas ("GHG") emissions of 10,614-metric tons of carbon dioxide equivalents per year ("MT CO_2e/year") (see excerpt below) (p. 5.7-14, Table 5.7-2).

Table 5.7-2: Mitigated Project Generated Greenhouse Emissions

Source	Greenhouse Gas Emissions, CO_2e
	Metric Tons per Year
Project Operational Emissions	
Area Sources	9.6
Energy Sources	43.4
Mobile Sources – Vehicles and Light Duty Trucks	4,317.0
Mobile Sources – Heavy Heavy Duty Trucks	5,598.0
Stationary Sources	20.5
Waste Sources	204.0
Water Sources	382.0
Total Project Emissions	**10,614.0**
Amortized Construction Emissions	39.5
Total Annual Emissions	**10,614.0**
SCAQMD Threshold	**3,000**
Significant?	**Yes**

Source: Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B).
CO2e = carbon dioxide equivalent

4a.9

[14] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-7 Equation 8.2.4.

As such, the DEIR concludes that the Project would exceed the SCAQMD bright-line threshold of 3,000 MT CO_2e/year and result in a significant-and-unavoidable GHG impact, stating:

> "As shown in Table S, with implementation of Mitigation Measure GHG-1, the proposed project would result in approximately 10,614.0 MT/year CO2e. Implementation of Mitigation Measure GHG-1 would reduce emissions to the extent feasible; however, emissions would continue to exceed the SCAQMD threshold. Therefore, with implementation of Mitigation Measure GHG-1, operation of the proposed project would have the potential to generate significant GHG emissions that would have a significant effect on the environment," (p. 8.0-2, 8.0-3).

However, while we agree that the Project would result in a significant GHG impact, the DEIR's assertion that this impact is significant-and-unavoidable is incorrect. According to CEQA Guidelines § 15096(g)(2): 4a.9 cont.

> "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."[15]

As indicated above, an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered. Here, while the DEIR implements MM-GHG-1 through MM-GHG-3, the DEIR fails to implement *all* feasible mitigation (p. 4.6-40). Therefore, the DEIR's conclusion that Project's GHG emissions would be significant-and-unavoidable is unsubstantiated. To reduce the Project's GHG 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 less-than-significant levels.

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 consider the implementation of the following mitigation measures found in the California Department of Justice Warehouse Project Best Practices document.[16] 4a.10

- 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,

[15] "Cal. Code Regs. tit. 14 § 15096." California Legislature, *available at:* https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-7-eir-process/section-15096-process-for-a-responsible-agency.

[16] "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.

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 on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- 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.
- Running conduit to designated locations for future electric truck charging stations.
- 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.

4a.10 cont.

11

- 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.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- 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.
- 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.

4a.10 cont.

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.

4a.11

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 below thresholds. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

4a.12

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.

4a.13

Sincerely,

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

Paul E. Rosenfeld, Ph.D.

Attachment A: Updated Construction Schedule
Attachment B: SWAPE's CalEEMod Output Files
Attachment C: Matt Hagemann CV
Attachment D: Paul Rosenfeld CV

4a.14

Response to Comment Letter 4: Blum Collins (on behalf of Golden State Environmental Justice Alliance), dated November 16, 2023

Response to Comment 4.1: This comment states that the Golden State Environmental Justice Alliance appreciates the opportunity to comment on the EIR and formally requests to be added to the mailing list for all environmental documents, public notices, public hearings, and notices of determination related to the Project. This comment is introductory in nature and does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 4.2: This comment provides a summary of the Project Description. This comment is introductory in nature and does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 4.3: This comment states that the DEIR does not include a detailed floor plan, site plan, or grading plan. The comment also states that the site plan provided in Figure 3-6 does not provide any pertinent information such as earthwork quantity notes, parking requirements, or floor area ratio calculations. The comment claims that the DEIR has excluded these details from public review, "which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure".

Pursuant to CEQA Guidelines Section 15124, the project description "should not supply extensive detail beyond that needed for the evaluation and review of the environmental impact". The DEIR includes a detailed, 29-page Project Description that accurately and adequately describes the proposed Project in order to provide the necessary information required to evaluate the Project's potential environmental impacts. For example, the proposed 49-foot building height is provided on page 3.0-12. The project description describes parking information including the proposed number of stalls and their location (DEIR at 3.0-12 to 3.0-13). Additionally, the project description provides the floor area ratio (0.48) that would result from the proposed building (DEIR at 3.0-12). With regard to grading requirements, the Air Quality, Health Risk, Greenhouse Gas and Energy Impact Report (DEIR Appendix B, and updated analysis provided in Final EIR Appendix B) states that soil quantities on the Project site would be balanced, and no import or export of soil would be required. (Appendix B, page 4). A statement has been added to the Project Description within Chapter 2, Errata for additional clarity. Overall, the level of detail needed for the evaluation of the Project by the public and decision makers and for the review of the Project's environmental impacts is adequate within the project description, and extensively detailed figures are not needed. As demonstrated by *Citizens for a Sustainable Treasure Island v. City & County of San Francisco (2014) 227 CA4th 1036, 1053,* the DEIR's description of the proposed Project should identify the Project's main features and other information needed for an analysis of the Project's environmental impacts. As long as the requirements set forth in CEQA Guidelines Section 15124 are met, the project description may allow for the flexibility needed to respond to changing conditions that could impact the Project's final design (*see also South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 333 [holding that design renderings were not required to be included as part of EIR for purposes of providing an adequate project description]). As such, detailed plans and elevations for all buildings are not required to be included in the EIR's Project description and a general description of the Project and conceptual plans are allowed. The City will verify all Project details (i.e., earthwork quantities, floor area ratio, building height and compliance with development standards) as part of the plan check process prior to issuing permits. Therefore, no further response is required or provided.

Response to Comment 4.4: This comment summarizes that the Project requires a Specific Plan Amendment to change the site's land use designation from NC to CIBP. The comment states that the EIR Project Description (Chapter 3) includes Figure 3-4: *Existing MSFC-SP Zoning* and Figure 3-5: *Proposed MSFC-SP Zoning*; however, the figures do not depict any changes. The comment concludes that the EIR must be revised to provide an accurate figure that depicts the proposed MSFC-SP zoning.

The comment is correct in that the figures included in the Public DEIR were erroneously included twice, hence no difference between the figures was shown. Revision and clarification regarding the figures depicting the proposed MSFC-SP zoning has been incorporated into Chapter 2, Errata accordingly. Information within the DEIR was otherwise adequate to inform the public of the proposed Specific Plan Amendment (see DEIR 3.0-11; 5.10-22).

Response to Comment 4.5: The comment refers to comments provided by SWAPE, which are included as an attachment to the comment letter. Refer to Responses to Comments 4a.1 through 4a.13 in which these comments are addressed. This comment is introductory in nature and does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 4.6: This comment states that the DEIR does not include analysis relevant to environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed Project to the surrounding community. The comment states that the Project is within a census tract ranked in the 91st percentile for ozone burden, the 83rd percentile for traffic impacts, and the 58th percentile for diesel particulate matter (PM) 2.5 burden.

CEQA does not require specific analysis of environmental justice issues; rather, CEQA requires analysis of whether a project may have a significant effect on the physical environment. Neither the City, the Mojave Desert Air Quality Management District (MDAQMD), nor the State CEQA Guidelines include thresholds that consider environmental justice such as the CalEnviroScreen results, but rather account for the potential health effects of a project with project-level thresholds. As such, there is currently no air quality guidance or thresholds to analyze areas with higher pollution burden differently from areas with lower pollution burden. While CalEnviroScreen is a useful tool in assessing a community's risk, it is not an appropriate tool for evaluating a project's impact on the environment as required under CEQA. However, the DEIR provides a detailed evaluation of the potential cumulative air quality related impacts of the proposed Project upon the surrounding community (localized impacts). Regarding the existing pollution burden, the existing air quality in the Project area is described in DEIR Section 5.2, Air Quality. Table 5.2-2 provides data from the closest air quality monitoring stations to the Project site (located at 17288 Olive Street in Hesperia and 14306 Park Avenue in Victorville, California) between 2019 and 2021. Data from the air quality monitoring stations indicates that the PM2.5 federal standard had no exceedances in 2019, four exceedances in 2020, and an unknown number of exceedances in 2021. The 1-hour ozone State standard was exceeded nine times in 2019 and in 2020, and an unknown number of times in 2021. The 8-hour ozone State standard was exceeded 52 times in 2019, 48 times in 2020, and an unknown number of times in 2021. The 8-hour ozone federal standard was exceeded 47 times in 2019, 48 times in 2020, and 55 times in 2021.

As detailed on page 5.2-18 of the DEIR, a Construction Health Risk Assessment was prepared to evaluate the health risk impacts as a result of exposure to diesel particulate matter (DPM) as a result of heavy-duty diesel trucks and equipment activities from Project construction. The results of the health risk assessment determined the maximum cancer risk would be below the identified MDAQMD thresholds. Since circulation of the DEIR, several Project changes to offsite improvements have been made and additional air quality and health risk analysis has been conducted, as provided in Appendix D of this Final EIR. The updated studies show that the Project would result in sensitive receptor maximally effected individual (MEI) 7.36 in one million, which would not exceed the MDAQMD cancer risk threshold of 10 in one million. The worker receptor risk would be lower at 0.18 in one million, which would also not exceed the threshold. The total chronic hazard index would be 0.010 for the worker receptor MEI and 0.008 for the sensitive receptor MEI, which would both be below the threshold of 1.0. In addition, the total acute hazard index would be nominal (0.000), which would also not exceed the threshold of 1. 0.. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity.

As detailed on page 5.2-18 of the DEIR, an operational diesel mobile source health risk was prepared to evaluate the operational health risk impacts as a result of exposure to DPM as a result of heavy-duty diesel trucks traveling to and from the Project site, maneuvering onsite, and entering and leaving the site during

operation of the proposed industrial uses. Results of the operational health risk assessment identified the maximum cancer risk for the sensitive receptor MEI would be 1.84 in one million, which is below the threshold of 10 in one million. The worker receptor risk would be lower at 0.25 in one million. The total chronic hazard index would be less than 0.002 for both the sensitive and worker receptor MEI, which is below the threshold of 1.0. In addition, the total acute hazard index would be nominal (<0.001), which would also not exceed the threshold of 1.0. Therefore, all health risk levels to nearby residents from operation-related emissions of TACs would be well below the MDAQMD's HRA thresholds and impacts would be less than significant.

The DEIR also included a long-term microscale (CO Hot Spot) analysis (page 5.2-20) which determined Project-related vehicles are not expected to contribute significantly to result in the CO concentrations exceeding the State or federal CO standards. Lastly, the Project's cumulative impacts on air quality are discussed within the DEIR on page 5.2-22, which conclude that the Project would not result in cumulatively considerable impacts on air quality.

Therefore, the Project DEIR did adequately evaluate potential project-specific and cumulative air quality and health impacts on the surrounding community within the context of CEQA. No further response is required or provided.

Response to Comment 4.7: This comment states that the Project's census tract experiences more impacts from hazardous cleanup sites than 73 percent of the State and notes that the tract ranks in the 66th percentile for hazardous waste impacts.

As detailed on page 5.8-17 of the DEIR, the Phase I Environmental Site Assessment (ESA) (included as Appendix H to the DEIR) determined that the Project site and the immediate surrounding properties are not included on a list of hazardous materials sites pursuant to Government Code Section 65962.5. No recognized environmental concerns (RECs) were identified within the Phase I ESA.

Additionally, as discussed under Impact HAZ-1 on DEIR Page 5.8-15, implementation of the Project would require standard transport, use, and disposal of hazardous materials and wastes. However, during construction, construction contractors would be required to comply with federal, state, and local laws and regulations regarding the transport, use, and storage of hazardous materials. Applicable laws and regulations include California Code of Regulations (CCR), Title 8 Section 1529 (pertaining to asbestos containing material [ACM]) and Section 1532.1 (pertaining to lead based paint [LBP]); CFR, Title 40, Part 61, Subpart M (pertaining to ACM); CCR, Title 23, Chapter 16 (pertaining to UST); Code of Federal Regulations [CFR], Title 29 - Hazardous Waste Control Act; CFR, Title 49, Chapter I; and Hazardous Materials Transportation Act requirements as imposed by the United States Department of Transportation (USDOT), California Office of Health and Safety (CalOSHA), California Environmental Protection Agency (CalEPA), and Department of Toxic Substance Control (DTSC). Additionally, construction activities would require a Stormwater Pollution Prevention Plan (SWPPP), which is mandated by the National Pollution Discharge Elimination System General Construction Permit (included as WQ-1: NPDES/SWPPP) and enforced by the Lahontan Water Quality Control Board (RWQCB).

During operation, hazardous materials would be used, stored, and disposed of in accordance with applicable regulations and standards (such as CFR, Title 49, Chapter I; CCR, Title 8; CFR, Title 40, Part 263; and San Bernardino County Code Sections 23.0602 and 23.0107) that are enforced by the USEPA, USDOT, CalEPA, CalOSHA, and DTSC. Additionally, prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) would be submitted to and approved by the Public Works Department (included as PPP WQ-2).

Further, under California Health and Safety Code Section 25531 et seq., CalEPA requires businesses operating with a regulated substance that exceeds a specified threshold quantity to register with a managing local agency, known as the Certified Unified Program Agency (CUPA). In Hesperia, the San Bernardino County Fire Department is the CUPA. If the operations of future tenants of the proposed

warehouse facility exceed established thresholds, CUPA permits would be required. The County requires businesses subject to any of the CUPA permits to file a Business Emergency/Contingency Plan. Additionally, businesses would be required to provide workers with training on the safe use, handling, and storage of hazardous materials. Moreover, businesses would be required to maintain equipment and supplies for containing and cleaning up spills of hazardous materials that can be safely contained and cleaned by onsite workers and to immediately notify emergency response agencies in the event of a hazardous materials release that cannot be safely contained and cleaned up by onsite personnel. Therefore, compliance with existing laws and regulations governing hazard and hazardous materials would reduce potential impacts related to the routine transport, use, and disposal of the hazardous materials. Therefore, no further response is required or provided.

Response to Comment 4.8: This comment states that the census tract in which the project is located is made up of a diverse community who is especially vulnerable to the impacts of pollution.

Refer to Response to Comment 4.6 for a discussion regarding potential health risks associated with the project. As detailed previously, the project would be well below the cancer risk threshold set by MDAQMD. Therefore, no further response is required or provided.

Response to Comment 4.9: This comment states that the State of California lists three approved energy compliance modeling software's for non-residential buildings: California Building Energy Code Compliance (CBECC), EnergyPro and Integrated Environmental Solutions Virtual Environmental (IES VE). The comment claims that the CalEEMod-based modeling used in the DEIR 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. The comment states that a revised EIR with energy modeling using an approved modeling software must be prepared and circulated.

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. Specifically, CBECC, EnergyPro and IES VE were approved for demonstrating compliance with the provisions of the 2022 Energy Code for an actual nonresidential building in operation and not for providing an estimate of overall energy use associated with a development project. The programs mentioned are not utilized for CEQA analysis because they do not provide construction and operational emissions, or overall energy use associated with a particular project.

- As described in the MDAQMD's California Environmental Quality Act (CEQA) and Federal Air Conformity Guidelines,[1] when quantifying project emissions, the MDAQMD recommends the use of specific tools which are available (such as CalEEMod) for the purposes of project evaluation. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects. The model quantifies direct emissions from construction and operations (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The commenter asserts the use of CalEEMod to estimate the project's energy demand was inappropriate and that CBECC-Com, EnergyPro, or IES VE should have been used instead. The compliance modeling software that is referenced by the commenter is used to confirm the final design of a development project and complies with applicable energy efficiency regulations based on detailed information included in construction drawings. As such, the purpose of the CBECC model is to evaluate compliance with the 2022 Title 24 standards, not to evaluate potential energy impacts under CEQA.

[1] Mojave Desert Air Quality Management District (MDAQMD). 2020. California Environmental Quality Act (CEQA) and Federal Air Conformity Guidelines. Website: https://www.mdaqmd.ca.gov/home/showpublisheddocument/8510/638126583450270000 (accessed March 2023).

- The information needed to demonstrate compliance with Title 24 using the CBECC-Com, EnergyPro, or IES VE model is not available at this time and is not typically prepared until after a project has been approved/entitled. After approval and preparation of detailed building plans, the proposed Project would be required to demonstrate compliance with Title 24 using the CBECC model. As described in the CalEEMod User's Guide, CalEEMod utilizes widely accepted methodologies for estimating emissions combined with default data that can be used when site-specific information is not available. [2,3] Sources of these methodologies and default data include, but are not limited to, the USEPA AP-42 emission factors, CARB vehicle emission models, and studies commissioned by California agencies such as the California Energy Commission (CEC) and CalRecycle. The User's Guide also states that CalEEMod calculates construction and operations emissions from land use development projects which can be used to support preparation of air quality and GHG analyses in CEQA documents, including EIRs. In addition, the User's Guide states that the emissions inventory modules also contain default values for estimating utility consumption (e.g., water, electricity, natural gas) that may be useful for preparing hydrology and energy analyses in other sections of a CEQA document. Additionally, it should also be noted that the energy use factors included in the CalEEMod model, which was used to estimate energy for the project, are based on the CEC-sponsored California Commercial End Use Survey (CEUS) and Residential Appliance Saturation Survey (RASS) studies, which provide a more conservative assumption based on actual use surveys and are the best available information for purposes of this assessment. As such, CalEEMod is appropriate for use in energy analyses.
- Further, as discussed in Section 3.8, Project Design Features and Existing Plans, Programs, or Policies, of the DEIR, the proposed Project would comply with the California Green Building Standards Code, California Code of Regulations, Title 24, Part 11 (CALGreen Code) policies related to sustainable design and energy conservation. Therefore, use of the CBECC model would not change the findings identified in the DEIR.

Response to Comment 4.10: The comment states that the DEIR incorrectly relies on the approval of the Specific Plan Amendment (SPA) for consistency with the MSFC-SP and the General Plan. The comment continues to state that as a result of the Project's required SPA, the Project will generate significant and unavoidable GHG and transportation (VMT) impacts and therefore the DEIR must be revised with a finding of significance stating the Project is not consistent with the MSFC-SP.

As demonstrated in DEIR Tables 5.10-2 and 5.10-3, the proposed Project would be consistent with applicable policies contained within the City General Plan and MSFC-SP. The Project includes a SPA to change the site's MSFC-SP designation from NC to BICP; however, a land use designation in and of itself does not constitute a "land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect". It is a designation to provide development standards for projects. Therefore, the Project's proposed SPA does not constitute as a conflict with the policies of the General Plan or the MSFC-SP. Therefore, no further response is required or provided.

Response to Comment 4.11: This comment states that the DEIR does not include a consistency analysis for all the applicable goals and policies of the MSFC-SP; the comment lists goals and policies from the MSFC-SP.

A compiled table of applicable MSFC-SP goals and policies, along with the Project's consistency was included in Section 5.10, Land Use and Planning of the DEIR. CEQA only requires evaluation of potential goals and policies adopted to avoid or mitigate physical impacts on the environment. The goal and policies listed by the comment do not involve physical environmental impacts, and are focused on market trends, efficient use of land, economic benefits of development, and development location. Thus, evaluation of these policies is not required. CEQA is an environmental protection statute that is concerned with physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora,

[2] California Air Pollution Control Officers Association. 2022. *California Emissions Estimator Model User's Guide.* April. Website: https://www.caleemod.com/documents/user-guide/01_User%20Guide.pdf (accessed December 2023).

[3] Detailed information regarding CalEEMod default assumptions can be found in the User's Guide: http://www.aqmd.gov/caleemod/user's-guide.

fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The Project's potential economic and social effects are not considered effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes. Each section of the DEIR includes applicable City goals and policies as well as an analysis of the Project's consistency, as applicable, throughout the Project's impact analysis. No further response is required or provided.

Response to Comment 4.12: This comment states that the DEIR does not include a consistency analysis for all the applicable goals and policies of the Hesperia General Plan; the comment lists goals and policies from the Hesperia General Plan.

Refer to Response to Comment 4.11, above. The DEIR is a public disclosure document that serves to provide information to the City's decisionmakers and elected officials when deciding whether or not to approve a project. The goal of the consistency analysis is to provide the reader with a general overview of whether a project is in harmony with the overall intent of the applicable goals and policies. It is within the City's purview to decide if the Project is consistent or inconsistent with applicable goals or policies. CEQA case law recognizes that "it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable [general] plan." (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) A compiled table of applicable Hesperia General Plan goals and policies, along with the Project's consistency is included in Section 5.10, Land Use and Planning.

However, for the purposes of this response, a consistency analysis between the Project and the goals and policies listed by the comment is provided below.

Table 3-2. Consistency with City Plans and Policies

Goals and Policies	Project Consistency
Goal LU-1 Regulate development so that the density of residential development and the intensity of non-residential development are appropriate to the property, surrounding properties, and the general neighborhood. Implementation Policy LU-1.1 Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context and building form and scale. Implementation Policy LU-1.3 Require that new construction, additions, renovations, and infill developments be sensitive to the intent of the land use designations, incorporating neighborhood context as well as building form and scale. Implementation Policy LU-1.4 Encourage architecture which breaks massive buildings into smaller parts. Focus on maintaining a human scale when creating common spaces or amenities.	*Consistent: As described in Section 5.1, Aesthetics, development of the Project site with industrial uses would contribute to a change in visual characteristics of the Project site and Project vicinity. However, the Project would be compliant with the City's Development Standards and MSFC-SP Development Standards, which would minimize aesthetic impacts related to the planned land use. The Project would include various architectural elements such as stamped concrete, stacked stone with textured or sandblasted finishes, glass and curtainwall glazing systems, natural and/or manufactured stone and limited metal panel systems including light and warm-toned exterior building colors. Additionally, the Project's landscape would incorporate drought-tolerant plant species that can maintain vibrancy during drought conditions. Approval of the proposed Project would include a Development Plan Review by the City which would ensure consistency with design standards and other regulations governing scenic quality.*
Goal LU-3 Promote balanced, efficient commercial development that is functional, safe, attractive and convenient to users, and which will strengthen the local economy.	*Not applicable: The proposed Project is an industrial use, not a commercial use.*

Implementation Policy LU-3.1 Encourage a diverse mix of commercial and service businesses that support the local tax base, are beneficial to residents, and support the economic need of the community. Implementation Policy LU-3.2 Sufficient lands should be designated to provide a full range of commercial services to the community and surrounding areas to serve the residential properties at build-out.	
Implementation Policy LU-3.5 Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, and other techniques.	*Consistent: The nearest residence to the Project site is located approximately 900 feet north of the site. As described in Section 5.1, Aesthetics, development of the Project site with industrial uses would contribute to a change in visual characteristics of the Project site and Project vicinity. However, the Project would be compliant with the City's Development Standards and MSFC-SP Development Standards, which would minimize aesthetic impacts related to the planned land use. Additionally, Project lighting would be required to comply with existing requirements to focus lighting sources on the Project site and shield lighting from spillage onto adjacent land uses. This would minimize nighttime light pollution and reduce the potential for glare onto adjacent roadways and land uses.*
Goal LU-7 Facilitate a self-contained community with a well designed and maintained community with a full range of densities and uses within the capacity of infrastructure and services.	*Consistent. The Project would include construction of an industrial warehouse. The Project site would be designated as CIBP and would support the expansion of regional commercial and industrial development. Additionally, the Project would support the City's goal of increasing jobs within the City and balancing the jobs to housing ratio, promoting regional economic growth.*
Implementation Policy LU-7.2 Promote sustainable building practices that go beyond the requirements of Title 24 of the California Administrative Code, and encourage energy efficient design elements, consistent with Policy LU-6.1.	*Consistent: As detailed in Table 5.7-3, the Project would be consistent with the CARB 2022 Scoping Plan which includes a number of sustainability goals. Additionally, as detailed in Table 5.7-4, the Project is consistent with the measures included in the Hesperia Greenhouse Gas Reduction Plan. The Project would be implemented in compliance with state energy standards provided in Title 24, in addition to provision of sustainable design features.*
Implementation Policy CI-1.10 Ensure that new development provides for adequate road improvements to serve internal circulation needs, as well as to mitigate impacts of increased traffic on the existing road system. Implementation Policy CI-2.1 Strive to achieve and maintain a LOS D or better on all roadways and	*Consistent: As described in Section 5.12, Transportation, access to the Project site would be provided via two unsignalized full-access driveways along the proposed 'A' Street. Both driveways would accommodate trucks, passenger vehicles, and emergency vehicles. Internal circulation would be provided via 40-foot drive aisles. Trucks are expected to primarily utilize Phelan Road, US 395, I-*

intersections: LOS E during peak hours shall be considered acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395).	*15, and Joshua Road, which are all designated truck routes within the city.* *Additionally, the Project would require the following roadway improvements. All roadway improvements would be constructed in accordance with all applicable local, state, and federal roadway standards and practices.* *• 'A' Street would be built to a 35-foot half width along the west side of the Project. The proposed roadway would extend from Phelan Road, approximately 630 feet south of the Project site, to Yucca Terrace Drive, approximately 930 feet north of the Project site.* *• Yucca Terrace Drive would be built to a 35-foot half width approximately 930 feet north of the Project site.* *• The Project would construct 12-foot sidewalks along the proposed 'A' Street and Yucca Terrace Drive.* *A roadway operations analysis was conducted for the study area to evaluate the Opening Year 2024 with-project conditions (Traffic Impact Analysis prepared by EPD Solutions in August 2023). All study roadway segments would operate at an unsatisfactory LOS in the Opening Year 2024 plus project condition except for the roadway segment of Joshua Street (from I-15 SB Off-Ramp to Mariposa Road) which is forecast to operate at a satisfactory LOS. The widening improvements of the study roadways are future projects subject to the City's Development Impact Fee (DIF) consistent with the General Plan Implementation Policy CI-2.5 which aims to "Maintain the City's development impact fee program for future development which includes improvements to roadways to mitigate the impact of the new development." Therefore, the cumulative impacts at the impacted roadway segments would be mitigated by payment of the City's DIF.*
Implementation Policy CI-2.2 Work with regional agencies which have authority over roadways within the City to ensure a minimum Level of Service D for roadways and a minimum Level of Service E for intersections.	*Not applicable: The proposed Project is a development project intended to carry out the MSFC-SP; thus, the individual Project is not required to work with regional agencies regarding level of service for intersections.*
CI Policy 2.4 Develop policies and regulations to ensure that future development does not reduce the Level of Service of roadways and intersections below the minimum Levels of Service goals. Goal: CN-7 Develop, promote and implement policies to reduce and limit Greenhouse Gas Emissions.	*Not applicable: The proposed Project is a development project intended to carry out the MSFC-SP; thus, the individual Project is not required to develop and promote policies to reduce and limit GHG emissions.*

Goal: CN- 8 Implement policies and measures to reduce air pollution and emissions of pollutants.	*Consistent: As detailed in Section 5.2, Air Quality, the Project would implement applicable air quality policies and measures from the MDAQMD and Hesperia General Plan as well as applicable Federal and State regulations aimed at reducing air emissions.*

Response to Comment 4.13: This comment states that a revised EIR must be prepared to analyze the Project's potential inconsistency with the goals and policies listed in Comments 4.11 and 4.12. Refer to Response to Comments 4.11 and 4.12 above. The Project's significant and unavoidable GHG and VMT impacts are acknowledged within their respective technical sections of the DEIR (see DEIR at pages 5.7-13; 5.12-14). No further analysis is necessary.

Response to Comment 4.14: This comment states that the mitigation included Appendix K of the DEIR is not sufficient and states that a revised EIR must be prepared to include LOS as a cumulatively considerable significant impact. The commenter notes that all deficient intersections are under jurisdiction of Caltrans and any improvements planned/constructed or in-lieu fees/fair share fees paid for Caltrans facilities are beyond the control/scope of the lead agency. Further, the comment asserts that payment of fees is not sufficient where there is no evidence mitigation will actually result.

When the DEIR was originally circulated on October 3, 2023, the incorrect appendix file was uploaded to the City website and State Clearinghouse (SCH) in place of the VMT Analysis. On November 15, 2023, an updated Notice of Availability (NOA) notifying commenters of the mistake was released, and the correct study was uploaded to the City website and SCH. The updated NOA also extended the public review period for the DEIR from November 16, 2023, to December 1, 2023.

Senate Bill (SB) 743 was signed by Governor Brown in 2013 and required the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to LOS for evaluating Transportation impacts. SB743 specified that the new criteria should promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks and a diversity of land uses. The bill also specified that delay-based LOS could no longer be considered an indicator of a significant impact on the environment. Thus, LOS is no longer considered a CEQA environmental impact (CEQA Guidelines Section 15064.3); therefore, impacts related to LOS at intersections, if any, as a result of construction or operational traffic, are not required to be analyzed pursuant to CEQA per SB 743. Because LOS is not a CEQA issue, the CEQA document does not need to evaluate LOS and provide mitigation for potential impacts.

Project traffic impacts are described in Section 5.12, Transportation, of the DEIR. The Project VMT Study is attached as Appendix K of the DEIR. Impacts discussed within the DEIR are appropriate for the scope of CEQA, and the subsequent mitigation is pertinent to the issues analyzed pursuant to the DEIR.

Response to Comment 4.15: This comment claims that DEIR Table 5.10-4 SCAG RTP/SCS Consistency Analysis, does not provide an adequate consistency analysis with SCAG's 2020-2045 Connect SoCal RTP/SCS. The comment also mentions that there are errors in modeling and states that the Project is inconsistent with Goal 5, Goal 6, and Goal 7 of Table 5.10-4. The comment states that the EIR must be revised to include findings of significance due to inconsistency with the 2020-2045 RTP/SCS Connect SoCal document.

As discussed in Responses 4a.2 through 4a.12 below, appropriate CalEEMod defaults were utilized and there are no errors in modeling. Substantial evidence supporting the SCAG RTP/SCS consistency analysis is provided in Section 5.2, *Air Quality* and Section 5.7, *Greenhouse Gas Emissions*. The Project consistency discussion within Table 5.10-4 analyzes the Project's furtherance of the broader goals of the RTP/SCS and

provides justification for consistency with each goal. Thus, the DEIR does not need to be revised due to an inconsistency with the 2020-2045 RTP/SCS Connect SoCal document.

Response to Comment 4.16: This comment states that the MSHC-SP has been amended four times in the past four years to increase the amount of CIBP uses, thus the EIR must be revised to include an analysis of projects approved, proposed, or "in the pipeline" of the MSFC-SP to demonstrate that growth estimates are not exceeded.

The DEIR is a project-level environmental document that serves to analyze any environmental impacts that may exceed or differ from what was analyzed in the program-level 2008 EIR prepared for the MSFC-SP. Development assumptions and scenarios presented in the MSFC-SP and its program-level EIR should not be considered a "cap" on permissible acreage or square footage buildout, but simply serve as a framework upon which future project-level environmental analyses may be based. Cumulative projects are properly included in Table 5-1 of the DEIR and accounted for throughout the analysis of the DEIR. All previously-constructed projects (i.e., completed prior to issuance of the 2022 Notice of Preparation for the DEIR) are considered part of the environmental baseline and have therefore been accounted for as part of the existing conditions.

Growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in master plans, land use plans, or in projections made by regional planning agencies, such as SCAG. According to SCAG's 2020-2045 RTP/SCS population and household growth forecast for Hesperia, between 2016 and 2045, SCAG anticipates an employment increase of 23,600 additional jobs (from 22,500 to 46,100), yielding a 105 percent growth rate. SCAG also anticipates a population increase of 74,400 between 2016 and 2045 (from 93,700 to 168,100). The proposed Project would generate the need for approximately 549 employees, which represents approximately 0.74 percent of the forecasted population growth between 2016 and 2045 and approximately 2.33 percent of the forecasted employment growth between 2016 and 2045 for the City. According to the Employment Development Department, as of February 2023, Hesperia's unemployment rate was approximately 6 percent. Thus, although the Project would generate additional long-term employment in the Project area, the new employment opportunities would be within the forecasted and planned growth of the City.

Further, as provided by CEQA Guidelines Section 15064(c)(3), an indirect physical change, such as population growth, is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. An indirect physical change which is speculative or unlikely to occur is not reasonably foreseeable. Therefore, an estimate of construction workers relocating to the City or resulting in growth would be speculative and is not required under CEQA. Therefore, no further response is required or provided.

Response to Comment 4.17: This comment states that the DEIR provides incorrect information in DEIR Table 5.12-1 which states that the Project is consistent with General Plan Policy CI-2.8: Reduce trip generation through development and implementation of Transportation Demand Management Programs because "the Project's effect on VMT would not be considered significant with implementation of Mitigation Measure T-1 which requires implementation of a Commute Trip Reduction Program."

The commenter is correct in that the DEIR erroneously states the Project's VMT impact would be reduced below significant and unavoidable with implementation of Mitigation Measure T-1. However, the Project still complies with Policy CI-2.8 as the Project would implement a Transportation Demand Management Program. Revisions to DEIR Table 5.12-1 has been included in Chapter 2, Errata as shown below.

Location: Environmental Impacts, (pp. 5.12-6)

Table 5.12-1: Consistency with Transportation Plans and Policies

Plan/Policy	Proposed Project Consistency with Policy
City of Hesperia General Plan	

Policy CI-2.8 Reduce trip generation through development and implementation of Transportation Demand Management Programs.	Consistent. The Project~~'s effect on VMT would not be considered significant with~~ **would** implement~~ation of~~ Mitigation Measure T-1 which requires implementation of a Commute Trip Reduction Program. **However, implementation of Mitigation Measure T-1 is unlikely to reduce VMT below the 32.7 Countywide significance threshold. Therefore, with implementation of the Mitigation Measure T-1, the Project's VMT impact would remain significant and unavoidable.** ~~Therefore~~ **Nonetheless, the Project would implement Transportation Demand Management Programs and therefore** the Project would not conflict with this policy.

Response to Comment 4.18: This comment states that the DEIR's consistency analysis between SCAG's 2020-2045 Connect SoCal RTP/SCS and the proposed Project is misleading. The comment also mentions that there are errors in modeling and states that the Project is inconsistent with Goal 5, Goal 6, and Goal 7 of Table 5.12-1. The comment states that the DEIR must be revised to include revised modeling and findings of significance due to inconsistency with the 2020-2045 RTP/SCS Connect SoCal document.

As discussed in Responses 4a.2 through 4a.12 below, appropriate CalEEMod defaults were utilized and there are no errors in modeling. Substantial evidence supporting the SCAG RTP/SCS consistency analysis is provided in Section 5.2, *Air Quality,* Section 5.7, *Greenhouse Gas Emissions,* and Section 5.12, *Transportation.* The Project consistency discussion within Table 5.10-4 provides justification for consistency with each goal. Thus, the DEIR does not need to be revised due to an inconsistency with the 2020-2045 RTP/SCS Connect SoCal document.

Response to Comment 4.19: This comment states that the DEIR must be revised to include the Project's Level of Service (LOS) analysis as a cumulatively considerable significant impact.

As described previously in Response 4.14, when the DEIR was originally circulated on October 3, 2023, the incorrect appendix file was uploaded to the City website and State Clearinghouse (SCH) in place of the VMT Analysis. On November 15, 2023, an updated Notice of Availability (NOA) notifying commenters of the mistake was released, and the correct study was uploaded to the City website and SCH. The updated NOA also extended the public review period for the DEIR from November 16, 2023, to December 1, 2023.

Senate Bill (SB) 743 was signed by Governor Brown in 2013 and required the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to LOS for evaluating Transportation impacts. SB743 specified that the new criteria should promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks and a diversity of land uses. The bill also specified that delay-based LOS could no longer be considered an indicator of a significant impact on the environment. Thus, traffic congestion (LOS) is no longer a CEQA issue and is not required to be addressed in the DEIR. No further response is warranted and further changes to the DEIR are not required.

Response to Comment 4.20: This comment states that the DEIR has underreported the operational quantity of VMT that would be generated by the Project. The comment states that the DEIR must be revised to include a revised VMT analysis that includes all truck/trailer and delivery van activity.

According to Section 15064.3(a) of the CEQA guidelines "For the purpose of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project". Truck/trailer trips are not included in the analysis of VMT consistent with this guidance. Therefore, the DEIR adequately analyzed the Project's VMT. No further response is warranted and further changes to the DEIR are not required.

Response to Comment 4.21: This comment states that the DEIR has not adequately analyses the Project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses.

Potential impacts due to geometric design hazards are discussed on page 5.12-15 of the DEIR. Roadway design would conform with City Development Design Standards for internal access and local roadway improvements. Truck turning templates are provided in Appendix D of the Project's Traffic Impact Analysis (TIA) (available upon request from the City) which demonstrates that safe truck movements are possible at the Project driveways and at all off-site intersections through which trucks would travel to access to the site. Additionally, the TIA provides a section on sight distance to evaluate the Project driveways (available upon request at the City). Project design would not restrict truck/trailer movement on the site and impacts would remain less than significant. No further response is warranted and further changes to the DEIR are not required.

Response to Comment 4.22: This comment states that shared driveways accommodating trucks, passenger vehicles, and emergency vehicles has the potential to result in a conflict. The comment also states that the DEIR defers environmental analysis and mitigation regarding future improvements related to Caltrans facilities (US 395 and I-15) and emergency access to after the CEQA public review process.

As noted in the response to Comment 4.21, truck turning templates are provided in Appendix D of the Project TIA (available upon request from the City). It should be noted that larger trucks and passenger cars might not be able to enter and exit the driveway concurrently. However, based on the number of trips that would be generated by the Project (see Appendix K, VMT Analysis, of the DEIR), no congestion at the driveways would be expected due to passenger vehicles yielding momentarily to trucks. Directional signs would be posted at every truck driveway to provide directional information to the truck route. The comment also states that the DEIR defers mitigation because off-site traffic mitigation measures have not yet gone through the design and plan check process. This is incorrect, as individual intersection improvements might not be individually subject to CEQA analysis and separate City/Caltrans processes would ensure the adequacy and safety of the design of each mitigation measure. Furthermore, the Project would not be constructing the traffic improvements, but would be paying a fair-share of each improvement. The actual mitigation may change once the City implements improvements at each identified intersection. As stated on DEIR page 5.12-16, the Project includes a 40- foot-wide fire lane to ensure adequate emergency access. Contrary to the commenter's statement that the City Fire Department's future review of development plans is deferred mitigation, no impacts were identified and therefore including this statement in the EIR is not deferred mitigation, but simply describes the City's permitting and review process. No further response is warranted and further changes to the DEIR are not required.

Response to Comment 4.23: This comment states that the DEIR does not include a discussion of the Project's significant and unavoidable and cumulatively considerable greenhouse gas emissions impact.

The commenter is correct in that the DEIR erroneously omitted significant and unavoidable greenhouse gas emissions impacts from Section 6.0 Significant and Unavoidable Environmental Effects (DEIR Page 6.0-1). However, a cumulative analysis was included in Section 5.7, Greenhouse Gas Emissions, on page 5.7-23. An appropriate revision to DEIR Section 6.1 has been included in Chapter 2, Errata.

Further, CalEEMod was revised to reflect several changes that were made to the Project since circulation of the DEIR and incorporation of Project elements not previously captured in the Project's air quality and GHG modeling, which include the following:

- Changes to offsite improvements as described above in the revised Project Description;
- Incorporation of a 235-horsepower (HP) diesel fire pump that would be anticipated to run up to 26 hours per year;

- Project Design Features (PDFs) that are incorporated into Project design and would reduce Project emissions and energy consumption as described above in the revised Project Description;
- Incorporation of additional measures that would be anticipated to reduce Project emissions and energy consumption but are not quantifiable and are not included in the Project modeling; and
- Incorporation of voluntarily best practices that could reduce Project emissions and energy consumption but are not enforceable, quantifiable, and are not included in the Project modeling.

With incorporation of the changes above, the change in construction and operation emissions would be nominal and GHG impacts would remain significant and unavoidable. Revisions to Section 6.0, as shown below, have been included in Chapter 2, Errata. No further changes or response are required.

> **Location: Significant and Unavoidable Environmental Effects, pp. 6.0-1**
>
> **Greenhouse Gas**
>
> **The Project would result in significant and unavoidable impacts associated with GHG emissions. The Project would result in annual emissions of 11,679.6 MTCO2e/yr, which is more than the applied SCAQMD screening threshold of 3,000 MTCO2e/yr, and 21.2 MT CO2e per year per service population, which exceeds the SCAQMD's threshold of 4.8 MT CO2e per year per service population. The Project would include Mitigation Measure GHG-1, which includes various GHG reduction measures, most notable the requirement for implementation of solar roofs and for the Project's electric supply to be from 100 percent renewable energy. With implementation of Mitigation Measure GHG-1, the Project would result in 10,583.4 MT/year CO2e or 19.2 MT CO2e per year per service population. Therefore, GHG impacts as a result of the Project would remain significant and unavoidable. The Project would also thereby contribute to a cumulatively considerable impact on GHG as well.**

Response to Comment 4.24: This comment states that Section 6.2 Growth Inducement and Section 6.3 Significant Irreversible Effects do not discuss or analyze the Project's significant and unavoidable cumulatively considerable greenhouse gas emissions and VMT impacts. The comment also states that the proposed Project removes a barrier to growth by increasing the developable industrial area of the MSFC-SP without providing any information or analysis on the buildout conditions of the MSFC-SP area. The comment also states that the MSFC-SP has been amended four times in the past four years to increase the amount of CIBP uses, therefore the EIR must be revised to demonstrate that cumulative projects do not exceed the growth estimates.

State CEQA Guidelines defines a significant irreversible effect as "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely…. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified." (CEQA Guidelines Section 15126.2(d)). "Nonrenewable resource" refers to the physical features of the natural environment, such as land, waterways, mineral resources, etc. Irreversible environmental changes may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses. The proposed Project would result in a significant and unavoidable GHG impact; however, this would not constitute a significant irreversible effect.

Further, the elimination of a physical obstacle to growth is considered to be a growth inducing impact. A physical obstacle to growth typically involves the lack of public infrastructure. Thus, the Project would induce growth if it would provide public services or infrastructure with excess capacity to serve lands that would otherwise not be developable. As described on DEIR Page 6.0-3, the proposed Project contemplates expansion of existing infrastructure to serve the full buildout of the Project site. As described in Section 3.0, *Project Description*, the Project includes various roadway improvements to accommodate the safe passage

and turning movements of the vehicles that would access the site. The Project does not propose roadway extensions into new undeveloped areas that would allow for additional growth and development. The Project also proposes expansion of existing and installation of new potable water lines, sewer lines, and stormwater drainage facilities that would accommodate the demands of the proposed Project. The proposed infrastructure improvements have been designed to serve only the demands of the Project. Therefore, the Project would not result in significant growth inducing impacts.

With regard to potential growth-inducing potential of the Project, please refer to Response to Comment 4.16.

Response to Comment 4.25. The comment states that the DEIR must include a cumulative analysis of the impact of the proposed project in combination with previous projects since 2016 and projects "in the pipeline" to determine if the Project would result in a cumulative exceedance of employment and population growth forecasts. The proposed Project includes a SPA to change the site's MSFC-SP designation from NC to CIBP. However, the site is currently planned for commercial uses. Thus, the site has been planned for urban development as included in the 2016 projections that are within the 2020 SCAG RTP/SCS. Thus, while the Project would require a SPA, the site has previously been planned for urban development which would increase employment in the City. Therefore, the Project's projected increases in employment from operation of the Project are within SCAG's 2020 RTP/SCS increases. Please also refer to Response to Comment 4.16.

As shown on DEIR Table 6.2-1, the 2016 jobs-to-housing ratio for the City of Hesperia was 0.84 and is projected to be 0.87 in 2045. This means that the City is housing rich. As described in DEIR Section 6.0, *Other CEQA Considerations*, the 2020 SCAG RTP/SCS, the Project would improve the jobs-household ratio by providing employment within the housing-rich City of Hesperia. The City of Hesperia has had unemployment rates ranging between 18.8 percent in 2010 and 4.9 percent in 2022, and most of the new jobs that would be created by the Project would be positions that do not require a specialized workforce, and this type of workforce exists in the City of Hesperia and surrounding communities. Thus, due to existing unemployment and the availability of a workforce, it is anticipated that new jobs generated from Project implementation would be filled by people within the City of Hesperia and surrounding communities and would not result in cumulatively considerable job growth.

As provided by CEQA Guidelines Section 15064(c)(3), an indirect physical change, such as population growth, is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. An indirect physical change which is speculative or unlikely to occur is not reasonably foreseeable. Therefore, an estimate of construction workers relocating to the City or resulting in growth would be speculative and is not required under CEQA. Therefore, no further response is required or provided.

Response to Comment 4.26. This comment states that the DEIR provides misleading information regarding the Project's potential employment generation because the required SPA was not accounted for in the AQMP, General Plan, MSFC-SP or RTP/SCS.

As described in Response 4.25, the site is currently planned for commercial uses. Thus, the site has been planned for urban development that could generate employment as included the 2020 SCAG RTP/SCS. Thus, while the Project would require a SPA, the site has previously been planned for urban development which would increase employment in the City. Therefore, the Project's projected increases in employment from operation of the Project are within SCAG's 2020 RTP/SCS increases.

Additionally, the SPA was analyzed throughout the DEIR as part of the proposed Project. While the Project requires a SPA to change the zoning of the site, the proposed Project would be consistent with the MSFC-SP designation after the amendment and consistent with the surrounding industrial uses. Additionally, as detailed within DEIR Table 5.10-2, 5.10-3, and 5.10-4, the proposed Project would still be consistent with applicable City General Plan, MSFC-SP and SCAG RTP/SCS Goals and Policies.

The Project would contribute to the economic and population growth in the City of Hesperia and the surrounding areas. However, the growth would not be unexpected or constitute substantial unplanned growth. According to regional population projections included in SCAG's 2020 RTP/SCS, the City of Hesperia is projected to increase its employment by 105 percent (from 22,500 jobs in 2016 to 46,100 jobs in 2045). The proposed Project would generate the need for approximately 549 employees, which represents approximately 2.33 percent of the forecasted employment growth between 2016 and 2045 for the City. Thus, while the Project would contribute to employment growth through the proposed development within the Project site, projected increases in employment from the Project are within SCAG's 2020 RTP/SCS increases.

Further, the AQMP is not considered a land use plan but instead is a regional blueprint for achieving air quality standards and healthful air. The 2022 AQMP represents a comprehensive analysis of emissions, meteorology, regional air quality modeling, regional growth projections, and the impact of control measures. The AQMP is regularly updated to reflect changes in land use designations that occur. Therefore, the Project's SPA does not constitute a conflict related to the AQMP.

Response to Comment 4.27. This comment states that the DEIR does not calculate the generation of construction jobs that could result from the Project. The comment also states that the DEIR relies on the available workforce throughout San Bernardino County to fill the Project's construction and operational jobs which will increase VMT and emissions.

As described under Response 4.25 above, the City of Hesperia has had unemployment rates ranging between 18.8 percent in 2010 and 4.9 percent in 2022 (EDD 2022). Most of the new jobs that would be created by the Project would be positions that do not require a specialized workforce, and this type of workforce exists in the City of Hesperia and surrounding communities. Thus, due to existing unemployment and the availability of a workforce, it is anticipated that new jobs that would be generated from Project implementation would be filled by people within the City of Hesperia and surrounding communities and would not induce an unanticipated influx of new labor into the region or the need for additional housing.

As provided by CEQA Guidelines Section 15064(c)(3), an indirect physical change, such as population growth, is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. An indirect physical change which is speculative or unlikely to occur is not reasonably foreseeable. Therefore, an estimate of construction workers relocating to the City or resulting in growth would be speculative and is not required under CEQA. Therefore, no further response is required or provided.

Response to Comment 4.28. This comment states that utilizing the EIR's calculation of 549 employees, the project represents 2.3% of the City's employment growth from 2016 - 2045. The comment states that a single project accounting for this amount of projected growth over 29 years represents a significant amount of growth and could result in exceedance of growth forecasts and a cumulative impact.

As detailed previously in Response to Comment 4.25 and 4.26, although the Project requires a SPA to change the site's MSFC-SP from NC to CIBP, the Project site is currently planned for commercial uses. Thus, the site has been planned for urban development as included in the 2016 projections that are within the 2020 SCAG RTP/SCS. Also, the City of Hesperia is housing rich and has unemployment rates ranging between 18.8 percent in 2010 and 4.9 percent in 2022, and most of the new jobs that would be created by the Project would be positions that do not require a specialized workforce, and this type of workforce exists in the City of Hesperia and surrounding communities. Thus, due to existing unemployment and the availability of a workforce, it is anticipated that new jobs generated from Project implementation would be filled by people within the City of Hesperia and surrounding communities and would not result in cumulatively considerable job growth. Thus, the job growth that would be generated by the Project would not result in significant project or cumulative impacts. Cumulative projects are properly included in Table 5-1 of the DEIR and accounted for throughout the analysis of the DEIR. All previously-constructed projects (i.e., completed prior to issuance

of the 2022 Notice of Preparation for the DEIR) are considered part of the environmental baseline and have therefore been accounted for as part of the existing conditions. Therefore, no further response is required or provided.

Response to Comment 4.29: This comment states that the EIR does not evaluate a reasonable range of alternatives as only two alternatives (No Project [Existing Land Use] and Reduced Project) beyond the required No Project alternative are analyzed.

The DEIR included a comprehensive analysis of Project Alternatives as required by CEQA Guidelines Section 15126.6. The "range of alternatives" to be evaluated is governed by the "rule of reason" and feasibility, which requires the EIR to set forth only those alternatives that are feasible and necessary to permit an informed and reasoned choice by the lead agency and to foster meaningful public participation (CEQA Guidelines Section 15126.6(f)). Given that the Project site currently has a MSFC-SP designation of BIBP and NC, uses that are either permitted by right or conditionally permitted were considered. Additionally, a reduced project alternative which would reduce the intensity of the proposed industrial uses, limiting the proposed development to the northern portion of the site, and leaving the remainder of the site in its existing condition was considered.

As detailed in DEIR Section 8.0, *Alternatives*, the No Project/Existing Land Use Alternative would reduce the total graded and developed area which would decrease the impacts related to biological, cultural, paleontological, transportation, and tribal cultural resources. However, similar to the Project, this alternative would require mitigation measures to ensure impacts are less than significant. Additionally, consistent with the Project, the No Project/Existing Land Use Alternative would result in a significant and unavoidable impact related to vehicle miles traveled and greenhouse gas emissions.

The Reduced Project Alternative would not eliminate the Project's significant and unavoidable impact related to vehicle miles traveled and greenhouse gas emissions. Additionally, the Reduced Alternative would have the same potential impacts to aesthetics, biological resources, cultural resources, paleontological resources, VMT, and tribal cultural resources and mitigations would be required. The DEIR's alternatives analysis thus met CEQA's requirement to evaluate a reasonable range of alternatives and is therefore adequate as provided. Therefore, no further response is required or provided.

Response to Comment 4.30: This comment states that the commentor believes the DEIR is flawed and a revised EIR must be prepared for the proposed Project and circulated for public review. The commentor 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. Therefore, no further response is required or provided.

The comment is conclusionary in nature and does not raise any specific concerns with the adequacy of the DEIR or raise any other specific CEQA issue. As substantiated by the responses above and below, none of the conditions arise which would require recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5. No revisions per this comment are required and no further response is required or provided.

Response to Comment 4a.1: This comment states that SWAPE has reviewed the DEIR and concludes that the EIR fails to adequately evaluate the air quality, health risk, and greenhouse gas impacts. The comment is conclusionary in nature and does not provide any substantial evidence that potential emissions related impacts could exceed those identified in the DEIR. As substantiated by the responses to the detailed comments below, none of the conditions arise which would require a revised DEIR pursuant to CEQA Guidelines Section 15088.5 exist, and no revisions per this comment are required.

Response to Comment 4a.2: This comment states that the CalEEMod default data was changed for modeling of the proposed Project and that CEQA requires such changes be justified by substantial evidence. The comment also states that several model inputs are not consistent with information disclosed in the DEIR. The

comment claims that CalEEMod version 2022.1 is relied upon to estimate Project emissions, which poses a problem as the currently available version of CalEEMod 2022.1 is described as a "soft release" which fails to provide complete output files. Further, the comment states that the "User Changes to Default Data" table no longer provides the quantitative counterparts to the changes to the default values and that previous CalEEMod Versions, such as 2020.4.0, include the specific numeric changes to the model's default values. The commenter claims that to remedy this issue, the DEIR should have provided access to the model's ".JSON" output files, which allow third parties to review the model's revised input parameters.

First, the commenter is incorrect that CalEEMod 2022.1 is a "soft release". As indicated in the CalEEMod release notes, CalEEMod version 2022.1 was approved for full launch on 12/21/2022 and the "soft release" message was removed.[4] As such, CalEEMod version 2022.1 is appropriate for use and previous CalEEMod versions, such as 2020.4.0 are outdated. Therefore, the appropriate version of CalEEMod was used and this analysis is adequate as presented.

In addition, as discussed on pages 10 and 11 of the CalEEMod User's Guide for CalEEMod version 2022.1, CalEEMod was designed to allow the user to change the defaults to reflect site- or project-specific information when available. As discussed in the CalEEMod User's Guide, if the user chooses to modify any defaults, an explanation will be required in the Justification box. Modifications to defaults and the explanations are noted in the output report. Further, the User's Guide states that comments are important because they show the user's justification for the modifications, which allows reviewers the ability to determine whether the modifications are appropriate and sufficiently justified. Page 76 of the CalEEMod outputs (Appendix A of the AQ/HRA/GHG/Energy Report) identifies the user changes that were made CalEEMod. The ".JSON" files are input files, not output files. As such, all output files were included in Appendix A of the AQ/HRA/GHG/Energy Report.

Response to Comment 4a.3: This comment states that the DEIR does not provide a source for the individual construction phase lengths and therefore underestimates the length of construction.

The Project's construction duration in CalEEMod was based on the Project's anticipated construction schedule, as provided by the applicant, shown in Table 3-3 in the Project Description of the DEIR, which assumes that construction would be completed in 14 months. As such, the Project's construction schedule in CalEEMod is consistent with the Project Description. This is consistent with the instructions in the CalEEMod User's Guide that directs the user to use site-specific phasing. As discussed in the CalEEMod User's Guide, pages 33 through 35, the construction tab contains default information obtained from a survey of construction sites with a range of project types and sizes and provides default construction equipment lists and phase length data based on the total lot acreage of a project. The User's Guide states that if the user has more detailed site-specific equipment and phase information, the user should override the default values.

The analysis properly relied on Project-specific construction phases that accurately reflect the required construction activities necessary for Project buildout. The commenter has not provided any supporting documentation as to why the construction assumptions used in the analysis would not be representative of the Project's construction. This analysis is adequate as presented. Therefore, no further response is required or provided.

Response to Comment 4a.4: This comment claims that a review of the CalEEMod output files demonstrates that the "KISS Logistics Center Warehouse Project – Vehicles Only" model includes changes to the default operational vehicle fleet mix percentages. The comment claims that these changes remain unsubstantiated and that the output files for CalEEMod 2022.1 do not present the numeric changes to any model defaults. Further, the comment claims that these unsubstantiated changes present an issue, as CalEEMod uses operational vehicle fleet mix percentages to calculate the Project's operational emissions associated with on-

[4] California Air Pollution Control Officers Association (CAPCOA). Release Notes. Website: https://www.caleemod.com/release-notes (accessed December 2023).

road vehicles and that by including several unsubstantiated changes to the default operational vehicle fleet mix percentages, the model may underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

As discussed on page 42 of the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR), trip generation rates used in CalEEMod for the Project were based on the Project's TIA[5], which identifies that the proposed Project would generate approximately 1,357 average daily trips, including 976 passenger vehicles, 68 2-axle truck trips, 77 3-axle truck trips, and 236 4+-axle truck trips. To be conservative, this analysis assumes that the four+-axle truck trips would travel approximately 40 miles; and as such, separate CalEEMod analyses were prepared for the operational analysis. One CalEEMod run evaluated operational and vehicle trip emissions and another CalEEMod run evaluated four+-axle truck trip emissions.

Therefore, the modeling is conservative as it increases the percentage of medium heavy duty truck trips from the default 0.53% to 5.67% and increases the percentage of HHD truck trips from the default of 1.91% to assume 17.39% consistent with the TIA prepared for the proposed Project. Further, the modeling increases the HHD trip length from the default lengths of 34.27 miles, 6.28 miles, and 7.30 miles to 40 miles consistent with SCAQMD recommendations for warehouse projects, which would also be applicable to projects in the MDAQMD. As such, the commenter is incorrect that the modeling included unsubstantiated changes that may underestimate the Project's mobile source emissions. This analysis is adequate as presented.

Response to Comment 4a.5: This comment states that the CalEEMod output files include unsubstantiated changes to the default natural gas energy use values, therefore the model may underestimate the Project's operational emissions.

As identified on page 4 of the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR), the proposed Project would not include the use of natural gas during construction or operation. Page 4 of the CalEEMod Users Guide states that if project-specific energy estimates are available, it is recommended the user manually input the total annual electricity and natural gas consumption. As such, the CalEEMod User's Guide allows for the user to input site-specific information where available, including adjusting the electricity and natural gas consumption values. The analysis properly relied on Project-specific information which accurately reflects that the proposed Project would not include the use of natural gas. The commenter has not provided any supporting documentation as to why the assumptions used in the analysis would not be representative of the Project. This analysis is adequate as presented.

Response to Comment 4a.6: This comment states that the commenter prepared an updated CalEEMod model that purportedly demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed in the DEIR.

The CalEEMod model allows the user to change the default values and shows these changes in the "output files" after the model run. These output files are included as part of the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR). CalEEMod was designed to allow the user to change the defaults to reflect site- or project-specific information, when available. The model provides several opportunities for the user to change the defaults in the model; and those changes require users to provide justification for all changes made to the default settings (e.g., reference more appropriate data sources). The assumptions outlined in the AQ/HRA/GHG/Energy Report provide justification for the more accurately estimated Project-generated emissions.

The commenter's Updated Analysis incorrectly used default values when there were substantiated Project-specific changes that were made to Project CalEEMod analysis; and as such, the commenter's analysis does not reflect the Project. The commenter has not provided any supporting documentation as to why the

[5] Environment Planning Development Solutions, Inc. 2022. K*ISS Logistics Center Warehouse Traffic Impact Analysis*. November 11.

construction assumptions used in the DEIR's analysis would not be representative of the Project's construction. No additional analysis is warranted and the preparation of a recirculated EIR is not required.

Response to Comment 4a.7: This comment states that the HRA proposed for the Project has a flawed air model. As such, the HRAs are based on potentially underestimated DPM concentrations to calculate the health risk associated with Project construction. As described previously in Responses to Comments 4a.4, 4a.5, and 4a.6, the CalEEMod User's Guide allows for the user to input site-specific information where available. Therefore, the analysis prepared as part of the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR) properly relied on Project-specific information which accurately reflects the proposed Project. The commenter has not provided any supporting documentation as to why the assumptions used in the analysis would not be representative of the project. Therefore, no further response is required or provided.

Response to Comment 4a.8: This comment states that the DEIR does not provide exposure assumptions for the HRA and therefore may underestimate the cancer risk posed to sensitive receptors. The comment also states that the DEIR fails to provide a dose and risk equation, in accordance with the Risk Assessment Guidelines provided by the Office of Environmental Health Hazard Assessment.

The HRA input parameters are included in Appendix B, HRA Model Output, of the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR). The HRA was prepared to evaluate construction-period and operational health risk to off-site receptors associated with the proposed project. The equation for calculating cancer risk as well as exposure assumptions used in the construction HRA was based on and consistent with OEHHA guidance.
As identified on pages 46 and 47 of the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR), the following limits for maximum individual cancer risk (MICR) and noncancer acute and chronic Hazard Index (HI) from project emissions of TACs are based on regulatory guidance for use in determining the health risk for projects in the Mojave Desert Air Basin:

MICR: MICR is the estimated probability of a maximally exposed individual (MEI) contracting cancer as a result of exposure to TACs over a period of 30 years for adults and 9 years for children in residential locations and over a period of 25 years for workers. The MICR calculations include multipathway consideration.

The cumulative increase in MICR that is the sum of the calculated MICR values for all TACs would be considered significant if it would result in an increased MICR greater than 10 in 1 million (1×10^{-5}) at any receptor location.

Chronic HI: Chronic HI is the ratio of the estimated long-term level of exposure to a TAC for a potential MEI to its chronic reference exposure level. The chronic HI calculations include multipathway consideration.

The Project would be considered to have a significant health risk impact if the cumulative increase in total chronic HI for any target organ system would exceed 1.0 at any receptor location.

Acute HI: Acute HI is the ratio of the estimated maximum 1-hour concentration of a TAC for a potential MEI to its acute reference exposure level.

The Project would be considered to have a significant health risk impact if the cumulative increase in total acute HI for any target organ system would exceed 1.0 at any receptor location.

For the purposes of an HRA, emissions are analyzed for acute health impacts, chronic, and carcinogenic health impacts. A multi-pathway assessment was conducted to evaluate the project's emissions during construction following the modeling techniques recommended in the OEHHA *Air Toxic Hot Spots Program Risk*

Assessment Guidelines.[6] The OEHHA has determined that long-term exposure to diesel exhaust particulates poses the highest cancer risk of any toxic air contaminant (TAC) it has evaluated. Exposure to diesel exhaust can also have immediate health effects. For risk assessment procedures, the OEHHA specifies that the surrogate for whole diesel exhaust is diesel particulate matter (DPM). The HRA analyses used PM_{10} emissions to represent DPM emissions, consistent with OEHHA guidance.

The conservative nature of this analysis is due primarily to the following three factors:

- The California Air Resources Board (CARB)-adopted diesel exhaust unit risk factor (URF) of 300 in 1 million per microgram per cubic meter ($\mu g/m^3$) is based on the upper 95th percentile of estimated risk for each of the epidemiological studies used to develop the URF. Therefore, the risk factor is already representative of the conservative risk posed by DPM.
- The risk estimates assume sensitive receptors would be subject to DPM 24 hours per day, 350 days per year. As a conservative measure, the MDAQMD does not recognize indoor adjustments for residents. However, typical people spend the majority of their time indoors versus remaining outdoors 24 hours per day, 350 days per year.
- The exposure to DPM is assumed to be constant for the given period analyzed (i.e., 30 years for the residential receptors and 25 years for the worker receptors). However, emissions from DPM are expected to substantially decrease in the future with the implementation of standard regulatory requirements and technological advancement to reduce DPM.

As described on page 43 of the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR), a construction HRA, which evaluates construction-period health risk to off-site receptors, was performed for the proposed Project. To estimate the potential cancer risk associated with construction of the proposed Project from equipment exhaust (including DPM), a dispersion model was used to translate an emission rate from the source location to a concentration at the receptor location of interest (i.e., a nearby residence and worksites). The HRA analyses used PM_{10} emissions to represent DPM emissions, consistent with OEHHA guidance.[7] Dispersion modeling varies from a simpler, more conservative screening-level analysis to a more complex and refined detailed analysis. This refined assessment was conducted using the CARB exposure methodology with the air dispersion modeling performed using the United States Environmental Protection Agency (USEPA) dispersion model AERMOD. The model provides a detailed estimate of exhaust concentrations based on site and source geometry, source emissions strength, distance from the source to the receptor, and meteorological data. Meteorological and terrain model inputs are included in the AERMOD input files. In addition, health risk variables are included in the HARP2 model output files. AERMOD input parameters are included in Appendix B, HRA Model Output, of the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR).

In addition, as described on pages 43 and 44 of Appendix B, HRA Model Output, of the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR), an operational HRA was conducted for the proposed Project using three models: (1) EMFAC2021 for on-road vehicle emissions factors and percentages of fuel type within the overall vehicle fleet; (2) the USEPA AERMOD air dispersion model to determine how the TACs would move through the atmosphere after release from sources both on site and on surrounding roadways; and (3) CARB's HARP2 model to translate the pollutant concentrations from AERMOD into individual health risks at any sensitive receptor locations surrounding the Project site. The proposed Project would generate approximately 1,357 average daily trips. The trucks would access the site by Phelan Road and "A" Street (future roadway). The proposed Project would provide 60 dock doors; as the Project would contain multiple loading docks, off-site queuing of trucks is not anticipated. While the TAC emissions from gasoline-powered vehicles have a small health effect compared to DPM, the HRA included both gasoline-

[6] California Environmental Protection Agency (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA). 2015. *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. March. Website: https://oehha.ca.gov/air/air-toxics-hot-spots (accessed December 2023).

[7] CalEPA OEHHA. 2015. *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments.* March. Website: http://oehha.ca.gov/air/hot_spots/hotspots2015.html (accessed December 2023).

and diesel-powered vehicle emissions. For the diesel exhaust emissions, it is sufficient to only consider the DPM (PM_{10} and $PM_{2.5}$) portions of the exhaust; all the TACs for the gasoline exhaust emissions are contained in the reactive organic gases (ROG) emissions. Using speciation data from CARB, the emission rates of the TAC components are derived from the total ROG emissions. EMFAC2021 was used to determine the emissions factors of idling and operating diesel trucks to determine the total emissions of DPM. As such, the commenter is incorrect that the HRA underestimated DPM concentrations to calculate the health risks.

The dose-response relationship for a specific pollutant describes the association between exposure and the observed response (health effect). In other words, the relationship estimates how different levels of exposure to a pollutant change the likelihood and severity of health effects. The dose-response relationship (the response occurring with increasing doses) varies with each pollutant, individual sensitivity, and type of health effect. Combining the results of the emission characterization and dispersion modeling described above with the dose-response assessment gives an estimate of the increased health risk for an individual exposed to the maximum predicted long-term concentrations of TACs.

The residential risk incorporates both the risk for a child living in a nearby residence for 9 years (the standard period of time for child risk) and an adult living in a nearby residence for 30 years (considered a conservative period of time for an individual to live in any one residence). The HRA modeling utilized discrete variants for daily breathing rates, exposure frequency, and exposure duration based on default rates as presented in the OEHHA guidance document entitled *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*[8] and guidance from the MDAQMD.

The HRA analysis properly relied on OEHHA guidance and the commenter has not provided any supporting documentation as to why the health risk assumptions and calculations used in the analysis would not be representative of the proposed Project. The analysis is adequate as presented. No additional analysis is required.

Response to Comment 4a.9: This comment states that the DEIR fails to implement all feasible mitigation measures for the purpose of reducing GHG emissions and therefore the DEIR's conclusion that the GHG emissions would be significant and unavoidable is unsubstantiated.

This comment does not provide any substantial evidence that the Project fails to meet its obligation to implement all feasible mitigation measures to reduce GHG impacts. Under CEQA Guidelines Section 15384, argument, speculation, unsubstantiated opinion or narrative, evidence that is not credible, and evidence of social and economic impacts does not constitute substantial evidence. Furthermore, this comment does not reference any feasible mitigation measures for inclusion in the analysis. However, several measures proposed by comments received as a result of the DEIR public circulation period have been evaluated and incorporated as appropriate and feasible into Project Mitigation Measure GHG-1 as provided below.

As described in Response to Comment 4.23, CalEEMod was revised to reflect several changes that were made to the Project since circulation of the DEIR and incorporation of Project elements not previously captured in the Project's air quality and GHG modeling. This includes the incorporation of additional mitigation and PDFs that have been included since the original circulation of the DEIR.

As shown in Chapter 2, Errata, the revised DEIR Table 5.7-2 demonstrates that with implementation of Mitigation Measure GHG-1, the proposed Project would result in approximately ~~10,614.0~~ **10,526.2** MT/year CO2e. Thus, mitigated emissions would be slightly reduced compared to the previously identified 10,614.0 MT/year CO2e; however, emissions would continue to exceed the SCAQMD threshold. Further, there is no way to quantify GHG reductions for several of the emission reduction measures and design

[8] CalEPA OEHHA. 2015. *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. March. Website: https://oehha.ca.gov/air/air-toxics-hot-spots (accessed August 2023).

components in CalEEMod, and therefore, the quantified emissions are likely an conservative overestimate of the emissions that would result from the Project.

Therefore, with implementation of Mitigation Measure GHG-1, operation of the proposed Project would have the potential to generate significant GHG emissions that would have a significant effect on the environment. Additionally, several PDFs have been included as part of the Project, which would further reduce Project emissions. As discussed throughout the DEIR, all potentially significant impacts have been disclosed and feasible mitigation measures have been included to reduce potentially significant impacts. Revisions to Mitigation Measure GHG-1 have been made and included in Chapter 2, Errata. No further changes or response is warranted.

Location: Greenhouse Gas, Mitigation Measures, pp. 5.7-24

Mitigation Measure GHG-1: Prior to issuance of a building permit, the City of Hesperia shall identify project design details and specifications to document implementation and compliance with the following emission reduction measures. Implementation of the following measures will be required prior to building permits and is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- ~~Use the cleanest technologies available and~~ provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site, **including but not limited to running conduit to dock doors to allow for future plug-in of TRUs or truck charging**.
- All loading/unloading docks and trailer spaces shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration shall be ~~encouraged~~**used** for operational fleets **operated by the owner/tenant on the Project site**.
- All TRUs **operated by the owner/applicant** entering the Project site be shall plug-in capable.
- Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible.
- All heavy-duty trucks ~~entering or~~ **operated by the owner/tenant of** ~~on~~ the Project site shall be model year 2014 or later.
- The Project Applicant shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation.
- Trucks and support equipment shall be prohibited from idling longer than ~~five~~**three** minutes while on site.
- On-site TRU diesel engine runtime shall be limited to no longer than 15 minutes.
- Include rooftop solar panels that supply 100 percent of **Project** electricity from renewable energy resources.
- Implement a transportation demand program. Program measures may include free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the Project site **(implemented via Mitigation Measure T-1 of Section 5.12, Transportation)**.

- Implement a zero-waste program or other feasible waste reduction measures such as composting waste food scraps from employee activities and food waste processing. **75 percent of Project solid waste generated will be reduced, recycled, or composted per AB 341, supported through the implementation of Project recycling and composting bins.**
- Install water-efficient fixtures (toilets, faucets, showers), water efficient landscape irrigation systems (drip irrigation with control panel and soil moisture sensors), and water efficient landscaping.
- **Keep onsite and furnishing to the lead agency of other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classification.**
- **Provide information on transit and ridesharing programs and services to construction employees.**
- **Provide information on nearby meal/dining destinations for construction workers.**
- **Run conduit to designated locations for future vehicle electric charging stations.**
- **Expand the electrical room by 10 percent to (25 percent total) to accommodate future expansion of electric vehicle charging capability.**
- **Run conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.**
- **The building shall have breakroom with food storage capabilities.**
- **Signs shall be posted at every truck exist driveway to provide directional information to the truck route.**
- **The owner shall provide any future tenants with information on incentive programs, such as Carl Moyer program and Voucher Incentive Program, to upgrade their fleets.**
- **The Project contractor will use commercially available Tier 4 equipment.**

Location: Greenhouse Gas Emissions, Project Design Features, pp. 5.7-24

5.6.9 PROJECT DESIGN FEATURES

The following design features would be implemented as part of the Project and would reduce Project GHG emissions:

PDF-1 **Renewable energy system/solar electricity generation and battery system – 90 kilowatt hours (kWh) generation and 38 kwh battery to allow for peak energy usage offset;**

PDF-2 **Automatic Light Switches;**

PDF-3 **Control receptacles (shut off after certain durations);**

PDF-4 **The proposed building would be designed to Leadership in Energy and Environmental Design (LEED) certification standards;**

PDF-5 **EV chargers would be installed per Title 24 requirements day one;**

PDF-6 **Low volatile organic compound (VOC) coatings and paint (less than 10 grams per liter);**

PDF-7 **Vistacool layer and Solarban layer on exterior glazing which reduces energy consumption due to solar heat gain.**

Response to Comment 4a.10: This comment states that SWAPE's analysis demonstrates that the Project would result in potentially significant air quality, health risk, and GHG impacts that should be mitigated further. The comment also provides a list of mitigation measures from the California Department of Justice Warehouse Project Best Practices document.

As discussed throughout these responses, and the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR), the Project was properly modeled and analyzed and the proposed Project would not result in potentially significant air quality or health risk impacts. In addition, as demonstrated in the AQ/HRA/GHG/Energy Report, even with implementation of Mitigation Measure GHG-1, operation of the proposed Project would generate significant and unavoidable GHG emissions.

For additional context, the Attorney General's Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Warehouses Best Practices) Document referenced in this comment contains recommended air quality and greenhouse gas (GHG) analysis and mitigation. The air quality, HRA, and GHG analysis contained in the DEIR is consistent with the examples of best practices when studying air quality and GHG impacts listed in the Warehouses Best Practices Document.

In addition, the Warehouses Best Practices Document contains recommended mitigation measures. Several of the recommended measures would reduce construction-related emissions. However, as demonstrated in the AQ/HRA/GHG/Energy Report, the proposed Project would not generate construction-related air quality emissions or health risk that would exceed the MDAQMD's thresholds. The comment does not present substantial evidence of the identification of a potentially significant construction-related impact requiring additional mitigation.

Many of the recommended measures to reduce operational emissions are consistent with Project features and measures identified in Mitigation Measure GHG-1, including the following Project features and measures in Mitigation Measure GHG-1. However, Mitigation Measure GHG-1 has been updated to clarify the specific actions that will be taken by the applicant and City in enforcement of GHG emission reduction strategies, remove measures that are unenforceable (reclassified as best practices), and include additional measures under Mitigation Measure GHG-1 that would further reduce Project GHG emissions. The DEIR has been revised to include the revisions to Mitigation Measure GHG-1 and the best practices, as captured within Chapter 2, Errata, of this FEIR. Individual responses to the proposed measures by the commenter are provided below.

Measure	Response
•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 GHG-1 requires the Project applicant to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site. However, the Project operator would have limited control of the composition of third-party truck fleets and it would not be feasible to require other parties to upgrade truck fleets to incorporate zero or near-zero emissions technologies as mitigation for the Project. However, the project applicant is required to implement this mitigation measure to infrastructure to support electric trucks will be available as the technology is more widely adopted. Due to the Project's limited control over other parties' truck fleets, the project could

	not feasibly reduce all mobile source emissions from the project. Further, the Project would use all commercially available Tier IV equipment for Project construction. Mitigation Measure GHG-1 has been revised to incorporate this requirement. See below and within Chapter 2, Errata.
• Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.	The City's Municipal Code exempts noise from construction noise; therefore, construction is limited to the hours between 7 a.m. and 7 p.m.. Therefore, the absolute maximum amount of time equipment could feasibly operate would be 12 hours per day. Further, Mitigation Measure GHG-1 includes limitations to how long trucks and other support equipment can idle for (3 minutes) (see below). Mobile source emissions account for most of the Project construction and operation emissions (97 percent). Therefore, Project construction equipment would not be anticipated to be "on" for more than 10 hours per day, and further, this measure would not be anticipated to result in any further meaningful reduction of GHG or emissions.
• 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.	The emission reductions from this measure would be nominal for a substantial cost. Additionally, the sole use of electric tools would substantially delay Project construction. An agency may reject mitigation measures or project alternatives if it finds them to be "infeasible." Pub Res C §21081(a)(3); 14 Cal Code Regs §15091(c)(3). "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. Pub Res C §21061.1; 14 Cal Code Regs §15364. As such, the benefits wouldn't outweigh the costs for electric construction tools, such as saws, drills, and compressors, and using electric tools whenever feasible. The technology to provide temporary electric power for the scale of the proposed Project is not available or feasible to implement. Therefore, this measure will not be included in the Project.
• Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.	An agency may reject mitigation measures or project alternatives if it finds them to be "infeasible." Pub Res C §21081(a)(3); 14 Cal Code Regs §15091(c)(3). "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. Pub Res C §21061.1; 14 Cal Code Regs §15364. As such, the technology to provide temporary electric power for the scale of the proposed Project is not available or feasible to implement. Therefore, this measure will not be included in the Project.
• Limiting the amount of daily grading disturbance area.	The Project would be constructed in a single phase. The Project encompasses 30.91 acres, which includes the 29.61-acre Project site and 1.3 acres of offsite improvement area. Project site grading would be anticipated to occur over 20 days. Linear grading for offsite improvements would occur over approximately 120 days but would be limited to 1.3 acre. Grading

	would be conducted in a certain subsequent order and there would not be flexibility as to where grading can/cannot occur within the limits of the site without compromising Project construction as a whole. Additionally, this measure is not adequate for CEQA purposes and does not contain any specific enforceable action (CEQA Guidelines § 15126.4(a)(2). Therefore, this measure has not been included into the Project.
• 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 DEIR chapter 5.2-21, the Air Quality impacts for the Project are less than significant. Impacts of the Project were fully analyzed by the DEIR and mitigation measures would not be required to mitigate the already less than significant impacts. In compliance with CEQA, no mitigation measures are required and compliance with applicable MDAQMD regulations is adequate for the proposed Project based on the determination of less than significant impact. Therefore, this measure has not been included into the Project.
• Forbidding idling of heavy equipment for more than three minutes.	The Project applicant will implement this measure as part of GHG-1 (see below), as verified by the City during the permitting process.
• 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.	The Project applicant will implement this measure as part of GHG-1 (see below), as verified by the City during the permitting process.
• Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.	The City's building inspector would verify compliance with mandatory regulatory requirements and conditions of approval as part of the construction inspections process. As such, in compliance with CEQA, no mitigation measures are required and compliance with City regulations and processes is adequate for the Project.
• Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.	As stated on page 5.2-9 of the DEIR, the Project is subject to MDAQMD Rule 1113 (Architectural Coatings). This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories. Furthermore, the Project applicant will implement the use of low VOC coatings and paint (less than 10 grams per liter) (see below) which has been included as part of Mitigation Measure GHG-1.
• Providing information on transit and ridesharing programs and services to construction employees.	This has already been included as part of the Project under Mitigation Measure T-1. Mitigation Measure GHG-1 has been revised to cross reference T-1 to clarify how this measure would be fulfilled.
• Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.	The Project applicant will implement this measure as part of GHG-1 (see below), as verified by the City during the permitting process.
• 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.	An agency may reject mitigation measures or project alternatives if it finds them to be "infeasible." Pub Res C §21081(a)(3); 14 Cal Code Regs §15091(c)(3). "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. Pub Res C §21061.1; 14 Cal Code Regs §15364. As such, the benefits wouldn't outweigh the costs for electric construction tools, such as saws, drills, and compressors, and using electric tools

	whenever feasible. The technology for the scale of the proposed Project is not available or feasible to implement. Therefore, this measure will not be included in the Project.
• 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.	Project construction idling will be limited to 3 minutes, which will be communicated to all equipment operators via notices, signs, and/or other media.
• 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.	Mitigation Measure GHG-1 includes requirement "Include rooftop solar panels that supply 100 percent of Project electricity from renewable energy resources."
• Running conduit to designated locations for future electric truck charging stations.	The Project applicant will implement this measure as part of GHG-1 (see below), as verified by the City during the permitting process. Additional conduit would be provided for both future electric truck and employee vehicle charging.
• Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.	The Project applicant will implement this measure as part of GHG-1 (see below), as verified by the City during the permitting process.
• 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)	The Project would install electric vehicle charging stations per requirements of Title 24 of the California Building Code.
• Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.	The Project applicant will implement this measure as part of GHG-1 (see below), as verified by the City during the permitting process.
• 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.	As discussed in Chapter 2, Errata, and Appendix D, the closest sensitive receptor to the Project site includes residential uses located approximately 900 feet north of the Project site along Yucca Terrance Road. The air quality analysis found that health risk impacts to sensitive receptors near the Project site would be less than significant during both construction and operation of the Project. As such, air monitoring is not warranted or required under CEQA.
• Requiring all stand-by emergency generators to be powered by a non-diesel fuel.	An agency may reject mitigation measures or project alternatives if it finds them to be "infeasible." Pub Res C §21081(a)(3); 14 Cal Code Regs §15091(c)(3). "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. Pub Res C §21061.1; 14 Cal Code Regs §15364. This technology is not yet available or feasible to implement, and therefore, the measure has not been included as part of the Project.
• Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.	An agency may reject mitigation measures or project alternatives if it finds them to be "infeasible." Pub Res C §21081(a)(3); 14 Cal Code Regs §15091(c)(3). "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. Pub Res C §21061.1; 14 Cal Code Regs §15364. The Project owner would utilize third-party truck operators and cannot control the

	training of outside entities. Therefore, this measure would not be feasible and has not been implemented as part of the Project.
• Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.	The Project has included several measures that would be equivalent to or would be nominally different from the proposed measure. Measures include the provision for additional electric utility room area, additional conduit to truck and vehicle charging areas for future demand, and compliance with LEED requirements (see Project PDFs) and Title 24 of the California Building Code.
• Designing to LEED green building certification standards.	The Project would be compliant with LEED building standards as indicated in Project PDFs. Therefore, this measure has been implemented as part of the Project.
• Providing meal options onsite or shuttles between the facility and nearby meal destinations.	The Project applicant will implement this measure as part of GHG-1 (see below), as verified by the City during the permitting process.
• Posting signs at every truck exit driveway providing directional information to the truck route.	The Project applicant will implement this measure as part of GHG-1 (see below), as verified by the City during the permitting process.
• Improving and maintaining vegetation and tree canopy for residents in and around the project area.	The Project would include landscaping tree canopy as part of the Project. The Project is within an industrial area and is not utilized by residents and this measure is not applicable.
• 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.	An agency may reject mitigation measures or project alternatives if it finds them to be "infeasible." Pub Res C §21081(a)(3); 14 Cal Code Regs §15091(c)(3). "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. Pub Res C §21061.1; 14 Cal Code Regs §15364. The Project owner would utilize third-party truck operators and cannot control the training of outside entities. Therefore, this measure would not be feasible and has not been implemented as part of the Project.
• 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.	An agency may reject mitigation measures or project alternatives if it finds them to be "infeasible." Pub Res C §21081(a)(3); 14 Cal Code Regs §15091(c)(3). "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. Pub Res C §21061.1; 14 Cal Code Regs §15364. The Project owner would utilize third-party truck operators and cannot control the training of outside entities. Therefore, this measure would not be feasible and has not been implemented as part of the Project.
• Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.	The Project applicant will implement this measure as part of GHG-1 (see below), as verified by the City during the permitting process.

As shown below, Project features and the measures included in Mitigation Measure GHG-1 require that the Project would incorporate sustainable transportation technologies and practices appropriate for the proposed use, consistent with the recommendations outlined in the Warehouses Best Practices. The impact analysis provided is adequate and correctly describes the Project and potential impacts. No new or more significant impacts have been identified and the EIR is adequate.

Location: Greenhouse Gas, Mitigation Measures, pp. 5.7-24

Mitigation Measure GHG-1: Prior to issuance of a building permit, the City of Hesperia shall identify project design details and specifications to document implementation and compliance with the following emission reduction measures. Implementation of the following measures will be required prior to building permits and is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- ~~Use the cleanest technologies available and~~ provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site, **including but not limited to running conduit to dock doors to allow for future plug-in of TRUs or truck charging**.
- All loading/unloading docks and trailer spaces shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration shall be ~~encouraged~~**used** for operational fleets **operated by the owner/tenant on the Project site**.
- All TRUs **operated by the owner/applicant** entering the Project site be shall plug-in capable.
- ~~Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible.~~
- All heavy-duty trucks ~~entering or~~ **operated by the owner/tenant of** ~~on~~ the Project site shall be model year 2014 or later.
- The Project Applicant shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation.
- Trucks and support equipment shall be prohibited from idling longer than ~~five~~**three** minutes while on site.
- On-site TRU diesel engine runtime shall be limited to no longer than 15 minutes.
- Include rooftop solar panels that supply 100 percent of **Project** electricity from renewable energy resources.
- Implement a transportation demand program. Program measures may include free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the Project site **(implemented via Mitigation Measure T-1 of Section 5.12, Transportation)**.
- ~~Implement a zero-waste program or other feasible waste reduction measures such as composting waste food scraps from employee activities and food waste processing.~~ **75 percent of Project solid waste generated will be reduced, recycled, or composted per AB 341, supported through the implementation of Project recycling and composting bins.**
- Install water-efficient fixtures (toilets, faucets, showers), water efficient landscape irrigation systems (drip irrigation with control panel and soil moisture sensors), and water efficient landscaping.
- **Keep onsite and furnishing to the lead agency of other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classification.**
- **Provide information on transit and ridesharing programs and services to construction employees.**
- **Provide information on nearby meal/dining destinations for construction workers.**
- **Run conduit to designated locations for future vehicle electric charging stations.**
- **Expand the electrical room by 10 percent to (25 percent total) to accommodate future expansion of electric vehicle charging capability.**

- **Run conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.**
- **The building shall have breakroom with food storage capabilities.**
- **Signs shall be posted at every truck exist driveway to provide directional information to the truck route.**
- **The owner shall provide any future tenants with information on incentive programs, such as Carl Moyer program and Voucher Incentive Program, to upgrade their fleets.**
- **The Project contractor will use commercially available Tier 4 equipment.**

Response to Comment 4a.11: This comment states that it is policy of the State that eligible renewable energy resources and zero-carbon resources supply 100 percent of retail sales of electricity to California end-use customers by December 31, 2045, and states that the energy mix that will charge the batteries and power electrical equipment must be 100 percent renewable energy resources. Additionally, this comment asserts that until the feasibility of charging the batteries with renewable energy resources only is evaluated, the project should not be approved.

The electricity supplier for the proposed Project would be Southern California Edison (SCE). Although the proposed Project would result in an increase in demand for electricity, this increase would not require SCE to expand or construct infrastructure that could cause substantial environmental impacts. SCE has prepared *Pathway 2045*[9], which outlines the steps for meeting California's 2045 carbon neutrality goals. By 2030, 80 percent of electricity will need to be from carbon-free sources and by 2045, 100 percent of electricity will need to be from carbon-free sources. SCE is positioned to meet the State's 60 percent by 2030 renewable energy mandate set forth in Senate Bill (SB) 100. In addition, SCE plans to continue to provide reliable service to their customers and upgrade their distribution systems as necessary to meet future demand.

The proposed Project would comply with the California Green Building Standards Code, California Code of Regulations, Title 24, Part 11 (CALGreen Code) policies related to sustainable design and energy conservation by incorporating the following features into project development and/or operation: installation of enhanced insulation; design structure to be solar ready; design electrical system to accommodate future renewable energy technologies, solar PV systems, and battery storage systems; and installation of energy efficient lighting, heating and ventilation systems, and appliances. As such, the proposed Project would not hinder California's goal of supplying 100 percent renewable electricity to customers.

Further, in April 2022, the Bay Area Air Quality Managing District (BAAQMD) adopted the Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans[10] (Justification Report) document, which identifies applicable GHG significance thresholds. The Justification Report recommends evaluating a project based on its effect on California's efforts to meet the State's long-term climate goals. Applying this approach, the Justification Report identifies and provides supporting documentation, outlining the requirements for new land use development projects necessary to achieve California's long-term climate goal of carbon neutrality by 2045. The Justification Report found that new land use development projects need to incorporate design elements to do its "fair share" to implement the goal of carbon neutrality by 2045. If a project is designed and built to incorporate the identified design elements, then it will contribute its portion of what is necessary to achieve California's long-term climate goals—its "fair share"—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change. The document concludes that if a project does not incorporate these design elements, then it should be found to make a significant climate impact because it will hinder California's efforts to address climate change.

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9 Southern California Edison, 2019. *Pathway 2045*. November. Website: https://download.newsroom.edison.com/create_memory_file/?f_id=5dc0be0b2cfac24b300fe4ca&content_verified=True (accessed February 2024).

10 Bay Area Air Quality Management District (BAAQMD). 2022. Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans. April.

One of the design elements identified in the Justification Report is that a project must not include natural gas appliances or natural gas plumbing. As discussed in the Justification Report, new land use development projects must be built without any natural gas infrastructure in order to be consistent with achieving the 2045 carbon neutrality goal. The Justification Report states that this need to eliminate natural gas in new projects in order to achieve carbon neutrality in buildings by 2045 is demonstrated by analyses conducted by the CEC in its California Building Decarbonization Assessment.[11] CEC published the California Building Decarbonization Assessment primarily in response to the requirements of Assembly Bill 3232, which required CEC to evaluate how the State can reduce GHG emissions from its residential and commercial building stock by at least 40 percent below 1990 levels by 2030. But CEC went beyond just analyzing that 2030 goal and evaluated what will be necessary to achieve the longer-term goal of carbon neutrality by 2045. The CEC's analysis shows that only the most aggressive electrification scenario will put the building sector on track to reach carbon neutrality by 2045. As identified in the Justification Report, anything that hinders such aggressive efforts will jeopardize California's chances of achieving full building decarbonization by 2045 and impair the State's ability to reach its long-term climate goals. The Justification Report found that installing natural gas infrastructure in new buildings will do so because it will add even more infrastructure that will need to be retrofit with electricity between now and 2045. New projects therefore need to eliminate natural gas in order to implement their "fair share" of achieving the long-term 2045 carbon neutrality goal. If a project does not use natural gas in its buildings, then a lead agency can conclude that it is consistent with achieving the 2045 carbon neutrality goal.

As such, since the proposed Project would be all-electric and would not include the use of natural gas during construction or operation, the proposed Project would be consistent with the State's 2045 carbon neutrality goal.

Response to Comment 4a.12: This comment states that a revised EIR should be prepared to include all feasible mitigation measures and an updated air quality, HRA, and GHG analysis to verify all feasible mitigation measures to reduce emissions can be implemented. Refer to Response 4a.9 and 4a.10 above. As discussed in DEIR Section 5.2, *Air Quality,* impacts related to air quality and health risk would be less than significant with the implementation of standard regulatory requirements, and therefore, would not require mitigation. Further, none of the comments included in the commenter's letter provide credible substantial evidence of a significant impact related to air quality or health risk. Therefore, pursuant to State CEQA Guidelines Section 15126.4, subd. (a)(4)(A)–(B), there is no nexus between mitigation outlined in the comment letter and impacts from the Project on air quality and health risk. As discussed above, GHG impacts would be significant and unavoidable. Mitigation Measure GHG-1 has been expanded to include all feasible GHG mitigation; however, impacts would remain significant and unavoidable (also see Response to Comment 3.17). Revisions to Project GHG impacts analysis and mitigation have been incorporated to Chapter 2, Errata. No further changes to the DEIR or response is warranted.

Response to Comment 4a.13: This comment states that the commenter has received limited discovery regarding the Project, additional information may become available in the future; and the commentor retains the right to revise or amend this report when additional information becomes available.

The comment does not raise any specific concerns with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required.

Response to Comment 4a.14 Attachments A through B: The attachments to the comment letter provide a construction schedule, multiple CalEEMod model runs used to substantiate the comments provided and responded to above and provides resumes of SWAPE professionals who provided the SWAPE comments.

The comment does not raise any specific concerns with the adequacy of the DEIR or raise any other CEQA issue beyond what has been addressed through Comment 4.1 to 4a.14. Therefore, no further response is required.

[11] California Energy Commission. 2021. Final Commission Report: California Building Decarbonization Assessment. Publication Number CEC-400-2021-006-CMF. August.

Comment Letter 5: Californians Allied for a Responsible Economy, dated December 1, 2023 (25 of 81 pages, see full comment included as Attachment B)

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December 1, 2023

Via Email and Overnight Mail

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Re: **Comments of Californians Allied for a Responsible Economy on the Draft Environmental Impact Report for the KISS Logistics Center Project (SCH No. 2022110097)**

Dear Mr. Leonard:

We write on behalf of Californians Allied for a Responsible Economy ("CARE CA") to comment on the Draft Environmental Impact Report[1] ("DEIR") prepared by the City of Hesperia ("City") pursuant to the California Environmental Quality Act ("CEQA") for the KISS Logistics Center Project (SCH No. 2022110097) ("Project") proposed by KISS Products Inc. ("Applicant").

5.1

I. INTRODUCTION

The Applicant seeks a Conditional Use Permit, Development Plan Review, and Specific Plan Amendment from the City to allow for the development of a single-story, 655,468 square foot industrial building to support warehouse, manufacturing, and office uses on a 29.61-acre site.[2] Additional improvements proposed include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and drive aisles.[3]

[1] City of Hesperia, KISS Logistics Center Project: Draft Environmental Impact Report (Oct. 2023) (hereinafter "DEIR"), *available at* https://www.cityofhesperia.us/DocumentCenter/View/18448.
[2] DEIR at p. 1.0-1, 3.0-12.
[3] DEIR at p. 3.0-12.

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Approximately 8.9 acres of offsite improvements would be required for necessary roadways and utility infrastructure.[4]

The proposed Project is located northwest of the intersection of Highway 395 and Main Street in Hesperia, California.[5] Project construction is estimated to take approximately 14 months over one phase.[6] The proposed development is assumed to be operational 24 hours a day, 7 days a week.[7]

5.1 cont.

We reviewed the DEIR, its technical appendices, and available reference documents with the assistance of air quality and hazardous resources expert James J. Clark, Ph.D, traffic and transportation expert Norman Marshall, M.S., and noise and vibration expert Luke Watry.[8] Based on our review and that of the technical experts, we conclude the DEIR fails to comply with CEQA.

As explained more fully below, the DEIR lacks an adequate project description and environmental baseline upon which to measure the whole Project's reasonably foreseeable impacts. The DEIR fails to disclose, analyze, and mitigate all the Project's potentially significant air quality, greenhouse gas ("GHG"), geologic, noise, vibration, traffic, and VMT impacts. Finally, the DEIR lacks substantial evidence to support its conclusion that air quality, noise, and vibration impacts are less than significant. The City cannot approve the Project until the errors and omissions in the DEIR are remedied, and a revised DEIR is recirculated for public review and comment which fully discloses, analyzes, and mitigates the Project's potentially significant environmental and public health impacts.

5.2

The technical comments and all attachments are incorporated by reference as if fully set forth herein. The City must respond to each technical expert's comments separately and fully.

[4] DEIR at p. 3.0-12.
[5] DEIR at p. 3.0-1.
[6] DEIR at p. 3.0-27.
[7] DEIR at p. 3.0-27.
[8] Exhibit A, Letter to Andrew J. Graf, Adams Broadwell Joseph & Cardozo from James J. Clark, Clark & Associates Environmental Consulting, Inc. re: Comment Letter on Draft Environmental Impact Report (DEIR) For Kiss Logistics Center Project, Hesperia, California (Nov. 30, 2023) (hereinafter "Clark Comments"); Exhibit B, Letter to Andrew J. Graf, Adams Broadwell Joseph & Cardozo from Norman L. Marshall, Smart Mobility re: KISS Logistics Center (Nov. 30, 2023) (hereinafter "Marshall Comments"); Exhibit C, Letter to Andrew J. Graf, Adams Broadwell Joseph & Cardozo from Luke Watry, Wilson Ihrig re: Comments on KISS Logistics Center Noise Analysis in Hesperia, CA (Nov. 30, 2023) (hereinafter "Watry Comments").

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I. STATEMENT OF INTEREST

CARE CA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental impacts of the Project. CARE CA includes the District Council of Ironworkers, Southern California Pipe Trades District Council 16, along with their members, their families, and other individuals that live and/or work in the City and San Bernardino County.

CARE CA advocates for protecting the environment and the health of their communities' workforces. CARE CA seeks to ensure a sustainable construction industry over the long-term by supporting projects that offer genuine economic and employment benefits while minimizing adverse environmental and other impacts on local communities.

Individual members of CARE CA include Hesperia residents Brian Osborne, David Roberts, Frank Rocha. These individuals live, work, recreate, and raise families in the vicinity of the Project. Accordingly, they will be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards created by the Project. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts. 5.3

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

Finally, CARE CA and its members are concerned about projects that risk serious environmental harm without providing countervailing economic benefits. CEQA provides a balancing process whereby economic benefits are weighed against significant impacts to the environment.[9] It is in this spirit we offer these comments.

[9] Pub. Res. Code § 21081(a)(3); *Citizens for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.

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II. LEGAL BACKGROUND

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR").[10] The EIR is the very heart of CEQA.[11] "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[12]

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.[13] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"[14] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[15]

5.4

Second, CEQA directs public agencies to avoid or reduce environmental damage when "feasible" by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.[16] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."[17] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[18]

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[10] *See e.g.*, Pub. Res. Code § 21100.
[11] *Dunn-Edwards v. Bay Area Air Quality Management Dist.* (1992) 9 Cal.App.4th 644, 652.
[12] *Communities for a Better Environment v. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109.
[13] Pub. Res. Code § 21061; 14 Cal. Code Regs. ("CEQA Guidelines") §§ 15002(a)(1), 15003(b)-(e); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517 ("[T]he basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.").
[14] *Citizens of Goleta Valley v. Bd. of Supervisors ("Goleta II")* (1990) 52 Cal.3d 553, 564.
[15] *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.
[16] CEQA Guidelines § 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Goleta II*, 52 Cal.3d at 564.
[17] CEQA Guidelines § 15002(a)(2).
[18] Pub. Res. Code § 21081; CEQA Guidelines § 15092(b)(2)(A)-(B).

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A public agency commits prejudicial abuse of discretion when its actions or decisions do not substantially comply with the requirements of CEQA.[19] The agency abuses its discretion if it does not proceed in the manner required by law or if its decision is not supported by substantial evidence.[20]

Claims of procedural error or informational inadequacies in an EIR are questions of law subject to independent review by the courts.[21] An EIR is inadequate as a matter of law where (1) the EIR omits information required by law and (2) the omission precludes informed decision-making by the lead agency or informed participation by the public.[22] "[T]he existence of substantial evidence supporting the agency's ultimate decision on a disputed issue is not relevant when one is assessing a violation of the information disclosure provisions of CEQA."[23]

5.4 cont.

An EIR must disclose the analytic route the agency traveled from evidence to action, and failure to do so amounts to a procedural error—not a factual one.[24] If an EIR lacks analysis or omits the magnitude of an environmental impact, the issue is "not a substantial evidence question" – rather, the courts review the issue de novo.[25] In other words, a conclusory discussion of an environmental impact that an EIR deems significant may be held to be inadequate as a matter of law "without reference to substantial evidence," even where mixed questions of law and fact are involved.[26] Only where factual questions *predominate* is a more deferential standard warranted.[27]

The substantial evidence standard applies to an agency's substantive factual conclusions, findings or determinations.[28] Substantial evidence means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions

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[19] Pub. Res. Code §§ 21168, 21168.5.
[20] *Sierra Club*, 6 Cal.5th at 512; *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 426.
[21] *Sierra Club*, 6 Cal.5th at 512-13; *see also Laurel Heights Improvement Assoc. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392, fn. 5; *Woodward Park Homeowners Assoc., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 705.
[22] *Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 76-77.
[23] *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82, quoting *Assn. of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1392.
[24] *Sierra Club*, 6 Cal.5th at 513 quoting *Topanga Assn. for a Scenic Community v. City of L.A.* (1974) 11 Cal.3d 506, 515.
[25] *Sierra Club*, 6 Cal.5th at 514.
[26] *Ibid.*; *see also Save the Hill Group v. City of Livermore* (2022) 76 Cal.App.5th 1092, 1103-04.
[27] *Sierra Club*, 6 Cal.5th at 514, 516 (emphasis added).
[28] Pub. Res. Code § 21168.

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might also be reached."[29] Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts,[30] but it does not include argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment.[31]

5.4 cont.

Importantly, "the reviewing court is not to uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[32] Failure to comply with the basic substantive requirements of CEQA is necessarily prejudicial error, requiring the decertification of any EIR and the recission of any approvals adopted in reliance on the same.[33]

III. THE DEIR LACKS A COMPLETE, STABLE, AND ACCURATE PROJECT DESCRIPTION

Generally, an adequate EIR must be "prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences."[34] "A project description must contain sufficient specific information about the project to allow the public and reviewing agencies to evaluate and review its environmental impacts. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[35] Without a complete, stable and accurate project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[36] A project description that omits integral components of the project may result in an EIR that fails to disclose the actual impacts of the project."[37]

5.5

[29] CEQA Guidelines § 15384(a).
[30] CEQA Guidelines § 15384(b).
[31] CEQA Guidelines § 15384(a).
[32] *Berkeley Jets*, 91 Cal.App.4th at 1355.
[33] *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 671; *Neighbors for Smart Rail v. Exposition Metro Line Construction Auth.* (2013) 57 Cal.4th 439, 463; *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1073.
[34] *Dry Creek Citizens Coalition v. County of Tulare* (199) 70 Cal.App.4th 20, 26.
[35] *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment*, 184 Cal.App.4th at 85–89; *County of Inyo*, 71 Cal.App.3d at 193.
[36] *Stopthemillenniumhollywood.com*, 39 Cal.App.5th at 17.
[37] *Id.* at 26 (citations omitted).

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A. The DEIR Fails to Describe the Construction Equipment Utilized for Offsite Roadway and Utility Improvements

The Project includes construction of a new offsite sewer line using traditional trenching as well as jack and bore pits to align the sewer lines beneath the Oro Grande Wash.[38] The Project also includes construction of a new offsite water line using traditional trenching as well as jack and bore pits to align the water lines beneath the Oro Grande Wash and Highway 395.[39] However, the DEIR does not describe the type of construction equipment, the number of pieces of construction equipment anticipated to be used, or construction schedule for this phase. This information (which is provided for other components of the Project, but not this one) is necessary in order to accurately quantify the construction emissions, construction noise, and other construction impacts associated with construction of these components of the Project. 5.6

The omission of this information is particularly significant here because construction activities associated with the offsite utility improvements would occur near sensitive receptors. For example, a jack and bore pit and trenches for the sewer line are located next to the Willow Oak Estates residential neighborhood.[40] Trenching for the sewer line would also occur next to the residence at 12020 Yucca Terrace Drive, while trenching for the water line would occur next to the residences at 9553 Los Banos Avenue and 11778 Cambria Road.[41] The DEIR lacks an accurate analysis of the severity of construction impacts and exposure to air emissions at these receptors because basic construction information is missing from the DEIR. 5.7

B. The DEIR Fails to Accurately Describe the Locations Where the Jack and Bore Construction Method Will Be Utilized

The DEIR states that construction of the water line underneath Highway 395 would occur via jack and bore (which can generate significant noise and vibration), but Figure 3-10 identifies three separate jack and bore receiving pits on the water line route, including a pit on both sides of Highway 395.[42] It is unclear from the project description whether all three pits are necessary. 5.8

The DEIR also states that the jack and bore method would be utilized to install the sewer line under the Oro Grande Wash, but it does not propose to utilize 5.9

[38] DEIR at p. 3.0-13.
[39] DEIR at p. 3.0-13.
[40] Watry Comments at p. 3; *see also* DEIR at p. 3.0-25, fig. 3-10 (Utility Improvements).
[41] Watry Comments at p. 3; *see also* DEIR at p. 3.0-25, fig. 3-10 (Utility Improvements).
[42] DEIR at p. 3.0-25, fig. 3-10 (Utility Improvements).

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this method to install the line under Highway 395.[43] Caltrans requires underground utilities must be installed by trenchless construction within State highway right-of-way unless the encroachment permit applicant can demonstrate that all trenchless methods have been considered and no other options are feasible.[44] Therefore, the DEIR's proposed method for installing the sewer line conflicts with applicable Caltrans guidelines. 5.9 cont.

In order to evaluate the impacts and legality of the Project's proposed water and sewage line construction, the DEIR must accurately disclose the locations of the jack and bore pits and the specific construction methods and equipment to be used for installation of the utility lines. Without this information, the public cannot determine whether the DEIR adequately discloses, analyzes, and mitigates all potentially significant environmental impacts that could result from the use of the jack and bore method, or whether the proposed methods comply with applicable law. The DEIR must be revised to correct these deficiencies and recirculated for public review. 5.10

C. The DEIR Fails to Consistently Describe Operational Truck Trip Routes

An EIR's project description, and the accompanying analysis, must be consistent throughout the EIR. If the project is described differently in different sections of the EIR, these shifts prevent the EIR from serving as a vehicle for intelligent public participation in the decisionmaking process.[45] An unstable or shifting project description may indicate that an EIR is attempting to minimize the project's impacts by not discussing reasonably foreseeable aspects of the project.[46]

The DEIR concludes that traffic noise impacts to off-site sensitive receptors are less than significant because Project-related traffic noise would not exceed the threshold of a 3.0 dBA noise level increase.[47] However, the traffic noise model assumptions for truck trips are not consistent with the project description. 5.11

The DEIR states that trucks are expected to primarily utilize Phelan Road, Highway 395, I-15, and Joshua Road,[48] but the traffic noise model assigns an

[43] DEIR at p. 3.0-13.
[44] California Department of Transportation, Encroachment Permits Manual (last updated Sept. 2023) p. 6-51 (hereinafter "Caltrans EPM"), *available at* https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-6-ada-a11y.pdf.
[45] *County of Inyo*, 71 Cal.App.3d at 197.
[46] *San Joaquin Raptor Rescue Ctr. V. County of Merced* (2007) 149 Cal.App.4th 645, 655.
[47] DEIR at p. 5.11-15.
[48] DEIR at p. 3.0-12.

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identical percentage of trucks to all four modeled roadways (Phelan Road West of Highway 395, Main Street East of Highway 395, Highway 395 North of Main Street, and Highway 395 South of Main Street).[49] In contrast, the Traffic Impact Analysis (Appendix K) assumes that 90% of trucks would travel south on Highway 395 from the Project site, 10% of trucks would travel north on Highway 395, and no trucks would travel on Phelan Road or Main Street.[50]

5.11 cor

Moreover, the traffic noise model assumptions conflict with City's Truck Routes Program. Chapter 10.25 of the City's Municipal Code prohibits commercial vehicles exceeding a maximum gross weight of 14,000 pounds from traveling on streets not designated as a "through truck route."[51] While Highway 395 and Phelan Road are both designated as "through truck routes," Main Street is designated as a restricted street.[52] Therefore, the truck trip distribution assumptions utilized by the traffic noise model are either erroneous, or in violation of the City's Municipal Code.

5.12

Mr. Watry notes that, contrary to the noise analysis, Section 5.11.6 of the DEIR states that "[t]ruck trips would occur along Phelan Road to Highway 395 while passenger vehicle trips would occur along Main Street to I-15,"[53] which is consistent with Chapter 10.25 of the Municipal Code. Mr. Watry concludes that the Project's heavy truck traffic is therefore more likely to use Highway 395 than Main Street. As a result, and since heavy trucks generate high noise levels, Mr. Watry explains that the DEIR severely underestimates traffic noise impacts along Highway 395.[54] In fact, he opines that the potential for an increase in traffic noise could exceed the 3 dBA significance threshold if a more accurate assumptions are utilized.[55] The Project description, and accompanying analysis, must be revised to be consistent throughout the EIR to accurately analyze the Project's impacts.

5.13

D. The DEIR Fails to Identify an Encroachment Permit from Caltrans as a Necessary Approval

An EIR's project description must briefly state the intended uses of the EIR.[56] This statement must include a list of agencies that are expected to use the EIR in their decision-making process, a list of permits or other approvals that will be

5.14

[49] Watry Comments at p. 4.
[50] DEIR, appen. K at p. 30, fig. 14 (Project Truck Trip Distribution).
[51] Hesperia Municipal Code § 10.25.020;
[52] Hesperia Municipal Code § 10.25.060; DEIR at p. 3.0-23, fig. 3-9 (Truck Routes).
[53] Watry Comments at p. 4.
[54] Watry Comments at p. 4.
[55] Watry Comments at p. 4.
[56] CEQA Guidelines § 15124(d).

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required to implement the project, and a list of related environmental review and consultation requirements imposed by federal, state, or local laws, regulations, or policies.[57] The DEIR fails to disclose that an encroachment permit from the California Department of Transportation ("Caltrans") is required for the Project

An encroachment includes any pipe or pipeline "which is in, under, or over any portion of the State highway rights of way."[58] An encroachment permit must be obtained for all proposed activities related to the placement of encroachments within, under, or over the State highway rights of ways.[59] The City is aware that an approval from Caltrans may be required because the City requested that the DEIR be distributed to the agency.[60] The DEIR must be revised to identify the Caltrans encroachment permit as a necessary approval because the offsite utility improvements will traverse Highway 395.[61] 5.14 cont.

E. The DEIR Fails to Describe the Subsurface Conditions Where the Project Proposes to Utilize the Jack and Bore Construction Method

An EIR must describe the environmental setting for the project, which is made up of the physical environmental conditions in the vicinity of the project."[62] An EIR's description of this environmental setting must be sufficiently comprehensive to allow the project's significant impacts "to be considered in the full environmental context."[63] Specific information about particular characteristics may be required when necessary to determine the significance of an impact. For example, in *Cadiz Land Co. v. Rail Cycle*, the court rejected the EIR's description of the environmental setting for a landfill project because it did not quantify the volume of water in the aquifer under the site.[64] This information was critical to a full understanding of the significance of potential contamination on a valuable resource.[65] 5.15

The DEIR fails to describe the subsurface conditions at the offsite locations where the Project proposes the use of the jack and bore construction method to

[57] CEQA Guidelines § 15124(d)(1).
[58] Sts. & Hy. Code § 660.
[59] California Department of Transportation, Encroachment Permits, https://dot.ca.gov/programs/traffic-operations/ep (last accessed Dec. 1, 2023).
[60] City of Hesperia, Notice of Completion & Environmental Document Transmittal: KISS Logistics Center Project (Oct. 2, 2023) p. 2.
[61] DEIR at pp. 3.0-13, 3.0-25, fig. 3-10 (Utility Improvements).
[62] CEQA Guidelines § 15125(a).
[63] CEQA Guidelines § 15125(c).
[64] *Cadiz Land Co. v. Rail Cycle* (2000) 883 Cal.App.4th 74, 94.
[65] *Ibid.*

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install utility lines. While the DEIR relies on a geotechnical investigation, the study only identified geotechnical/geologic constraints that may have significant impacts resulting from development at the Project site.[66] It did not include any assessment of subsurface conditions along the 8.9 acres of offsite Project area. This information is critical to understanding whether the Project's utilization of jack and bore to install the water and sewer lines could adversely impact groundwater resources or the Oro Grande Wash due to an inadvertent release of drilling fluids, erosion, soil loss, settlement, runoff, or subsidence. 5.15 cont.

Moreover, Caltrans guidelines requires that all encroachment permit applicants seeking to install utilities via trenchless technology (such as jack and bore) perform a geotechnical investigation suitable for the proposed complexity of the trenchless construction.[67] That investigation must obtain "sufficient subsurface information, at the extent and depth of the proposed installation, to select a trenchless construction method and develop a construction plan."[68] Therefore, the subsurface conditions must be described in the DEIR since Caltrans will rely on the City's analysis of environmental impacts prior to approving the encroachment permit. 5.16

IV. THE DEIR FAILS TO MEANINGFULLY DISCLOSE, ANALYZE, AND MITIGATE ALL POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

A. The DEIR Fails to Disclose or Analyze All Potentially Significant Impacts that Would Be Caused by the Jack and Bore Construction Method

The Project includes construction of a new offsite sewer line using jack and bore pits to align the line beneath the Oro Grande Wash.[69] The Project also includes construction of a new offsite water line using jack and bore pits to align the line beneath the Oro Grande Wash and Highway 395.[70] Jack and bore is a method of trenchless technology used primarily for the installation of pipes beneath obstacles like roads, railways, or rivers. It involves jacking (or pushing) a pipe through the ground while simultaneously boring out the soil in front of it. This method is often chosen to minimize surface disturbances, especially in sensitive or populated areas. 5.17

[66] *See* DEIR, appen. F.
[67] Caltrans EPM at p. 6-52.
[68] Caltrans EPM at p. 6-52.
[69] DEIR at p. 3.0-13.
[70] DEIR at p. 3.0-13.

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While jack and bore offers some environmental advantages over open-cut trenching, there are still many substantial adverse effects on the environment associated with its use, including: 5.17 cont.

- **Ground Disturbance**: Even though jack and bore is a trenchless method, it still requires creation of entry (jacking) and exit (receiving) pits. The excavation of these pits can disturb soil and potentially lead to erosion or sediment runoff if not properly managed. The DEIR fails to discuss potential soil erosion or sediment runoff associated with the jack and bore method, instead focusing only on construction activities at the Project site.[71] 5.18
- **Groundwater Impact**: If the bore process encounters groundwater, there can be a risk of groundwater contamination from drilling fluids or other contaminants. This is especially concerning if the water table is close to the surface. The DEIR fails to discuss potential groundwater contamination from the inadvertent release of drilling fluids during the boring process because the City only conducted a geotechnical investigation at the Project site, not near the Oro Grande Wash where it proposes to utilize jack and bore.[72] 5.19
- **Noise and Vibrations**. The jack and boring process can generate noise and vibrations, potentially disturbing wildlife, aquatic resources, and nearby residences. The DEIR fails to discuss noise and vibration impacts associated with the jack and bore method.[73] 5.20
- **Fuel and Emissions**: The machinery required for jack and bore operations uses fuel that emits greenhouse gases and other pollutants, which can contribute to air quality impacts. The DEIR's air quality and GHG analysis does not account for any construction equipment used during the jack and bore phase.[74] 5.21
- **Vegetation, Habitat, and Wildlife Impacts**: The creation of jacking and receiving pits might necessitate the removal of vegetation or even the disruption of habitats. In addition, the physical presence of the machinery and pits might temporarily disrupt the migration patterns of terrestrial animals. In contrast with the other potential adverse impacts associated with the jack and bore construction method, the DEIR's analysis of impacts to biological resources includes the 8.9-acre offsite improvement area (and 100-foot buffer).[75] 5.22

[71] *See generally* DEIR at p. 5.6-12 to 5.6-13.
[72] *See generally* DEIR at p. 5.6-12, appen. F.
[73] Watry Comments at p. 4.
[74] Clark Comments at p. 14-15.
[75] *See generally* DEIR, appen. C.

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As Mr. Watry notes, construction activities associated with offsite roadway and utility improvements would occur within 50 to 70 feet of existing residential properties along Los Banos Avenue, Yucca Terra Drive, and Blue Sage Street.[81] However, neither the DEIR, nor the Noise and Vibration Analysis (Appendix J), address these offsite construction locations.[82]

5.27

2. The DEIR Fails to Assess Prolonged Annoyance from Construction Vibration that Would Occur Offsite Near Sensitive Receptors

The DEIR includes a quantitative construction vibration *damage* assessment to estimate whether onsite Project-related construction activities would generate vibration levels which exceeded the City's vibration threshold of 0.2 peak particle velocity ("PPV") inches per second ("in/sec") at a receiver location.[83] The DEIR concludes that impacts related to construction vibration would be less than significant because the vibration level at the nearest offsite structure (885 feet away) would be 0.0004 PPV in/sec, well below the applicable threshold.[84] The DEIR does not, however, include an analysis of the Project's construction vibration *annoyance* impacts.[85]

5.28

PPV is the maximum instantaneous positive or negative peak of the vibration signal.[86] It is often used in monitoring construction vibration since it is related to the stress that are experienced by buildings and is not used to evaluate human response.[87] Vibration decibels ("VdB"), on the other hand, refers to the vibration velocity level in a decibel scale and is used to describe human response to vibration.[88] A vibration level that causes annoyance is well below the damage risk threshold for typical buildings.[89]

The Federal Transit Administration has developed criteria for assessing the effects of construction vibration on people related to annoyance and interference with activities in buildings.[90] For residences or buildings where people sleep, the

[81] Watry Comments at p. 2; *see also* DEIR (Utility Improvements figures).
[82] Watry Comments at p. 2.
[83] DEIR at pp. 5.11-17 to 5.11-19
[84] DEIR at p. 5.11-18.
[85] Watry Comments at p. 3.
[86] Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual (Sept. 2018) p. 110 (hereinafter "FTA Manual"), *available at* https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf; DEIR at p. 5.11-3.
[87] FTA Manual at p. 110; DEIR at p. 5.11-3.
[88] FTA Manual at pp. 110, 117-120; DEIR at p. 5.11-3.
[89] FTA Manual at p. 118; DEIR at p. 5.11-3.
[90] FTA Manual at pp. 182-87.

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FTA recommends utilizing a threshold of 72 VdB, 75 VdB, or 80 VdB depending on the frequency of the event.[91] The FTA defines frequent events as more than 70 events per day, typical of rapid transit projects.[92] The FTA does not have an equivalent frequency for construction activities; however, given that construction equipment operates continuously throughout the day during Project construction, it is reasonable to classify construction activities as high frequency events.[93] Therefore, use of a 72 VdB threshold when analyzing construction vibration annoyance impacts would be appropriate. 5.28 cont.

3. Substantial Evidence Supports the Conclusion that Offsite Construction Activities Would Cause Potentially Significant Noise and Vibration Impacts

As discussed above, the DEIR fails to analyze all potentially significant impacts from construction activities occurring at the 8.9 acres of offsite improvements which would be required for necessary roadway and utility infrastructure. An independent noise and vibration assessment conducted by Mr. Watry concludes that the Project's offsite construction activities would result in potentially significant noise and vibration impacts.

In conducting the assessment, Mr. Watry relied on the same methodology, reference levels, and usage factors identified in the DEIR's noise and vibration impact analysis.[94] The assessment focused on the trenching phase, which is expected to generate the highest levels of noise and vibration during construction of the utility lines.[95] Because the DEIR did not include an adequate project description with respect to the type of construction equipment that would be required for offsite improvements, Mr. Watry utilized an excavator and dump truck as the noise reference level, and a caisson drill as the vibration reference level.[96] 5.29

Based on sensitive receptors identified in the DEIR, Mr. Watry found that construction activities would occur within 50 feet of the residence located at 9553 Los Banos Avenue and the residence at 12020 Yucca Terrace Drive, and within 70 feet of the residence at Willow Oaks Estate.[97] At these distances, Mr. Watry concluded that construction noise levels would reach 84 dBA and 81 dBA,

[91] FTA Manual at p. 126 (Table 6-3 Indoor Ground-Borne Vibration (GBV) and Ground-Borne Noise (GBN) Impact Criteria for General Vibration Assessment).
[92] Watry Comments at p. 3.
[93] Watry Comments at p. 3.
[94] Watry Comments at p. 2.
[95] Watry Comments at p. 2.
[96] Watry Comments at p. 2.
[97] Watry Comments at pp. 2-3.

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respectively.[98] Therefore, the noise levels from offsite construction activities would exceed the DEIR's construction noise threshold of 80 dBA.[99] As a result, the Project's construction noise impacts are potentially significant. The City must identify feasible mitigation measures to reduce these impacts to less than significant levels in a revised and recirculated DEIR.

5.29 cont.

Mr. Watry also concluded that construction vibration impacts would be 78 VdB at 50 feet and 72 VdB at 70 feet.[100] Therefore, the vibration levels from offsite construction activities would exceed the FTA's vibration annoyance threshold of 72 VdB.[101] As a result, the Project's construction vibration impacts are potentially significant. The City must identify feasible mitigation measures to reduce these impacts to less than significant in a revised and recirculated DEIR.

C. The DEIR Lacks Substantial Evidence to Support Its Conclusion that Project's Pollutant Emissions Are Less Than Significant

1. The DEIR Fails to Include Emissions from Offsite Construction Equipment

The DEIR concludes impacts from construction emission for the proposed Project are less than significant.[102] However, the DEIR's analysis fails to include all reasonably foreseeable construction emissions. Neither the DEIR, nor the Air Quality, Health Risk, Greenhous Gas, and Energy Impact Report (Appendix B) accounts for emissions from construction activities associated with the offsite roadway and utility improvements.[103] As a result, the DEIR underestimates the Project's construction emissions and, therefore, lacks substantial evidence to conclude that air quality impacts are less than significant. The DEIR must be revised to include all reasonably foreseeable construction activities in its analysis and recirculated for public review.

5.30

2. The DEIR Fails to Include Emissions from the Fire Pump System During Project Operation

The DEIR concludes impacts from operational emissions for the proposed Project are less than significant.[104] However, the DEIR's analysis fails to include all reasonably foreseeable operational emissions. Neither the DEIR, nor Appendix B,

5.31

[98] Watry Comments at p. 3.
[99] DEIR at p. 5.11-11.
[100] Watry Comments at pp. 2-3.
[101] Watry Comments at pp. 2-3.
[102] DEIR at p. 5.2-16.
[103] Clark Comments at p. 15.
[104] DEIR at p. 5.2-17 to 5.2-18.

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account for emissions from the fire flow pump system that needs to be installed.[105] As a result, the DEIR underestimates the Project's operational emissions and, therefore, lacks substantial evidence to conclude that air quality impacts are less than significant. The DEIR must be revised to include all reasonably foreseeable operational activities in its analysis and recirculated for public review. 5.31 cont.

3. The DEIR Fails to Utilize Actual Truck Trip Lengths When Evaluating Operational Vehicle Emissions

To determine emissions from passenger care vehicles and truck trips, the DEIR utilized CalEEMod defaults for truck trip lengths for passenger vehicle cars and 2 to 3-axle trucks, while 4+ axle trucks were assumed to travel approximately 40 miles.[106] The DEIR fails to justify this assumption with any supporting facts demonstrating that shorter default truck trips would actually apply to the Project.

Dr. Clark and Mr. Marshall both explain that the most accurate way to estimate average truck trip length is to calculate the distance to the ports, which are common and reasonably foreseeable locations from which goods are transported to warehouses like the Project.[107] Moreover, disclosure of air pollution from the entire expected length of truck trips is consistent with guidance from the Attorney General, which states: 5.32

> CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.[108]

Here, the Project site is approximately 90 miles away from the Port of Los Angeles and Port of Long Beach.[109] Therefore, a minimum average heavy duty truck trip length of 90 miles should be used.[110] Using a 90-mile daily truck trip

[105] Clark Comments at p. 14.
[106] DEIR at p. 5.7-12, appen. B at p. 42.
[107] Clark Comments at p. 13; Marshall Comments at p. 5.
[108] Rob Bonta, Attorney General, State of California, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (last updated Sept. 2022) p. 7, *available at* https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf.
[109] Marshall Comments at p. 5; Clark Comments at p. 14.
[110] *Id.*

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would more than double the daily emission of pollutants associated with the Project, increasing the regional burden and resulting in a potentially significant impact.[111]

Furthermore, depending on the type of warehouse operation, the actual trip generation rate could be three times greater than the DEIR's assumption.[112] An increased intensity would further compound the Project's air quality, GHG, and VMT impacts.[113] The City must correct the estimated distance traveled by trucks and analyze the Project's impacts based on actual distances trucks are expected to travel to service the Project.

5.32 cont.

D. The DEIR Fails to Disclose or Analyze Valley Fever Impacts

The DEIR is silent with respect to Valley Fever. Valley Fever is a disease that can infect people when they are exposed to *Coccidioides immitis* fungal spores during ground disturbance, such as site preparation and grading associated with this Project's construction.[114] The fungus is naturally present in certain soils, and the fungi can be inhaled when they are stirred into the air by anything that disrupts the soils in which the fungi are present, such as construction and wind.[115]

Symptoms include fever, cough, headache, rash, muscle aches, or joint pain.[116] In severe cases, patients develop pneumonia or meningitis, sometimes resulting in death.[117] Valley Fever is endemic in the Southwestern United States, including San Bernardino County and the Mojave Desert.[118] Dr. Clark's comments describe the increasing incidence of Valley Fever in San Bernardino County over the last several years.[119]

5.33

As Dr. Clark emphasizes, there is a significant risk of Valley Fever to both workers constructing the Project and nearby residents.[120] Dr. Clark describes the known presence of Valley Fever spores in the soils of the Southern California high

[111] Clark Comments at p. 14.
[112] Marshall Comments at p. 5.
[113] *Id.*
[114] Clark Comments at p. 6.
[115] Clark Comments at p. 6.
[116] Clark Comments at p. 10.
[117] Clark Comments at p. 10.
[118] Clark Comments at p. 7.
[119] Clark Comments at p. 7; *see also* California Department of Public Health, Coccidioidomycosis in California Monthly Provisional Report: January – October 2023 (Oct. 31, 2023), *available at* https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciinCAProvisionalMonthlyReport.pdf.
[120] Clark Comments at p. 6.

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desert and San Bernardino County, where the Project site is located.[121] Workers involved in soil-disturbing activities, such as grading, can be exposed to Valley Fever in disturbed and windblown dust containing Valley Fever spores.[122] Nearby workers and other receptors downwind of disturbed soils are also at risk.[123]

The DEIR relies on Mojave Desert Air Quality Management District Rule 403.2, which ensures that National Ambient Air Quality Standards for PM10 will not be exceed due to anthropogenic sources of fugitive dust within the Mojave Desert Planning Are and implements the control measures contained in the Mojave Desert Area Federal PM10 Attainment Plan.[124] However, Dr. Clark points out that standard dust mitigation measures are inadequate to protect construction workers and other nearby receptors from the risk of Valley Fever.[125] Dr. Clark identifies several mitigation measures that can actively suppress the spread of Valley Fever, including: 5.33 cont.

- A site-specific Valley Fever Dust Management Plan.
- Specific requirements in the Project's Injury and Illness Prevention Program regarding safeguards to prevent Valley fever.
- Controls for dust exposure.
- Prevent transport of *Coccidioides immitis* fungal spores outside the Project area.
- Improve medical surveillance for construction workers.[126]

Specific details regarding these measures can be found in Dr. Clark's comments.[127]

Dr. Clark's comments and analysis constitute substantial evidence supporting the conclusion that the Project may have significant, unmitigated health risks to Project construction workers and nearby residents. The DEIR must be revised to evaluate these potentially significant impacts and adopt feasible mitigation measures to reduce impacts to less than significant.

[121] Clark Comments at p. 7.
[122] Clark Comments at p. 6.
[123] Clark Comments at p. 6.
[124] DEIR at p. 5.2-9.
[125] Clark Comments at p. 11-12.
[126] *Id.*
[127] *Id.*

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E. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate the Project's Potentially Significant Transportation Impacts

1. The DEIR Fails to Consider Reasonably Foreseeable Traffic-Intensive Uses

To comply with CEQA, the lead agency must make "a reasoned and good faith effort to inform decision makers and the public" about the project's potential impacts.[128] This includes a meaningful analysis of all reasonably foreseeable project impacts, including the project's various allowed uses.[129] The DEIR assumes that 75% of the project site would be used for warehouse, 20% for manufacturing, and 5% for cold storage.[130] In doing so, the DEIR does not consider all reasonably foreseeable uses for the Project that would result in significantly greater traffic. By disregarding reasonably foreseeable uses that would result in significantly higher traffic from the Project, the DEIR thus fails to "reflect a good faith effort at full disclosure" as is required by CEQA.[131]

5.34

The DEIR evaluates the Project's traffic and VMT impacts based on the *Trip Generation Handbook, 11th Edition* published by the Institute of Transportation Engineers ("ITE").[132] The DEIR assumes the project site would be utilized as follows:

- 75% High Cube Transload and Short-Term Storage Warehouse (Land Use 154) Without Cold Storge
- 5% High Cube Transload and Short-Term Storage Warehouse (Land Use 154) With Cold Storge
- 20% Manufacturing (Land Use 140).[133]

The DEIR calculates 1,357 trips per day for the three categories combined.[134] This results in a net average rate of 2.07 trips per 1,000 square feet.

Mr. Marshall explains that the Trip Generation Handbook includes different "high-cube warehouse" categories which have significantly different trip generation rates than those assumed by the DEIR.[135] In fact, Mr. Marshall demonstrates that

[128] *Berkeley Jets*, 91 Cal.App.4th at 1367.
[129] *Laurel Heights I*, 47 Cal.3d at 396.
[130] DEIR at p. 3.0-27.
[131] CEQA Guidelines § 15151; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 721-722.
[132] DEIR at p. 5.12-12, appen. K at p. 1; Marshall Comments at p. 4.
[133] DEIR at p. 3.0-27, appen. K at p. 4.
[134] DEIR at p. 5.12-12, appen. K at p. 27.
[135] Marshall Comments at pp. 4-5.

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the trip generation rate applied in the DEIR is much lower than the rates for other warehouse categories.[136] For example, the Parcel Hub Warehouse trip generation rate is 2.2 times higher than the rate use in the DEIR, which would add 1,678 trips per day over the rate assumed in the DEIR. [137] The Fulfillment Center Warehouse with Sorting trip generation rate is 3.1 times higher than the rate used in the DEIR, which would add 2,864 trips per day to the rate assumed in the DEIR.[138]

The DEIR relies on the least intensive use categories to evaluate the Project's impacts, without substantial evidence to support the DEIR's chosen method. Based on Mr. Marshall's comments, the Project could generate significantly more trips per day if all reasonably foreseeable uses were quantified. An underestimation in the Project's trip generation rate for the Project results in underestimation of the Project's VMT impact. This is critical because the Project's projected effect on VMT based on the DEIR's assumptions is only 1.4 below the County's regional average, whereas VMT would be substantially higher if more relevant trip generation rates were used.[139] The underestimation also impacts the air quality, GHG emission, noise, and vibration analysis. The City must revise the DEIR based on the reasonably foreseeable trip generation rates for the Project. 5.34 cont.

2. *The DEIR Fails to Consider and Adopt All Feasible Mitigation Measures to Reduce the Project's Cumulative VMT Impacts Before Concluding the Impact is Significant and Unavoidable*

The DEIR concludes that the Project's cumulative VMT impact is significant because it is 13.51% above the DEIR's significance threshold of 32.7.[140] To reduce this impact, the DEIR proposes Mitigation Measure ("MM") T-1.[141] MM T-1 requires that the Project applicant (1) implement Commute Trip Reduction Marketing, (2) provide a Ridesharing Program, and (3) provide end of trip bicycle facilities to encourage employees carpooling, taking transit, and biking to work.[142] All employees would be eligible to participate in all identified measures.[143] 5.35

CEQA prohibits agencies from approving projects with significant environmental effects if there are feasible mitigation measures or alternatives that

[136] Marshall Comments at p. 3.
[137] *Id.*
[138] *Id.*
[139] DEIR at p. 5.12-12.
[140] DEIR at p. 5.12-14.
[141] DEIR at p. 5.12-14.
[142] DEIR at p. 5.12-17.
[143] DEIR at p. 5.12-17.

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can substantially lessen or avoid those effects.[144] CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors."[145] "The core of an EIR is the mitigation and alternatives sections."[146] When an EIR concludes that a project will have significant impacts, the lead agency has two duties: to meaningfully consider feasible mitigation measures and alternatives, and to identify mitigation measures and alternatives rejected as infeasible.[147]

If significant effects still exist, a project may still be approved if the "unmitigated effects are outweighed by the project's benefits."[148] However, "[e]ven when a project's benefits outweigh its unmitigated effects, **agencies are still required to implement all mitigation measures unless those measures are truly infeasible**."[149] 5.35 cont.

Infeasibility findings must be supported by substantial evidence.[150] The lead agency must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible. While the response need not be exhaustive, it should evince good faith and a reasoned analysis, and must explain why measures proposed by commenters are not feasible.[151] When an agency finds alternatives or mitigation measures to be infeasible, "its analysis must explain in meaningful detail the reasons and facts supporting the conclusion. The analysis must be sufficiently specific to permit informed decision-making and public participation."[152] Conclusory statements are inadequate.[153]

For example, neither the DEIR, nor the VMT Analysis (Appendix K), evaluate the feasibility of requiring Employer-Sponsored Vanpool (CAPCOA 5.36

[144] Pub. Res. Code § 21002; *Mountain Lion Found. v. Fish & Game Comm'n* (1997) 16 Cal.4th 105, 134.
[145] Pub. Res. Code § 21061.1; CEQA Guidelines § 15364.
[146] *Goleta II*, 52 Cal.3d at 564.
[147] *Covington v. Great Basin Unif. Air Poll. Control Dist.* (2019) 43 Cal.App.5th 867, 879-883; *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1353.
[148] *Sierra Club*, 6 Cal.5th at 524.
[149] *Id.* at 524-25 (emphasis added); *Covington*, 43 Cal.App.5th at 879-883.
[150] Pub. Res. Code § 21081.5.
[151] *Covington*, 43 Cal.App.5th at 883; *Los Angeles Unif. School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029; *see also Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443, fn. 8.
[152] *Marin Mun. Water Dist. v. KG Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1664.
[153] *Covington*, 43 Cal.App.5th at 879; *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.4th 603, 615; *Village Laguna of Laguna Beach v. Bd. of Supervisors* (1982) 134 Cal.App.3d 1022, 1034-35.

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Measure T-11). Vanpooling is a flexible form of public transportation that provides groups of 5 to 15 people with cost-effective convenient rideshare option for commuting.[154] The mode shift from long-distance, single-occupied vehicles to shared vehicles reduces overall commute VMT.[155]

Mr. Marshall identifies ridesharing and vanpooling as the most relevant trip reduction strategies for this Project.[156] Including vanpooling would greatly strengthen VMT mitigation because a 20.4% reduction is possible when the employer covers the capital costs of vehicle acquisition and the labor costs of drivers, either through incentives to current employees or the hiring of dedicated drivers.[157] The DEIR must evaluate the feasibility of vanpooling before it can conclude the Project's VMT impacts are significant and unavoidable. 5.36 cont.

F. The DEIR Fails to Include a Water Supply Assessment

Senate Bill ("SB") 610 mandates that a water supply assessment ("WSA") be prepared for projects that are subject to CEQA and meet certain criteria, including "[a]n industrial, manufacturing, or processing plant, or industrial park … having more than 650,000 square feet of floor area."[158] CEQA Guidelines § 15155(a) identifies these types of projects as a "water-demand project." Although the DEIR acknowledges SB 610,[159] the City fails to explain why the Project is not subject to the WSA requirements.

The Project qualifies as a "water-demand project" because it would include development of a 655,468-square foot industrial building that would support warehouse, manufacturing, and office uses.[160] In fact, the proposed building would have a footprint of 650,468 square feet and a mezzanine of 5,000 square feet.[161] 5.37

The City must include the WSA and any water acquisition plan in a revised and recirculated DEIR.[162] In addition, the City must determine, based on the entire record, whether the projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses.[163] If the

[154] Marshall Comments at p. 3-4.
[155] *Id.*
[156] *Id.*
[157] Marshall Comments at p. 3.
[158] Water Code § 10912(a)(5); Pub. Res. Code § 21151.9.
[159] DEIR at p. 5.14-2.
[160] DEIR at p. 3.0-12.
[161] DEIR at p. 3.0-12.
[162] CEQA Guidelines § 15155(e).
[163] CEQA Guidelines § 15155(e).

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City concludes that water supplies will not be sufficient, it must include that determination in its findings.[164]

5.37 cont.

G. The City Lacks Substantial Evidence to Support the DEIR's Water Demand Estimate

Despite failing to complete the water supply assessment mandated by SB 610, the City concludes that the Project would have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years.[165] To reach this conclusion, the City estimated that the water demand rate for the proposed Project would be 2,000 gallons per day ("GPD") per acre, resulting in an increased water demand of 59,220 GPD or 66.33 acre-feet per year ("AFY").[166] In a footnote, the City explains it based the water demand rate on a "comparison to other industrial/warehouse uses in the County of San Bernardino in order to account for the increase water needs of industrial facilities."[167]

Even assuming a WSA is not required, the DEIR lacks substantial evidence to support the Project's estimated water demand because it does not disclose enough relevant information. The DEIR does not identify any of the industrial/warehouse projects it utilized as a comparison. In fact, the utilities and service systems reference section does not list documents from any other industrial/warehouse projects. While documents relied on in preparing an EIR need not be incorporated into the EIR or an appendix, the EIR must include citations to any documents that were used as the basis for any statements in the EIR.[168] Because the DEIR fails to disclose the basis for the Project's estimated water demand, the DEIR's discussion of the Project's impacts on water supplies does not include a reasoned analysis (i.e., "full discussion," a "good faith effort at full disclosure," or an "analytically complete and coherent explanation").[169]

5.38

Moreover, the DEIR likely grossly underestimates the Project's total water demand given the expected water demand for similar projects in the area. For example, the City recently observed that construction of two industrial/warehouse buildings totaling 414,700 square feet on a nearby 17.87-acre site would result in a

[164] CEQA Guidelines § 15155(e).
[165] DEIR at pp. 5.14-7 to 5.14-8.
[166] DEIR at p. 5.14-7.
[167] DEIR at p. 5.14-7, fn. 1.
[168] CEQA Guidelines § 15148.
[169] *See Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48.

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total water demand of 217,260 GPD or 243 AFY.[170] In contrast, the DEIR estimates that the Project's significantly larger industrial warehouse would demand 73% less water. 5.38 cont.

V. CONCLUSION

For the reasons discussed above, the DEIR is wholly inadequate under CEQA. It must be thoroughly revised to provide legally adequate analysis of, and mitigation for, all the Project's potentially significant impacts. These revisions will necessarily require that the DEIR be recirculated for additional public review. Until the DEIR has been revised and recirculated, the City may not lawfully approve the project. 5.39

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

Sincerely,

Andrew J. Graf

Attachments
AJG:acp

[170] City of Hesperia, Draft Environmental Impact Report: Poplar 18 Project (Nov. 2022) at p. 4.11-16 (hereinafter "Poplar 18 DEIR"), *available at* https://www.cityofhesperia.us/DocumentCenter/View/17968.

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Response to Comment Letter 5: Californians Allied for a Responsible Economy, dated December 1, 2023

Response to Comment 5.1: This comment states that the commenter is writing on behalf of Californians Allied for a Responsible Economy (CARECA) and summarizes the Project description and Project location. This comment does not provide substantial evidence of any environmental impact. The comment is introductory in nature. No further response is warranted.

Response to Comment 5.2: This comment states that the commenter has reviewed the DEIR and conclude that the DEIR fails to comply with the requirements of CEQA because the DEIR lacks an adequate Project description and environmental baseline and does not accurately disclose and fails to mitigate potentially significant air quality, GHG, geologic, noise, vibration, and transportation impacts. The comment concludes that the City must revise and recirculate the DEIR. This comment does not provide substantial evidence of any environmental impact. The comment is introductory in nature. No further response is warranted.

Response to Comment 5.3: This comment provides a statement of interest from CARECA and background on the organization. The comment does not raise a specific issue with the adequacy of the DEIR evaluation or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 5.4: This comment provides an overview of the legal background and purposes of CEQA. More specifically, the comment states that CEQA is designed to inform decision makers and the public about the potential significant environmental effects of a project, requires public agencies to avoid or reduce environmental damage when feasible, and requires an EIR to include enough detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed Project. The comment does not raise a specific issue with the adequacy of the DEIR evaluation or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 5.5: This comment describes that an adequate EIR must be prepared with a sufficient degree of analysis to allow decision makers to make an informed decision. The comment also describes that a project description should contain sufficient project-specific information about the project because without a stable project description, project impacts could be minimized or omitted thus undermining meaningful public review. The comment is introductory in nature and does not raise a specific issue with the adequacy of the DEIR evaluation or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 5.6: This comment states that the proposed Project includes construction of a new offsite sewer line using traditional trenching as well as jack and bore pits to align the sewer lines beneath the Oro Grande Wash. This comment also states that the Project also includes construction of a new offsite water line using traditional trenching as well as jack and bore pits to align the water lines beneath the Oro Grande Wash and Highway 395. This comment asserts that the DEIR does not describe the type of construction equipment, the number of pieces of construction equipment anticipated to be used, or construction schedule for this phase and that this information is necessary in order to accurately quantify the construction emissions, construction noise, and other construction impacts associated with construction of these components of the Project.

Since the distribution of the DEIR, the offsite utility alignment has been revised to reflect surrounding proposed development anticipated for implementation prior to the Project. As discussed in Comment 5.7 and as described in Chapter 2, Errata, of this Final EIR, the Project would only be responsible for constructing the portion of the sewer line through Caliente Road from Phelan Road to Yucca Terrace Road and the connection to the proposed building, which would no longer result in the need for jack and bore pits. The proposed Project would still, however, be responsible for all on-site improvements and off-site improvements along Caliente Road. Since the off-site utility improvements were not previously considered in the Air Quality Report and since changes to the offsite utility alignment have been made from the time of distribution, additional modeling was prepared using CalEEMod, as shown in Appendix B. The off-site improvements would be 0.3-miles in length and would total 1.3 acres of disturbance. As described in Appendix B, the off-

site improvements would require the use of the following construction equipment: medium track excavator; skip loader; curb machine; concrete trucks; asphalt paver; super 18 end dumps; motor grader/blade; backhoe; front end loader; pneumatic roller; and vibrating soil compactor for a total anticipated construction period of 14 months.

Based on the revised CalEEMod and analysis provided in Appendix B, impact determinations would remain the same as identified in the DEIR and no new mitigation would be required. However, the existing mitigation measure, GHG-1 under Section 5.6, *GHG Emissions*, was modified to clarify the specific actions that will be taken by the applicant and City in enforcement of GHG emission reduction strategies, to remove measures that are unenforceable (reclassified as best practices), and to include additional measures that would further reduce Project GHG emissions. Section 5.2, *Air Quality*, Section 5.5, *Energy*, and Section 5.6, *GHG Emissions*, have been revised to reflect the revised changes from CalEEMod as concluded in Chapter 2, Errata, of this Final EIR.

Additionally, activities associated with the construction of the utility offsites have been revised in the Noise report, included as Appendix C. There are no longer proposed construction activities along Highway 395 and the Project would no longer result in the need for jack and bore. More specifically, construction activities that would occur off-site are now limited to the right-of-way of the proposed Caliente Road between Phelan Road and Yucca Terrace Drive. The Noise Report has been revised to include the construction equipment associated with these activities and impacts would remain less than significant. Revisions to the DEIR have been made accordingly in Chapter 2, Errata, of this Final EIR. No further response is warranted.

Location: Air Quality, Construction, pp. 5.2-16 to 5.2-17

Construction

Construction activities associated with the proposed Project would result in emissions of CO, VOCs, NO_x, SO_x, PM_{10}, and $PM_{2.5}$. Pollutant emissions associated with construction would be generated from the following construction activities: (1) grading and excavation; (2) construction workers traveling to and from the Project site; (3) delivery and hauling of construction supplies to, and debris from, the Project site; (4) fuel combustion by onsite construction equipment; (5) building construction; application of architectural coatings; and paving. These construction activities would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants.

Construction emissions are short-term and temporary. The maximum daily construction emissions for the proposed Project were estimated using CalEEMod version 2022.1. Table 5.2-5 provides the maximum daily emissions of criteria air pollutants from construction of the Project**, including the off-site improvements**. As shown in Table 5.2-5, emissions resulting from construction would not exceed criteria pollutant thresholds. Therefore, impacts would be less than significant, and no mitigation measures are required.

Table 5.2-5: Maximum Peak Construction Emissions

Project Construction	Pollutant Emissions					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Maximum Pounds Per Day						
Linear, Grubbing & Land Clearing and Site Preparation	2.1	65.3	50.3	0.1	22.7	12.1
Linear, Grubbing & Land Clearing	0.9	25.9	20.9	<0.1	1.7	0.9
Linear, Grubbing & Land Clearing and Grading	2.4	74.3	57.6	0.1	12.5	5.9
Grading	1.4	49.0	36.7	0.1	10.8	4.9
Linear, Grading & Excavation and Building Construction	3.3	50.0	62.2	0.1	6.9	2.7
Building Construction	2.3	24.0	40.8	0.1	5.3	1.8
Building Construction and Linear, Drainage, Utilities, & Sub-Grade	3.3	49.2	62.1	0.1	6.9	2.7
Building Construction, Linear, Drainage, Utilities, & Sub-Grade, and Architectural Coating	8.4	50.6	68.1	0.1	7.7	3.0
Building Construction and Architectural Coating	7.4	25.3	46.7	0.1	6.0	2.0
Building Construction, Architectural Coating, and Linear, Paving	7.9	34.8	55.1	0.1	6.6	2.5
Architectural Coating, Linear, Paving, and Paving	7.1	24.8	24.8	<0.1	2.1	1.3
Architectural Coating	5.1	1.4	4.3	<0.1	0.8	0.2
Maximum (lbs/day)	8.4	74.3	68.1	0.1	22.7	12.1
MDAQMD Thresholds	137.0	137.0	548.0	137.0	82.0	65.0
Exceeds?	No	No	No	No	No	No
Tons Per Year						
2023	0.1	2.0	1.9	<0.1	0.4	0.2
2024	0.7	5.5	6.4	<0.1	0.8	0.3
Maximum (tons/year)	0.7	5.5	6.4	<0.1	1.2	0.3
MDAQMD Thresholds	25	25	100	25	15	12
Exceeds?	No	No	No	No	No	No

Source: Compiled by LSA (February 2024).
CO = carbon monoxide
lbs/day = pounds per day
MDAQMD = Mojave Desert Air Quality Management District
NO_X = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
SO_X = sulfur oxides
VOC = volatile organic compounds

Location: Air Quality, Construction Mobile Source Health Risk, pp. 5.2-18

Construction Mobile Source Health Risk

Less than Significant Impact. MDAQMD requires that any proposed industrial project within 1,000 feet of an existing or planned (zoned) sensitive receptor land use must be evaluated to determine whether the proposed industrial project would expose sensitive receptors to substantial pollutant concentrations. A Construction Health Risk Assessment, included as part of Appendix B, was prepared to evaluate the health risk impacts as a result of exposure to DPM as a result of heavy-duty diesel trucks and equipment activities from Project construction. MDAQMD recommends using a 10 in one million cancer risk threshold. A risk level of 10 in one million implies a likelihood that up to 10

people, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of toxic air contaminants over a specified duration of time. The closest sensitive receptor to the Project site include residential uses located approximately 1,100 feet southwest of the Project site along Phelan Road. As shown in Table 5.2-7, the maximum cancer risk for the sensitive receptor maximally effected individual (MEI) would be ~~4.60~~ **7.36** in one million, which would not exceed the MDAQMD cancer risk threshold of 10 in one million. The worker receptor risk would be lower at ~~0.08~~ **0.18** in one million, which would also not exceed the threshold. The total chronic hazard index would be ~~0.005~~ **0.010** for ~~both~~ the worker receptor MEI and **0.008 for the** sensitive receptor MEI, which ~~is~~ **would both be** below the threshold of 1.0. In addition, the total acute hazard index would be nominal (0.000), which would also not exceed the threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity, and impacts would be less than significant.

Table 5.2-7: Project Construction Health Risks at Nearby Sensitive Receptors

Location	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index
Worker Receptor Risk	~~0.08~~ **0.18**	~~0.005~~ **0.010**	0.000
Sensitive Receptor Risk	~~4.60~~ **7.36**	~~0.005~~ **0.008**	0.000
MDAQMD Significance Threshold	**10.0 in one million**	**1.0**	**1.0**
Significant?	**No**	**No**	**No**

Source: LSA (~~April 2023~~ **February 2024**).
MDAQMD = Mojave Desert Air Quality Management District

Location: Energy, Construction, pp. 5.5-5

Construction

Construction activities related to the proposed Project and the associated infrastructure are not expected to result in a greater demand for fuel on a per-unit-of-development basis than other development projects in Southern California. Also, CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. The energy analysis modeling for the proposed Project (included as Appendix B) details that construction-related use of off-road equipment would utilize ~~66,462.3~~ **135,870.5** gallons of diesel fuel and ~~100,308.7~~ **116,177.2** gallons of gasoline, as detailed in Table 5.5-1. Percentage increases represent the annual construction-generated fuel use in San Bernardino County.

Table 5.5-1: Estimated Construction Fuel Consumption

Energy Type	Total Energy Consumption	Percentage Increase Countywide
Diesel Fuel (total gallons)	~~66,462.3~~ **135,870.5**	~~<0.01~~ **0.04**
Gasoline (total gallons)	~~100,308.7~~ **116,177.2**	<0.01

Source: ~~Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B)~~ **Compiled by LSA, February 2024**.

Location: Greenhouse Gas Emissions, Construction, pp. 5.7-12

It is estimated that the Project would generate approximately ~~1,184~~**1,715.8** MT/year CO_2e during construction of the Project. When amortized over the 30-year life of the Project, annual emissions would be ~~39.5~~**57.2** MT/year CO_2e (Appendix B).

Location: Greenhouse Gas Emissions, Mitigation Measures, pp. 5.7-24

Mitigation Measure GHG-1: Prior to issuance of a building permit, the City of Hesperia shall identify project design details and specifications to document implementation and compliance with the following emission reduction measures. Implementation of the following measures will be required prior to building permits and is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- ~~Use the cleanest technologies available and~~ provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site, **including but not limited to running conduit to dock doors to allow for future plug-in of TRUs or truck charging**.
- All loading/unloading docks and trailer spaces shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration shall be ~~encouraged~~**used** for operational fleets **operated by the owner/tenant on the Project site**.
- All TRUs **operated by the owner/applicant** entering the Project site be shall plug-in capable.
- Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible.
- All heavy-duty trucks ~~entering or~~ **operated by the owner/tenant of** ~~on~~ the Project site shall be model year 2014 or later.
- The Project Applicant shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation.
- Trucks and support equipment shall be prohibited from idling longer than ~~five~~**three** minutes while on site.
- On-site TRU diesel engine runtime shall be limited to no longer than 15 minutes.
- Include rooftop solar panels that supply 100 percent of **Project** electricity from renewable energy resources.
- Implement a transportation demand program. Program measures may include free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the Project site **(implemented via Mitigation Measure T-1 of Section 5.12, Transportation)**.
- Implement a zero-waste program or other feasible waste reduction measures such as composting waste food scraps from employee activities and food waste processing. **75 percent of Project solid waste generated will be reduced, recycled, or composted per AB 341, supported through the implementation of Project recycling and composting bins.**
- Install water-efficient fixtures (toilets, faucets, showers), water efficient landscape irrigation systems (drip irrigation with control panel and soil moisture sensors), and water efficient landscaping.
- **Keep onsite and furnishing to the lead agency of other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classification.**
- **Provide information on transit and ridesharing programs and services to construction employees.**

- **Provide information on nearby meal/dining destinations for construction workers.**
- **Run conduit to designated locations for future vehicle electric charging stations.**
- **Expand the electrical room by 10 percent to (25 percent total) to accommodate future expansion of electric vehicle charging capability.**
- **Run conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.**
- **The building shall have breakroom with food storage capabilities.**
- **Signs shall be posted at every truck exist driveway to provide directional information to the truck route.**
- **The owner shall provide any future tenants with information on incentive programs, such as Carl Moyer program and Voucher Incentive Program, to upgrade their fleets.**
- **The Project contractor will use commercially available Tier 4 equipment.**

Response to Comment 5.7: This comment is an extension of Comment 5.6 and states that the omission of the information (construction equipment) is significant because construction activities associated with offsite utilities would occur near sensitive receptors. The comment also states that both a jack and bore pit and trenches for the sewer line are located next to the Willow Oak Estates residential neighborhood and trenching would occur next to residences on Yucca Terrace Drive, Los Banos Avenue and Cambria Road. The comment then concludes that the DEIR lacks an accurate analysis of the severity of construction impacts to air emissions at the aforementioned sensitive receptors.

Since the distribution of the DEIR, the offsite utility alignment has been revised to reflect surrounding proposed development anticipated for implementation prior to the Project. The Project Description has thus been updated accordingly to reflect these new proposed conditions and to capture the proposed improvements of surrounding development, including Hesperia Commerce Center II (SCH # 2019110418). As shown below and as described in Chapter 2, Errata, of this Final EIR, the Project would only be responsible for the constructing the portion of the sewer line along Caliente Road from Phelan Road to Yucca Terrace Drive and the connection to the proposed building. Thus, construction of the Project would not result in impacts related from jack and bore on Willow Oak Estates residential neighborhood, residences on Yucca Terrace Drive, Los Banos Avenue and Cambria Road. Additionally, as discussed above in Comment 5.6, impact determinations related to air quality and construction emissions would remain the same and the construction of the proposed Project would not result in the exceedance of criteria air pollutants.

Revisions to the DEIR have been made as reflected below within Chapter 2, Errata, and no further changes would be required. Additionally, the Project is not required to analyze Project-specific impacts of adjacent proposed developments, and therefore, further analysis of such has not been included within this CEQA document for the purposes of the Project. Therefore, no further response is warranted.

Location: Project Description, pp. 3.0-13

Water

The Project would include construction of new onsite and offsite water lines. Water lines would be constructed within the proposed 'A' Street **or Caliente Road** right-of-way to the west of the Project site and extend approximately 1,300 feet south toward Phelan Road**. The proposed water main would then run adjacent to the existing water main within Phalen Road/Main Street for approximately 3,980 feet to Mesa Linda Street. The water main would then continue approximately 2,700 feet south and connect to the existing main at Sultana Street. The proposed water line within Phelan Road/Main Street and Mesa Linda Street has been approved and will be constructed as part of the adjacent Hesperia Commerce Center II Project (SCH # 2019110418). The Project would be responsible for constructing the portion of water line from Phelan Road, along Caliente Road, and to the proposed building.** ~~then easterly, crossing Phelan Road. The water~~

~~line would continue throughout the southern part of Los Banos Avenue for about 2,677 feet until it reaches Sultana Avenue. The water alignment would continue approximately 164 feet easterly along Sultana Avenue until reaching a jack and bore pit to cross beneath Oro Grande Wash, ultimately connecting to existing City water lines at the intersection of U.S. Highway 395 and Sultana Street.~~ Proposed water improvements are shown in *Figure 3-10, Utility Improvements*.

Sewer

The Project would include construction of new onsite and offsite sewer lines. The proposed sewer line would begin from the northern portion of "A" Street **or Caliente Road and extend approximately 2,600 feet south to Phelan Road. The proposed sewer system would include a combination of proposed sewer force main and proposed sewer gravity main with a sewer lift station located at the intersection of Caliente Road and Yucca Terrace Drive. The sewer would then** ~~and~~ extend approximately ~~1,600 feet north until reaching Yucca Terrace Drive~~ **one mile to connect to existing facilities within Cataba Road. The proposed sewer line within Phelan Road/Main Street and Mesa Linda Street has been approved and will be constructed as part of the adjacent Hesperia Commerce Center II Project (SCH # 2019110418). The Project would be responsible for constructing the portion of sewer line along Caliente Road from Phelan Road to Yucca Terrace Road and the connection to the proposed building.** ~~From there, the alignment would travel 3,400 feet easterly passing U.S. Highway 395. The sewer line includes jack and bore pits that would be used to align the sewer beneath Oro Grande Wash.~~ Proposed sewer improvements are shown in *Figure 3-10, Utility Improvements*.

Response to Comment 5.8: This comment describes that the DEIR states that construction for the water line underneath Highway 395 would occur via jack and bore, however Figure 3-10 identifies three separate jack and bore pits, two of which are located on each side of Highway 395. The comment concludes that the project description does not clarify whether all three pits identified in the figure are necessary. As described in Comment 5.6, the offsite utility alignment has been revised to reflect surrounding proposed development anticipated for implementation prior to the Project. The Project Description has therefore been updated accordingly to reflect these new proposed conditions and to capture the proposed improvements of Hesperia Commerce Center II (SCH # 2019110418). As a result of the revised offsite utility alignment, the Project would no longer result in the need for jack and bore pits as shown in the revised Figure 3-10, *Utility Improvements* of Chapter 2, Errata, of this Final EIR. Revisions to the DEIR have been made accordingly and no further changes would be required. Therefore, no further response is warranted.

Response to Comment 5.9: This comment describes that the DEIR also states that the jack and bore method would be utilized to install the sewer line under the Oro Grande Wash but that it does not propose to utilize said method to install the line under Highway 395 and thus the commenter claims that the DEIR's proposed method of sewer installation conflicts with Caltrans guidelines since Caltrans requires underground utilities to be installed by trenchless construction within State highway right-of-way unless no other options are feasible. As mentioned previously in Comment 5.8, since distribution of the DEIR, the offsite utility alignment has been revised to reflect surrounding proposed development anticipated for implementation prior to the Project. The Project would only be responsible for constructing the portion of the sewer line along Caliente Road from Phelan Road to Yucca Terrace Drive and the connection to the proposed building. As such, construction of the Project would not impact the Oro Grande Wash or Highway 395 and further would not result in the need for jack and bore. Thus, the Project would not conflict or impact a state highway right-of-way. The Project Description has been updated accordingly as detailed in Comment 5.7 and as reflected in Chapter 2, Errata, of this Final EIR to reflect these new proposed conditions. No further response is warranted.

Response to Comment 5.10: This comment states that in order to evaluate the impacts of the Project's water and sewage line construction, the DEIR must accurately disclose the locations of jack and bore pits as well as specific construction methods and equipment to be used for utility line installation. The commenter further claims that without this information the public cannot determine whether the DEIR adequately analyzed and

mitigated all potentially significant environmental impacts therefore the DEIR must be revised and recirculated.

As mentioned previously, since distribution of the DEIR, the offsite utility alignment has been revised to reflect surrounding proposed development anticipated for implementation prior to the Project. As such, the revised proposed offsite water and sewage utility line construction would no longer result in the need for the jack and bore construction method. However, since the off-site utility improvements were not previously considered in the Air Quality Report and since changes to the offsite utility alignment have been made from the time of distribution, additional modeling was prepared using CalEEMod as shown in Appendix B. The additional analysis was inclusive of the construction equipment necessary for off-site utility installation, as discussed in detail in Comment 5.6. As described in Chapter 2, Errata, of this Final EIR, impact determinations would remain the same as identified in the DEIR and no new mitigation would be required. Therefore, the Project would not result in potentially significant impacts and a revised or recirculated EIR is not necessary nor required. No further response is warranted.

Response to Comment 5.11: This comment states that an EIR's project description must be consistent throughout the EIR because an unstable project description may indicate that an EIR is minimizing project impacts by not discussing reasonably foreseeable project aspects. The comment also states that the DEIR concluded that traffic impacts would be below the 3.0 dBA threshold. However, the commenter claims that the traffic noise model assumptions for truck trips are not consistent with the Project description because the traffic noise model assigned an identical percentage of trucks to all four modeled roadways even though the Project description stated that trucks are expected to primarily utilize Phelan Road. Additionally, the commenter states that the TIA assumes 90% of trucks would travel south on Highway 395 from the Project site, 10% of trucks would travel north on Highway 395, and no trucks would travel on Phelan Road or Main Street.

The Noise Report and supported modeling, included as Appendix C have been revised to ensure that the proposed heavy truck volumes are limited to the roadways identified in the Project Description and Traffic Impact Analysis. The prior analysis was overly conservative related to truck percentages as the higher truck percentage was applied to all roads and since has been reduced for those segments which will not see additional heavy trucks as part of the Project. Noise level increases due to off-site traffic generated by the proposed Project would approach 1.8 dBA CNEL during existing conditions and 1.6 dBA CNEL during opening year conditions. As described in Appendix C and Chapter 2, Errata of this Final EIR, noise level increases from off-site generated traffic would still remain below the 3 dBA threshold. Thus, impact determinations made in the DEIR would remain the same and no new mitigation would be required. Therefore, the Project would not result in potentially significant impacts and a revised or recirculated EIR is not necessary nor required. No further response is warranted.

Location: Noise, Operation-Traffic Noise Impacts, pp. 5.11-15

Traffic Noise Impacts

Vehicle noise is a combination of the noise produced by the engine, exhaust and tires. The level of traffic noise depends on three primary factors (1) the volume of traffic, (2) the speed of traffic, and (3) the number of trucks in the flow of traffic.

As detailed in Section 5.12, Transportation, the proposed Project is anticipated to generate approximately 1,941 daily trips, 187 a.m. peak hour trips and 231 p.m. peak hour trips. Truck trips would occur along Phelan Road to Highway 395 while passenger vehicle trips would occur along Main Street to I-15. Table 5.11-6 provides the traffic noise levels for the existing with and without Project scenarios and opening year with and without Project scenarios. These noise levels represent the worst-case scenario, which assumes no shielding is provided between the traffic and the location where the noise contours are drawn.

As shown in Table 5.11-6, the increase in Project-related traffic noise would be no greater than ~~1.6~~ **1.8** dBA ~~at existing industrial uses~~ **during existing conditions** and no greater than ~~1.4~~ **1.6** dBA ~~at existing noise-sensitive residential uses~~ **during opening year conditions** which is below the threshold of a 3.0 dBA noise level increase. Therefore, traffic noise impacts from Project-related traffic on off-site sensitive receptors would be less than significant, and no mitigation measures are required.

Response to Comment 5.12: This comment claims that the traffic noise model assumptions conflict with City's Truck Routes Program. The comment states that Chapter 10.25 of the City's Municipal Code prohibits commercial vehicles exceeding a maximum gross weight of 14,000 pounds from traveling on streets not designated as a "through truck route" and that Main Street is designated as a restricted street. The comment concludes that the truck distribution assumptions are either erroneous or in conflict compared to the City's Municipal Code.

As described in Comment 5.11, the Noise Report and supported modeling, included as Appendix C have been revised to ensure that the proposed heavy truck volumes are limited to the roadways identified in the Project Description and Traffic Impact Analysis. As such, the Project would not conflict with the City's Municipal Code. Further, the prior analysis was overly conservative related to truck percentages as the higher truck percentage was applied to all roads and since has been reduced for those segments which will not see additional heavy trucks as part of the Project. As described in Appendix C and Chapter 2, Errata of this Final EIR, noise level increases from off-site generated traffic would still remain below the 3 dBA threshold. Thus, impact determinations made in the DEIR would remain the same. Therefore, the Project would not result in potentially significant impacts and a revised or recirculated EIR is not necessary nor required. No further response is warranted.

Response to Comment 5.13: This comment describes that, contrary to the noise analysis, the DEIR stated that truck trips would occur along Phelan Road to Highway 395 while passenger vehicle trips would occur along Main Street to I-15. The commenter thus claims that heavier truck traffic would occur on Highway 395 than Main Street and therefore the DEIR underestimated traffic noise impacts along Highway 395, which could potentially exceed the 3 dBA significance threshold if more accurate assumptions are utilized. The commenter thus concludes that the Project description and analysis must be revised for consistency for the Project's impacts to be accurate.

As discussed in Comment 5.11, the Noise Report and supported modeling has been revised to ensure that the proposed heavy truck volumes are limited to the roadways identified in the Project Description and the Traffic Impact Analysis. Noise level increases due to off-site traffic generated by the proposed Project would approach 1.8 dBA CNEL during existing conditions and 1.6 dBA CNEL during opening year conditions. Thus, noise level increases from off-site generated traffic would still remain below the 3dBA threshold and impact determinations made in the DEIR would remain the same. The Project would not result in potentially significant impacts and would not require mitigation. As such, no further response is warranted.

Response to Comment 5.14: This comment states that an EIR's project description must state intended uses of the EIR as well as a list of agencies expected to use the EIR in their decision-making process, a list of permits required and a list of related environmental review and consultation requirements. This comment further states that the DEIR fails to disclose that an encroachment permit is needed from Caltrans. The commenter claims that an encroachment permit must be obtained for all proposed activities related to the placement of encroachments within State highway right of ways and further suggests that the City is aware an approval may be required because the DEIR was distributed to the agency. Thus, the commenter concludes that the DEIR must be revised to identify the permit as an approval to account for the offsite utility improvements traversing Highway 395.

As mentioned previously in Comment 5.9, since distribution of the DEIR, the offsite utility alignment has been revised to reflect surrounding proposed development anticipated for implementation prior to the Project. The Project would only be responsible for constructing the portion of the sewer line along Caliente Road

from Phelan Road to Yucca Terrace Drive and the connection to the proposed building. As such, construction of the Project would not traverse Highway 395 and would not result in the need for an encroachment permit. Thus, the Project would not impact a state highway right-of-way. The Project Description has been updated accordingly as detailed in Comment 5.7 and as reflected in Chapter 2, Errata, of this Final EIR to reflect these new proposed conditions. No further response is warranted.

Response to Comment 5.15: This comment states that an EIR must describe the environmental setting for the project which includes the physical environmental conditions in the vicinity of the project and it must be comprehensive enough to allow the project's significant impacts to be fully considered. The comment then refers to case law, *Cadiz Land Co. v. Rail Cycle*, in which the court rejected the EIR's environmental setting for a landfill project because it did not quantify the volume of water in the aquifer under the site, which was critical to a full understanding of the significance of potential contamination on a valuable resource. The comment concludes that the DEIR fails to describe the subsurface conditions where jack and bore construction is proposed and further states that the geotechnical study prepared for the DEIR only assessed the Project site and failed to assess the 8.9 acres of offsites. The comment states that this information is critical to understanding whether construction of utility lines could impact groundwater resources or the Oro Grande wash.

As mentioned previously, since the distribution of the DEIR, the offsite utility alignment has been revised to reflect surrounding proposed development anticipated for implementation prior to the Project. As discussed in Comment 5.7 and as described in Chapter 2, Errata, of this Final EIR, the Project would only be responsible for constructing the portion of the sewer line through Caliente Road from Phelan Road to Yucca Terrace Road and the connection to the proposed building, which would no longer result in the need for jack and bore pits. As described in Comment 5.6, the proposed Project would still be responsible for all on-site improvements and off-site improvements along Caliente Road and additional modeling has been prepared using CalEEMod, as shown in Appendix B, for the off-site utility improvements not previously considered in the Air Quality Report. The off-site improvements would be 0.3-miles in length and would total 1.3 acres of disturbance and would require the use of the following construction equipment: medium track excavator; skip loader; curb machine; concrete trucks; asphalt paver; super 18 end dumps; motor grader/blade; backhoe; front end loader; pneumatic roller; and vibrating soil compactor. Therefore, the commentor's claim that the Project's utilization of jack and bore construction equipment to install the water and sewer lines could adversely impact groundwater resources or the Oro Grande Wash due to an inadvertent release of drilling fluids, erosion, soil loss, settlement, runoff, or subsidence is unfounded and irrelevant as jack and bore construction is no longer proposed.

Additionally, as determined in the Geotech report, Appendix F of the DEIR, groundwater on the Project site and its vicinity is expected to be several hundred feet below ground surface. Therefore, construction of the proposed Project would not impact groundwater resources as described in the DEIR, as jack and bore pits are not required for construction of utility lines. A revised or recirculated EIR is not necessary nor required and no further response is warranted.

Response to Comment 5.16: This comment states that Caltrans guidelines require a geotechnical investigation be performed for the suitable for the proposed complexity of the trenchless construction with sufficient subsurface information for applicants seeking an encroachment permit. This comment concludes that that Caltrans will rely on the city's analysis in the DEIR prior to approving an encroachment permit.

As mentioned previously, the offsite utility alignment has been revised to reflect surrounding proposed development anticipated for implementation prior to the Project. As such, the Project would only be responsible for constructing utility lines along Caliente Road from Phelan Road to Yucca Terrace Drive and the connection to the proposed building. Thus, construction of the Project would not traverse Highway 395 and would not result in the need for an encroachment permit or a separate geotechnical investigation. No further response is warranted.

Response to Comment 5.17: This comment states that the Project would include construction of an offsite water and sewer line using jack and bore pits to align the line beneath the Oro Grande Wash and a water line beneath Highway 395 using jack and bore. The comment describes the jack and bore process and states it is often a method chosen to minimize disturbances, especially in sensitive or populated areas, however it can still have substantial adverse effects. This comment does not provide substantial evidence of any environmental impact and is intended to introduce the comments that follow. As such, no further response is warranted.

Response to Comment 5.18: This comment states that although jack and bore is a trenchless method, the excavation of pits can disturb soul and lead to erosion or sediment runoff. This comment further claims that the DEIR fails to discuss potential soil erosion or sediment runoff associated with the jack and bore method. As mentioned previously, since the distribution of the DEIR, the offsite utility alignment has been revised to reflect surrounding proposed development anticipated for implementation prior to the Project. The Project Description has thus been updated accordingly to reflect these new proposed conditions which would no longer result in the need for jack and bore pits; and to capture the proposed improvements of Hesperia Commerce Center II (SCH # 2019110418). Revisions to the DEIR are included in Chapter 2, Errata, of this Final EIR and no further response is warranted.

Response to Comment 5.19: This comment claims that if groundwater were to be encountered during the jack and bore process, there could be a groundwater contamination risk. This comment further claims that the DEIR fails to discuss potential groundwater contamination from the inadvertent release of drilling fluids during the boring process because the City did not conduct a geotechnical investigation where it proposes to utilize jack and bore. As mentioned above, the Project's new proposed conditions would no longer result in the need for jack and bore pits and revisions to the DEIR Project Description have been made accordingly in Chapter 2, Errata, of this Final EIR. No further response is warranted.

Response to Comment 5.20: This comment claims that the jack and boring process can generate noise and vibrations, potentially disturbing wildlife, aquatic resources, and residences nearby. This comment further claims that the DEIR fails to discuss noise and vibration impacts associated with the jack and bore method. As mentioned above, the Project's new proposed conditions would no longer result in the need for jack and bore pits and revisions to the DEIR have been made accordingly in Chapter 2, Errata, of this Final EIR. No further response is warranted.

Response to Comment 5.21: This comment claims that the machinery required for jack and bore operations uses fuel that emits greenhouse gases and other pollutants, which can contribute to air quality impacts. This comment further claims that the DEIR fails to account for any equipment used during the jack and bore phase in the DEIR's air quality and GHG analysis. As mentioned above, the Project's new proposed conditions would no longer result in the need for jack and bore pits and revisions to the DEIR have been made accordingly in Chapter 2, Errata, of this Final EIR. No further response is warranted.

Response to Comment 5.22: This comment states that the creation of jacking and receiving pits might result in the need to remove vegetation or disrupt habitats. Additionally, the comment claims that the physical presence of machinery may disrupt migration patterns of terrestrial animals. The comment concludes that the DEIR's analysis of biological impacts was inclusive of the 8.9 acres of offsites. As mentioned above, the Project's new proposed conditions would no longer result in the need for jack and bore pits and revisions to the DEIR have been made accordingly in Chapter 2, Errata, of this Final EIR. Additionally, all potential impacts related to habitat disruption or wildlife corridors were adequately analyzed in Section 5.3, Biological Resources of the DEIR. As such, no further response is warranted.

Response to Comment 5.23: This comment states that there can be a potential for ground settlement or subsidence above the bored tunnel if the boring process doesn't properly support the ground impacting structures or natural features above ground. The comment concludes that the City did not conduct a subsurface assessment for any of the areas where it intends to utilize the jack and bore construction method

as required by the previously mentioned encroachment permit. As mentioned above, the Project's new proposed conditions would no longer result in the need for jack and bore pits. DEIR revisions have been made accordingly in Chapter 2, Errata, of this Final EIR. As such, no further revisions would be required and no further response is warranted.

Response to Comment 5.24: This comment states that if the bore pit is located near water bodies, there could be potential disturbance to the aquatic ecosystem. The comment concludes that the DEIR concludes the Project would not have a substantial adverse impact on the Oro Grande Wash but does not discuss potential impacts from the jack and bore construction method. As mentioned above, the Project's new proposed conditions would no longer result in the need for jack and bore pits. DEIR revisions have been made accordingly in Chapter 2, Errata, of this Final EIR. Therefore, no further revisions would be required and no further response is warranted.

Response to Comment 5.25: This comment states that the DEIR fails to disclose and analyze potentially significant impacts that would be caused by the jack and bore method for offsite utility improvements and therefore the DEIR must be revised and recirculated for public review. The comment is conclusory in nature to the previous comments. The commenter's concerns regarding potential impacts related to the jack and bore method were addressed above in Responses 5.17 through 5.24, and appropriate revisions were made, as incorporated into Chapter 2, Errata. In reviewing the above listed comments and making the appropriate revisions, when necessary, no significant new information was incorporated, and further, the impacts disclosed in the DEIR accurately reflect the proposed Project and subsequent potential environmental impacts. Therefore, per CEQA Guidelines and CA Code of Regulations 15088.5, DEIR recirculation would not be warranted.

Response to Comment 5.26: This comment states that the DEIR includes a quantitative construction noise assessment to assess noise levels of Project-related construction activities. The comment further describes that the EIR concludes that impacts related to construction noise would be less than significant because the noise level at the nearest offsite receptor would be below the applicable threshold. The comment concludes that the DEIR does not, however, include an analysis of noise impacts from construction activities that would occur offsite in close proximity to sensitive receptors.

As mentioned previously, since the distribution of the DEIR, the offsite utility alignment has been revised. As discussed in Appendix C, the Noise Report and supported modeling has been revised to ensure that the revised utility offsite is included and sensitive receptors in proximity are considered. The construction noise level at the closest sensitive receptor from the off-site utility improvements would be 57 dBA which would remain below the 80 dBA Leq 8-hour construction noise level criteria as established by the FTA for residential land uses. As such, impact determinations made in the DEIR would remain the same. The Project would not result in potentially significant impacts. Revisions to the DEIR have been made accordingly in Chapter 2, Errata, of this Final EIR. No further response is warranted.

> **Location: Noise, Construction, pp. 5.11-14**
>
> While construction noise will vary, it is expected that composite noise levels during construction at the nearest residential uses southwest of the Project would reach 58 dBA Leq. These predicted noise levels would only occur when all construction equipment is operating simultaneously; and therefore, are conservative assumptions. While construction-related short-term noise levels have the potential to be higher than existing ambient noise levels in the Project area under existing conditions, the noise impacts would no longer occur once Project construction is completed. As shown on Table 5.11-5, construction noise from the proposed Project at the nearby receptor locations would range from 54 to 58 dBA Leq, which would not exceed the 80 dBA Leq 8-hour construction noise level criteria as established by the FTA for residential land uses. Therefore, impacts related to construction noise would be less than significant.

Table 5.11-1: Construction Noise Levels at Nearest Receptors

Receptor (Location)	Composite Noise Level (dBA Leq) at 50 feet1	Distance (feet)	Composite Noise Level (dBA Leq)
Residential/ Office Uses (North)	88[1]	1,610	58
Residences (East)		2,575	54
Residences (Southwest)		2,575	54
Off-Site Utility Improvements			
Residential/ Office Uses (Northeast)	**82**	**885[2]**	**57**

Source: Noise and Vibration Impact Analysis, 2023~~4~~ (Appendix **C of Final EIR)**

(1) The composite construction noise level represents the grading phase which is expected to result in the greatest noise level as compared to other phases. (2) Due to linear nature of this construction phase, the closest distance from construction activities to the nearest sensitive use is assumed.

Response to Comment 5.27: This comment claims that construction activities associated with offsite roadway and utility improvements would occur within 50 to 70 feet of existing residential properties along Los Banos Avenue, Yucca Terra Drive, and Blue Sage Street. The comment concludes that the DEIR and noise analysis did not address these offsite construction locations.

As mentioned previously in Comment 5.26, the offsite utility alignment has been revised. As discussed in Appendix C, the Noise Report and supported modeling has been revised to ensure that the revised utility offsite is included and sensitive receptors in proximity are considered. Construction would no longer occur along Los Banos Avenue and according to the revised Noise report, the closest sensitive receptor to Project construction activities would be located approximately 885 feet away. The construction noise level at the closest sensitive receptor from the off-site utility improvements would be 57 dBA during the time at which construction equipment is closest to the Caliente Road and Yucca Terrace Drive intersection, which would remain below the 80 dBA Leq 8-hour construction noise level criteria as established by the FTA for residential land uses. As such, impact determinations made in the DEIR would remain the same. The Project would not result in potentially significant impacts and no further response is warranted.

Response to Comment 5.28: This comment states that the DEIR includes a quantitative construction vibration damage assessment to estimate whether onsite Project-related construction activities would generate vibration levels which exceeded the City's vibration threshold of 0.2 peak particle velocity ("PPV") inches per second ("in/sec") at a receiver location. The commenter also states that the DEIR concludes that impacts related to construction vibration would be less than significant because the vibration level at the nearest offsite structure (885 feet away) would be 0.0004 PPV in/sec, well below the applicable threshold. The DEIR does not, however, include an analysis of the Project's construction vibration annoyance impacts.

The commenter then goes on to provide background on the difference in the metrics used for vibration damage and vibration annoyance. PPV is the maximum instantaneous peak of the vibration signal. It is generally used in assessing damage potential to buildings. Vibration decibels ("VdB") refers to the vibration velocity level in a decibel scale and is used to describe human response to vibration. The commenter states that the Federal Transit Administration has developed criteria for assessing the effects of construction vibration on people related to annoyance and interference with activities in buildings and provides the applicable criteria. The commenter states that for residences or buildings where people sleep, the FTA recommends utilizing a threshold of 72 VdB, 75 VdB, or 80 VdB depending on the frequency of the event and although the FTA does not have an equivalent frequency for construction activities, it is reasonable to classify construction activities as high frequency events, therefore, the commenter believes the use of a 72 VdB threshold when analyzing construction vibration annoyance impacts would be appropriate.

Due to the distance from construction activities to the nearest sensitive uses being 885 feet away, it is generally understood that unless specialized construction activities such as blasting and pile driving are being used, that construction vibration annoyance from typical equipment would not occur. Conservatively assuming a vibration level of 87 VdB at 50 feet, which is the reference vibration level for a large bulldozer or similar equipment, at a distance of 885 feet, vibration levels would be 41 VdB, as described in Appendix C which is considerably below all FTA general recommended thresholds of 72 VdB, 75 VdB, or 80 VdB and below the FTA's Detailed Assessment Construction Noise Criteria thresholds of residential uses for daytime (78 VdB) and nighttime (72 VdB). As such, impacts related to vibration would remain less than significant and no further response is warranted.

Response to Comment 5.29: This comment states that the DEIR fails to analyze all potentially significant impacts from construction activities occurring at the 8.9 acres of offsite improvements which would be required for necessary roadway and utility infrastructure. The comment further states that an independent noise and vibration assessment conducted by the commenter determined that the Project's offsite construction activities would result in potentially significant noise and vibration impacts. The assessment focused on the trenching phase which is expected to generate the highest levels of noise and vibration during construction of the utility lines. The commentor goes on to explain that because the DEIR did not include an adequate Project description with respect to the type of construction equipment that would be required for offsite improvements, the independent assessment utilized an excavator and dump truck as the noise reference level, and a caisson drill as the vibration reference level. The commentor then states that based on sensitive receptors identified in the DEIR, the independent noise assessment found that construction activities would occur within 50 feet of the residence located at 9553 Los Banos Avenue and the residence at 12020 Yucca Terrace Drive, and within 70 feet of the residence at Willow Oaks Estate and that at these distances, construction noise levels would reach 84 dBA and 81 dBA. The commentor thus concludes that noise levels from offsite construction activities would exceed the DEIR's construction noise threshold of 80 dBA and therefore the Project's construction noise impacts are potentially significant. The commentor states that the City must identify feasible mitigation measures to reduce these impacts to less than significant levels in a revised and recirculated DEIR. The commenter also concluded that construction vibration impacts would be 78 VdB at 50 feet and 72 VdB at 70 feet; thus the vibration levels from offsite construction activities would exceed the FTA's vibration annoyance threshold of 72 VdB. As a result, the commentor concludes that the Project's construction vibration impacts are potentially significant.

As stated above in the responses to Comments 5.26, 5.27, and 5.28, construction related noise and vibration impacts as modeled by the commenter would not be accurate because of the reduced utility improvements and the Project no longer using jack and bore methods. The Noise Report and supported modeling, included as Appendix C, has been revised to ensure that the revised utility offsite is included and sensitive receptors in proximity are considered. The construction noise level at the closest sensitive receptor would approach 58 dBA Leq at the nearest sensitive uses which would remain below the 80 dBA Leq 8-hour construction noise level criteria as established by the FTA for residential land uses. The construction-related vibration levels would approach 41 VdB using a conservative assessment of heavy construction equipment at the nearest sensitive use, which would be well below the conservative 72 VdB vibration annoyance threshold for residential uses. As such, impact determinations would remain the same and offsite utility improvements would not result in potentially significant impacts. No further response is warranted.

Response to Comment 5.30: This comment claims that the DEIR concluded that construction emission impacts would be less than significant but failed to include all reasonably foreseeable construction emissions. The comment further states that emissions from construction activities associated with the offsite and roadway improvements were not accounted for in the DEIR or Air Quality, GHG, and Energy Impact Report, therefore the DEIR underestimated emissions and lacks substantial evidence to conclude that air quality impacts are less than significant. The comment thus concludes that the DEIR must be revised and recirculated to include all reasonable foreseeable construction activities.

Since the distribution of the DEIR, the offsite utility alignment has been revised to reflect surrounding proposed development anticipated for implementation prior to the Project. As discussed in Comment 5.6, 5.7 and as in Chapter 2, Errata, of this Final EIR, the Project would only be responsible for the off-site improvements along Caliente Road. Since the off-site utility improvements were not previously considered in the Air Quality Report and since changes to the offsite utility alignment have been made from the time of distribution, additional modeling was prepared using CalEEMod. As shown in Appendix B and in Chapter 2, Errata, of this Final EIR, emissions from construction would not exceed criteria pollutant thresholds thus impact determinations would remain the same as identified in the DEIR and no new mitigation would be required. Thus, the Project would not result in potentially significant impacts related to construction emissions and no further response is warranted.

Response to Comment 5.31: This comment states that the DEIR concludes that impacts from operational emissions from the proposed Project would be less than significant. This comment claims that the DEIR's analysis fails to include all reasonably foreseeable operational emissions, claiming that the fire flow pump system that needs to be installed wasn't evaluated. As such, this comment claims that the DEIR underestimates the proposed Project's operational emissions and lacks substantial evidence to conclude that air quality impacts are less than significant. The commenter concludes that the DEIR must be revised to include all reasonably foreseeable operational activities in its analysis and recirculated for public review.

The proposed Project would include one 235-horsepower (HP) diesel fire pump that would run up to 26 hours per year. The fire pump wasn't initially included in the DEIR; as such, CalEEMod was revised to include the diesel fire pump. As described in Appendix B and in Chapter 2, Errata, of this Final EIR the addition of diesel fire pumps to operational uses (included as stationary source emissions) would be negligible to the Project's estimated operational criteria pollutant and criteria pollutants associated with the Project would still not exceed the daily or annual MDAQMD thresholds for VOCs, NOx, CO, SOx, PM2.5, or PM10. In addition, the change in annual GHG emissions for operational activities would result in a slight increase from previous conditions and post-mitigation conditions would result in a slight decrease. Thus, impact determinations and conclusions would remain the same as identified in the DEIR and recirculation would not be required. Revisions to the DEIR have been made as reflected below. No further response is warranted.

Location: Air Quality, Construction, pp. 5.2-18

Operation

Implementation of the proposed Project would result in long-term emissions of criteria air pollutants from area sources generated by the proposed warehouse and manufacturing building and related vehicular emissions, landscaping, and use of consumer products. As shown in Table 5.2-6, the Project's operational activities would not exceed the numerical thresholds of significance established by the MDAQMD. Therefore, impacts would be less than significant.

Table 5.2-6: Summary of Peak Operational Emissions

Emission Type	Pollutant Emissions					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Pounds Per Day						
Area Sources	~~19.6~~ 14.2	~~0.2~~ <0.1	~~28.5~~ <0.1	<0.1	<0.1	0.1
Energy Sources	0.0	0.0	0.0	0.0	0.0	0.0
Mobile Sources – Vehicles and Light Duty Trucks	6.9	12.8	109.0	0.3	8.2	1.6
Mobile Sources – Heavy Heavy Duty Trucks	0.5	34.8	4.7	0.3	5.1	1.7
Stationary Sources	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Total Project Emissions	**~~27.0~~ 21.6**	**~~47.8~~47.6**	**~~142.2~~113.7**	**0.6**	**13.3**	**3.4**
MDAQMD Thresholds	**137.0**	**137.0**	**548.0**	**137.0**	**82.0**	**65.0**
Significant?	**No**	**No**	**No**	**No**	**No**	**No**
Tons Per Year						

Area Sources	~~3.1~~2.6	<0.1	~~2.6~~<0.1	<0.1	<0.1	<0.1
Energy Sources	0.0	0.0	0.0	0.0	0.0	0.0
Mobile Sources – Vehicles and Light Duty Trucks	1.2	2.4	16.1	0.1	1.5	0.3
Mobile Sources – Heavy Heavy Duty Trucks	0.1	6.4	0.9	0.1	0.9	0.3
Stationary Emissions	<0.1	0.2	0.1	<0.1	<0.1	<0.1
Total Emissions	**~~4.4~~3.4**	**9.0**	**~~19.7~~17.1**	**0.2**	**2.4**	**0.6**
MDAQMD Thresholds	**25**	**25**	**100**	**25**	**15**	**15**
Significant?	**No**	**No**	**No**	**No**	**No**	**No**

Source: Compiled by LSA (~~April 2023~~ February 2024).

CO = carbon monoxide
lbs/day = pounds per day
MDAQMD = Mojave Desert Air Quality Management District
NO_X = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
SO_X = sulfur oxides
VOC = volatile organic compounds

Location: Greenhouse Gas Emissions, Operation, pp. 5.7-12 to 5.12-14

The Project would include construction and operation of a 655,468 SF industrial facility. The Project includes several Project Design Features (PDFs) that would reduce Project emissions and energy demand. Project PDF-1 through PDF-6 include energy and GHG reduction measures such as implementation of renewable energy system, inclusion of automatic light switches and control receptacles, the Project would be designed to meet LEED certification standards, low volatile organic compound (VOC) coatings and paint would be used, and exterior glazing to reduce solar heat gain would be applied. As shown in Table 5.7-1, the annual GHG emissions associated with construction and operation of the proposed Project would result in annual emissions of ~~11,679.6~~ **11,630.5** $MTCO_2e$/yr, which is above the screening threshold of 3,000 $MTCO_2e$/yr. Therefore, the following discussion compares the proposed Project to the efficiency-based threshold **as well**.

Table 5.7-1: Proposed Project Generated Greenhouse Gas Emissions

Source	**Greenhouse Gas Emissions, CO_2e**
	Metric Tons per Year
Project Operational Emissions	
Area Sources	~~9.6~~ **<0.1**
Energy Sources	1,070.0
Mobile Sources – Vehicles and Light Duty Trucks	4,317.0
Mobile Sources – Heavy Heavy Duty Trucks	5,598.0
Stationary Sources	20.5
Waste Sources	204.0
Water Sources	421.0
Total Project Emissions	**~~11,640.1~~11,630.5**
Amortized Construction Emissions	~~39.5~~ **57.2**
Total Annual Emissions	~~11,679.6~~ **11,687.7**
SCAQMD Threshold	**3,000**
Significant?	**Yes**

Source: ~~Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B)~~**Compiled by LSA, February 2024**.
CO2e = carbon dioxide equivalent

According to the Southern California Association of Governments (SCAG), the generation rate for employees required for operation of an industrial project is 1 employee for every 1,195 SF of industrial space. As the Project would build and operate a 655,468 SF industrial facility, operation of the Project would require approximately 549 employees. The proposed Project would not accommodate new residents; therefore, the total service population would be 549 people (residents plus employees). As such, the proposed Project would result in a per service population of ~~21.3~~ **21.2**

MT CO2e per year per service population, which exceeds the SCAQMD's threshold of 4.8 MT CO2e per year per service population. Therefore, the proposed Project would have the potential to generate significant GHG emissions. As such, Mitigation Measure GHG-1 is included in the Project which requires that the Project incorporate sustainable transportation technologies and practices appropriate for the proposed use. **Additionally, voluntary best practices have been included that could reduce Project GHG emissions and energy consumption but are not enforceable. These measures are subject to the availability of technology and/or are dependent on human behavior, which neither the applicant nor the Lead Agency can ensure. These measures have not been included in Project modeling and reductions in GHG emissions have not been taken.**

Table 5.7-2 shows Project operation GHG emissions with implementation of **Project PDFs and** Mitigation Measure GHG-1. As shown, with implementation of Mitigation Measure GHG-1, the proposed Project would result in approximately ~~10,614.0~~ **10,583.4** MT/year CO2e **or 19.2 MT CO2e per year per service population. Due to the GHG emissions exceedance, the proposed Project would have the potential to generate direct or indirect GHG emissions that would result in a significant impact on the environment, thereby requiring mitigation. Implementation of Mitigation Measure GHG-1 aims to reduce the Project's GHG emissions through minimization of construction emissions via idling limitations and use of lower-emission equipment. The measure also includes implementation of infrastructure necessary for building and vehicle electrification that meets existing and anticipated future demands. Mitigation Measure GHG-1 includes programs intended to reduce car trips of Project workers. Through implementation of Mitigation Measure GHG-1, 100 percent of the Project's electricity demand would come from renewable energy with the support of solar panels. Overall, Mitigation Measure GHG-1 is designed to reduce Project construction and operational-source emissions. Table 5.7-2 shows the GHG emission reduction associated with implementation of Mitigation Measure GHG-1.**

Table 5.7-2: Mitigated Project Generated Greenhouse Gas Emissions

Source	Greenhouse Gas Emissions, CO_2e
	Metric Tons per Year
Project Operational Emissions	
Area Sources	~~9.6~~<0.1
Energy Sources	~~43.4~~<0.1
Mobile Sources – Vehicles and Light Duty Trucks	4,317.0
Mobile Sources – Heavy Heavy Duty Trucks	5,598.0
Stationary Sources	~~20.5~~ 22.8
Waste Sources	204.0
Water Sources	~~382.0~~ 384.4
Total Project Emissions	~~10,614.0~~10,526.2
Amortized Construction Emissions	~~39.5~~ 57.2
Total Annual Emissions	~~10,614.0~~10,583.4
SCAQMD Threshold	3,000
Significant?	Yes

Source: ~~Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B)~~ **Compiled by LSA, February 2024.**
CO2e = carbon dioxide equivalent

As shown in Table 5.7-2, Mitigation Measure GHG-1 would result in a reduction in overall GHG due to the provision of 100 percent of Project electricity through renewable energy sources. However, there is no way to quantify GHG reductions of the other components of Mitigation Measures GHG-1 in CalEEMod. Although it is likely Project emissions would decrease with implementation of the other components, to provide a conservative evaluation of Project impacts, no reductions were applied to the estimated Project emissions.

Further, 94 percent of Project emissions would primarily result from mobile source emissions, both vehicle and truck. There are no available feasible Project measures that would further

reduce vehicular and truck emissions to below the GHG threshold, since neither the Project Applicant nor the Lead Agency (City of Hesperia) can substantively or materially affect reductions in Project mobile-source emissions and/or available technologies. Thus, emissions would be reduced to the extent feasible; however, emissions would continue to exceed the SCAQMD threshold. Therefore, with implementation of Mitigation Measure GHG-1, operation of the proposed Project would have the potential to generate significant GHG emissions that would have a significant effect on the environment. Impacts would be significant and unavoidable.

Response to Comment 5.32: This comment states that the DEIR utilized CalEEMod defaults for truck trip lengths for passenger vehicle cars and 2 to 3-axle trucks, while 4+ axle trucks were assumed to travel 40 miles and thus the commenter concludes that the DEIR fails to justify this assumption with any supporting facts demonstrating that shorter default truck trips would apply.

As identified in the SCAQMD guidance, *PR 2305 Draft Truck Emission Rate Calculations*, the modeling increases the heavy heavy-duty truck (HHDT) trip length from the default lengths of 34.27 miles, 6.28 miles, and 7.30 miles to 40 miles, consistent with SCAQMD recommendations for warehouse projects. The recommendations would also be applicable to projects in MDAQMD. However, vehicle and other truck trips utilized the CalEEMod defaults as the SCAQMD only recommends updating the HHDT trip length to 40 miles.

The comment also states that "depending on the type of warehouse operation, the actual trip generation rate could be three times greater than the DEIR's assumption." This comment references the fact that if the warehouse was utilized as a Parcel Hub or a Sort Fulfillment Center, then the trip generation would be higher. Section 3.0, *Project Description* of the DEIR provides a description of the operation of the Project, thus it is not speculative. As noted in this section, the building would be used for warehousing, manufacturing and cold storage uses. Parcel Hub and Sort Fulfillment is not included in the uses. If a future tenant proposes these uses for the building, then additional evaluation would be required, including additional traffic analysis to evaluate the use. The DEIR is not required to evaluate speculative uses of the Project that would not be allowed under the current EIR. Therefore, no changes to the trip generation are warranted based on this comment.

Response to Comment 5.33: This comment states that the DEIR fails to disclose the potential presence of Cocci fungus spores at the Project site and fails to discuss Valley Fever, which is endemic in the Southwestern United States, including San Bernardino County and the Mojave Desert. The comment further states that sensitive receptors on or near Project site are at risk from exposure from disturbed dust during Project construction, including construction and agricultural workers which are the most at-risk populations, according to air quality and health risk expert, Dr. Clark. The comment concludes that small fungus spore particles are not controlled by conventional dust-control measures under the MDAQMD thus there is a significant risk to exposure and the DEIR must be revised to include an analysis of the Project's Valley Fever impacts and include relevant mitigation measures to reduce Valley Fever impacts.

The air quality analysis contained in Section 5.2, Air Quality, of the DEIR and the AQ/HRA/GHG/Energy Report (Appendix B of the DEIR) were prepared using the guidelines identified by the MDAQMD in its California Environmental Quality Act (CEQA) and Federal Air Conformity Guidelines. Neither the MDAQMD CEQA and Federal Air Conformity Guidelines nor the State CEQA Guidelines include requirements or thresholds of significance for addressing Valley Fever. The closest sensitive receptors include residential uses located approximately 1,100 feet southwest of the Project site along Phelan Road. This distance is sufficient for particulate matter to settle prior to reaching the nearest sensitive receptor. In addition, crosswinds influenced by adjacent traffic intersections would help dissipate any particulate matter associated with the construction phase of the Project. Therefore, any Valley Fever spores suspended with the dust would not reach the sensitive receptors. Dust control measures, required by MDAQMD Rule 403.2, would reduce the exposure of the workers. Dust from the construction of the Project is not anticipated to exacerbate or significantly add to the existing exposure of people to Valley Fever. The comment cites data from the

California Department of Public Health for Q1 of 2023 while the website link provides data for the first three quarters of 2023. The provided data shows that the rate of Valley Fever in San Bernardino County was 188 overall residents for the entire county of San Bernardino over the course of nine months which equates to less than 0.1 percent. For context, this is an extremely low rate of occurrence in general as well as compared to counties where Valley Fever is more prevalent: the highest is Kern County (1237 cases) and the second highest is Los Angeles County (967 cases). Therefore, in accordance with the CEQA Guidelines, it is appropriate for the City not to focus the DEIR's analysis on this issue. CEQA also does not require mitigation, such as testing onsite for Valley Fever spores, where there is no significant impact. Section 5.2, Air Quality of the DEIR appropriately analyzed air quality per CEQA guidelines which doesn't include requirements or thresholds of significance for addressing Valley Fever. Therefore, no further revisions would be required and no further response is warranted.

Response to Comment 5.34: The comment states that because the DEIR does not evaluate all reasonably foreseeable uses that would result in significantly higher traffic from the Project. Specifically, the comment states that because the ITE Trip Generation Manual includes different high-cube warehouse categories that have different trip generation rates than those used in the study, the DEIR underestimates the trip generation of the Project. However, as noted in the response to comment 5.32, the trip rates selected correspond to the Project description, which does not include parcel hub or sort fulfillment center uses. If those uses were proposed in the future, the operation would be substantially different from the Project evaluated in the DEIR and additional analysis would be required. The comment also states that underestimating the trip rate would also result in underestimating Project VMT. This statement is incorrect as the SBTAM model, which was used to forecast the VMT, does not rely on the ITE trip rates. Rather, the model trips are based on the number of employees, which were forecast using SCAG data for industrial employment uses in suburban areas. The statement that the VMT would be substantially higher if more relevant trip generation rates were used is incorrect, as the modeling is based on socio-economic data (i.e. employment) and not on trip rates. No further response is warranted.

Response to Comment 5.35: This comment refers to the DEIR's conclusion that the Project's cumulative VMT impact is significant because it is 13.51% above the DEIR's significance threshold of 32.7 and therefore the DEIR proposes Mitigation Measure T-1 to reduce this impact. The comment also describes that CEQA prohibits agencies from approving projects with significant environmental effects if there are feasible mitigation measures or alternatives that can substantially reduce said effects, which the lead agency should carefully consider. Further, the comment states that a project can still be approved if project benefits outweigh the unmitigated effects, however agencies are still required to implement all mitigation measures unless those measures are truly infeasible—which must be determined and supported by substantial evidence. Lastly, the lead agency must explain in meaningful detail why alternatives or mitigation measures proposed by commenters have been determined to be infeasible. This comment is introductory to the comment that follows and does not raise a specific issue with the adequacy of the DEIR evaluation or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 5.36: The statement that employer-sponsored vanpooling was not considered is false, as one of the mitigation measures would require implementation of a commute trip reduction marketing program, one component of which is to incentivize and promote carpooling and vanpooling. Furthermore, the VMT Analysis, Appendix K of the DEIR, recommends participation in the IE Commuter program, which provides subsidized vanpool services for participating businesses. Furthermore, the comment cites a 20.4% reduction in VMT due to vanpool, however this is the highest possible reduction from a vanpool program and would not necessarily apply in Hesperia. As noted on page 10 of the VMT analysis, based on the average transit and vehicle mode share by core statistical area, commute trip reduction measures are likely to be at least 11.4 percent less effective than the highest effectiveness noted in the CAPCOA measure. Therefore, the statement that a 20.4 percent reduction in VMT is possible is not applicable to the Project area due to differences in transit ridership and vehicle mode share.

Response to Comment 5.37: This comment states that SB 610 mandates that projects subject to CEQA including industrial, manufacturing, or processing plant or industrial park that have more than 650,000 SF of floor area are subject to a water supply assessment. The comment also states that the project must include a WSA because it would include the development of a 655,468 SF industrial building and would therefore qualify as a water demand project. The comment concludes with stating that the City must determine whether the projected water supplies will be sufficient to satisfy demands based on the entire record. The Project specific Water Supply Assessment was erroneously excluded from the analysis. However, as stated in the DEIR Section 5.14, the Hesperia Water District (HWD) 2020 Urban Water Management Plan (UWMP) accounts for the water usage that would be attributed to development of the Project site. The 2020 UWMP detailed water demand of 129 gallons per day per capita was assumed when determining the projected water demand for the Project and reasonably foreseeable future development during normal, dry, and multiple dry years within the HWD service area. Utilizing the 2020 UWMP detailed water demand of 129 gallons per capita per day and the Project's employment generation of approximately 342 employees, the proposed Project would generate a total water demand of 44,118 gpd.

The Project specific Water Supply Assessment, now included as Appendix D of the Final EIR, states that the water demand rate for the proposed Project is 3,000 gallons per day per acre. Therefore, the Project's total water demand would be 88,830 gallons per day or 99.5 acre-feet per year. Appropriate revisions were made, as incorporated into Chapter 2, Errata, of this Final EIR. The revised water demand is still within the anticipated increased demand and supply for water from 2020 to 2025, as shown on the DEIR Table 5.14-2, page 5.14-5. Therefore, the revised total water demand for the Project does not alter the analysis provided in Section 5.14, *Utilities* of the DEIR and does not alter the impact determination. The Project would still result in a less than significant impact related to water supply and the DEIR accurately analyzed all potential environmental impacts from the Project. Therefore, the comment incorrectly assumes that the DEIR fails to provide reasoned analysis for the Project's impact on water supplies and no further revisions to the DEIR or response is warranted.

Response to Comment 5.38: This comment states that the DEIR did not adequately support the Project's estimated water demand with substantial evidence. The comment also states that the Utilities and Services Section does not reference any other industrial warehouse projects and therefore fails to disclose the basis for the Project's estimated water demand. The commentor continues to state that the DEIR fails to provide reasoned analysis for the Project's impacts on water supplies. Additionally, the comment claims the DEIR likely underestimates the Project's total water demand in comparison to similar industrial projects in the area. The comment is correct in that the DEIR erroneously cited the wrong water demand for the Project. The Project specific Water Supply Assessment was erroneously excluded from the analysis. However, as stated in the DEIR Section 5.14, the Hesperia Water District (HWD) 2020 Urban Water Management Plan (UWMP) accounts for the water usage that would be attributed to development of the Project site. The 2020 UWMP detailed water demand of 129 gallons per day per capita was assumed when determining the projected water demand for the Project and reasonably foreseeable future development during normal, dry, and multiple dry years within the HWD service area. Utilizing the 2020 UWMP detailed water demand of 129 gallons per capita per day and the Project's employment generation of approximately 342 employees, the proposed Project would generate a total water demand of 44,118 gpd. The 2020 UWMP water demand rate was accurately referenced in the DEIR and substantial evidence was provided to support the use of this rate in the analysis.

To provide a conservative analysis, the DEIR utilized a water demand of 2,000 gallons per day per acre that would result in a water demand of 59,220 gpd for the Project. Thus, the DEIR analyzed an additional 15,102 gpd or 17 AF per year compared to the 2020 UWMP. This was an erroneous error. The Project specific Water Supply Assessment, now included as Appendix D of the Final EIR, states that the water demand rate for the proposed Project is 3,000 gallons per day per acre. Therefore, the Project's total water demand would be 88,830 gallons per day or 99.5 acre-feet per year. Appropriate revisions were made, as incorporated into Chapter 2, Errata, of this Final EIR. The revised water demand is still within the anticipated increased demand and supply for water from 2020 to 2025, as shown on the DEIR Table 5.14-

2, page 5.14-5. Therefore, the revised total water demand for the Project does not alter the analysis provided under Impact UT-2 of the DEIR and does not alter the impact determination. Therefore, as concluded in the DEIR and as demonstrated in Chapter 2, Errata, of this Final EIR, the Project would result in a less than significant impact related to water supply and the DEIR accurately analyzed all potential environmental impacts from the Project. Therefore, the comment incorrectly assumes that the DEIR fails to provide reasoned analysis for the Project's impact on water supplies and no further revisions to the DEIR or response is warranted.

Response to Comment 5.39: This comment concludes the comment letter and states that the City of Hesperia has to fulfill its responsibilities under CEQA by preparing a legally adequate EIR that sufficiently addresses the potentially significant impacts described throughout the comment letter. Additionally, the comment states again that a revised EIR is necessary to ensure that the Project's potentially significant environmental impacts have appropriate mitigation as necessary. The comment is conclusory in nature and does not raise a specific issue with the adequacy of the DEIR evaluation. The commenter's concerns were addressed above in Responses 5.1 through 5.38, and appropriate revisions were made, as incorporated into Chapter 2, Errata. In reviewing the above listed comments and making the appropriate revisions, when necessary, no significant new information was incorporated, and further, the impacts disclosed in the DEIR accurately reflect the proposed Project and subsequent potential environmental impacts. Therefore, per CEQA Guidelines and CA Code of Regulations 15088.5, DEIR recirculation would not be warranted.

Response to Exhibits A, B, and C: All comments in Appendices A, B, and C have been addressed accordingly in responses above for Comments 5.1 through 5.39.

Comment Letter 6: Center for Biological Diversity, dated December 1, 2023 (26 pages)

12/1/2023

Sent via email

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Re: Comments on the Draft Environmental Impact Report for KISS Logistics Center Project

Dear Mr. Leonard:

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") regarding the City of Hesperia's Draft Environmental Impact Report ("DEIR") for the KISS Logistics Center Project (the "Project"). These comments expand upon and incorporate by reference the Center's comments submitted on December 1, 2022 regarding the Project's Notice of Preparation. 6.1

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and across the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Hesperia.

I. THE DEIR'S ANALYSIS OF AND MITIGATION FOR THE PROJECT'S IMPACTS TO BIOLOGICAL RESOURCES IS INADEQUATE.

A. The DEIR's Analysis of and Mitigation for Impacts to the Western Joshua Tree is Inadequate.

i. The Project Site Is Home to a Natural Community of Concern.

The Project site is located in the northwestern part of the City, within San Bernardino's Victor Valley region. (DEIR at 1.0-1.) The City is located within the range of the western Joshua tree South population (YUBR South). The geographic area in which YUBR South is situated is comprised of 3.7 million acres, with just over 50% in private ownership, 48% federally owned, 6.2

1

and just under 2% state, county and local owned (USFWS 2018). The USFWS (2018) estimates that 3,255,088 acres of this area was suitable for Joshua trees based on soils and other habitat factors. However, Joshua tree actually occupy only a fraction of this area, as they have a patchy and disjunct distribution, and large areas of former habitat have been lost to development or agricultural conversion.

Development, climate change, and increasing wildfire occurrences exacerbated by drought and invasive species negatively impact western Joshua trees and their habitat. (DeFalco et al. 2010; Harrower and Gilbert 2018.) Climate change, in particular, represents the single greatest threat to the continued existence of western Joshua trees. Even under the most optimistic climate scenarios, western Joshua trees will be eliminated from significant portions of their range by the end of the century; under warming scenarios consistent with current domestic and global emissions trajectories, the species will likely be close to being functionally extinct in the wild in California by century's end. (Dole et al. 2003; Cole et al. 2011; Sweet et al. 2019.) Studies indicate that the species' range is contracting at lower elevations, recruitment is limited, and mortality is increasing, all of which would likely reflect a population already starting to decline due to recent warming. Even greater changes are projected to occur over the coming decades. 6.3

Increasing development, climate change, increasing drought and wildfires, invasive species that adversely affect fire dynamics, and other threats have led to ongoing reductions in western Joshua trees and western Joshua tree habitat range-wide. Protecting western Joshua trees and their habitat from continued destruction and habitat loss is therefore of utmost importance to the persistence of the species in California. However, within the City and surrounding communities in particular, western Joshua tree habitat is shrinking at an alarming rate due to increasing development. While western Joshua trees currently persist in the less-developed areas of the City, they are absent from the more developed areas as well as the agricultural lands in the region, making the Project site all the more valuable.

Maintaining successful habitat connectivity nearby is particularly important to western Joshua trees: for successful reproduction and recruitment, Joshua trees require the presence of their obligate pollinator, rodents to disperse and cache seeds and nurse plants to shelter emerging seedlings. Therefore, to the degree that any Joshua trees are left remaining on the Project site, such moths and rodents must have access to and also be maintained on site in order for these remnant western Joshua trees to successfully reproduce. Construction on the project site will reduce habitat connectivity necessary for sustainable Joshua tree recruitment onsite. Moreover, construction on the Project site will result not just in the loss of Joshua trees and their pollinators and dispersers from the site itself, but will further fragment habitat, potentially resulting in significant adverse impacts to remnant Joshua tree woodland in nearby areas if pollinator or disperser populations are reduced. 6.4

The Project site is comprised of ecologically significant habitat for Joshua trees. As the DEIR admits, the Project site is primarily "Joshua tree woodland and habitat," of which the Project will destroy 18.16 acres, resulting in a considerable loss of this natural community in the region. (DEIR at 4.0-5; 5.1-4.) Joshua tree woodland is a community recognized by the California Department of Fish and Wildlife (CDFW) as a Natural Community of Concern. (DEIR at 2.0-3.) Sensitive natural communities are communities that are of limited distribution 6.5

2

statewide or within a county or region and are often vulnerable to environmental effects of projects (CDFW 2018). CDFW's List of California Terrestrial Natural Communities is based on the best available information, and indicates which natural communities are considered sensitive at the current stage of the California vegetation classification effort.[1]

6.5 cont

B. The Project's Significant Impacts to Joshua Trees and Joshua Tree Habitat Must Be Properly Mitigated.

The Project's proposed warehouse will require the removal of vegetation from the site prior to the start of construction (DEIR at 3.0-12), which will necessarily include any Joshua trees located in the Project footprint. The DEIR further acknowledges that Joshua Tree Woodland is a "high priority" sensitive vegetation community in the state and that "[a]ll ground-disturbing activities are considered permanent impacts to Joshua tree woodland. (DEIR at 5.3-13.) Consequently, the EIR acknowledges, as it must, that the Project will permanently disturb 11 of the 29.6 acres of Joshua Tree woodland. (*Ibid.*) The DEIR fails to mitigate the impacts from destroying nearly thirty acres of this Natural Community of Concern.

6.6

i. The DEIR Must Be Updated to Account for the Passage of the Western Joshua Tree Conservation Act.

In recognition of the urgency of protecting the Western Joshua Tree, on June 27, 2023 the California Legislature passed the Western Joshua Tree Conservation Act ("Conservation Act"). (Singh 2023.) The Conservation represents a resolute commitment to safeguarding the future of the Western Joshua Tree: it provides for the conservation of western Joshua tree at a landscape scale, while also making available a permitting and mitigation process that allows payment of in-lieu fees. The Act is now in effect. (*Ibid.*)

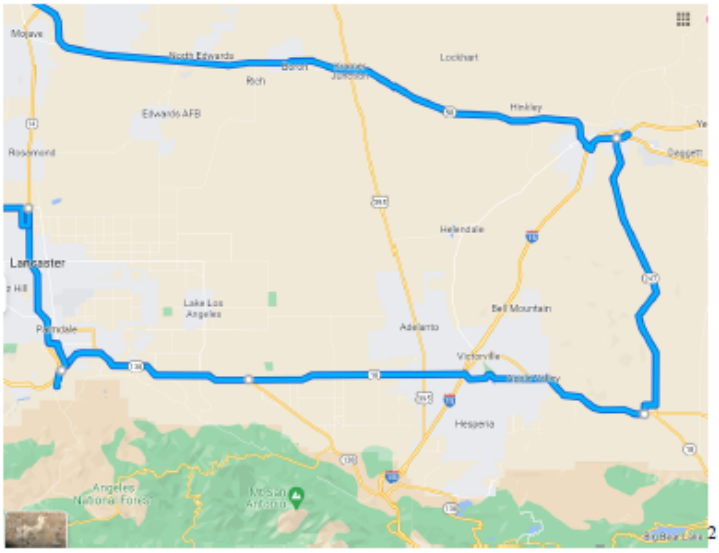
Under the Conservation Act, harming or removing Joshua Trees is prohibited unless the project applicant obtains a permit and provides fees or other mitigation. CDFW may authorize permits for Joshua tree removal, following a process that includes the permittee providing a census of all Joshua trees on their property, including photos and sizes for each tree. (Fish and G. Code, § 1927.3(a)(1).) The permittee is required to minimize impacts to Joshua Tree as much as possible (Fish and G. Code, § 1927.3(a)(2)) and must take mitigation steps, which could include fees or relocation. (Fish and G. Code, § 1927.3(a)(2).)

6.7

The Conservation Act authorizes, in lieu of completing the mitigation measures on its own, a permittee to satisfy its mitigation obligation by paying fees. The fee schedule depends upon the location of the Project and the height of each Joshua Tree. (Fish and G. Code, § 1927.3(d)-(e)).

Hesperia is south of Highway 18, and the Project site is outside the jurisdictional bounds entitled to lesser fees (see map below):

[1] *See* the Vegetation Classification and Mapping Program (VegCAMP) website for additional information on natural communities and vegetation classification. Available at: https://www.wildlife.ca.gov/Data/VegCAMP.



[2]

6.7 cont.

Accordingly, for purposes of compliance with CESA and the Conservation Act, the Project in lieu of mitigation may opt to pay fees, as detailed in Fish and G. Code, § 1927.3(e)(2)(A)-(C), according to the following schedule:

- $2,500 for each western Joshua tree five meters or greater in height
- $500 for each western Joshua tree one meter or greater but less than five meters in height
- $340 for each western Joshua tree less than one meter in height

The DEIR notes that in the event the Conservation Act passed, the Project's Joshua Tree protection measures would be replaced with alternative mechanisms that provide "equal or better function and value." (DEIR at 5.3-27.) The Conservation Act has now passed and is in effect. Consequently, the City must provide new measures that comply with the Conservation Act. Importantly, the Conservation Act does not displace the existing requirements of Hesperia's current ordinances related to Joshua trees that may provide additional protections to the species beyond those required by the Act. (Fish and G. Code, § 1927.11.) The EIR must be updated to include the information required for permitting under the Conservation Act such as a census of all Joshua Trees, classified by height, as well as an analysis of measures required under Hesperia's existing ordinances that may provide additional conservation benefits to the species.

6.8

[2] The blue line represents the Legislature's demarcation of an area bounded by the intersection of Highway 99 and Highway 58, then east along Highway 58 to the intersection of Interstate 15, then north along Interstate 15 to the intersection of Highway 247, then south along Highway 247 to the intersection of Highway 18, then west along Highway 18 to the intersection of Highway 138, then west and north along Highway 138 to the intersection of Interstate 5, then north along Interstate 5 to the intersection of Highway 99, then north along Highway 99 to Highway 58. This area qualifies for lesser in lieu fees for the take of Joshua Tree. (Fish and G. Code, § 1927.3(e).)

Finally, while the Project may opt to pay these fees in lieu of seeking a take permit from the California Department of Fish and Wildlife, the Conservation Act does not offer an alternative mechanism to mitigate impacts to Joshua Tree Woodland. Accordingly, the EIR also still must analyze and mitigate the loss of Joshua Tree woodland, upon which a number of species rely. 6.9

ii. The DEIR's Mitigation is Inadequate.

The DEIR offers thirteen mitigation measures for biological resources, three of which address impacts to the Joshua Tree. The DEIR fails to support its claim that these three measures will reduce the Project's impacts to Joshua Tree woodland to less than significant. (DEIR at 5.3-12 ["the Project would result in less than significant direct or indirect impacts on species identified as candidate, sensitive, or special status … with the implementation of MM BIO-1 through BIO-13."].)

BIO-1 amounts to nothing more than compliance with already-existing requirements in the City of Hesperia Municipal Code. (DEIR at 5.3-26.) For one, compliance with the law alone cannot serve as substantial evidence that a project's impacts will be mitigated to less-than-significant levels. A determination that compliance with the law will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. (*Californians for Alternatives to Toxics v Department of Food & Agric.* (2005) 136 Cal.App.4th 1.) The measure lacks project-specific analysis of how compliance with the Hesperia Municipal Code will address project-specific impacts, such as the effects to Joshua Tree woodland and connectivity. The measure also lacks crucial details or performance standards to guide its success: it does not specify who will be responsible for ensuring compliance, such as the party responsible for ensuring that transplanted plants are watered until established, nor does the measure establish a target success rate for transplantation. 6.10

BIO-2 commits the Project to obtaining a take permit for Joshua Tree from CDFW, but only in the event that CFGC lists the Joshua Tree as threatened. (DEIR at 5.3-26.) As a candidate species, the Joshua Tree enjoys the full protections of listed endangered or threatened species. (Fish and Game Code, § 2085.) Should the Project proceed before CFGC has made a final determination on the Joshua Tree, the Project still must secure a take permit for the Joshua Tree. Since the Joshua Tree is a candidate species, BIO-6 must be amended to commit to obtaining take authorization. As discussed above, the passage of the Western Joshua Tree Conservation Act offers an alternative path to securing take authorization from CDFW. The mitigation for the Project will need to be updated. Again, this measure lacks project-specific analysis of how compliance will address project-specific impacts to Joshua Tree woodland and connectivity. 6.11

Finally, BIO-3 required that a designated biologist be on site to conduct "compliance inspections" to minimize impacts to the western Joshua Tree, among other sensitive biological resources. (DEIR at 5.3-26.)

These mitigation measures seek to address the direct impacts associated with the take of individual Joshua Trees. No measure claims to address or attempt to mitigate the loss of Joshua 6.12

Tree woodland habitat, an impact that the EIR acknowledges will be significant absent mitigation. Accordingly, the EIR lacks evidence that the impacts to Joshua Tree woodland will be mitigated to less than significant levels, and the EIR is thus required to consider all feasible mitigation to address this impact. The EIR does not adequately mitigate the loss of Joshua Tree woodland, and the EIR must be updated. 6.12 cont.

C. The DEIR fails to adequately disclose, assess, and mitigate the Project's impacts to mountain lions

Local mountain lions are provisionally listed under the California Endangered Species Act, yet there is no mention of them in the DEIR. Extensive research indicates that existing roads and development have separated the state's mountain lion population into multiple isolated populations, which has led to high levels of inbreeding and poor genetic health (Benson et al., 2019; Ernest et al., 2014; Gustafson et al., 2021; Riley et al., 2014; Vickers et al., 2015). Low genetic diversity combined with high human-caused mortalities (*e.g.*, from car strikes, depredation kills, rodenticide poisoning, and poaching) threaten the long-term survival of several populations in Southern California and along the Central Coast, which includes those local to the Project area. The proposed Project would destroy habitat, add more people to the area, increase truck traffic, light, and noise while operating 24 hours a day, seven days a week, which could impact local mountain lions. The DEIR fails to adequately assess and mitigate the Project's impacts to mountain lions. 6.13

Pumas in Southern California have dangerously low genetic diversity (Gustafson et al., 2018, 2021). Scientists have documented physical and reproductive signs of inbreeding depression due to being boxed in by roads and development (Huffmeyer et al., 2021). Although the genetic information is limited, it appears that pumas in the Project area are grouped within the San Gabriel/San Bernardino (SGSB) population. Researchers have found that, of the California mountain lion subpopulations, the SGSB population has the smallest effective population size and the smallest area of available habitat (Dellinger et al., 2020; Gustafson et al., 2021). Scientists suggest that the SGSB population "may be approaching levels of genetic drift and inbreeding similar to the well-monitored and genetically depauperate Santa Ana and Central Coast South populations" (Ernest et al., 2014; Gustafson et al., 2017; Riley et al., 2014) (Gustafson et al., 2021), which are predicted to have a 99% chance of becoming locally extinct within 50 years if inbreeding depression occurs (Benson et al., 2019). Furthermore, Gustafson et al. (2021) the SGSB population is "of critical importance for statewide puma gene flow." This emphasizes the importance of protecting remaining habitat and enhancing connectivity between the SGSB and surrounding puma populations to improve the Southern California pumas' chances of long-term survival. 6.14

Although pumas generally occupy desert habitats in low densities, they are known to occur in the Mojave Desert. In 2021 an iNaturalist community scientist documented a puma in a Joshua tree in Hesperia (Figure 1), which highlights the potential for the Project area to support pumas. By failing to adequately assess and mitigate the Project's impacts to this CESA candidate species, the DEIR fails to comply with CEQA. 6.15

Figure 1. Puma in a Joshua tree in Hesperia, CA. iNaturalist observation by Dave Campbell.[3]

There are numerous scientific studies that provide insights on the profound impacts human activities and infrastructure have on mountain lion survival, and they emphasize the need to adequately assess and mitigate impacts to these CESA candidate species in the Project area. For example, Shilling et al. (2023) reported 470 observed roadkill mountain lions throughout the state between 2016 to 2022, but these deaths are likely underreported. Former CDFW biologist Justin Dellinger estimates there could be 200 puma deaths on roads every year (Price, 2020). And a UC Davis report identified a 58% reduction in mountain lion road mortalities after a 71% decrease in road use due to COVID-19 pandemic "stay-at-home" orders (Nguyen et al., 2020), which further highlights how roads and traffic are deadly barriers to puma movement and gene flow.

6.16

In addition to causing direct mortality in pumas, human activities also alter these large carnivores' behavior in ways that likely further impede important movement and gene flow. For example, Smith et al. (2017) found that mountain lions are so fearful of humans and noise generated by humans that they will abandon the carcass of a deer and forgo the feeding opportunity just to avoid humans. The study concluded that even "non-consumptive forms of human disturbance may alter the ecological role of large carnivores by affecting the link between these top predators and their prey" (Smith et al., 2017). In addition, mountain lions have been found to respond fearfully upon hearing human vocalizations, avoiding the area and moving more cautiously when hearing humans (Suraci et al., 2019). Pumas have also been found to generally avoid areas with nearby night lighting (Barrientos et al., 2023). A large warehouse operating 24 hours a day, seven days a week, could significantly alter how pumas use and/or move through the area.

6.17

[3] https://www.inaturalist.org/observations/96384954

Pumas in the Santa Cruz Mountains were found to less likely occur in areas with higher development densities (*i.e.*, areas with greater road and/or building densities) (Nickel et al., 2020). This aligns with other studies that have demonstrated that mountain lion avoidance behavior increases with greater development densities (Smith et al., 2015, 2019; Wang et al., 2017; Wilmers et al., 2013). In addition, Nickel et al. (2020) found that in open space areas where recreational activities are allowed (*e.g.*, hiking, biking), mountain lions generally avoided human presence and became more nocturnal as human presence increased. Similar shifts in puma behavior in response to human activities have been documented in other studies (Lucas, 2020; Smith et al., 2017; Suraci et al., 2019; Wang et al., 2015, 2017).

There is often a cost of these behavioral shifts, such as increased energy expenditure that could potentially reduce fitness. Studies have found that pumas expend more energy by increasing their kill rates in high housing density areas (Smith et al., 2015) and having higher nighttime activity in developed areas (Wang et al., 2017). This is further supported by a study that found mountain lions increased movement efficiency during the Covid-19 shutdown, which suggests that they incur energetic costs by increasing movement and space-use when avoiding human activity (Benson et al., 2021).

In a study conducted from 2002 to 2019 in the Santa Monica Mountains, scientists found high human-caused mortality rates in puma adults and high intraspecific mortalities among subadults (Benson, Sikich, et al., 2020). Most known causes of death among adults and subadults (14/20) were directly human-caused: vehicle strikes, rodenticide poisoning, poaching, and wildfire. The remaining six known causes of deaths were intraspecific killing (Benson, Sikich, et al., 2020). And while intraspecific killings have been documented to naturally occur in mountain lion populations, it was likely exacerbated in the Santa Monica Mountains with the presence of significant movement barriers that prevent subadults from being able to adequately disperse, which likely led to increased conflicts with territorial males (Benson, Sikich, et al., 2020; Riley et al., 2014). The Santa Monica Mountains puma population is relatively small, extremely isolated, and geographically limited. Demographic and environmental stochasticity and high mortality rates increase the risk of local extinction, particularly when combined with small population size, low density, female-biased sex ratios, and skewed male reproductive success (Benson et al., 2019; Benson, Sikich, et al., 2016; Ernest et al., 2014; Riley et al., 2014; Vickers et al., 2015). Increased human-caused mortalities of adult males could lead to occasional male extinctions, which have been documented in the Santa Ana Mountains puma population (Beier & Barrett, 1993). Lack of breeding males would disrupt reproduction and could severely limit the short- and long-term viability of a population (Beier, 1993; Benson et al., 2019; Benson, Mahoney, et al., 2016; Benson, Sikich, et al., 2020). This highlights the need to reduce human-caused mortalities, in part, by improving connectivity. 6.18

These studies add to the accumulating evidence that mountain lions require a habitat mosaic that provides sufficient room to roam away from human-disturbed areas and connected to expansive, intact, heterogeneous habitats (Beier et al., 1995; Dickson et al., 2005; Dickson & Beier, 2002; Kertson et al., 2011; Zeller et al., 2017). Continued construction of roads and development and increased human presence in mountain lion habitat with little regard for their movement and behavioral needs has direct and indirect lethal and sublethal impacts that threaten the persistence of Southern California and Central Coast puma populations.

8

Mountain lions are a key indicator species of wildlife connectivity and healthy ecosystems. As the last remaining wide-ranging large carnivore in Southern California, the ability to move through large swaths of interconnected habitat is vital for genetic connectivity and their long-term survival. Local extinction of mountain lions in the region could have severe ecological consequences. Many scavengers, including many raptors, foxes, and numerous insects, would lose a reliable food source (Barry et al., 2019; Elbroch et al., 2017; Ruth & Elbroch, 2014). Fish, birds, amphibians, reptiles, rare native plants, and butterflies could potentially diminish if this apex predator were lost (Ripple et al., 2014; Ripple & Beschta, 2006, 2008). Loss of this ecosystem engineer and important predator-prey dynamics could have cascading effects on other plant and animal species, potentially leading to a decrease in biodiversity and diminished overall ecosystem function (Barry et al., 2019; Benson, Mahoney, et al., 2020; Elbroch et al., 2017; Ripple et al., 2014). The DEIR fails to adequately assess and mitigate the Project's impacts to pumas. 6.18 cont. 6.19

D. The DEIR fails to adequately disclose, assess, and mitigate the Project's impacts wildlife movement and habitat connectivity

The DEIR lacks any analysis of wildlife connectivity in the Project area, simply stating, "The Project site lacks migratory wildlife corridors, as it does not contain the structural topography and vegetative cover that facilitate regional wildlife movement" (DEIR at 5.3-5), without providing substantial evidence to support such claims. It is unclear what they are defining as "structural topography and vegetative cover that facilitate regional wildlife movement," as the area contains suitable habitat for numerous species, including mountain lions, to live in and move through. Wildlife connectivity is defined as "the unimpeded movement of species and the flow of natural processes that sustain life on Earth" (Convention on Migratory Species, 2019). The purpose of a DEIR being required to assess the Project's impacts to wildlife connectivity is to ascertain whether species are moving through the area and how the Project would impact species movement. The DEIR provides no movement studies or other evidence to support their conclusions that "no wildlife movement corridors were found to be present" (DEIR at 5.3-5). The DEIR fails to adequately assess the Project's impacts to wildlife movement and habitat connectivity. 6.20

Contrary to the DEIR's statements, the California Department of Fish and Wildlife (CDFW) identifies the Project area as ACE Rank 3: Connections with implementation flexibility, which are defined as "areas that have been identified as having connectivity importance, but have not been identified as channelized areas, species corridors, or habitat linkages at this time. This may change with future changes in surrounding land use or regional specific information" (CDFW, 2019). Yet the DEIR dismisses the Project area's existing conditions as an important area for wildlife connectivity. The DEIR fails to adequately disclose and assess the Project's impacts to wildlife movement. 6.21

With no analyses conducted, the DEIR concludes that impacts to wildlife movement would be less than significant with mitigation, offering only pre-construction nesting bird surveys between February 1 and August 31 (MM BIO-9) and directing lighting away from natural areas during operations (which is 24 hours a day, seven days a week) (MM BIO-12). This 6.22

mitigation is only geared towards birds and ignores other species that occur or potentially occur in the Project area even though CDFW has identified the area as having the highest ecoregion biodiversity ranking.[4] Such mitigation is also insufficient to reduce impacts to birds, as artificial light at night is linked with increased bird-building collisions (Lao et al., 2020). And lighting at night has been found to affect numerous species across all taxa (Longcore & Rich, 2004). This mitigation is insufficient to minimize the Project's impacts to wildlife movement to less than significant. 6.22 cont.

The DEIR fails to adequately assess and mitigate the Project's impacts to wildlife. As detailed in a 2021 Center Report (Yap et al., 2021), roads and development create barriers that lead to habitat loss and fragmentation, which harms native wildlife, plants, and people. As barriers to wildlife movement, poorly-planned development and roads can affect an animal's behavior, movement patterns, reproductive success, and physiological state, which can lead to significant impacts on individual wildlife, populations, communities, landscapes, and ecosystem function (Brehme et al., 2013; Ceia-Hasse et al., 2018; Haddad et al., 2015; Marsh & Jaeger, 2015; Mitsch & Wilson, 1996; Trombulak & Frissell, 2000; van der Ree et al., 2011). For example, habitat fragmentation from roads and development has been shown to cause mortalities and harmful genetic isolation in mountain lions in southern California (Ernest et al., 2014; Riley et al., 2014; Vickers et al., 2015), increase local extinction risk in amphibians and reptiles (Brehme et al., 2018; Cushman, 2006), cause high levels of avoidance behavior and mortality in birds and insects (Benítez-López et al., 2010; Kantola et al., 2019; Loss et al., 2014), and alter pollinator behavior and degrade habitats (Aguilar et al., 2008; Goverde et al., 2002; Trombulak & Frissell, 2000). 6.23

Habitat loss and fragmentation also severely impacts plant communities. An 18-year study found that reconnected landscapes had nearly 14% more plant species compared to fragmented habitats, and that number is likely to continue to rise as time passes (Damschen et al., 2019). The authors conclude that efforts to preserve and enhance connectivity will pay off over the long-term (Damschen et al., 2019). In addition, connectivity between high quality habitat areas in heterogeneous landscapes is important to allow for range shifts and species migrations as climate changes (Cushman et al., 2013; Heller & Zavaleta, 2009; Krosby et al., 2018). Loss of wildlife connectivity decreases biodiversity and degrades ecosystems. It also prevents the reestablishment of native species, like desert tortoise and Mohave ground squirrels, that may occur in or near the Project area. 6.24

Edge effects of roads and development in and adjacent to open space will likely impact key, wide-ranging predators, such as mountain lions and bobcats (Crooks, 2002; Delaney et al., 2010; Lee et al., 2012; Riley et al., 2006; Smith et al., 2015, 2017; Vickers et al., 2015; Wang et al., 2017), as well as smaller species with poor dispersal abilities, such as song birds, small mammals, and herpetofauna (Benítez-López et al., 2010; Cushman, 2006; Kociolek et al., 2011; Slabbekoorn & Ripmeester, 2008). Limiting movement and dispersal can affect species' ability to find food, shelter, mates, and refugia after disturbances like fires or floods. Individuals can die off, populations can become isolated, sensitive species can become locally extinct, and important ecological processes like plant pollination and nutrient cycling can be lost. Negative edge effects

[4] California Department of Fish and Wildlife Areas of Conservation Emphasis website: https://wildlife.ca.gov/Data/Analysis/ACE (accessed November 15, 2023).

from human activity, such as traffic, lighting, noise, domestic pets, pollutants, invasive weeds, and increased fire frequency, have been found to be biologically significant up to 300 meters (~1000 feet) away from anthropogenic features in terrestrial systems (Environmental Law Institute, 2003). 6.24 cont.

The DEIR must also consider corridor redundancy (*i.e.* the availability of alternative pathways for movement) because it allows for improved functional connectivity and resilience. Compared to a single pathway, multiple connections between habitat patches increase the probability of movement across landscapes by a wider variety of species, and they provide more habitat for low-mobility species while still allowing for their dispersal (Mcrae et al., 2012; Olson & Burnett, 2013; Pinto & Keitt, 2008). In addition, corridor redundancy provides resilience to uncertainty, impacts of climate change, and extreme events, like flooding or wildfires, by providing alternate escape routes or refugia for animals seeking safety (Cushman et al., 2013; Mcrae et al., 2008, 2012; Olson & Burnett, 2013; Pinto & Keitt, 2008). 6.25

Corridor redundancy is critical when considering the impacts of climate change on wildlife movement and habitat connectivity. Climate change is increasing stress on species and ecosystems, causing changes in distribution, phenology, physiology, vital rates, genetics, ecosystem structure and processes, and increasing species extinction risk (Warren et al., 2011). A 2016 analysis found that climate-related local extinctions are already widespread and have occurred in hundreds of species, including almost half of the 976 species surveyed (Wiens, 2016). A separate study estimated that nearly half of terrestrial non-flying threatened mammals and nearly one-quarter of threatened birds may have already been negatively impacted by climate change in at least part of their distribution (Pacifici et al., 2017). A 2016 meta-analysis reported that climate change is already impacting 82 percent of key ecological processes that form the foundation of healthy ecosystems and on which humans depend for basic needs (Scheffers et al., 2016). Genes are changing, species' physiology and physical features such as body size are changing, species are moving to try to keep pace with suitable climate space, species are shifting their timing of breeding and migration, and entire ecosystems are under stress (Cahill et al., 2012; Chen et al., 2011; Maclean & Wilson, 2011; Parmesan, 2006; Parmesan & Yohe, 2003; Root et al., 2003; Warren et al., 2011). 6.26

It is widely recognized that the continuing fragmentation of habitat by humans threatens biodiversity and diminishes our (humans, plants, and animals) ability to adapt to climate change. In a report for the International Union for Conservation of Nature (IUCN), world-renowned scientists from around the world stated that "[s]cience overwhelmingly shows that interconnected protected areas and other areas for biological diversity conservation are much more effective than disconnected areas in human-dominated systems, especially in the face of climate change" and "[i]t is imperative that the world moves toward a coherent global approach for ecological connectivity conservation, and begins to measure and monitor the effectiveness of efforts to protect connectivity and thereby achieve functional ecological networks" (Hilty et al., 2020).

II. The DEIR fails to adequately disclose, assess, and mitigate the Project's Greenhouse Gas Impacts.

California is at the forefront of the climate crisis. Poor land-use planning and extreme weather events have led to an onslaught of disasters harming communities and threatening the state's ecosystems and people's livelihoods. Yet the DEIR fails to adequately calculate the Project's greenhouse gas (GHG) emissions from destroying 38.3 acres of undeveloped desert habitat that includes 29.6 acres of Joshua tree woodland alliance habitat (which includes Joshua trees, shrubs, grasses, and *Juniperus* and/or *Pinus* species), 28.5 acres of desert almond-Mexican bladdersage scrub, 16.8 acres of rubber rabbitbrush scrub, and one acre of California buckwheat scrub. In fact, carbon emissions from destroying these habitats and degrading adjacent habitats is omitted from the analysis. To adequately assess and mitigate the Project's GHG impacts, the DEIR must include the carbon storage and sequestration potential of these habitats in the analysis.

As stated in the DEIR, "lead agencies are required to quantify and disclose GHG emissions that would occur during construction" and the SCAQMD "requires construction GHG emissions to be amortized over the life of the project, defined as 30 years" (DEIR at 5.7-12), yet the DEIR fails to comply with these requirements. When describing the emissions sources during construction activities, the DEIR only lists emissions from "the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate" and from "fueling of heavy equipment" (DEIR 5.7-11). The DEIR fails to account for carbon emissions from intact habitats that would be dug up and paved over during construction as well as the annual loss of carbon that existing habitats would have continued to sequester for 30 years if the Project were not constructed.

6.27

As detailed in a 2023 Center Report, "Hidden in Plain Sight: California's Native Habitats are Valuable Carbon Sinks" (Yap et al., 2023), diverse native California habitats, including deserts, are important carbon sinks that should be included in carbon calculations. In California, desert landscapes consist of dunes, desert scrub, sandy soil grasslands, juniper-pinyon woodlands and rock formations. The Mojave Desert is dominated by deep-rooted shrub species, including creosote bush and white bursage, as well as many forbs, trees, grasses, and dunes. In the Project area, the landscape consists of a variety of vegetation, including Joshua trees, desert scrub, grasses, and Juniper/Pinyon species. Although the carbon storage and sequestration potential of such habitats are often overlooked, carbon in these systems is stored in the form of soil organic carbon (e.g., extensive root networks, soil microbial communities, mycorrhizae), soil inorganic carbon (e.g., calcite/caliche), and above-ground vegetation (Janzen, 2004; Meyer, 2012; Mi et al., 2008; Thomey et al., 2014; Wang et al., 2010; Zamanian et al., 2016).

Any loss of nature-based carbon storage must be accounted for when assessing a Project's GHG impacts. When calculating carbon loss from habitats, it is important to consider the types of habitats. Although more research is needed to understand the carbon storage and sequestration potential for desert systems, it is clear that various desert habitats store and sequester different amounts of carbon. For example, Evans et al. (2014) found that areas of the northern Mojave Desert in Nevada store an average of approximately 4.17 metric tons of carbon per acre, and these areas were found to sequester 0.4 to 0.51 metric tons of carbon per acre per year (Jasoni et al., 2005; Wohlfahrt et al., 2008). However, desert ceanothus (*Ceanothus gregii*) was found to store up to 41 metric tons of carbon per acre in their aboveground biomass and up to 5.8 metric tons of carbon per acre in their belowground biomass while accumulating 2.4

12

metric tons of carbon per acre per year (this does not include organic or inorganic soil carbon) (Bohlman et al., 2018). And experts reported "back of the envelope conservative estimates" of carbon storage for creosote bajada scrub and microphyll woodland habitats in California desert as about 2.47 million and 1.23 million metric tons of carbon per acre, respectively (Allen et al., 2023).

Given that the Project area is vegetated and filled with Joshua tree woodland and desert scrub, it is likely that the area stores and sequesters a significant amount of carbon. This must be accounted for in the DEIR's GHG impact assessment. Although the amount of carbon stored and sequestered by the desert habitats in the Project area are uncertain, CEQA requires the adequate assessment and mitigation of a project's impacts. Destroying and degrading undeveloped desert habitats could release significant amounts of carbon that must be accounted for. The DEIR fails to adequately disclose, assess, and mitigate the Project's GHG impacts. 6.27 cont.

Nor is such an analysis infeasible. CalEEMod Version 2022.1, upon which the EIR relies, has the modelling capabilities to calculate the loss of carbon from changes in land use and the associated loss of vegetation. (CalEEMod 2022, p. 47.) The modelling also provides detailed inputs for calculating GHG emissions from land use changes and vegetation loss, including for desert lands. (CalEEMod 2022, Appen. C, pp. C-70 – C-73.) While the EIR used CalEEMod 2022.1 to model the Project's GHG emissions, it inexplicably skipped over the vegetation and land use change modules. (DEIR, App. B, pp. 75-76.) The EIR must disclose the carbon emissions associated with the loss of sequestered carbon. 6.28

III. THE DEIR'S ANALYSIS OF AND MITIGATION FOR THE PROJECT'S IMPACTS TO AIR QUALITY IS INADEQUATE.

Air quality is a significant environmental and public health concern in California. Unhealthy, polluted air contributes to and exacerbates many diseases and increases mortality rates. The U.S. government estimates that between 10-12 percent of total health costs can be attributed to air pollution. (VCAPCD 2003.) Many plants and trees, including agricultural crops, are also injured by air pollutants. This damage ranges from decreases in productivity, a weakened ability to survive drought and pests, to direct mortality. (*Id.*) Terrestrial wildlife is also affected by air pollution as the plants and trees that constitute their habitats are weakened or killed. Aquatic species and habitats are also affected by air pollution through the formation of acid rain that raises the pH level in oceans, rivers and lakes. (EPA 2016b.) Greenhouse gases, such as the air pollutant carbon dioxide which is released by fossil fuel combustion, contribute directly to human-induced climate change (EPA 2016a), and in a positive feedback loop, poor air quality that contributes to climate change will in turn worsen the impacts of climate change and attendant air pollution. (BAAQMD 2016.) 6.29

Air pollution and its impacts are felt most heavily by young children, the elderly, pregnant women and people with existing heart and lung disease. People living in poverty are also more susceptible to air pollution as they are less able to relocate to less polluted areas, and their homes and places of work are more likely to be located near sources of pollution, such as freeways or ports, as those areas are more affordable. (BAAQMD 2016; ALA 2022.) Some of the nation's most polluted counties are in Southern California, and San Bernardino County continually tops the list. (ALA 2022.) According to the American Lung Association's 2022

"State of the Air" report, San Bernardino is the ninth-worst ranked county in the nation for both year-round ozone and particulate matter ($PM_{2.5}$) pollution, with a "Fail" grade from the report. (*Id.*) Even more disturbing, the same report found that San Bernardino County is *the worst-ranked county in the nation* for ozone pollution, with an "F" grade and an average number of 180 days per year with ozone levels in the unhealthy range. (*Id.*)

Although there are many different types of air pollution, Ozone, $PM_{2.5}$, and Toxic Air Contaminants are of greatest concern in San Bernardino County. These three air pollutants have been linked to an increased incidence and risk of cancer, birth defects, low birth weights and premature death, in addition to a variety of cardiac and lung diseases such as asthma, COPD, stroke and heart attack. (Laurent 2016; ALA 2022.) Ozone (commonly referred to as smog) is created by the atmospheric mixing of gases from fossil fuel combustion and other volatile organic compounds and sunlight. Although it is invisible, ozone poses one of the greatest health risks, prompting the EPA to strengthen its National Ambient Air Quality Standard for Ozone in 2015. (ALA 2022.) $PM_{2.5}$ is a common component of vehicle exhaust emissions, and contribute to visible air pollution. These tiny participles are dangerous because they are small enough to escape our body's natural defenses and enter the blood stream. Fugitive dust is a term used for fine particulate matter that results from disturbance by human activity such as construction and road-building operations. (VCAPCD 2003.) Toxic Air Contaminants are released from vehicle fuels, especially diesel, which accounts for over 50% of the cancer risk from TACs. (BAAQMD 2016) This is especially relevant for Southern California with its abundance of diesel shipping traffic. (Bailey; Betancourt 2012.)

6.29 cont.

Warehouse projects in particular are well-documented sources of air quality degradation that can create serious, negative health outcomes for surrounding communities and can have a profound negative impact on regional air quality. (Betancourt 2012 at 4-5.) With the rapid increase in global trade, the Ports of LA and Long Beach have become a primary entryway for goods, processing over 40 percent of all imports into the United States, and accounting for 20 percent of diesel particulate pollutants in southern California—more than from any other source. (Minkler, et al. 2012.) These goods are often 'transloaded' before leaving Southern California, meaning that they spend some time in warehouse storage facilities before they reach their final destination. (Betancourt 2012, p. 2.) This has resulted in a massive expansion of warehouse development in Southern California.

This Project proposes to construct up to 655,468 square feet (sf) of high-cube logistics warehousing on approximately 30 acres, in a City that has experienced a drastic expansion of warehousing uses in recent years. (DEIR at 3.0-25-26.) In light of these facts, one would expect the DEIR to have objectively evaluated whether the Project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under applicable federal or state ambient air quality standards. (CEQA Guidelines, Appendix G, III. Air Quality.) Instead, the DEIR concludes without analysis that the Project would result in less-than-significant impacts under *all* CEQA Guidelines Appendix G thresholds of significance and as a result did not propose a single mitigation measure. (DEIR at 1.0-5-6.) As discussed below, the DEIR relied on improper thresholds of significance and underestimated air quality impacts. The DEIR must be revised to adequately analyze the Project's GHG impacts, acknowledge their significance, and consider and adopt feasible mitigation to reduce those impacts, and it should be recirculated for public review and comment.

6.30

14

A. The DEIR Relies on Inappropriate Thresholds of Significance and Therefore Erroneously Concludes the Project Would Not Have Significant Impacts Relating to Air Quality.

The City's failure to adequately analyze, support, and disclose air quality risks and related impacts stems, at least in part, from the DEIR's failure to establish appropriate thresholds of significance for this topic. The DEIR estimates the Project *daily* will emit 27 pounds of VOC, 47.8 pounds of NOx, 142.2 pounds of CO, and 13.3 pounds of PM10. (DEIR at 5.2-17.)

The DEIR then claims to evaluate these air quality impacts against three thresholds, only one of which is relevant to the amounts of criteria pollutants produced by the Project: whether the Project will "[r]esult in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal [national] or state ambient air quality standard." (DEIR at 5.2-16 [citing CEQA Guidelines Appendix G.) In applying the threshold, however, the DEIR swaps in massive numeric thresholds—137 pounds per day of VOC, 137 pounds per day of NOx, 548 pounds per day of CO, and 82 pounds per day of PM10—finding that the proposed Project would not exceed any of these numeric thresholds and thus that the Project's air quality impacts are less than significant, requiring no mitigation. (DEIR at 1.0-5-6.)

A lead agency's selection of a threshold of significance must be supported with substantial evidence. Moreover, a determination that an environmental impact complies with a particular threshold of significance does not relieve a lead agency of its obligation to consider evidence that indicates the impact may be significant despite compliance with the threshold. (CEQA Guidelines § 15064(b)(2).) If evidence shows that an environmental impact might be significant despite the significance standard used in the EIR, the agency must address that evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.)

6.31

The DEIR attempts to justify these exorbitant thresholds by offering that "MDAQMD has established daily emissions thresholds for construction and operation of a proposed project" and "[s]pecific criteria for determining whether the potential air quality impacts of a project are significant are set forth in the MDAQMD's *CEQA and Federal Conformity Guidelines*." (DEIR at 5.12-13.) Both statements are factually untrue. The DEIR refers to the guidance document that was issued by MDAQMD staff in 2016. (MDAQMD 2016.) But this document was issued informally by staff and never adopted by the MDAQMD Board (nor subject to any notice and comment rulemaking process).[5] As such, it does not qualify for use as a CEQA threshold of significance of general applicability. (*See Golden Door Props. v County of San Diego* (2018) 27 Cal.App.5th 892, 901 [rejecting local GHG analysis guidance document as improperly adopted threshold of significance and because it applied state standards without justifying their application to local conditions].)

[5] Personal telephone communication with Tracy Walters, MDAQMD Air Quality Planner, October 28, 2020.

What's more, the MDAQMD guidance document invokes these numerical "thresholds" only once, in passing, in a table that makes no reference to CEQA, and the document does not make any other reference to these "significance thresholds" for air quality. (MDAQMD 2016 at p. 9-10, Table 6.) In fact, the document contains no discussion at all of how the numerical threshold numbers were derived, why they might be suitable for measuring projects' impacts under CEQA, or how they should be applied by local agencies considering land use proposals. (*Id.*) The document simply supplies no evidence to support the City's use and application of these numbers as a threshold of significance for evaluating individual projects under CEQA. Nor has the MDAQMD separately provided any such evidence: the document was issued without a staff report or any supporting materials.[6] The EIR's reliance on these numerical emissions thresholds is therefore not supported by substantial evidence and violates CEQA; the EIR should be revised to include an adequate threshold of significance that does not obscure the Project's air quality impacts. 6.31 cont.

B. Because the DEIR Improperly Found that the Project's Air Quality Emissions Were Less Than Significant, It Failed to Consider, Much Less Adopt, Feasible Mitigation Measures to Reduce or Avoid the Project's Air Quality Impacts.

As the DEIR readily admits, it does not consider or adopt any mitigation measures to reduce avoid or mitigate the Project's air quality emissions. (DEIR at 1.0-5 to 1.0-6.) Because, as described above, the Project's air quality emissions impacts are significant, the EIR's failure to consider and adopt all feasible mitigation to reduce or avoid the Project's significant impacts violates CEQA. (See Pub. Res. Code § 21002 [It is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects."], CEQA Guidelines §§ 15092(b), 15043, 15126.4(a)(1).) "Even when a project's benefits outweigh its unmitigated effects, agencies are still required to implement all mitigation measures unless those measures are truly infeasible." (*Sierra Club*, *supra*, 6 Cal.5th at pp. 524–525.) The EIR should be revised to adequately analyze the Project's air quality impacts, acknowledge their significance, and consider and adopt feasible mitigation to reduce those impacts, and it should be recirculated for public review and comment. 6.32

The California Office of the Attorney General also has published a document entitled "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act" to help lead agencies comply with these requirements. (AGO 2022.) Nearly all of the example mitigation measures in this document have been adopted in a warehouse project in California, demonstrating their feasibility. (*Ibid.*) At minimum, the City should consider the following mitigation measures:

- Requiring all off-road construction equipment to be 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 6.33

[6] Personal telephone communication with Tracy Walters, MDAQMD Air Quality Planner, October 28, 2020.

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.
- Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills, and compressors, and using electric tools whenever feasible.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than one hundred for particulates or ozone for the project area.
- 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.
- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025.
- 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.
- Retrofitting municipal water and wastewater systems with energy efficient motors, pumps, and other equipment, and recover wastewater treatment methane for energy production.

6.33 cont.

Because the DEIR improperly failed to consider these and other feasible mitigation measures, the City cannot make the requisite CEQA findings prior to approving the Project. The DEIR should be revised to include these and other measures to reduce, avoid, or minimize the Project's admittedly significant impacts to air quality and recirculated for public review and comment. As a reminder, should the City decide that one of the suggested mitigation measures is not feasible, it must explain in the record why it concluded that specific mitigation measure was not feasible, supported by substantial evidence. (*Los Angeles Unified Sch. Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029.)

6.34

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IV. CONCLUSION

Thank you for the opportunity to submit comments on the DEIR for the KISS Logistics Center Project. The Center is deeply concerned by the potentially significant environmental impacts of the proposed Project.

Given the possibility that the Center will be required to pursue legal remedies to ensure that the City complies with its legal obligations including those arising under CEQA, we would like to remind the City of its statutory duty to maintain and preserve all documents and communications that may constitute part of the "administrative record" of this proceeding. (§ 21167.6(e); *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733, 762-65.) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the City with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA . . . ." (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the City's representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the City's representatives or employees and the Applicant's representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the City (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made. 6.35

Please include me on the City's notice list for all future updates, notices, and materials associated with the Project and its environmental review, and do not hesitate to contact the Center with any questions at the email listed below.

Sincerely,

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Response to Comment Letter 6: Center for Biological Diversity, dated December 1, 2023

Response to Comment 6.1: This comment states that the comment is written on behalf of the Center for Biological Diversity and notes that a letter was also submitted with comments on the Notice of Preparation on December 1, 2022. The comment is introductory in nature and does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 6.2: This comment states that the Project Site is within a Natural Community of Concern. The comment also states that the City of Hesperia is within the range of the western Joshua tree South population (YUBR South) and provides background information on the YUBR. This comment is informational in nature and does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 6.3: This comment provides background on the loss of Joshua tree habitat within the region. The comment includes information on historical range of the species within the region. This comment is informational in nature and does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 6.4: This comment provides information on the habitat requirements for Joshua trees reproduction and recruitment. This comment states that development of the Project site would potentially result in significant adverse impacts to remnant Joshua tree woodland in nearby areas.

Impacts to Joshua trees and Joshua tree woodlands are discussed in Section 5.3, Biological Resources of the DEIR. Since the Draft EIR was circulated for the KISS Logistics Projects, the impact footprint has changed, specifically, the offsite impacts due to utility improvements have been reduced from 8.9 acres to 1.3 acres. Updated Impacts to biological resources are included in the addendum prepared for the original Biological Resources Technical Report, attached to this Final EIR as Appendix E, *Biological Resources Technical Report Addendum*. This change will be incorporated into the Errata.

The Project site is on the western edge of the City of Hesperia (City). Although development intensities around the Project site are low, the Project site is within the City and is surrounded by varying levels of development (see Figure 1, Project Setting). Development surrounding the Project site includes the following:

- North: Vacant land and scattered commercial, light industrial, and residential uses
- East: Commercial uses, residential use, and Interstate 15
- South: Vacant land, recreational use, and Interstate 15
- West: Vacant land, residential use, U.S. Highway 395, and scattered commercial and light industrial uses

Although the Project would result in loss of western Joshua trees (Yucca brevifolia) and Joshua tree woodlands, the site is already subject to habitat fragmentation.

On September 22, 2020, the California Fish and Game Commission granted approval of the petition for candidacy of western Joshua tree (CDFW 2020), marking the effective commencement of this status on October 9, 2020. The acceptance of candidacy under the California Endangered Species Act endows western Joshua tree with equivalent protection as that afforded to threatened or endangered species. This protection is sustained during the period in which the California Fish and Game Commission conducts an evaluation to determine whether formal listing as threatened or endangered under the California Endangered Species Act is warranted.

Removal or disturbance of western Joshua trees necessitates the acquisition of an Incidental Take Permit (ITP) issued by the California Department of Fish and Wildlife (CDFW). Until recently, obtaining a 2081 ITP represented the principal avenue for obtaining permissions to undertake activities impacting western Joshua trees. A significant development occurred with the enactment of the Western Joshua Tree Conservation Act (WJTCA) in July 2023, which introduced an additional permitting mechanism for activities involving western Joshua trees.

KISS Logistics will be submitting an application to obtain an ITP under the WJTCA. The WJTCA ITP application requires payment of fees to CDFW based on the impacts to the number and size of the western Joshua trees affected and the location of the Project. These fees are deposited into the Western Joshua Tree Conservation Fund. The WJTCA also mandates development of a conservation plan by CDFW to address conservation measures, relocation protocols, and actions to protect the species. The WJTCA requires CDFW to submit annual reports assessing the conservation status of western Joshua tree, and mandates periodic reviews by the California Fish and Game Commission. The WJTCA is focused on ensuring the conservation and sustainable management of western Joshua trees, addressing potential threats, and promoting responsible development practices throughout California.

Given that the Project site is already subject to habitat fragmentation and given that the applicant will be obtaining a WJTCA ITP from CDFW, the loss of western Joshua trees and Joshua tree woodlands will be mitigated through payment of fees that will fund a state-wide western Joshua tree conservation plan. The conservation plan will contribute to the conservation of large, interconnected Joshua tree woodlands. Larger preserves have several advantages over multiple smaller preserves, even if the total area preserved is the same. Larger preserves have a greater chance of preserving habitat diversity at all scales, supporting larger local populations, maintaining functioning metapopulations (partially isolated subpopulations of the same species that support immigration and emigration and provide for recolonizations following local extirpations), and supporting greater species genetic diversity, and are more likely to maintain intact watershed functions. Larger preserves also have less habitat fragmentation and provide greater protection from edge effects due to a larger area-to-perimeter ratio compared to smaller preserves. Additionally, larger preserves usually facilitate more cost-effective land management.

Response to Comment 6.5: The comment includes information on the designation of Joshua tree woodland as a community designated by the California Department of Fish and Wildlife (CDFW) as a Natural Community of Concern.

As stated in the response to comment 6.4 above, since the Draft EIR was circulated for the KISS Logistics Project, the impact footprint has changed. As a result, impacts to biological resources were recalculated. An addendum to the original Biological Resources Technical Report has been prepared and is attached to this Final EIR as Appendix E. This change will be incorporated into the Errata.

The comment states that the Project would destroy 18.6 acres of Joshua Tree Woodland and Habitat. However, the Biological Study Area (BSA) contains a total of ~~six~~ **four** vegetation communities/ **Land Covers**, as stated in DEIR page 5.3-18, development of the Project would result in permanent impacts to ~~11.0~~ **9.5** acres of the ~~29.6~~ **32.7** total acres within the BSA. This comment is informational and does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 6.6: This comment summarizes direct impacts to Joshua trees and Joshua Tree woodland habitat which are disclosed in the DEIR. The comment speculates that the DEIR fails to mitigate impacts to nearly thirty acres of this Natural Community of Concern.

As stated in the response to comment 6.4 above, since the Draft EIR was circulated for the KISS Logistics Project, the impact footprint has changed. Furthermore, the methodology for taking data regarding Joshua trees has changed since the passing of the Western Joshua Tree Conservation Act (WJTCA). As a result of newly adopted methodology, Joshua tree "clones" must now be counted as individual species for purposes of WJTCA fee calculations, whereas in previous methodology used, clones were counted together with the parent as one single unit. As a result, impacts to biological resources were recalculated. An addendum to the original Biological Resources Technical Report has been prepared and is attached to this Final EIR as Appendix E. This change will be incorporated into the Errata.

The DEIR stated that the Project would result in impacts to 11.0 acres of 29.6 total acres of Joshua tree woodland and 97 western Joshua trees. The new impacts are 9.5 acres of western Joshua trees and 248 western Joshua trees, as shown in Attachment E of this FEIR. These changes will be incorporated into the errata.

Furthermore, as stated in page 5.3-18 of the DEIR, in the event that western Joshua trees remain listed as a candidate species or are elevated to "threatened" status, the impacted 248 trees would require mitigation pursuant to the California Endangered Species Act (CESA). Mitigation for direct impacts to 248 western Joshua tree individuals will also mitigate for impacts to 9.5 acres of Joshua tree woodland.

The DEIR included Mitigation Measure BIO-2 to mitigate impacts to natural communities. Since circulation of the DEIR, Mitigation Measure BIO-2 (Conservation of Western Joshua Tree Lands) has been updated to account for the passage of The Western Joshua Tree Conservation Act. The Western Joshua Tree Conservation Act is now in effect, which provides an alternative mitigation option to traditional CESA mitigation. Alternative Western Joshua Tree Conservation Act mitigation mechanisms, providing equal or better function and value to existing mechanisms under CESA, will be implemented in combination with traditional mitigation banking or in lieu of mitigation banking as allowed under state law. Thus, impacts of the Project were fully analyzed by the DEIR and no further mitigation is warranted.

Response to Comment 6.7: This comment states that the DEIR must be updated to reflect passage of the Western Joshua Tree Conservation Act and provides background information on the Western Joshua Tree Conservation Act. The comment also states that, under the Conservation Act, harming or removing Joshua Trees is prohibited unless the applicant obtains a permit and provides fees or other mitigation, as authorized by CDFW. The comment provides the fee schedule for purposes of compliance with CESA and the Conservation Act.

The DEIR prepared for the Project refers to the passage of the Western Joshua Tree Conservation Act in several instances. First, on page 5.3-2, the DEIR states that, "the Western Joshua Tree Conservation Act was passed on June 27, 2023. KISS Logistics will be submitting an application to obtain an ITP under the WJTCA. The WJTCA provides a streamlined mitigation option for payment of in lieu fees for the removal of Joshua trees as protected under the act and under CESA. The Western Joshua Tree Conservation Act has a direct nexus to the conservation of Western Joshua trees and the costs have been established by the CFGC and CDFW to capture adequate costs for acquiring, conserving, and managing western Joshua tree conservation lands and completing other activities to conserve the western Joshua tree. All in-lieu fees collected will be deposited into the Western Joshua Tree Conservation Fund for appropriation to CDFW solely for the purposes of acquiring, conserving, and managing western Joshua tree conservation lands and completing other activities to conserve the western Joshua tree."

The DEIR also refers to the passage of the Western Joshua Tree Conservation Act in the direct impacts to Western Joshua Trees discussion on page 5.3-13. The DEIR states that mitigation for direct impacts to western Joshua trees, their seed bank, and associated habitat will be fulfilled through conservation of western Joshua trees through a payment of fees consistent with The Western Joshua Tree Conservation Act or through payment to a CDFW-approved mitigation bank as approved by the City of Hesperia and CDFW. Furthermore, page 5.3-21 of the DEIR states that, in the event that western Joshua trees remain listed as a candidate species or are elevated to "threatened" status, the impacted 97 trees would require mitigation pursuant to CESA and/or the Western Joshua Tree Conservation Act. (As stated previously, Project impacts were recalculated after circulation of the DEIR to account for changes in the impact footprint and changes to the methodology to taking data regarding Joshua trees since the passing of the Western Joshua Tree Conservation Act (WJTCA). New impacts to Joshua Tree Woodland would be approximately 9.5 acres, inclusive of onsite and offsite areas, and new impacts to individual trees would be 248 trees, inclusive of onsite and offsite areas. These changes will be incorporated into the errata).

As such, the DEIR accounts for the passage of the Western Joshua Tree Conservation Act and addresses the mitigation requirements of the Western Joshua Tree Conservation Act.

.**Response to Comment 6.8** This comment refers to the DEIR statement that, in the event the Conservation Act passed, the Project's Joshua Tree protection measures would be replaced with alternative mechanisms that provide "equal or better function and value." (DEIR at 5.3-27.). The comment further states that the Conservation Act has now passed and that the City must provide new measures that comply with the Conservation Act.

While the DEIR does include an incorrect statement in page 5.3-27 stating that the Western Joshua Tree Conservation Act is currently under consideration by the California Fish and Game Commission, this statement is incorrect as the Western Joshua Tree Conservation Act has now passed, and the DEIR acknowledges the passage of the Conservation Act throughout the document, as stated in response to comment 6.7 above. The DEIR also provides mitigation measures that fulfill the requirements of the Act. Mitigation Measure BIO-2 has been revised in the errata to remove the incorrect statement. As stated in the updated Mitigation Measure BIO-2 the Western Joshua Tree Conservation Act is now in effect, which provides an alternative mitigation option to traditional CESA mitigation. Alternative Western Joshua Tree Conservation Act mitigation mechanisms, providing equal or better function and value to existing mechanisms under CESA, will be implemented in combination with traditional mitigation banking or in lieu of mitigation banking as allowed under state law.

The comment states that the DEIR must be updated to include the information required for permitting under the Conservation Act such as a census of all Joshua Trees, classified by height. As stated above, the DEIR does disclose the passage of the Conservation Act as well as the requirements to obtain a CESA ITP. Thus, the tree census and other requirements of the Conservation Act will be addressed during the permitting process with the City of Hesperia and CDFW. The Joshua tree analysis is adequate for the purposes of CEQA and it is not necessary to provide specific permitting process information within the FEIR.

Finally, the commenter states the need for an analysis of measures required under Hesperia's existing ordinances regarding Western Joshua trees. The DEIR states that, per City policy, obtainment of an Incidental Take Permit (ITP), and corresponding mitigation through CDFW would satisfy the City's requirements under Chapter 16.24 of the City Municipal Code, and therefore, a relocation plan as included under MM BIO-1 would not be required so long as the requirements of CESA and/or the Western Joshua Tree Conservation Act are met (DEIR page 5.3-14). As such, the Project DEIR adequately discusses the implications of the City's municipal code on the mitigation of Western Joshua trees potentially removed by the proposed Project. No further revisions are required, and no further response is warranted.

Response to Comment 6.9: The commenter states that the Western Joshua Tree Conservation Act does not provide an alternative mechanism to mitigate impacts to Joshua Tree woodland. As specified under AB 1008, the bill would require the moneys in the fund, upon appropriation by the Legislature, to be used solely for the purposes of acquiring, conserving, and managing western Joshua tree conservation lands and completing other activities to conserve the western Joshua tree. Through acquisition and conservation of Western Joshua tree lands, mitigation of Joshua tree habitat would be directly achieved as well. No further revisions are required and no further response is warranted.

Response to Comment 6.10. This comment states that the DEIR fails to support its claims that Mitigation Measures BIO-1 through BIO-13 will reduce the Project's impacts to Joshua trees to a less than significant impact. The commenter asserts that compliance with Mitigation Measure BIO-1 lacks project-specific analysis of how compliance with the City's Municipal Code Section Chapter 16.24 will address project-specific impacts, such as the effects to Joshua Tree woodland and connectivity.

Mitigation Measure BIO-1 is fully enforceable through City approval authority of the required native desert plant species removal plan, which would be required prior to approval of the Project grading permit. Further, the DEIR sets forth clear performance standards for how Western Joshua tree relocation will be met through preparation of a future project-specific plan prepared by a qualified expert, which is consistent with findings from *Oakland Heritage Alliance v. City of Oakland (2011)*, which states "the agency may defer precisely how mitigation will be achieved under the identified measures pending further study". Therefore, Mitigation Measure BIO-1 is adequate, and no revisions are required.

Response to Comment 6.11: The commenter states that BIO-2 commits the Project to obtaining a take permit for Joshua Tree from CDFW, but only in the event that the California Fish and Game Commission (CFGC) lists the Joshua Tree as threatened. The commenter notes that should the Project proceed before CFGC has made a final determination on the Joshua Tree, the Project still must secure a take permit for the Joshua Tree. The comment concludes by stating that MM BIO-2 (incorrectly cited as BIO-6) must be amended to commit to obtaining a take authorization.

The applicant is preparing an application for a WJTCA ITP. As described in the Response to Comment 6.4, the WJTCA ITP application requires payment of fees to CDFW based on the impacts to the number and size of the western Joshua trees affected and the location of the Project. These fees are deposited into the Western Joshua Tree Conservation Fund. The WJTCA mandates development of a conservation plan by CDFW to address conservation measures, relocation protocols, and actions to protect the species. The WJTCA requires CDFW to submit annual reports assessing the conservation status of western Joshua tree, and mandates periodic reviews by the California Fish and Game Commission. The WJTCA is focused on ensuring the conservation and sustainable management of western Joshua trees, addressing potential threats, and promoting responsible development practices throughout California.

Joshua tree woodlands are stands of vegetation with greater than or equal to 1% cover of western Joshua trees (CNPS 2023). In targeting habitat lands with western Joshua trees for conservation, CDFW will also be conserving Joshua tree woodlands. Compliance with the WJTCA was included as the last bullet point of MM BIO-2, stating that alternative habitat replacement mechanisms, providing equal or better function and value to existing mechanisms under CESA, will be implemented as required under state law.

Response to Comment 6.12: The commenter states that the mitigation measures included in the DEIR do not address or attempt to mitigate the loss of Joshua Tree woodland habitat, that the EIR lacks evidence that the impacts to Joshua Tree woodland will be mitigated to less than significant levels, and that the EIR must be updated to adequately mitigate the loss of Joshua Tree woodland. As specified under AB 1008, the bill would require the moneys in the fund, upon appropriation by the Legislature, to be used solely for the purposes of acquiring, conserving, and managing western Joshua tree conservation lands and completing other activities to conserve the western Joshua tree. Through acquisition and conservation of Western Joshua tree lands, mitigation of Joshua tree habitat would be directly achieved as well. No further revisions are required, and no further response is warranted.

Response to Comment 6.13: The commenter states that the DEIR fails to adequately disclose, assess, and mitigate the Project's impacts to mountain lions. The commenter also provides information on the provisional listing of the mountain lion under the CESA. As stated in DEIR page 5.3-5, based on the results of the literature review and database searches, four special-status wildlife species, burrowing owl (Athene cunicularia), loggerhead shrike (Lanius ludovicianus), LeConte's thrasher (Toxostoma lecontei), and Mohave ground squirrel (Spermophilus (Xerospermophilus) mohavensis) had a moderate potential to occur within the BSA. In addition, two special-status wildlife species, Mojave desert tortoise and Crotch's bumble bee (Bombus crotchii), have a low potential to occur within the BSA. Furthermore, several biological Site Surveys were conducted for the Project, as listed in Table 5.3-1 of the DEIR. The mountain lion or its prey species were not identified in the database searches/literature reviews, nor in the biological surveys, as having potential to occur within the BSA. As such, no discussion of this species is warranted and no CEQA analysis of the species is required.

Response to Comment 6.14: This comment provides background information on the genetic diversity and population size of mountain lions in the Project area. The comment also emphasizes the importance of protecting remaining habitat and enhancing connectivity between the San Gabriel/San Bernardino (SGSB) and surrounding puma populations. This comment is informational in nature and does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 6.15: The commenter states that Pumas are known to occur in the Mojave Desert and provides one example of a 2021 observation of a puma on a Joshua tree in Hesperia recorded in iNaturalist. The commentor states that this occurrence highlights the potential for the Project area to support pumas, and states that the DEIR fails to comply with CEQA by failing to adequately assess and mitigate the Project's impacts to this CESA candidate species. As mentioned in Response to Comment 6.13, the mountain lion was not identified in the database searches/literature reviews, nor in the biological surveys, as having potential to occur within the BSA.

Mountain lion (*Puma concolor*) is a widespread, uncommon permanent resident of California, ranging from sea level to alpine meadows. They are found in all habitats except xeric regions of the Mojave and Colorado

Deserts that do not support mule deer populations (CWHR 2023). No mule deer were observed within the Project site during project-specific field surveys, and there are no iNaturalist observations of any mule deer individuals within 8 miles of the Project site. There is one iNaturalist observation from 2020 of a mule deer vertebra 5 miles north of the Project site, located in Mountain View Acres. However, it is unknown how the vertebra ended up at that location. Therefore, the Project site does not support mule deer populations, and, consequently, mountain lions are not expected to occur within the Project site.

The comment refers to a mountain lion observation within a Joshua tree that occurred within the City of Hesperia (i.e., iNaturalist 2021). However, it appears that the location for this observation (Latitude: 34.426389, Longitude: -117.300878) is not accurate based on an aerial assessment conducted using Google Earth (i.e., there are no Joshua trees at this location). In addition, the accuracy of the location is stated to be 7.67 kilometers (4.77 miles), which could put this location within an area of more suitable habitat (i.e., south of Hesperia within the foothills of the San Bernardino Mountains). Additionally, the individual who uploaded the photo to iNaturalist was not the observer of the mountain lion individual (i.e., the observation notes state it was a secondhand observation), which could be the reason the locational data is inaccurate. Furthermore, the Project site is separated from this location by Interstate 15 and the majority of the developed portion of the City of Hesperia. Pursuant to CEQA Guidelines Sections 15064(f)(5) and 15384, argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous does not constitute "substantial evidence".

CDFW considers most mountain lion populations to be relatively stable in California (CDFW 2023). Mountain lion is a specially protected carnivorous mammal under the California Wildlife Protection Act of 1990, and a state candidate species for listing under CESA in the following subpopulation areas, as described by the Center for Biological Diversity and the Mountain Lion Foundation (2019) Petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under CESA (i.e. Petition): Santa Ana Mountains, Eastern Peninsular Range, San Gabriel/San Bernardino Mountains, Central Coast South (Santa Monica Mountains), Central Coast North (Santa Cruz Mountains), and Central Coast Central. Although the Project site is within the Southern California/Central Coast ESU boundary according to Figure ES-1 of the Petition (Center for Biological Diversity and the Mountain Lion Foundation 2019), the site is within a lower probability area of the Eastern Peninsular Range subpopulation and approximately 7 miles north of the higher probability areas associated with the San Gabriel/San Bernardino Mountains subpopulation. Given that mountain lions are not expected to occur within the Project site or project vicinity, and that their prey species is absent from the site, Project implementation is not anticipated to impact mountain lion individuals or suitable habitat for this species. Therefore, this species is not required to be analyzed within the DEIR and the commenter fails to provide substantial evidence to the contrary.

Response to Comment 6.16: The comment states that human activities and infrastructure have an impact on mountain lion survival and that these impacts need to be analyzed and mitigated for within the Project site. Please refer to the Response to Comment 6.15 regarding the rationale for why mountain lions are not expected to occur within the Project site or immediate vicinity, and therefore no impacts are anticipated to occur, and no mitigation is proposed.

The comment also gives statistics on roadkill data of mountain lions. The project would include off-site improvements to roadways ("A" Street and Yucca Terrace Drive), and would provide access for trucks, passenger vehicles, and emergency vehicles. However, because mountain lions are not expected to occur within the Project site or immediate vicinity, impacts to this species from the new roadways are not expected to occur.

Response to Comment 6.17: The comment states that mountain lions avoid areas with nearby night lighting, are disturbed by human-generated noise, and the Project consisting of a warehouse would significantly alter how mountain lions would move through the area. Please refer to the Response to Comment 6.15 regarding the rationale for why mountain lions are not expected to occur within the Project site or immediate vicinity. In addition, the DEIR does include Mitigation Measure (MM) BIO-12, which would require any nighttime lighting during construction and operation to be directed away from natural areas. Therefore, any indirect impacts to special-status species from nighttime lighting would be reduced to less than significant.

Construction-related short-term noise and work in the vicinity would be temporary and would not be expected to significantly disrupt wildlife movement or the ability of wildlife to continue to move around the construction area or in upland portions adjacent to the Project site during and after construction. Furthermore, the DEIR states that because Project operational noise levels would not exceed the current ambient noise level by 3 decibels (dB) or more, the operational noise impact would be less than significant.

Response to Comment 6.18: The commentor provides background information and sources on behavior patterns of pumas in areas with higher development densities. Information related to the cost of these behavioral shifts is also provided. For example, the comment states that pumas spend more energy by having higher nighttime activity in developed areas, which could potentially reduce fitness. Furthermore, the commentor provides a discussion on the human-caused mortality rates in pumas and emphasizes the need to reduce human-caused mortalities, in part by improving connectivity. The commentor also states that Mountain lions are a key indicator species of wildlife connectivity and healthy ecosystems and discusses the ecological consequences that local extinction of mountain lions in the region could have. As noted above, the mountain lion was not identified in the database searches/literature reviews, nor in the biological surveys, as having potential to occur within the BSA. This comment is informational in nature and does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 6.19: The commentor states that the DEIR fails to adequately assess and mitigate the Project's impacts to pumas. As mentioned above in Response to Comment 6.13, the mountain lion was not identified in the database searches/literature reviews, nor in the biological surveys, as having potential to occur within the BSA. As such, it is not required under CEQA to provide analysis or mitigation for mountain lions. Therefore, the analysis provided in the DEIR is adequate, and no revisions are required.

Response to Comment 6.20: The commentor states that the EIR failed to adequately disclose, assess, and mitigate the Project's impacts on wildlife movement and habitat connectivity. The comment further states that the Project area contains suitable habitat for numerous species, including mountain lions. The DEIR states that the project site is not mapped within any established wildlife corridors (i.e., essential connectivity areas or natural landscape blocks), nor is it located near any established wildlife corridors (i.e., within 5 miles) (CDFW 2022a). The DEIR also gives a summary of the local corridors (i.e., Oro Grande Wash and La Bureau of Power and Light Road immediately to the west) that could support wildlife movement throughout the Project site vicinity but would not be impacted by the proposed Project. The DEIR also states that the Project site is not located within any nursery sites, such as a bat colony or colony bird nesting areas. Therefore, the DEIR has adequately assessed the project's impacts to wildlife movement and habitat connectivity. No further analysis is warranted under CEQA.

Response to Comment 6.21: The comment states that the DEIR fails to adequately disclose and assess the Project's impacts on wildlife movement. DEIR Appendix C is the Biological Resources Technical Report for the Project (Dudek 2023), which includes an analysis of wildlife corridors. It notes that the Project site occurs within rank 3 Area of Conservation Emphasis (ACE) (CDFW 2022b). Appendix C includes the following wildlife corridor analysis (Dudek 2023):

> The BSA [biological study area] is likely mapped as a rank 3 ACE due to the presence of Oro Grande Wash southeast of the BSA. Wildlife may locally move through Oro Grande Wash as a corridor; however, this feature is impeded to the north by the California Aqueduct. The BSA is located in an area of encroaching development and is bordered by U.S. Highway 395 to the east and Phelan Road to the south. Both roads are at-grade with the surrounding land. As a result, the Project site provides open space for wildlife movement but does not appear to serve as a significant regional wildlife corridor. On a local level, wildlife may move across the site when migrating or foraging/hunting. Since the Project does not provide for regional wildlife movement or serve as a regional wildlife corridor, it is not expected to contribute to the impediment of local or seasonal movement of wildlife through the surrounding habitat.

Therefore, DEIR adequately discloses and assesses the Project's impacts to wildlife movement and habitat connectivity. No further analysis is required.

Response to Comment 6.22: The comment states that the mitigation proposed (MM BIO-9 and MM BIO-12) for impacts to wildlife movement are insufficient to minimize the Project's impacts to less than significant. Please refer to the Responses to Comments 6.20 and 6.21 for a summary of the DEIR analysis of impacts to wildlife movement. The Project site only provides for local wildlife movement while migrating or foraging/hunting. In addition, a nesting bird survey required by MM BIO-9 would prevent direct impacts to local bird species nesting within the site, and the lighting restrictions required by MM BIO-12 would prevent indirect impacts to other local wildlife species foraging or hunting within the Project vicinity. Therefore, the mitigation measures proposed in the DEIR are sufficient to reduce impacts to wildlife movement to less than significant.

Response to Comment 6.23: The comment states that the DEIR fails to adequately assess and mitigate the Project's impacts to wildlife from roads and development that create barriers leading to habitat loss and fragmentation. As described in the DEIR, the project site is adjacent to U.S. Highway 395 and bound by existing roads (Yucca Terrace Drive and Phelan Road) and the California Aqueduct. The project site contains areas of exposed bare soils (where trails and a dirt road, Caliente Road, have formed). Loss of sensitive habitat would be mitigated through MMs BIO-1 and BIO-2, and indirect impacts, including dust, noise and vibration, increased human presence, vehicle collisions, potential chemical spills, and night-time lighting to wildlife species would be mitigated through MM BIO-3 through MM BIO-13. Therefore, the Project site and vicinity are already fragmented by existing roads, and implementation of the Project's proposed mitigation would reduce impacts to wildlife species and their habitat to less than significant. Therefore, the DEIR adequately assesses and mitigates the Project's impacts to wildlife habitat loss and fragmentation.

Response to Comment 6.24: This comment addresses the impacts of habitat loss and fragmentation on plat communities. The comment states that loss of wildlife connectivity decreases biodiversity and degrades ecosystems, and prevents the re-establishment of native species, like desert tortoise and Mohave ground squirrels, that may occur in or near the Project area. Additionally, the comment asserts that edge effects of roads will likely impact key predators as well as smaller species. This comment is informational in nature and does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 6.25: The comment states that the DEIR must also consider corridor redundancy to allow for functional connectivity and resilience. Please refer to the Responses to Comments 6.20, 6.21, and 6.22 for a summary of the DEIR's analysis of impacts to wildlife movement. As stated in Appendix C of the DEIR, no Project impacts would occur to nearby corridors, including Oro Grande Wash and La Bureau of Power and Light Road located immediately to the west. Therefore, the Project would not impede access to these nearby corridors, and corridor redundancy would continue to occur and support multiple pathways for wildlife use.

Response to Comment 6.26: This comment provides background information on the impacts of climate change on species and ecosystems. In addition, the comment states that the continuing fragmentation of habitat by humans threatens biodiversity and diminishes our (humans, plants, and animals) ability to adapt to climate change. This comment is informational in nature and does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 6.27: The commentor claims that the DEIR fails to adequately disclose, assess, and mitigate the Project's GHG impacts. This comment claims that given that the Project area is vegetated and filled with Joshua tree woodland and desert scrub, it is likely that the area stores and sequesters a significant amount of carbon, which must be accounted for in the Draft EIR's GHG impact assessment. This comment asserts that although the amount of carbon stored and sequestered by the desert habitats in the project area is uncertain, CEQA requires the adequate assessment and mitigation of a project's impacts and that destroying and degrading undeveloped desert habitats could release significant amounts of carbon that must be accounted for.

The MDAQMD's methodology for evaluating GHG emissions from a project does not factor in lifecycle emissions, including sequestration. As identified on page 1 of the AQ/HRA/GHG/Energy Report (Appendix B of the Draft EIR), the proposed Project would designate 16.8 percent or approximately 209,075 sf of the

total Project area to landscaping. The proposed landscaping, including trees, would offset loss of existing vegetation; however, the net emissions associated with this change are not evaluated as these would be lifecycle emissions. As such, the analysis is adequate as presented and no further analysis is required under CEQA.

Response to Comment 6.28: The comment states that an analysis that includes the amount of carbon stored and sequestered by the desert habitats in the Project area is not infeasible. In addition, this comment states that CalEEMod has the modeling capabilities to calculate the loss of carbon from changes in land use and the associated loss of vegetation and claims that that the modeling provides detailed inputs for calculating GHG emissions from land use changes and vegetation loss, including for desert lands. This comment also claims that the Draft EIR inexplicably skipped over the vegetation and land use change modules and must disclose the carbon emissions associated with the loss of sequestered carbon.

Refer to Response 6.27 above. The MDAQMD's methodology for evaluating GHG emissions from a project do not factor in lifecycle emissions, including sequestration. As such, the analysis is adequate as presented and no further analysis is required under CEQA.

Response to Comment 6.29: The comment provides information on the impacts of air quality on public health, plants and crops, and wildlife. The comment also states that, in a positive feedback loop, poor air quality that contributes to climate change will in turn worsen the impacts of climate change and related air pollution. The second part of this comment provides background information on the impacts of air pollution on vulnerable populations. The comment states that San Bernardino County is included in the list of the nation's most polluted counties, with Ozone, PM2.5, and Toxic Air Contaminants being the greatest concern in San Bernardino County and are linked to health issues.

Lastly, the comment states that warehouse projects are sources of air quality degradation that can create serious negative health outcomes for surrounding communities and have potential to have a profound negative impact on regional air quality. The comment provides background information on the need for an increase of warehouse storage facilities in Southern California, resulting in a massive expansion of warehouse development in Southern California. Air quality impacts of the proposed Project are discussed in detail in Section 5.2 of the Draft EIR, including a discussion of existing ambient air quality in the region (DEIR at 5.2-10 to 5.2-12). All air quality impacts and health risks were found to be less than significant on a project-level and cumulative basis. This comment is informational in nature and does not raise a specific issue with the177dequacyy of the DEIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Response to Comment 6.30: This comment claims that due to the Project size, the Draft EIR should have evaluated whether the Project would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under applicable federal or state ambient air quality standards. This comment claims that instead, the Draft EIR concludes without analysis that the Project would result in less-than-significant impacts under all CEQA Guidelines Appendix G thresholds of significance and as a result did not propose a single mitigation measure. This comment also claims that the Draft EIR relied on improper thresholds of significance and underestimated air quality impacts.

There is no methodology to quantify the cumulative areawide or localized health risks within a community-wide area. The MDAQMD's recommended thresholds of significance apply to individual development projects and evaluate the incremental increase in emissions from a proposed source. These thresholds do not apply to cumulative projects. The City relies on the MDAQMD's recommended methodology to evaluate cumulative impacts, which is to conclude that an impact considered to be significant on a project-specific basis would also cause a significant cumulative impact.

Further, the MDAQMD's non-attainment status is attributed to the region's development history and is discussed at DEIR pages 5.2-10 to 5.2-12. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in non-attainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant

adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, the MDAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified MDAQMD significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

As demonstrated in the Draft EIR and the AQ/HRA/GHG/Energy Report, the proposed project would generate construction and operational air quality emissions that are below the MDAQMD's thresholds. As such, the proposed project would not result in a cumulative air quality impact and additional analysis to assess cumulative impacts is not required. As such, identification and analysis of mitigation measures would not be required to reduce emissions to a less than significant level. Notwithstanding, MM GHG-1 will also serve to further reduce construction and operational emissions of GHG, as well as air quality emissions. Please also refer to Response to Comment 4a.10, which contains additional Project Design Features not previously included in the Draft EIR, which the Project applicant has voluntarily agreed to implement and that will serve to further reduce the already less-than-significant air quality impacts of the Project. All Project Design Features will be included as fully enforceable Conditions of approval by the City. No further analysis is required under CEQA.

Response to Comment 6.31: This comment states that the DEIR relies on inappropriate thresholds of significance and therefore erroneously concludes the Project would not have significant impacts relating to Air Quality.

As identified on page 2 of the MDAQMD CEQA and Federal Air Conformity Guidelines, under CEQA, the MDAQMD is an expert commenting agency on air quality and related matters within its jurisdiction or impacting on its jurisdiction. Under the Federal Clean Air Act, the MDAQMD has adopted federal attainment plans for ozone and PM10. The MDAQMD has dedicated assets to reviewing projects to ensure that they will not: (1) cause or contribute to any new violation of any air quality standard; (2) increase the frequency or severity of any existing violation of any air quality standard; or (3) delay timely attainment of any air quality standard or any required interim emission reductions or other milestones of any federal attainment plan. The CEQA and Federal Air Conformity Guidelines are intended to assist persons preparing environmental analysis or review documents for any project within the jurisdiction of the MDAQMD by providing background information and guidance on the preferred analysis approach.

Further, the analysis and thresholds used in the Draft EIR are consistent with the MDAQMD CEQA and Federal Air Conformity Guidelines. Further, for CEQA purposes, the City has discretion to select an appropriate significance criterion, based on substantial evidence. The thresholds recommended in the MDAQMD CEQA and Federal Air Conformity Guidelines were used in this analysis. The City has selected this value as a significance criterion which has been supported by substantial evidence. No revisions to the DEIR or further responses are warranted.

As demonstrated in Table 5.2-5 and Table 5.2-6 of the Draft EIR, operation of the proposed Project would not exceed the thresholds of significance established by the MDAQMD. In addition, as discussed throughout these responses, and the Draft EIR, the Project was properly modeled and analyzed and the Draft EIR appropriately determined that the project would not generate any significant air quality impacts, and CEQA does not require mitigation measures for insignificant impacts. The Draft EIR's analysis is adequate as provided, and impacts to air quality would remain unchanged. As such, no mitigation is required. No further analysis is required under CEQA.

Response to Comment 6.32:

This comment states that the DEIR does not consider or adopt any mitigation measures to reduce, avoid, or mitigate the Project's air quality impacts. This comment states that based on the previous comments, the Project's impacts air quality impacts are significant and therefore the EIR's failure to consider and adopt all feasible mitigation to reduce or avoid the Project's significant impacts violates CEQA. The comment concludes that the EIR must be revised to adequately analyze the Project's air quality impacts, acknowledge their

significance, and consider and adopt feasible mitigation to reduce those impacts, and it should be recirculated for public review and comment. As detailed in previous responses herein and in DEIR Section 5.2, *Air Quality* and in the Project's Project Air Quality, Health Risk, Greenhouse Gas, and Energy Study, the Project would result in a less than significant impact related to air quality Thus, impacts of the Project were fully analyzed by the DEIR and no mitigation would be required. Notwithstanding, MM GHG-1 will also serve to further reduce construction and operational emissions of criteria pollutants. Please also refer to Response to Comment 4a.10, which contains additional Project Design Features not previously included in the Draft EIR, which the Project applicant has voluntarily agreed to implement and that will serve to further reduce the already less-than-significant air quality impacts of the Project. No revisions to the DEIR or further responses are warranted.

Response to Comment 6.33: This comment states that the California Office of the Attorney General has published a document entitled "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act" to help lead agencies comply with these requirements. The mitigation measures recommended in this comment and corresponding responses are the following.

Mitigation Measure	Response
Requiring all off-road construction equipment to be 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 GHG-1 requires the Project applicant to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site. However, the Project operator would have limited control of the composition of third-party truck fleets and it would not be feasible to require other parties to upgrade truck fleets to incorporate zero or near-zero emissions technologies as mitigation for the Project. However, the project applicant is required to implement this mitigation measure to infrastructure to support electric trucks will be available as the technology is more widely adopted. Due to the Project's limited control over other parties' truck fleets, the project could not feasibly reduce all mobile source emissions from the project. Further, the Project would use all commercially available Tier IV equipment for Project construction. Mitigation Measure GHG-1 has been revised to incorporate this requirement. See below and within Chapter 2, Errata.
Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.	The City's Municipal Code exempts noise from construction noise; therefore, construction is limited to the hours between 7 a.m. and 7 p.m.. Therefore, the absolute maximum amount of time equipment could feasibly operate would be 12 hours per day. Further, Mitigation Measure GHG-1 includes limitations to how long trucks and other support equipment can idle for (3 minutes) (see below). Mobile source emissions account for most of the Project construction and operation emissions (97 percent). Therefore, Project construction equipment would not be anticipated to be "on" for more than 10 hours per day, and further, this measure would not be anticipated to result in any further meaningful reduction of GHG or emissions.
Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric	The emission reductions from this measure would be nominal for a substantial cost. Additionally, the sole use of electric tools would substantially delay Project

construction tools, such as saws, drills, and compressors, and using electric tools whenever feasible.	construction. An agency may reject mitigation measures or project alternatives if it finds them to be "infeasible." Pub Res C §21081(a)(3); 14 Cal Code Regs §15091(c)(3). "Feasible" is defined as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. Pub Res C §21061.1; 14 Cal Code Regs §15364. As such, the benefits wouldn't outweigh the costs for electric construction tools, such as saws, drills, and compressors, and using electric tools whenever feasible. Therefore, this measure will not be included in the Project.
Limiting the amount of daily grading disturbance area.	The Project would be constructed in a single phase. The Project encompasses 30.91 acres, which includes the 29.61-acre Project site and 1.3 acres of offsite improvement area. Project site grading would be anticipated to occur over 20 days. Linear grading for offsite improvements would occur over approximately 120 days but would be limited to 1.3 acre. Grading would be conducted in a certain subsequent order and there would not be flexibility as to where grading can/cannot occur within the limits of the site without compromising Project construction as a whole. Additionally, this measure is not adequate for CEQA purposes and does not contain any specific enforceable action (CEQA Guidelines § 15126.4(a)(2). Therefore, this measure has not been included into the Project.
Prohibiting grading on days with an Air Quality Index forecast of greater than one hundred for particulates or ozone for the project area.	As discussed in DEIR chapter 5.2-21, the Air Quality impacts for the Project are less than significant. Impacts of the Project were fully analyzed by the DEIR and mitigation measures would not be required to mitigate the already less than significant impacts. In compliance with CEQA, no mitigation measures are required and compliance with applicable MDAQMD regulations is adequate for the proposed Project based on the determination of less than significant impact. Therefore, this measure has not been included into the Project.
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.	The Project applicant will implement this measure as part of GHG-1 (see below), as verified by the City during the permitting process.
Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.	The City's building inspector would verify compliance with mandatory regulatory requirements and conditions of approval as part of the construction inspections process. As such, in compliance with CEQA, no mitigation measures are required and compliance with City regulations and processes is adequate for the Project.
Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.	As stated on page 5.2-9 of the DEIR, the Project is subject to MDAQMD Rule 1113 (Architectural Coatings). This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings,

	primarily by placing limits on the VOC content of various coating categories. Furthermore, the Project applicant will implement the use of low VOC coatings and paint (less than 10 grams per liter) (see below) which has been included as part of Mitigation Measure GHG-1.
Requiring that all facility-owned and operated fleet equip with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025.	This mitigation measure is infeasible as the prospective tenant utilizes third party trucking operators. The Project applicant would have limited control of the composition of third-party fleets and it would not be feasible to require other parties to upgrade fleets. As already included in Mitigation Measure GHG-1, the Project would ensure that "All heavy-duty trucks entering or operated by the owner/tenant of on the Project site shall be model year 2014 or later." Additionally, the Project owner would provide tenants with information on incentive programs, such as Carl Moyer program and Voucher Incentive Program to upgrade their fleets, which has been included as part of Mitigation Measure GHG-1.
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.	As discussed in Chapter 2, Errata, and Appendix D, the closest sensitive receptor to the Project site includes residential uses located approximately 900 feet north of the Project site along Yucca Terrance Road. The air quality analysis found that health risk impacts to sensitive receptors near the Project site would be less than significant during both construction and operation of the Project. As such, air monitoring is not warranted or required under CEQA.
Retrofitting municipal water and wastewater systems with energy efficient motors, pumps, and other equipment, and recover wastewater treatment methane for energy production.	As discussed in Section 3.0 of the DEIR, the Project includes construction of new onsite and offsite water lines. Therefore, retrofitting would not be applicable to the Project. All technologies would be the most modern available. Additionally, Mitigation Measure GHG-1 includes "Install water-efficient fixtures (toilets, faucets, showers), water efficient landscape irrigation systems (drip irrigation with control panel and soil moisture sensors), and water efficient landscaping", which would further reduce emissions as a result of Project utilities.

Project Mitigation Measure GHG-1 has been modified to include additional feasible measures as identified above and has been included in Chapter 2, Errata. Subsequent remodeling of the Project was conducted to reflect revisions to the Project and Mitigation Measure GHG-1 (see Appendix B). Updated impacts as a result of the revised Project and mitigation would result in nominal changes to GHG and air quality, as shown in Chapter 2, Errata. Impacts would remain significant and unavoidable. Therefore, recirculation of the DEIR would not be required and no further changes to the DEIR or responses would be required.

Location: Greenhouse Gas, Mitigation Measures, pp. 5.7-24

Mitigation Measure GHG-1: Prior to issuance of a building permit, the City of Hesperia shall identify project design details and specifications to document implementation and compliance with the following emission reduction measures. Implementation of the following measures will be required prior to building permits and is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- ~~Use the cleanest technologies available and~~ provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site, **including but not limited to running conduit to dock doors to allow for future plug-in of TRUs or truck charging**.
- All loading/unloading docks and trailer spaces shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration shall be ~~encouraged~~**used** for operational fleets **operated by the owner/tenant on the Project site**.
- All TRUs **operated by the owner/applicant** entering the Project site be shall plug-in capable.
- ~~Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible.~~
- All heavy-duty trucks ~~entering or~~ **operated by the owner/tenant of** ~~on~~ the Project site shall be model year 2014 or later.
- The Project Applicant shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation.
- Trucks and support equipment shall be prohibited from idling longer than ~~five~~**three** minutes while on site.
- On-site TRU diesel engine runtime shall be limited to no longer than 15 minutes.
- Include rooftop solar panels that supply 100 percent of **Project** electricity from renewable energy resources.
- Implement a transportation demand program. Program measures may include free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the Project site **(implemented via Mitigation Measure T-1 of Section 5.12, Transportation)**.
- ~~Implement a zero-waste program or other feasible waste reduction measures such as composting waste food scraps from employee activities and food waste processing.~~ **75 percent of Project solid waste generated will be reduced, recycled, or composted per AB 341, supported through the implementation of Project recycling and composting bins.**
- Install water-efficient fixtures (toilets, faucets, showers), water efficient landscape irrigation systems (drip irrigation with control panel and soil moisture sensors), and water efficient landscaping.
- **Keep onsite and furnishing to the lead agency of other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classification.**
- **Provide information on transit and ridesharing programs and services to construction employees.**
- **Provide information on nearby meal/dining destinations for construction workers.**
- **Run conduit to designated locations for future vehicle electric charging stations.**
- **Expand the electrical room by 10 percent to (25 percent total) to accommodate future expansion of electric vehicle charging capability.**

- **Run conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.**
- **The building shall have breakroom with food storage capabilities.**
- **Signs shall be posted at every truck exist driveway to provide directional information to the truck route.**
- **The owner shall provide any future tenants with information on incentive programs, such as Carl Moyer program and Voucher Incentive Program, to upgrade their fleets.**
- **The Project contractor will use commercially available Tier 4 equipment.**

Response to Comment 6.34:

The comment concludes that due to the shortcomings described in the above comments, the City should make corrections to the EIR including feasible mitigation measures, which should be recirculated for public review and comment. Responses related to the adequacy of the EIR and impacts are discussed above in Responses 6.1 through 6.33. As such, this comment has been addressed in the above responses and no further response is warranted.

Response to Comment 6.35:

The comment states legal obligations that the City must abide by, specifically, to maintain and preserve all documents and communications that may constitute part of the "administrative record" of this proceeding. This comment also requests that the City add the Center to the notification list for all future updates to the Project. The comment does not raise a specific issue with the adequacy of the DEIR evaluation. Additionally, the City will continue to comply with its statutory duty to maintain all correspondence and documents related to the proposed Project that are part of the administrative record and will add the Center for Biological Diversity to the notification list for future updates regarding the park. Therefore, no further response is required or provided.

ATTACHMENT A: Comment Letter 4: Blum Collins (on behalf of Golden State Environmental Justice Alliance), dated November 16, 2023 (FULL LETTER)

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November 16, 2023

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VIA EMAIL TO:
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Subject: Comments on Kiss Logistics Center EIR (SCH NO. 2022110097)

Dear Mr. Leonard,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed KISS Logistics Center. 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. 4.1

1.0 Summary

The project proposes the construction and operation of one 655,468 square foot (sf) industrial/warehouse building on a 29.61 acre site. The building consists of 639,468 sf of warehouse space, 11,000 sf ground floor office space, and a 5,000 sf mezzanine for additional office space. The building is designed as a cross-dock fulfillment center with 30 truck/trailer loading dock doors along the east and west sides of the building for a total of 60 truck/trailer loading dock doors. The site provides 83 truck/trailer parking stalls and 374 passenger vehicle parking stalls. The building has a proposed maximum height of 49 feet. The Project site has a General Plan land use designation of Main Street and Freeway Corridor Specific Plan (MSFC-SP). Within the MSFC-SP, the Project site is zoned as Commercial/Industrial Business Park (CIBP) and Neighborhood Commercial (NC). The proposed Project would also include a Specific Plan Amendment (SPA) to change the site's MSFC-SP designation from NC to CIBP. 4.2

3.0 Project Description

The EIR does not include a floor plan, detailed site plan, detailed building elevations, or a conceptual grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. Additionally, the site plan provided in Figure 3-6 has been edited to remove pertinent information from public view. For example, it does not provide any detailed information such as earthwork quantity notes, parking requirements, or floor area ratio. The building elevations in Figure 3-7 do not include the height of the proposed building. The EIR also provides no information about the grading requirements for the project site other than that the site is "relatively flat," and there is no method for the public or decision makers to verify this statement. The quantity of soil imported/exported from the project site contributes to the quantity of truck trips during the grading phase of construction and will increase project emissions. Providing a grading plan is vital to ensure that the public and decision makers can verify this information and for the EIR to provide an accurate environmental analysis. The EIR has excluded the grading plan, floor plan, and detailed site plan and elevations from public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the floor plan, grading plan, and detailed site plan contribute directly to analysis of the problem at hand. The EIR must be revised to include all application items for review, analysis, and comment by the public and decision makers in their whole and true form in order to provide an adequate and accurate environmental analysis. 4.3

The project requires a Specific Plan Amendment to change the land use designation from NC to CIBP. The EIR includes Figure 3-4: Existing MSFC SP Zoning and Figure 3-5: Proposed MSFC SP Zoning. However, the figures are identical and no changes to the project site area depicted. This does not comply with CEQA's requirements for meaningful disclosure and accurate informational documents. The EIR must be revised to provide an accurate Figure that depicts the proposed MSFC SP Zoning. 4.4

5.2 Air Quality, 5.5 Energy, and 5.7 Greenhouse Gas Emissions 4.5

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. According to CalEnviroScreen 4.6

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 (6071010017) experiences high rates of pollution burden. The surrounding community, including residences to the north and west, bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 91st percentile for ozone burden, the 83rd percentile for traffic impacts, and the 58th percentile for diesel particulate matter (PM) 2.5 burden. All of these environmental factors are typically attributed to heavy truck activity in the area. Traffic impacts represent the vehicles in a specified area, resulting in human exposures to chemicals that are released into the air by vehicle exhaust, as well as other effects related to large concentrations of motor vehicles[2]. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births[3]. 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[4].
Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[5].

4.6 cont.

The project census tract bears more impacts from cleanup sites than 73% 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[6]. The census tract also ranks in the 66th percentile for hazardous waste 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[7].

4.7

Further, the census tract is a diverse community including 55% Hispanic and 6% African-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 67% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community has a high rate of poverty, meaning 67% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect

4.8

[1] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40
[2] OEHHA CalEnviroScreen Report https://oehha.ca.gov/media/downloads/calenviroscreen/report/calenviroscreen40reportf2021.pdf
[3] OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density
[4] OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter
[5] OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[6] OEHHA Cleanup Sites https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites
[7] OEHHA Hazardous Waste Generators and Facilities https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities

health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care[8]. Poor communities are often located in areas with high levels of pollution[9]. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution[10]. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 99th percentile for incidence of cardiovascular disease and 85th percentile for incidence of asthma.

4.8 cont.

The State of California lists three approved compliance modeling softwares[11] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved 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, 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.

4.9

5.10 Land Use and Planning

The EIR concludes that the project will not have significant land use and planning impacts because, "the Project involves modifying the southern portion of the Project site s Specific Plan designation from NC to CIBP which would require a Specific Plan Amendment. *Approval of the proposed Specific Plan Amendment and the CUP would make the Project consistent MSFC-SP*. Therefore, in consistency with the MSFC-SP, the Project would be consistent with the General Plan." The EIR relies upon approval of the Specific Plan Amendment itself for consistency with both the MSFC SP and the General Plan. This conclusion is illogical and does not provide any meaningful evidence to support this conclusion. Reliance upon the SPA itself for project consistency with policies, regulations, and documents adopted for the purpose of avoiding environmental impacts circumvents the requirement to provide an adequate environmental analysis of the compatibility of the project proposal with the applicable regulations. As a result of the SPA to accommodate the proposed project, the proposed project will generate significant and unavoidable Greenhouse

4.10

[8] OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty
[9] Ibid.
[10] Ibid.
[11] 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

Gas Emissions and Transportation (VMT) impacts. Therefore, the EIR must be revised to state that the project is not consistent with the existing MSFC SP designation and include a finding of significance. 4.10 cont.

Further, Table 5.10-3: Specific Plan Consistency Analysis does not include a consistency analysis with all applicable goals and policies of the Main Street and Freeway Corridor Specific Plan. A revised EIR must be prepared which includes an analysis of the project in conjunction with all applicable goals and policies, including the following:

1. Goal LU-1a: Respond to market trends and development pressures by creating a forward looking and responsible development plan for the Specific Plan area.
2. Policy LU-1.3: Mix land uses to create a vibrant and more active environment and make the most efficient use of available land.
3. Policy LU-2.3: Maximize the economic impact of available industrial land by careful use of industrial properties, giving priority to clean enterprises that yield large numbers of highly skilled high-paying jobs relative to site size.

4.11

Table 5.10-2: General Plan Consistency Analysis does not provide an accurate or adequate consistency analysis with the General Plan. The project has significant potential to conflict with many of these items, including but not limited to the following from the General Plan:

1. Goal LU-1 Regulate development so that the density of residential development and the intensity of non-residential development are appropriate to the property, surrounding properties, and the general neighborhood.
2. Implementation Policy LU-1.1 Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context and building form and scale.
3. Implementation Policy LU-1.3 Require that new construction, additions, renovations, and infill developments be sensitive to the intent of the land use designations, incorporating neighborhood context as well as building form and scale.
4. Implementation Policy LU-1.4 Encourage architecture which breaks massive buildings into smaller parts. Focus on maintaining a human scale when creating common spaces or amenities.
5. Goal LU-3 Promote balanced, efficient commercial development that is functional, safe, attractive and convenient to users, and which will strengthen the local economy.
6. Implementation Policy LU-3.1 Encourage a diverse mix of commercial and service businesses that support the local tax base, are beneficial to residents, and support the economic need of the community.
7. Implementation Policy LU-3.2 Sufficient lands should be designated to provide a full range of commercial services to the community and surrounding areas to serve the residential properties at build-out.

4.12

8. Implementation Policy LU-3.5 Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, and other techniques.
9. Goal LU-7 Facilitate a self-contained community with a well designed and maintained community with a full range of densities and uses within the capacity of infrastructure and services.
10. Implementation Policy LU-7.2 Promote sustainable building practices that go beyond the requirements of Title 24 of the California Administrative Code, and encourage energy-efficient design elements, consistent with Policy LU-6.1.
11. Implementation Policy CI-1.10 Ensure that new development provides for adequate road improvements to serve internal circulation needs, as well as to mitigate impacts of increased traffic on the existing road system.
12. Implementation Policy CI-2.1 Strive to achieve and maintain a LOS D or better on all roadways and intersections: LOS E during peak hours shall be considered acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395).
13. Implementation Policy CI-2.2 Work with regional agencies which have authority over roadways within the City to ensure a minimum Level of Service D for roadways and a minimum Level of Service E for intersections.
14. CI Policy 2.4 Develop policies and regulations to ensure that future development does not reduce the Level of Service of roadways and intersections below the minimum Levels of Service goals.
15. Goal: CN-7 Develop, promote and implement policies to reduce and limit Greenhouse Gas Emissions
16. Goal: CN- 8 Implement policies and measures to reduce air pollution and emissions of pollutants.

4.12 cont.

A revised EIR must be prepared to include an analysis of the project's significant potential inconsistency with these goals and policies, particularly in consideration of the required SPA to accommodate the proposed project and the resulting significant and unavoidable cumulatively considerable Greenhouse Gas Emissions and Transportation (VMT) impacts.

4.13

Appendix K: VMT Analysis provides a full LOS analysis and concludes the following intersections will operate at peak hour deficiencies per the City s thresholds:

1. US-395/Phelan Road-Main Street
2. US-395/Poplar Street
3. Joshua Street/I-15 SB Off-Ramp

4.14

Table 16: Project Mitigation and Fair Share for Intersections within Appendix S provides a list of fee payments and improvements to mitigate significant and unavoidable impacts to the intersection to less than significant levels. It must be noted that the impacts to all deficient intersections are under jurisdiction of Caltrans. Any improvements planned/constructed or in-lieu fees/fair share fees paid for Caltrans facilities are beyond the control/scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, *Save our Peninsula Comm. v. Monterey County Bd. Of Supers.* (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. None of the improvements required are listed as part of an existing DIF/TUMF program and therefore are not planned to occur at all or by any certain date, whether by the City or Caltrans. Any improvements recommended or fees paid to mitigate impacts for Caltrans facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by Caltrans has not been provided. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold A and Land Use and Planning Impact Threshold B because it is not consistent with the following General Plan items: 4.14 cont.

1. Implementation Policy CI-1.10 Ensure that new development provides for adequate road improvements to serve internal circulation needs, as well as to mitigate impacts of increased traffic on the existing road system.
2. Implementation Policy CI-2.1 Strive to achieve and maintain a LOS D or better on all roadways and intersections: LOS E during peak hours shall be considered acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395).
3. Implementation Policy CI-2.2 Work with regional agencies which have authority over roadways within the City to ensure a minimum Level of Service D for roadways and a minimum Level of Service E for intersections.
4. CI Policy 2.4 Develop policies and regulations to ensure that future development does not reduce the Level of Service of roadways and intersections below the minimum Levels of Service goals.

Table 5.10-4: SCAG RTP/SCS Consistency Analysis finds that the project is consistent with all goals of Connect SoCal, resulting in less than significant impacts. The consistency analysis provided within the table is misleading to the public and decision makers and does not provide an adequate analysis of the proposed project. Due to errors in modeling, modeling without supporting evidence (as noted throughout this comment letter and attachments), and the EIR's conclusion that 4.15

the project will result in significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT), 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.

There is no discussion of the project's significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT). The EIR's consistency analysis is misleading and does not provide any meaningful supporting evidence within SCAG's 2020-2045 Connect SoCal RTP/SCS to support this conclusion, in violation of CEQA's requirements for meaningful disclosure. The EIR must be revised to include revised modeling and an accurate consistency analysis with all goals of SCAG's 2020-2045 Connect SoCal RTP/SCS, including a finding of significance due to the project's direct inconsistency with these goals due to its significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT). 4.15 cont.

All of the above is especially vital given the recent amendments that have been approved in the MSFC SP, to increase the amount of light industrial uses than originally planned for in the MSFC SP and its EIR, and the General Plan and its EIR:

1. SPLA21-00001[12] to change the land use designation of approximately 40 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) and construct a 742,000 square foot industrial warehouse (approved February 7, 2023).

2. SPLA21-00003[13] to change the land use designation of approximately 40 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) (approved October 19, 2021).

3. SPLA19-00005[14] to change the land use designation of approximately 105 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP)(approved January 7, 2020). 4.16

[12] February 7, 2023 City Council Meeting Agenda and Attachments
https://hesperia.legistar.com/LegislationDetail.aspx?ID=6007292&GUID=24F4EA31-B34B-4FEB-A48C-DBA6AEBEED3F&Options=&Search=
[13] October 19, 2021 City Council Meeting Agenda and Attachments
https://hesperia.legistar.com/MeetingDetail.aspx?ID=886220&GUID=FE5161D9-45B6-4E8D-85CB-BEE65BA03C5D&Options=&Search=
[14] January 7, 2020 City Council Meeting Agenda and Attachments
https://hesperia.legistar.com/MeetingDetail.aspx?ID=748381&GUID=828BC297-EB08-4BF7-A8C6-8FDB942F7CCC&Options=&Search=

4. SPLA19-00003[15] to change the land use designation of approximately 21 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP)(approved May 7, 2019).

Overall, the MSFC SP has been amended four times in the past four years to increase the amount of CIBP uses. This has increased the amount of light industrial acreage, uses, and employees within the MSFC SP by a cumulative 206 acres, (235.6 acres including the proposed project). The EIR must be revised to provide this information for analysis and include the quantity of CIBP acreage in the MSFC SP area upon adoption and the increase of CIBP acreage via amendments, including the proposed project in order to provide an adequate and accurate environmental analysis. A revised EIR must be prepared with analysis of projects approved, proposed, or "in the pipeline" of the MSFC SP to demonstrate that the combined workforce and floor area of all projects does not exceed the growth estimates/buildout scenario analyzed by the MSFC SP EIR. 4.16 cont.

5.12 Transportation

The EIR provides erroneous and misleading analysis regarding the project's conflicts with programs, plans, ordinances, or policies addressing the circulation system. Table 5.12-1: Consistency with Transportation Plans and Policies concludes that the project is consistent with General Plan Policy CI-2.8: Reduce trip generation through development and implementation of Transportation Demand Management Programs because "the Project s effect on VMT would not be considered significant with implementation of Mitigation Measure T-1 which requires implementation of a Commute Trip Reduction Program. Therefore, the Project would not conflict with this policy." However, the EIR concludes that even with implementation of Mitigation Measure T-1, the Project s VMT impact would be significant and unavoidable and cumulatively considerable. The EIR must be revised to include this fact for analysis and also make a finding of significance due to this inconsistency. 4.17

Further, Table 5.12-1 finds that the project is consistent with or does not conflict with all goals of Connect SoCal, resulting in less than significant impacts. The consistency analysis provided within the table is misleading to the public and decision makers and does not provide an adequate analysis of the proposed project. Due to errors in modeling, modeling without supporting evidence (as noted throughout this comment letter and attachments), and the EIR's conclusion that the project will result in significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT), the proposed project is directly inconsistent with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and 4.18

[15] May 7, 2019 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/MeetingDetail.aspx?ID=677675&GUID=BF1D7F0B-57F0-4DD0-8410-837E0A846CF8&Options=&Search=

equitable communities, and Goal 7 to adapt to a changing climate. There is no discussion of the project's significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT). The EIR's consistency analysis is misleading and does not provide any meaningful supporting evidence within SCAG's 2020-2045 Connect SoCal RTP/SCS to support this conclusion, in violation of CEQA's requirements for meaningful disclosure. The EIR must be revised to include revised modeling and an accurate consistency analysis with all goals of SCAG's 2020-2045 Connect SoCal RTP/SCS, including a finding of significance due to the project's direct inconsistency with these goals due to its significant and unavoidable cumulatively considerable impacts to Greenhouse Gas Emissions and Transportation (VMT). 4.18 cont.

Appendix K: VMT Analysis provides a full LOS analysis and concludes the following intersections will operate at peak hour deficiencies per the City s thresholds:

1. US-395/Phelan Road-Main Street
2. US-395/Poplar Street
3. Joshua Street/I-15 SB Off-Ramp

Table 16: Project Mitigation and Fair Share for Intersections within Appendix S provides a list of fee payments and improvements to mitigate significant and unavoidable impacts to the intersection to less than significant levels. It must be noted that the impacts to all deficient intersections are under jurisdiction of Caltrans. Any improvements planned/constructed or in-lieu fees/fair share fees paid for Caltrans facilities are beyond the control/scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, *Save our Peninsula Comm. v. Monterey County Bd. Of Supers.* (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. None of the improvements required are listed as part of an existing DIF/TUMF program and therefore are not planned to occur at all or by any certain date, whether by the City or Caltrans. Any improvements recommended or fees paid to mitigate impacts for Caltrans facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by Caltrans has not been provided. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold A and Land Use and Planning Impact Threshold B because it is not consistent with the following General Plan items: 4.19

1. Implementation Policy CI-1.10 Ensure that new development provides for adequate road improvements to serve internal circulation needs, as well as to mitigate impacts of increased traffic on the existing road system.

2. Implementation Policy CI-2.1 Strive to achieve and maintain a LOS D or better on all roadways and intersections: LOS E during peak hours shall be considered acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395).
3. Implementation Policy CI-2.2 Work with regional agencies which have authority over roadways within the City to ensure a minimum Level of Service D for roadways and a minimum Level of Service E for intersections.
4. CI Policy 2.4 Develop policies and regulations to ensure that future development does not reduce the Level of Service of roadways and intersections below the minimum Levels of Service goals.

4.19 cont.

Further, the EIR has underreported the quantity VMT generated by the proposed project operations. 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 work at the proposed project, they will conduct their jobs by driving 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. Even though the EIR concludes the project's employees will generate a significant and unavoidable VMT impact, the project's total operational VMT generated further exceeds the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

4.20

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. The EIR has not provided any exhibits depicting the available truck/trailer turning radius at the intersection of the project driveways to determine if there is enough space available to accommodate heavy truck maneuvering. Further, there are no exhibits providing on-site analysis regarding available space on the property to accommodate heavy truck maneuvering. Notably, truck/trailer parking stalls are adjacent to the truck/trailer loading docks on the east and west sides of the building. These parking stalls that may be in use at any time and further restrict truck/trailer movement on the site.

4.21

Additionally, both project driveways would accommodate trucks, passenger vehicles, and emergency vehicles. The EIR has not analyzed the potentially significant conflicts between heavy trucks, passenger vehicles, and emergency vehicles utilizing the same areas to enter and exit the

4.22

project site. There are also no exhibits depicting emergency vehicle access. The EIR also states that, "Roadway design would conform with City Development Design Standards for internal access and local roadway improvements. Future improvements related to Caltrans facilities (US 395 and I-15) would go through an additional process to ensure interchange and ramp configurations are consistent with Caltrans design standards. Design would be confirmed during the plan check process through the City prior to issuance of a grading permit and Project approval," and that the "City s Fire Department would review the development plans prior to approval to ensure adequate emergency access." This is deferred mitigation to after the CEQA public review process. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation, deferred mitigation, and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include a finding of significance due to these significant and unavoidable impacts.

4.22 cont.

6.1 Significant and Unavoidable Environmental Effects

The EIR is inadequate as an informational document and misleading to the public and decision makers. The EIR excludes any discussion of the project's significant and unavoidable cumulatively considerable Greenhouse Gas Emissions impacts. The EIR must be revised to include a statement and analysis regarding the project's significant and unavoidable cumulatively considerable Greenhouse Gas Emissions impacts in order to provide an adequate informational document and comply with CEQA's requirements for meaningful disclosure.

4.23

6.2 Growth Inducement and 6.3 Significant Irreversible Effects

The EIR does not discuss or analyze the project's significant and unavoidable cumulatively considerable Greenhouse Gas Emissions and Transportation (VMT) impacts in this section. The EIR must be revised to include the projects SU impacts for discussion and include a finding of significance.

Further, the proposed project removes a barrier to growth by increasing the developable industrial area of the MSFC SP without providing any information or analysis on the buildout conditions of the MSFC SP area. This is misleading to the public and decision makers. The EIR must be revised to include the required Specific Plan Amendment for discussion and analysis and include a finding of significance as the project will contribute to growth that was not included as part of growth forecasts in Connect SoCal, the General Plan, the AQMP, and/or the MSFC SP and each items associated EIR. The EIR must also include discussion for the precedence setting action that approval of the Specific Plan Amendment sets for future land use changes in the area.

4.24

All of the above is especially vital given the recent amendments that have been approved in the MSFC SP, to increase the amount of light industrial uses than originally planned for in the MSFC SP and its EIR, and the General Plan and its EIR:

1. SPLA21-00001[16] to change the land use designation of approximately 40 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) and construct a 742,000 square foot industrial warehouse (approved February 7, 2023).

2. SPLA21-00003[17] to change the land use designation of approximately 40 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) (approved October 19, 2021).

3. SPLA19-00005[18] to change the land use designation of approximately 105 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP)(approved January 7, 2020).

4. SPLA19-00003[19] to change the land use designation of approximately 21 acres in the MSFC SP from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP)(approved May 7, 2019).

4.24 cont.

Overall, the MSFC SP has been amended four times in the past four years to increase the amount of CIBP uses. This has increased the amount of light industrial acreage, uses, and employees within the MSFC SP by a cumulative 206 acres, (235.6 acres including the proposed project). The EIR must be revised to provide this information for cumulative analysis and include the quantity of CIBP acreage in the MSFC SP area upon adoption and the increase of CIBP acreage via amendments, including the proposed project in order to provide an adequate and accurate environmental analysis. A revised EIR must be prepared with analysis of projects approved, proposed, or "in the pipeline" of the MSFC SP to demonstrate that the combined workforce and floor area of all projects does not exceed the growth estimates/buildout scenario analyzed by the MSFC SP EIR.

[16] February 7, 2023 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/LegislationDetail.aspx?ID=6007292&GUID=24F4EA31-B34B-4FEB-A48C-DBA6AEBEED3F&Options=&Search=
[17] October 19, 2021 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/MeetingDetail.aspx?ID=886220&GUID=FE5161D9-45B6-4E8D-85CB-BEE65BA03C5D&Options=&Search=
[18] January 7, 2020 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/MeetingDetail.aspx?ID=748381&GUID=828BC297-EB08-4BF7-A8C6-8FDB942F7CCC&Options=&Search=
[19] May 7, 2019 City Council Meeting Agenda and Attachments https://hesperia.legistar.com/MeetingDetail.aspx?ID=677675&GUID=BF1D7F0B-57F0-4DD0-8410-837E0A846CF8&Options=&Search=

The EIR must also include a cumulative employment analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. For example, other recent industrial projects such as US Cold Storage (913 employees), Hesperia Commerce Center I (2,928 employees), Hesperia Commerce Center II (3,959 employees), Dara Industrial (628 employees), I-15 Industrial Park (2,309 employees), Poplar 18 (657 employees), and Mesa Linda Street Development (342 employees) combined with the proposed project will cumulatively generate 12,285 employees. This represents 52% of the City s job growth over 29 years accounted for by only eight recent industrial projects. These totals increase exponentially when commercial development activity is added to the brief list of industrial activity above. The EIR must be revised to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project will exceed the employment/population growth forecasts by SCAG, the City's General Plan, and/or the MSFCSP and their applicable EIRs. 4.25

7.3 Effects Found Not Significant: Population and Housing

The EIR utilizes misleading language that the project's "new employment opportunities would be within the forecasted and planned growth of the City," without providing the context of the required SPA to change the existing land use designations of the project site from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP). The required SPA to change the land use designation indicates that the growth proposed by the project was not accounted for in the AQMP, General Plan, MFCSP, or RTP/SCS. A revised EIR must include this information for discussion and analysis with a finding of significance. 4.26

The EIR has not provided any calculation of the construction jobs generated by the project. Additionally, the EIR states that as of "February 2023, Hesperia s unemployment rate was approximately 6 percent," without providing any additional information about the actual quantity of available workers and their qualifications or interest for work in the industrial sector. The EIR must be revised to include this information for analysis. Relying on the entire labor force potentially within San Bernardino County to fill the project's construction and operational jobs will increase VMT and emissions during all phases of construction and operations and the EIR must be revised to account for longer worker trip distances. For example, Hesperia is approximately 54 miles from Chino Hills, 54 miles from Yucaipa, 88 miles from Twentynine Palms, 103 miles from Baker, and 181 miles from Needles while the VMT analysis determines that the project generated VMT is 37.1 VMT per service population (per employee) under cumulative conditions, which is already above the cumulative threshold. 4.27

SCAG's Connect SoCal Demographics and Growth Forecast[20] notes that the City will add 23,600 jobs between 2016 - 2045. Utilizing the EIR's calculation of 549 employees, the project represents 2.3% of the City s employment growth from 2016 - 2045. A single project accounting for this amount of projected growth over 29 years represents a significant amount of growth. The EIR must be revised to includes this analysis, and also provide 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 for the City. For example, other recent industrial projects such as US Cold Storage (913 employees), Hesperia Commerce Center I (2,928 employees), Hesperia Commerce Center II (3,959 employees), Dara Industrial (628 employees), I-15 Industrial Park (2,309 employees), Poplar 18 (657 employees), and Mesa Linda Street Development (342 employees) combined with the proposed project will cumulatively generate 12,285 employees. This represents 52% of the City s job growth over 29 years accounted for by only eight recent industrial projects. These totals increase exponentially when commercial development activity is added to the brief list of industrial activity above. The EIR must be revised to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project will exceed the employment/population growth forecasts by SCAG, the City's General Plan, and/or the MSFCSP and their applicable EIRs. 4.28

8.0 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.) The alternatives chosen for analysis include the CEQA required "No Project" alternative and only two others - No Project (Existing Land Use) and Reduced Project. The EIR does not evaluate a reasonable range of alternatives as only two alternatives beyond the required No Project alternative is analyzed. 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 the proposed project's significant and unavoidable cumulatively considerable Greenhouse Gas Emissions and Transportation (VMT) impacts, and a mixed-use project that provides affordable housing and local-serving commercial uses that may reduce VMT, GHG emissions, and improve Air Quality. 4.29

[20] 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

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated 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. 4.30

Sincerely,

Gary Ho
Blum, Collins & Ho LLP

Attachments:
1. SWAPE Analysis

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

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November 15, 2023

Gary Ho
Blum, Collins & Ho LLP
707 Wilshire Blvd, Ste. 4880
Los Angeles, CA 90017

Subject: Comments on the KISS Logistics Warehouse Project (SCH No. 2022110097)

Dear Mr. Ho,

We have reviewed the October 2023 Draft Environmental Impact Report ("DEIR") for the KISS Logistics Warehouse Project ("Project") located in the City of Hesperia ("City"). The Project proposes to construct 655,468-square foot ("SF") of industrial space, including 11,000-SF of office space and 374 parking spaces on the 29.61-acre site.

4a.1

Our review concludes that the DEIR 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 Provide Complete CalEEMod Output Files

Land use development projects under the California Environmental Quality Act ("CEQA") typically evaluate air quality impacts and calculate potential criteria air pollutant emissions using the California Emissions Estimator Model ("CalEEMod"). [1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user

4a.2

[1] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide.

can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are used in calculating the Project's air pollutant emissions and demonstrate which default values are changed. Justifications are provided for the selected values.

According to the DEIR, CalEEMod Version 2022.1 is relied upon to estimate Project emissions (p. 3.0 28). However, this poses a problem as the currently available version of CalEEMod 2022.1 is described as a "soft release" which fails to provide complete output files.[2] Specifically, the "User Changes to Default Data" table no longer provides the quantitative counterparts to the changes to the default values (see excerpt below) (Appendix B, pp. 158, 240):

8. User Changes to Default Data

Screen	Justification
Land Use	Total project site is 29.6 acres and will consist of a 655,468 sq ft industrial building with 5% cold storage and 20% manufacturing. Approximately 209,075 sq ft will be dedicated to landscape
Construction: Construction Phases	Construction is anticipated to begin in Fall of 2023 and be completed in 2024. Overlap of building construction with architectural coating phase.
Construction: Off-Road Equipment	Default construction equipment with Tier 2 Engine.
Operations: Vehicle Data	Passenger cars and medium trucks trip generation only. Total of 570 ADT are for the Unrefrigerated Warehouse, 34 ADT are for cold storage, and 517 ADT are for manufacturing
Operations: Fleet Mix	Based on fleet mix distribution from the Traffic Impact Analysis. Passenger cars and medium trucks only.
Operations: Energy Use	The proposed project would not utilize natural gas
Operations: Emergency Generators and Fire Pumps	Project would include a 1,073 HP emergency generator to be used 50 hours per year

4a.2 cont.

However, previous CalEEMod Versions, such as 2020.4.0, include the specific numeric changes to the model's default values (see example excerpt below):

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	230.00	167.00
tblConstructionPhase	PhaseEndDate	11/22/2023	8/25/2023
tblConstructionPhase	PhaseEndDate	9/27/2023	6/30/2023
tblConstructionPhase	PhaseEndDate	10/25/2023	7/28/2023
tblConstructionPhase	PhaseStartDate	10/26/2023	7/29/2023
tblConstructionPhase	PhaseStartDate	9/28/2023	7/1/2023
tblLandUse	LandUseSquareFeet	160,000.00	160,371.00
tblLandUse	LandUseSquareFeet	119,000.00	41,155.00
tblLandUse	LotAcreage	3.67	3.68
tblLandUse	LotAcreage	2.73	2.74

The output files associated with CalEEMod Version 2022.1 fail to present the exact parameters used to calculate Project emissions. To remedy this issue, the DEIR should have provided access to the model's ".JSON" output files, which allow third parties to review the model's revised input parameters.[3] Without

[2] "CalEEMod California Emissions Estimator Model Soft Release." California Air Pollution Control Officers Association (CAPCOA), 2022, *available at:* https://caleemod.com/.
[3] "Video Tutorials for CalEEMod Version 2022.1." California Air Pollution Control Officers Association (CAPCOA), May 2022, *available at:* https://www.caleemod.com/tutorials.

access to the complete output files, including the specific numeric changes to the default values, we cannot verify that the DEIR's air modeling and subsequent analysis is an accurate reflection of the proposed Project. As a result, a revised EIR should be prepared to include an updated air quality analysis that correctly provides the complete output files for CalEEMod Version 2022.1, or includes an updated air model using an older release of CalEEMod.[4]

4a.2 cont.

Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the "KISS Logistics Warehouse Project - Vehicles Only" model includes several changes to the default individual construction phase lengths (see excerpt below) (Appendix B, pp. 158, 240).

Screen	Justification
Land Use	Total project site is 29.6 acres and will consist of a 655,468 sq ft industrial building with 5% cold storage and 20% manufacturing. Approximately 209,075 sq ft will be dedicated to landscape
Construction: Construction Phases	Construction is anticipated to begin in Fall of 2023 and be completed in 2024. Overlap of building construction with architectural coating phase.
Construction: Off-Road Equipment	Default construction equipment with Tier 2 Engine.
Operations: Vehicle Data	Passenger cars and medium trucks trip generation only. Total of 570 ADT are for the Unrefrigerated Warehouse, 34 ADT are for cold storage, and 517 ADT are for manufacturing
Operations: Fleet Mix	Based on fleet mix distribution from the Traffic Impact Analysis. Passenger cars and medium trucks only.
Operations: Energy Use	The proposed project would not utilize natural gas
Operations: Emergency Generators and Fire Pumps	Project would include a 1,073 HP emergency generator to be used 50 hours per year

As a result of these changes, the model includes the following construction schedule (see excerpt below) (Appendix B, pp. 147, 223):

4a.3

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase
Site Preparation	Site Preparation	10/2/2023	10/20/2023	5.00	15.0
Grading	Grading	10/23/2023	11/17/2023	5.00	20.0
Building Construction	Building Construction	12/18/2023	11/1/2024	5.00	230
Paving	Paving	11/4/2024	11/22/2024	5.00	15.0
Architectural Coating	Architectural Coating	6/3/2024	11/30/2024	5.00	130

As previously stated, the CalEEMod User's Guide requires any changes to model defaults be justified.[5] As demonstrated above in the "User Changes to Default Data" table, the justification provided for these changes is:

> "Construction is anticipated to begin in Fall of 2023 and be completed in 2024. Overlap of building construction with architectural coating phase" (Appendix B, pp. 158, 240).

Regarding the Project's anticipated construction duration, the DEIR states:

> "Project development is estimated to take approximately 14 months, beginning fourth quarter 2023 and fourth quarter November 2024" (p. 3.0-27).

[4] "CalEEMod Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* http://www.aqmd.gov/caleemod/download-model.

[5] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.

Additionally, the DEIR includes the following schedule regarding the duration of construction phase lengths (p. 3.0-27, Table 3-3):

Table 3-3: Construction Schedule

Construction Activity	Working Days
Site Preparation	15
Grading	20
Building Construction	230
Architectural Coating	15
Paving	130

However, the changes to the individual construction phase lengths remain unsubstantiated. While the DEIR justifies a total length of Project construction of 14 months, the DEIR fails to provide a source for the individual construction phase lengths outlined above. Until a proper source is provided, the model should have included proportionately altered individual phase lengths to match the proposed construction duration of 14 months.[6]

4a.3 cont.

The construction schedule included in the model presents an issue, as the construction emissions are improperly spread out over a longer period of time for some phases, but not for others. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).[7]

> *Demolition* involves removing buildings or structures.
>
> *Site Preparation* involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.
>
> *Grading* involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.
>
> *Building Construction* involves the construction of the foundation, structures and buildings.
>
> *Architectural Coating* involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.
>
> *Paving* involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

By disproportionately altering and extending some of the individual construction phase lengths without proper justification, the model assumes there are a greater number of days to complete the construction activities required by the prolonged phases. As a result, there will be less construction activities required per day and, consequently, less pollutants emitted per day. Until we are able to verify

[6] See Attachment A for proportionately altered construction schedule.
[7] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 32.

the revised construction schedule, the model may underestimate the peak daily emissions associated with some phases of construction and should not be relied upon to determine Project significance.

4a.3 cont.

Unsubstantiated Changes to Operational Fleet Mix Values

Review of the CalEEMod output files demonstrates that the "Kiss Logistics Center Warehouse Project – Vehicles Only" model includes changes to the default operational vehicle fleet mix percentages (see excerpt below) (Appendix B, pp. 158, 240).

Screen	Justification
Land Use	Total project site is 29.6 acres and will consist of a 655,468 sq ft industrial building with 5% cold storage and 20% manufacturing. Approximately 209,075 sq ft will be dedicated to landscape
Construction: Construction Phases	Construction is anticipated to begin in Fall of 2023 and be completed in 2024. Overlap of building construction with architectural coating phase.
Construction: Off-Road Equipment	Default construction equipment with Tier 2 Engine.
Operations: Vehicle Data	Passenger cars and medium trucks trip generation only. Total of 570 ADT are for the Unrefrigerated Warehouse, 34 ADT are for cold storage, and 517 ADT are for manufacturing
Operations: Fleet Mix	Based on fleet mix distribution from the Traffic Impact Analysis. Passenger cars and medium trucks only.
Operations: Energy Use	The proposed project would not utilize natural gas
Operations: Emergency Generators and Fire Pumps	Project would include a 1,073 HP emergency generator to be used 50 hours per year

Regarding fleet mix percentages, the DEIR includes the following table (see excerpt below) (p. 5.12-10, Table 5.12-2):

4a.4

Table 5.12-2: Project Trip Generation

				AM Peak Hour			PM Peak Hour		
Land Use		**Units**	**Daily**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
Trip Rates									
High-Cube Transload and Short-Term Storage[1]		TSF	1.40	0.06	0.02	0.08	0.03	0.07	0.10
Manufacturing [2]		TSF	4.75	0.52	0.16	0.68	0.23	0.51	0.74
Project Trip Generation									
High-Cube Transload and Short-Term Storage Without Cold Storage (75%)	491.601	TSF	688	30	9	39	14	35	49
Vehicle Mix[3]		***Percent***[3]							

However, these changes remain unsubstantiated. As previously discussed, the output files for CalEEMod 2022.1 do not present the numeric changes to any model defaults. Upon further review of the output files, the model's fleet mix percentages are not provided whatsoever. Until the DEIR verifies that the model includes the correct breakdown of every vehicle type that will access the Project site during operations, we cannot verify that the values included in the model are accurate.[8]

[8] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 38.

These unsubstantiated changes present an issue, as CalEEMod uses operational vehicle fleet mix percentages to calculate the Project's operational emissions associated with on-road vehicles.[9] By including several unsubstantiated changes to the default operational vehicle fleet mix percentages, the model may underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

4a.4 cont.

Unsubstantiated Reductions to Natural Gas Energy Use Values

Review of the CalEEMod output files demonstrates that the "Kiss Logistics Center Warehouse Project – Vehicles Only" model includes changes to the default natural gas energy use values (see excerpt below) (Appendix B, pp. 158, 240).

Screen	Justification
Land Use	Total project site is 29.6 acres and will consist of a 655,468 sq ft industrial building with 5% cold storage and 20% manufacturing. Approximately 209,075 sq ft will be dedicated to landscape
Construction: Construction Phases	Construction is anticipated to begin in Fall of 2023 and be completed in 2024. Overlap of building construction with architectural coating phase.
Construction: Off-Road Equipment	Default construction equipment with Tier 2 Engine.
Operations: Vehicle Data	Passenger cars and medium trucks trip generation only. Total of 570 ADT are for the Unrefrigerated Warehouse, 34 ADT are for cold storage, and 517 ADT are for manufacturing
Operations: Fleet Mix	Based on fleet mix distribution from the Traffic Impact Analysis. Passenger cars and medium trucks only.
Operations: Energy Use	The proposed project would not utilize natural gas
Operations: Emergency Generators and Fire Pumps	Project would include a 1,073 HP emergency generator to be used 50 hours per year

4a.5

As previously stated, the CalEEMod User's Guide requires any changes to model defaults be justified.[10] As demonstrated above in the "User Changes to Default Data" table, the justification provided for these changes is:

> "The proposed project would not utilize natural gas" (Appendix B, pp. 158, 240).

As a result of these changes, the energy use table demonstrates the Project will not use any natural gas (see excerpt below) (Appendix B, pp. 154, 230):

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Unrefrigerated Warehouse-No Rail	< 0.005	532	0.0330	0.0040	0.00
Manufacturing	0.22	532	0.0330	0.0040	0.00
Refrigerated Warehouse-No Rail	< 0.005	532	0.0330	0.0040	0.00
Parking Lot	179,345	532	0.0330	0.0040	0.00

However, these changes remain unsubstantiated as the DEIR and associated documents fail to discuss the use of natural gas whatsoever. Until further clarification is provided in a revised EIR, the assumption that the Project would not require the use of natural gas is unsupported.

[9] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 36.
[10] "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.

These unsubstantiated reductions present an issue, as the energy use values are used by CalEEMod to calculate the Project's emissions associated with building electricity and natural gas usage. [11] By assuming that the Project would not rely on any natural gas utilities, the model may underestimate the Project's operational emissions and should not be relied upon to determine Project significance.

4a.5 cont.

Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to more accurately estimate the Project's emissions we prepared an updated CalEEMod model, using the Project-specific information provided by the DEIR. In our updated model, we omitted the unsubstantiated changes to the operational vehicle fleet mix values and natural gas emission factors; additionally, we proportionately altered the construction phase lengths to match the total construction duration of 14 months.[12]

Our updated analysis estimates that the VOC emissions associated with Project construction exceed the applicable MDAQMD threshold of 137 pounds per day ("lbs/day"), as referenced by the DEIR (p. 5.2-17, Table 5.2-5) (see table below).[13]

4a.6

SWAPE Criteria Air Pollutant Emissions

Model	Construction VOC (lbs/day)	Operational NOX (lbs/day)
DEIR	26.5	47.8
SWAPE	902.4	395.6
% Increase	3,305%	728%
MDAQMD Threshold	**137**	**137**
Exceeds?	***Yes***	***Yes***

As demonstrated above, the Project's construction-related VOC and operational NO_X emissions, as estimated by SWAPE, increase by approximately 3,305% and 728%, respectively, and exceed the applicable MDAQMD significance thresholds. Our updated modeling demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed by the DEIR. As a result, a revised EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the environment.

[11] "CalEEMod User's Guide Version 2020.4.0." California Air Pollution Control Officers Association (CAPCOA), May 2021, *available at:* https://www.aqmd.gov/caleemod/user's-guide, p. 43.
[12] See Attachment A for updated CalEEMod model.
[13] "California Environmental Quality Act (CEQA) And Federal Conformity Guidelines." MDAQMD, August 2016, *available at*: https://www.mdaqmd.ca.gov/home/showdocument?id=192#:~:text=Significance%20Thresholds,-Any%20project%20is&text=Exposes%20sensitive%20receptors%20to%20substantial,than%20or%20equal%20to%201, p. 10.

Diesel Particulate Matter Emissions Inadequately Evaluated

The DEIR conducts a health risk analysis ("HRA") evaluating impacts from exposure to diesel particulate matter ("DPM") emissions during Project construction and operation. Specifically, the DEIR estimates that the maximum cancer risk posed to nearby, existing residential sensitive receptors as a result of Project construction and operation would be 4.60 and 1.84 in one million, respectively (see tables below) (p. 5.2-18, Table 5.2-7; p. 5.2-19, Table 5.2-8).

Table 5.2-7: Project Construction Health Risks at Nearby Sensitive Receptors

Location	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index
Worker Receptor Risk	0.08	0.005	0.000
Sensitive Receptor Risk	4.60	0.005	0.000
MDAQMD Significance Threshold	10.0 in one million	1.0	1.0
Significant?	No	No	No

Source: LSA (April 2023).
MDAQMD = Mojave Desert Air Quality Management District

Table 5.2-8: Project Operational Health Risks at Nearby Sensitive Receptors

Location	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index
Worker Receptor Risk	0.25	0.001	<0.001
Sensitive Receptor Risk	1.84	0.001	<0.001
MDAQMD Significance Threshold	10.0 in one million	1.0	1.0
Significant?	No	No	No

Source: LSA (April 2023).
MDAQMD = Mojave Desert Air Quality Management District

4a.7

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

First, the DEIR's construction and operational HRA are incorrect, as it relies upon emissions estimates from a flawed air model, as discussed above in the section titled "Unsubstantiated Input Parameters Used to Estimate Project Emissions." As such, the HRA are based on a potentially underestimated DPM concentration to calculate the health risk associated with Project construction. As a result, the DEIR's HRA and resulting cancer risk should not be relied upon to determine Project significance.

Second, the DEIR fails to mention or provide the exposure assumptions for the HRA, such as the age sensitivity factors ("ASF") or fraction of time at home ("FAH") values whatsoever. Until the DEIR substantiates the use of correct exposure assumptions, the HRA may underestimate the cancer risk posed to nearby, existing sensitive receptors because of Project construction. Furthermore, according to the *Risk Assessment Guidelines* provided by the Office of Environmental Health Hazard Assessment

4a.8

("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, the DEIR's models should have used the following equation:[14]

A. Equation 8.2.4 A: $RISK_{inh\text{-}res} = DOSE_{air} \times CPF \times ASF \times ED/AT \times FAH$

7. $RISK_{inh\text{-}res}$ = Residential inhalation cancer risk
8. $DOSE_{air}$ = Daily inhalation dose (mg/kg-day)
9. CPF = Inhalation cancer potency factor (mg/kg-day^{-1})
10. ASF = Age sensitivity factor for a specified age group (unitless)
11. ED = Exposure duration (in years) for a specified age group
12. AT = Averaging time for lifetime cancer risk (years)
13. FAH = Fraction of time spent at home (unitless)

4a.8 cont.

However, the DEIR and associated documents fail to include a dose and risk equation to calculate the Project's construction and operational cancer risks. As such, we cannot verify that the DEIR's HRA is accurate, and the Project's cancer risks may be underestimated.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would result in net annual mitigated greenhouse gas ("GHG") emissions of 10,614-metric tons of carbon dioxide equivalents per year ("MT CO_2e/year") (see excerpt below) (p. 5.7-14, Table 5.7-2).

Table 5.7-2: Mitigated Project Generated Greenhouse Emissions

Source	Greenhouse Gas Emissions, CO_2e
	Metric Tons per Year
Project Operational Emissions	
Area Sources	9.6
Energy Sources	43.4
Mobile Sources – Vehicles and Light Duty Trucks	4,317.0
Mobile Sources – Heavy Heavy Duty Trucks	5,598.0
Stationary Sources	20.5
Waste Sources	204.0
Water Sources	382.0
Total Project Emissions	**10,614.0**
Amortized Construction Emissions	39.5
Total Annual Emissions	**10,614.0**
SCAQMD Threshold	**3,000**
Significant?	**Yes**

Source: Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B).
CO2e = carbon dioxide equivalent

4a.9

[14] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-7 Equation 8.2.4.

As such, the DEIR concludes that the Project would exceed the SCAQMD bright-line threshold of 3,000 MT CO_2e/year and result in a significant-and-unavoidable GHG impact, stating:

> "As shown in Table S, with implementation of Mitigation Measure GHG-1, the proposed project would result in approximately 10,614.0 MT/year CO2e. Implementation of Mitigation Measure GHG-1 would reduce emissions to the extent feasible; however, emissions would continue to exceed the SCAQMD threshold. Therefore, with implementation of Mitigation Measure GHG-1, operation of the proposed project would have the potential to generate significant GHG emissions that would have a significant effect on the environment," (p. 8.0-2, 8.0-3).

However, while we agree that the Project would result in a significant GHG impact, the DEIR's assertion that this impact is significant-and-unavoidable is incorrect. According to CEQA Guidelines § 15096(g)(2): 4a.9 cont.

> "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."[15]

As indicated above, an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation is considered. Here, while the DEIR implements MM-GHG-1 through MM-GHG-3, the DEIR fails to implement *all* feasible mitigation (p. 4.6-40). Therefore, the DEIR's conclusion that Project's GHG emissions would be significant-and-unavoidable is unsubstantiated. To reduce the Project's GHG 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 less-than-significant levels.

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 consider the implementation of the following mitigation measures found in the California Department of Justice Warehouse Project Best Practices document.[16] 4a.10

- 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,

[15] "Cal. Code Regs. tit. 14 § 15096." California Legislature, *available at:* https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-7-eir-process/section-15096-process-for-a-responsible-agency.

[16] "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.

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 on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- 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.
- Running conduit to designated locations for future electric truck charging stations.
- 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.

4a.10 cont.

- 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.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- 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.
- 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.

4a.10 cont.

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.

4a.11

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 below thresholds. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

4a.12

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.

4a.13

Sincerely,

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

Paul E. Rosenfeld, Ph.D.

Attachment A: Updated Construction Schedule
Attachment B: SWAPE's CalEEMod Output Files
Attachment C: Matt Hagemann CV
Attachment D: Paul Rosenfeld CV

4a.14

Construction Schedule Calculations					
Phase	Default Phase Length	Construction Duration	%	Construction Duration	Revised Phase Length
Site Preparation	20	804	0.0249	384	10
Grading	45	804	0.0560	384	21
Building Construction	440	804	0.5473	384	210
Paving	35	804	0.0435	384	17
Architectural coating	35	804	0.0435	384	17

	Total Default Construction Duration	Revised Construction Duration
Start Date	11/10/2023	10/2/2023
End Date	1/22/2026	10/20/2024
Total Days	804	384

KISS Logistics Warehouse Project - Vehicles Only

San Bernardino-Mojave Desert County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Unrefrigerated Warehouse-No Rail	491.00	1000sqft	11.27	491,601.00	0
Manufacturing	131.00	1000sqft	3.01	131,094.00	0
Refrigerated Warehouse-No Rail	32.00	1000sqft	0.73	32,773.00	0
Parking Lot	374.00	Space	0.00	0.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	32
Climate Zone	10			**Operational Year**	2024
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Consistent with DEIR's model.

Land Use - Total project site is 29.6 acres and will consist of a 655,468 sq ft industrial building with 5% cold storage and 20% manufacturing. Approximately 209,075 sq ft will be dedicated to landscape.

Construction Phase - See comment on: "Unsubstantiated Changes to Individual Construction Phase Lengths".

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Trips and VMT - Consistent with DEIR's model.

On-road Fugitive Dust -

Grading - Consistent with DEIR's model.

Architectural Coating - Consistent with DEIR's model.

Vehicle Trips - Passenger cars and medium trucks trip generation only. Total of 570 ADT are for the Unrefrigerated Warehouse, 34 ADT are for cold storage, and 517 ADT are for manufacturing.

Area Coating - Consistent with DEIR's model.

Energy Use - See comment on: "Unsubstantiated Reductions to Natural Gas Energy Use Values".

Construction Off-road Equipment Mitigation - Consistent with DEIR's model.

Mobile Land Use Mitigation -

Mobile Commute Mitigation - Consistent with DEIR's model.

Energy Mitigation -

Water Mitigation - Consistent with DEIR's model.

Fleet Mix - See comment on: "Unsubstantiated Changes to Operational Fleet Mix Values".

Stationary Sources - Emergency Generators and Fire Pumps - Project would include a 1,073 HP emergency generator to be used 50 hours per year.

Vehicle Emission Factors -

Area Mitigation -

KISS Logistics Warehouse Project - Vehicles Only - San Bernardino-Mojave Desert County, Annual

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	ConstArea_Parking	0.00	12,284.00
tblAreaCoating	Area_Parking	0	12284
tblConstructionPhase	NumDays	30.00	22.00
tblConstructionPhase	NumDays	300.00	216.00
tblConstructionPhase	NumDays	20.00	17.00
tblConstructionPhase	NumDays	20.00	17.00
tblConstructionPhase	PhaseEndDate	11/23/2023	11/15/2023
tblConstructionPhase	PhaseEndDate	1/4/2024	12/15/2023
tblConstructionPhase	PhaseEndDate	2/27/2025	10/14/2024
tblConstructionPhase	PhaseEndDate	3/27/2025	11/6/2024
tblConstructionPhase	PhaseEndDate	4/24/2025	11/29/2024
tblConstructionPhase	PhaseStartDate	11/10/2023	11/2/2023
tblConstructionPhase	PhaseStartDate	11/24/2023	11/16/2023
tblConstructionPhase	PhaseStartDate	1/5/2024	12/16/2023
tblConstructionPhase	PhaseStartDate	2/28/2025	10/15/2024
tblConstructionPhase	PhaseStartDate	3/28/2025	11/7/2024
tblGrading	AcresOfGrading	55.00	22.50
tblGrading	AcresOfGrading	0.00	66.00
tblLandUse	LandUseSquareFeet	131,000.00	131,094.00
tblLandUse	LandUseSquareFeet	32,000.00	32,773.00
tblLandUse	LandUseSquareFeet	491,000.00	491,601.00
tblLandUse	LandUseSquareFeet	149,600.00	0.00
tblLandUse	LotAcreage	3.37	0.00
tblOffRoadEquipment	HorsePower	247.00	367.00
tblOffRoadEquipment	HorsePower	97.00	84.00
tblOffRoadEquipment	HorsePower	158.00	36.00

tblOffRoadEquipment	HorsePower	187.00	148.00
tblOffRoadEquipment	HorsePower	247.00	367.00
tblOffRoadEquipment	HorsePower	367.00	423.00
tblOffRoadEquipment	HorsePower	97.00	84.00
tblOffRoadEquipment	HorsePower	231.00	367.00
tblOffRoadEquipment	HorsePower	89.00	82.00
tblOffRoadEquipment	HorsePower	84.00	14.00
tblOffRoadEquipment	HorsePower	97.00	84.00
tblOffRoadEquipment	HorsePower	130.00	81.00
tblOffRoadEquipment	HorsePower	132.00	89.00
tblOffRoadEquipment	HorsePower	80.00	36.00
tblOffRoadEquipment	HorsePower	78.00	37.00
tblProjectCharacteristics	CH4IntensityFactor	0.029	0.033
tblProjectCharacteristics	CO2IntensityFactor	702.44	390.98
tblProjectCharacteristics	N2OIntensityFactor	0.006	0.004
tblStationaryGeneratorsPumpsUse	HorsePowerValue	0.00	1,073.00
tblStationaryGeneratorsPumpsUse	HoursPerDay	0.00	50.00
tblStationaryGeneratorsPumpsUse	NumberOfEquipment	0.00	1.00
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripLength	10.80	18.50

tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripNumber	18.00	17.50
tblTripsAndVMT	WorkerTripNumber	55.00	55.10
tblVehicleTrips	ST_TR	1.49	3.9400e-003
tblVehicleTrips	ST_TR	1.68	1.0200e-003
tblVehicleTrips	ST_TR	1.68	1.1600e-003
tblVehicleTrips	SU_TR	0.62	3.9400e-003
tblVehicleTrips	SU_TR	1.68	1.0200e-003
tblVehicleTrips	SU_TR	1.68	1.1600e-003
tblVehicleTrips	WD_TR	3.82	3.9400e-003
tblVehicleTrips	WD_TR	1.68	1.0200e-003
tblVehicleTrips	WD_TR	1.68	1.1600e-003

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2023	0.0787	0.7334	0.6889	1.4200e-003	0.2317	0.0308	0.2624	0.0987	0.0283	0.1271	0.0000	125.9400	125.9400	0.0302	0.0000	126.6947
2024	7.9679	2.2544	2.6938	9.5800e-003	0.5016	0.0627	0.5643	0.1356	0.0584	0.1939	0.0000	872.9773	872.9773	0.0856	0.0000	875.1177
Maximum	**7.9679**	**2.2544**	**2.6938**	**9.5800e-003**	**0.5016**	**0.0627**	**0.5643**	**0.1356**	**0.0584**	**0.1939**	**0.0000**	**872.9773**	**872.9773**	**0.0856**	**0.0000**	**875.1177**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2023	0.0787	0.7334	0.6889	1.4200e-003	0.2317	0.0308	0.2624	0.0987	0.0283	0.1271	0.0000	125.9399	125.9399	0.0302	0.0000	126.6946
2024	7.9679	2.2544	2.6938	9.5800e-003	0.5016	0.0627	0.5643	0.1356	0.0584	0.1939	0.0000	872.9771	872.9771	0.0856	0.0000	875.1174
Maximum	**7.9679**	**2.2544**	**2.6938**	**9.5800e-003**	**0.5016**	**0.0627**	**0.5643**	**0.1356**	**0.0584**	**0.1939**	**0.0000**	**872.9771**	**872.9771**	**0.0856**	**0.0000**	**875.1174**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	11-10-2023	2-9-2024	1.0332	1.0332
2	2-10-2024	5-9-2024	0.7660	0.7660
3	5-10-2024	8-9-2024	0.7827	0.7827
4	8-10-2024	9-30-2024	0.4424	0.4424
		Highest	1.0332	1.0332

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	3.3274	9.0000e-005	9.4300e-003	0.0000		3.0000e-005	3.0000e-005		3.0000e-005	3.0000e-005	0.0000	0.0184	0.0184	5.0000e-005	0.0000	0.0196
Energy	0.0375	0.3409	0.2863	2.0500e-003		0.0259	0.0259		0.0259	0.0259	0.0000	1,044.9909	1,044.9909	0.0640	0.0137	1,050.6727
Mobile	2.9000e-004	2.0300e-003	3.5000e-003	2.0000e-005	1.2400e-003	1.0000e-005	1.2500e-003	3.3000e-004	1.0000e-005	3.4000e-004	0.0000	1.4459	1.4459	7.0000e-005	0.0000	1.4476
Stationary	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	132.7683	0.0000	132.7683	7.8464	0.0000	328.9278
Water						0.0000	0.0000		0.0000	0.0000	47.9807	349.2401	397.2208	4.9576	0.1199	556.9004
Total	**3.3652**	**0.3430**	**0.2993**	**2.0700e-003**	**1.2400e-003**	**0.0260**	**0.0272**	**3.3000e-004**	**0.0260**	**0.0263**	**180.7490**	**1,395.6953**	**1,576.4443**	**12.8680**	**0.1336**	**1,937.9680**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	3.3274	9.0000e-005	9.4300e-003	0.0000		3.0000e-005	3.0000e-005		3.0000e-005	3.0000e-005	0.0000	0.0184	0.0184	5.0000e-005	0.0000	0.0196
Energy	0.0375	0.3409	0.2863	2.0500e-003		0.0259	0.0259		0.0259	0.0259	0.0000	1,044.9909	1,044.9909	0.0640	0.0137	1,050.6727
Mobile	2.9000e-004	2.0300e-003	3.5000e-003	2.0000e-005	1.2400e-003	1.0000e-005	1.2500e-003	3.3000e-004	1.0000e-005	3.4000e-004	0.0000	1.4459	1.4459	7.0000e-005	0.0000	1.4476
Stationary	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	132.7683	0.0000	132.7683	7.8464	0.0000	328.9278
Water						0.0000	0.0000		0.0000	0.0000	38.3846	279.3921	317.7766	3.9660	0.0960	445.5203
Total	**3.3652**	**0.3430**	**0.2993**	**2.0700e-003**	**1.2400e-003**	**0.0260**	**0.0272**	**3.3000e-004**	**0.0260**	**0.0263**	**171.1528**	**1,325.8473**	**1,497.0001**	**11.8765**	**0.1097**	**1,826.5879**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**5.31**	**5.00**	**5.04**	**7.71**	**17.95**	**5.75**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	11/2/2023	11/15/2023	5	10	
2	Grading	Grading	11/16/2023	12/15/2023	5	22	
3	Building Construction	Building Construction	12/16/2023	10/14/2024	5	216	
4	Paving	Paving	10/15/2024	11/6/2024	5	17	
5	Architectural Coating	Architectural Coating	11/7/2024	11/29/2024	5	17	

Acres of Grading (Site Preparation Phase): 66

Acres of Grading (Grading Phase): 22.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 983,202; Non-Residential Outdoor: 327,734; Striped Parking Area: 12,284 (Architectural Coating – sqft)

OffRoad Equipment

KISS Logistics Warehouse Project - Vehicles Only - San Bernardino-Mojave Desert County, Annual

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Rubber Tired Dozers	3	8.00	367	0.40
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	84	0.37
Grading	Excavators	2	8.00	36	0.38
Grading	Graders	1	8.00	148	0.41
Grading	Rubber Tired Dozers	1	8.00	367	0.40
Grading	Scrapers	2	8.00	423	0.48
Grading	Tractors/Loaders/Backhoes	2	8.00	84	0.37
Building Construction	Cranes	1	7.00	367	0.29
Building Construction	Forklifts	3	8.00	82	0.20
Building Construction	Generator Sets	1	8.00	14	0.74
Building Construction	Tractors/Loaders/Backhoes	3	7.00	84	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	81	0.42
Paving	Paving Equipment	2	8.00	89	0.36
Paving	Rollers	2	8.00	36	0.38
Architectural Coating	Air Compressors	1	6.00	37	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	7	17.50	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Grading	8	20.00	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	275.00	107.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	55.10	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Site Preparation - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.1253	0.0000	0.1253	0.0534	0.0000	0.0534	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0200	0.1978	0.1818	2.5000e-004		9.1400e-003	9.1400e-003		8.4100e-003	8.4100e-003	0.0000	21.6310	21.6310	7.0000e-003	0.0000	21.8059
Total	**0.0200**	**0.1978**	**0.1818**	**2.5000e-004**	**0.1253**	**9.1400e-003**	**0.1345**	**0.0534**	**8.4100e-003**	**0.0618**	**0.0000**	**21.6310**	**21.6310**	**7.0000e-003**	**0.0000**	**21.8059**

3.2 Site Preparation - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.2000e-004	3.0000e-004	3.2100e-003	1.0000e-005	1.2100e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.3000e-004	0.0000	0.9254	0.9254	2.0000e-005	0.0000	0.9260
Total	**4.2000e-004**	**3.0000e-004**	**3.2100e-003**	**1.0000e-005**	**1.2100e-003**	**1.0000e-005**	**1.2100e-003**	**3.2000e-004**	**1.0000e-005**	**3.3000e-004**	**0.0000**	**0.9254**	**0.9254**	**2.0000e-005**	**0.0000**	**0.9260**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.1253	0.0000	0.1253	0.0534	0.0000	0.0534	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0200	0.1978	0.1818	2.5000e-004		9.1400e-003	9.1400e-003		8.4100e-003	8.4100e-003	0.0000	21.6310	21.6310	7.0000e-003	0.0000	21.8059
Total	**0.0200**	**0.1978**	**0.1818**	**2.5000e-004**	**0.1253**	**9.1400e-003**	**0.1345**	**0.0534**	**8.4100e-003**	**0.0618**	**0.0000**	**21.6310**	**21.6310**	**7.0000e-003**	**0.0000**	**21.8059**

3.2 Site Preparation - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.2000e-004	3.0000e-004	3.2100e-003	1.0000e-005	1.2100e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.3000e-004	0.0000	0.9254	0.9254	2.0000e-005	0.0000	0.9260
Total	**4.2000e-004**	**3.0000e-004**	**3.2100e-003**	**1.0000e-005**	**1.2100e-003**	**1.0000e-005**	**1.2100e-003**	**3.2000e-004**	**1.0000e-005**	**3.3000e-004**	**0.0000**	**0.9254**	**0.9254**	**2.0000e-005**	**0.0000**	**0.9260**

3.3 Grading - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0782	0.0000	0.0782	0.0377	0.0000	0.0377	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0425	0.4257	0.3662	6.7000e-004		0.0185	0.0185		0.0170	0.0170	0.0000	59.0581	59.0581	0.0191	0.0000	59.5356
Total	**0.0425**	**0.4257**	**0.3662**	**6.7000e-004**	**0.0782**	**0.0185**	**0.0966**	**0.0377**	**0.0170**	**0.0547**	**0.0000**	**59.0581**	**59.0581**	**0.0191**	**0.0000**	**59.5356**

3.3 Grading - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0600e-003	7.6000e-004	8.0700e-003	3.0000e-005	3.0400e-003	2.0000e-005	3.0500e-003	8.1000e-004	2.0000e-005	8.2000e-004	0.0000	2.3268	2.3268	6.0000e-005	0.0000	2.3282
Total	**1.0600e-003**	**7.6000e-004**	**8.0700e-003**	**3.0000e-005**	**3.0400e-003**	**2.0000e-005**	**3.0500e-003**	**8.1000e-004**	**2.0000e-005**	**8.2000e-004**	**0.0000**	**2.3268**	**2.3268**	**6.0000e-005**	**0.0000**	**2.3282**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0782	0.0000	0.0782	0.0377	0.0000	0.0377	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0425	0.4257	0.3662	6.7000e-004		0.0185	0.0185		0.0170	0.0170	0.0000	59.0580	59.0580	0.0191	0.0000	59.5356
Total	**0.0425**	**0.4257**	**0.3662**	**6.7000e-004**	**0.0782**	**0.0185**	**0.0966**	**0.0377**	**0.0170**	**0.0547**	**0.0000**	**59.0580**	**59.0580**	**0.0191**	**0.0000**	**59.5356**

3.3 Grading - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0600e-003	7.6000e-004	8.0700e-003	3.0000e-005	3.0400e-003	2.0000e-005	3.0500e-003	8.1000e-004	2.0000e-005	8.2000e-004	0.0000	2.3268	2.3268	6.0000e-005	0.0000	2.3282
Total	**1.0600e-003**	**7.6000e-004**	**8.0700e-003**	**3.0000e-005**	**3.0400e-003**	**2.0000e-005**	**3.0500e-003**	**8.1000e-004**	**2.0000e-005**	**8.2000e-004**	**0.0000**	**2.3268**	**2.3268**	**6.0000e-005**	**0.0000**	**2.3282**

3.4 Building Construction - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	6.9100e-003	0.0624	0.0693	1.2000e-004		2.9600e-003	2.9600e-003		2.7600e-003	2.7600e-003	0.0000	9.8963	9.8963	2.8900e-003	0.0000	9.9686
Total	**6.9100e-003**	**0.0624**	**0.0693**	**1.2000e-004**		**2.9600e-003**	**2.9600e-003**		**2.7600e-003**	**2.7600e-003**	**0.0000**	**9.8963**	**9.8963**	**2.8900e-003**	**0.0000**	**9.9686**

3.4 Building Construction - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	1.1900e-003	0.0416	9.9100e-003	1.8000e-004	4.9800e-003	5.0000e-005	5.0300e-003	1.4400e-003	5.0000e-005	1.4900e-003	0.0000	17.5597	17.5597	7.8000e-004	0.0000	17.5791
Worker	6.6500e-003	4.7800e-003	0.0504	1.6000e-004	0.0190	1.1000e-004	0.0191	5.0400e-003	1.1000e-004	5.1400e-003	0.0000	14.5426	14.5426	3.5000e-004	0.0000	14.5513
Total	**7.8400e-003**	**0.0464**	**0.0603**	**3.4000e-004**	**0.0240**	**1.6000e-004**	**0.0241**	**6.4800e-003**	**1.6000e-004**	**6.6300e-003**	**0.0000**	**32.1023**	**32.1023**	**1.1300e-003**	**0.0000**	**32.1305**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	6.9100e-003	0.0624	0.0693	1.2000e-004		2.9600e-003	2.9600e-003		2.7600e-003	2.7600e-003	0.0000	9.8962	9.8962	2.8900e-003	0.0000	9.9685
Total	**6.9100e-003**	**0.0624**	**0.0693**	**1.2000e-004**		**2.9600e-003**	**2.9600e-003**		**2.7600e-003**	**2.7600e-003**	**0.0000**	**9.8962**	**9.8962**	**2.8900e-003**	**0.0000**	**9.9685**

3.4 Building Construction - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	1.1900e-003	0.0416	9.9100e-003	1.8000e-004	4.9800e-003	5.0000e-005	5.0300e-003	1.4400e-003	5.0000e-005	1.4900e-003	0.0000	17.5597	17.5597	7.8000e-004	0.0000	17.5791
Worker	6.6500e-003	4.7800e-003	0.0504	1.6000e-004	0.0190	1.1000e-004	0.0191	5.0400e-003	1.1000e-004	5.1400e-003	0.0000	14.5426	14.5426	3.5000e-004	0.0000	14.5513
Total	**7.8400e-003**	**0.0464**	**0.0603**	**3.4000e-004**	**0.0240**	**1.6000e-004**	**0.0241**	**6.4800e-003**	**1.6000e-004**	**6.6300e-003**	**0.0000**	**32.1023**	**32.1023**	**1.1300e-003**	**0.0000**	**32.1305**

3.4 Building Construction - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1353	1.2170	1.4120	2.4000e-003		0.0547	0.0547		0.0510	0.0510	0.0000	203.8683	203.8683	0.0594	0.0000	205.3544
Total	**0.1353**	**1.2170**	**1.4120**	**2.4000e-003**		**0.0547**	**0.0547**		**0.0510**	**0.0510**	**0.0000**	**203.8683**	**203.8683**	**0.0594**	**0.0000**	**205.3544**

3.4 Building Construction - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0244	0.8639	0.1978	3.7800e-003	0.1026	1.0900e-003	0.1037	0.0296	1.0400e-003	0.0306	0.0000	361.6872	361.6872	0.0160	0.0000	362.0874
Worker	0.1292	0.0891	0.9673	3.2000e-003	0.3908	2.3400e-003	0.3931	0.1038	2.1500e-003	0.1059	0.0000	289.8628	289.8628	6.5400e-003	0.0000	290.0262
Total	**0.1536**	**0.9530**	**1.1651**	**6.9800e-003**	**0.4934**	**3.4300e-003**	**0.4968**	**0.1334**	**3.1900e-003**	**0.1366**	**0.0000**	**651.5500**	**651.5500**	**0.0226**	**0.0000**	**652.1137**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.1353	1.2170	1.4120	2.4000e-003		0.0547	0.0547		0.0510	0.0510	0.0000	203.8680	203.8680	0.0594	0.0000	205.3541
Total	**0.1353**	**1.2170**	**1.4120**	**2.4000e-003**		**0.0547**	**0.0547**		**0.0510**	**0.0510**	**0.0000**	**203.8680**	**203.8680**	**0.0594**	**0.0000**	**205.3541**

3.4 Building Construction - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0244	0.8639	0.1978	3.7800e-003	0.1026	1.0900e-003	0.1037	0.0296	1.0400e-003	0.0306	0.0000	361.6872	361.6872	0.0160	0.0000	362.0874
Worker	0.1292	0.0891	0.9673	3.2000e-003	0.3908	2.3400e-003	0.3931	0.1038	2.1500e-003	0.1059	0.0000	289.8628	289.8628	6.5400e-003	0.0000	290.0262
Total	**0.1536**	**0.9530**	**1.1651**	**6.9800e-003**	**0.4934**	**3.4300e-003**	**0.4968**	**0.1334**	**3.1900e-003**	**0.1366**	**0.0000**	**651.5500**	**651.5500**	**0.0226**	**0.0000**	**652.1137**

3.5 Paving - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	8.5000e-003	0.0748	0.0867	1.2000e-004		4.2600e-003	4.2600e-003		3.9200e-003	3.9200e-003	0.0000	10.4319	10.4319	3.3700e-003	0.0000	10.5163
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**8.5000e-003**	**0.0748**	**0.0867**	**1.2000e-004**		**4.2600e-003**	**4.2600e-003**		**3.9200e-003**	**3.9200e-003**	**0.0000**	**10.4319**	**10.4319**	**3.3700e-003**	**0.0000**	**10.5163**

3.5 Paving - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	5.8000e-004	4.0000e-004	4.3500e-003	1.0000e-005	1.7600e-003	1.0000e-005	1.7700e-003	4.7000e-004	1.0000e-005	4.8000e-004	0.0000	1.3048	1.3048	3.0000e-005	0.0000	1.3055
Total	**5.8000e-004**	**4.0000e-004**	**4.3500e-003**	**1.0000e-005**	**1.7600e-003**	**1.0000e-005**	**1.7700e-003**	**4.7000e-004**	**1.0000e-005**	**4.8000e-004**	**0.0000**	**1.3048**	**1.3048**	**3.0000e-005**	**0.0000**	**1.3055**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	8.5000e-003	0.0748	0.0867	1.2000e-004		4.2600e-003	4.2600e-003		3.9200e-003	3.9200e-003	0.0000	10.4319	10.4319	3.3700e-003	0.0000	10.5163
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**8.5000e-003**	**0.0748**	**0.0867**	**1.2000e-004**		**4.2600e-003**	**4.2600e-003**		**3.9200e-003**	**3.9200e-003**	**0.0000**	**10.4319**	**10.4319**	**3.3700e-003**	**0.0000**	**10.5163**

3.5 Paving - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	5.8000e-004	4.0000e-004	4.3500e-003	1.0000e-005	1.7600e-003	1.0000e-005	1.7700e-003	4.7000e-004	1.0000e-005	4.8000e-004	0.0000	1.3048	1.3048	3.0000e-005	0.0000	1.3055
Total	**5.8000e-004**	**4.0000e-004**	**4.3500e-003**	**1.0000e-005**	**1.7600e-003**	**1.0000e-005**	**1.7700e-003**	**4.7000e-004**	**1.0000e-005**	**4.8000e-004**	**0.0000**	**1.3048**	**1.3048**	**3.0000e-005**	**0.0000**	**1.3055**

3.6 Architectural Coating - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	7.6664					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.4000e-003	7.7200e-003	9.7400e-003	1.0000e-005		2.7000e-004	2.7000e-004		2.7000e-004	2.7000e-004	0.0000	1.0295	1.0295	1.1000e-004	0.0000	1.0323
Total	**7.6678**	**7.7200e-003**	**9.7400e-003**	**1.0000e-005**		**2.7000e-004**	**2.7000e-004**		**2.7000e-004**	**2.7000e-004**	**0.0000**	**1.0295**	**1.0295**	**1.1000e-004**	**0.0000**	**1.0323**

3.6 Architectural Coating - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.1400e-003	1.4700e-003	0.0160	5.0000e-005	6.4600e-003	4.0000e-005	6.5000e-003	1.7200e-003	4.0000e-005	1.7500e-003	0.0000	4.7928	4.7928	1.1000e-004	0.0000	4.7955
Total	**2.1400e-003**	**1.4700e-003**	**0.0160**	**5.0000e-005**	**6.4600e-003**	**4.0000e-005**	**6.5000e-003**	**1.7200e-003**	**4.0000e-005**	**1.7500e-003**	**0.0000**	**4.7928**	**4.7928**	**1.1000e-004**	**0.0000**	**4.7955**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	7.6664					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.4000e-003	7.7200e-003	9.7400e-003	1.0000e-005		2.7000e-004	2.7000e-004		2.7000e-004	2.7000e-004	0.0000	1.0295	1.0295	1.1000e-004	0.0000	1.0323
Total	**7.6678**	**7.7200e-003**	**9.7400e-003**	**1.0000e-005**		**2.7000e-004**	**2.7000e-004**		**2.7000e-004**	**2.7000e-004**	**0.0000**	**1.0295**	**1.0295**	**1.1000e-004**	**0.0000**	**1.0323**

3.6 Architectural Coating - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.1400e-003	1.4700e-003	0.0160	5.0000e-005	6.4600e-003	4.0000e-005	6.5000e-003	1.7200e-003	4.0000e-005	1.7500e-003	0.0000	4.7928	4.7928	1.1000e-004	0.0000	4.7955
Total	**2.1400e-003**	**1.4700e-003**	**0.0160**	**5.0000e-005**	**6.4600e-003**	**4.0000e-005**	**6.5000e-003**	**1.7200e-003**	**4.0000e-005**	**1.7500e-003**	**0.0000**	**4.7928**	**4.7928**	**1.1000e-004**	**0.0000**	**4.7955**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Workplace Parking Charge

Employee Vanpool/Shuttle

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	2.9000e-004	2.0300e-003	3.5000e-003	2.0000e-005	1.2400e-003	1.0000e-005	1.2500e-003	3.3000e-004	1.0000e-005	3.4000e-004	0.0000	1.4459	1.4459	7.0000e-005	0.0000	1.4476
Unmitigated	2.9000e-004	2.0300e-003	3.5000e-003	2.0000e-005	1.2400e-003	1.0000e-005	1.2500e-003	3.3000e-004	1.0000e-005	3.4000e-004	0.0000	1.4459	1.4459	7.0000e-005	0.0000	1.4476

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Manufacturing	0.52	0.52	0.52	1,507	1,507
Parking Lot	0.00	0.00	0.00		
Refrigerated Warehouse-No Rail	0.03	0.03	0.03	95	95
Unrefrigerated Warehouse-No Rail	0.57	0.57	0.57	1,663	1,663
Total	1.12	1.12	1.12	3,265	3,265

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Manufacturing	9.50	7.30	7.30	59.00	28.00	13.00	92	5	3
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Refrigerated Warehouse-No	9.50	7.30	7.30	59.00	0.00	41.00	92	5	3
Unrefrigerated Warehouse-No	9.50	7.30	7.30	59.00	0.00	41.00	92	5	3

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Manufacturing	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830
Parking Lot	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830
Refrigerated Warehouse-No Rail	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830
Unrefrigerated Warehouse-No Rail	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	673.9244	673.9244	0.0569	6.8900e-003	677.4011
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	673.9244	673.9244	0.0569	6.8900e-003	677.4011
NaturalGas Mitigated	0.0375	0.3409	0.2863	2.0500e-003		0.0259	0.0259		0.0259	0.0259	0.0000	371.0666	371.0666	7.1100e-003	6.8000e-003	373.2716
NaturalGas Unmitigated	0.0375	0.3409	0.2863	2.0500e-003		0.0259	0.0259		0.0259	0.0259	0.0000	371.0666	371.0666	7.1100e-003	6.8000e-003	373.2716

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Manufacturing	4.25924e+006	0.0230	0.2088	0.1754	1.2500e-003		0.0159	0.0159		0.0159	0.0159	0.0000	227.2895	227.2895	4.3600e-003	4.1700e-003	228.6402
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	1.69633e+006	9.1500e-003	0.0832	0.0699	5.0000e-004		6.3200e-003	6.3200e-003		6.3200e-003	6.3200e-003	0.0000	90.5227	90.5227	1.7400e-003	1.6600e-003	91.0606
Unrefrigerated Warehouse-No Rail	997950	5.3800e-003	0.0489	0.0411	2.9000e-004		3.7200e-003	3.7200e-003		3.7200e-003	3.7200e-003	0.0000	53.2544	53.2544	1.0200e-003	9.8000e-004	53.5709
Total		**0.0375**	**0.3409**	**0.2863**	**2.0400e-003**		**0.0259**	**0.0259**		**0.0259**	**0.0259**	**0.0000**	**371.0665**	**371.0665**	**7.1200e-003**	**6.8100e-003**	**373.2716**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Manufacturing	4.25924e+006	0.0230	0.2088	0.1754	1.2500e-003		0.0159	0.0159		0.0159	0.0159	0.0000	227.2895	227.2895	4.3600e-003	4.1700e-003	228.6402
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	1.69633e+006	9.1500e-003	0.0832	0.0699	5.0000e-004		6.3200e-003	6.3200e-003		6.3200e-003	6.3200e-003	0.0000	90.5227	90.5227	1.7400e-003	1.6600e-003	91.0606
Unrefrigerated Warehouse-No Rail	997950	5.3800e-003	0.0489	0.0411	2.9000e-004		3.7200e-003	3.7200e-003		3.7200e-003	3.7200e-003	0.0000	53.2544	53.2544	1.0200e-003	9.8000e-004	53.5709
Total		**0.0375**	**0.3409**	**0.2863**	**2.0400e-003**		**0.0259**	**0.0259**		**0.0259**	**0.0259**	**0.0000**	**371.0665**	**371.0665**	**7.1200e-003**	**6.8100e-003**	**373.2716**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Manufacturing	1.3306e+006	235.9767	0.0199	2.4100e-003	237.1941
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	1.30928e+006	232.1952	0.0196	2.3800e-003	233.3931
Unrefrigerated Warehouse-No Rail	1.16018e+006	205.7525	0.0174	2.1000e-003	206.8139
Total		**673.9244**	**0.0569**	**6.8900e-003**	**677.4011**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Manufacturing	1.3306e+006	235.9767	0.0199	2.4100e-003	237.1941
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	1.30928e+006	232.1952	0.0196	2.3800e-003	233.3931
Unrefrigerated Warehouse-No Rail	1.16018e+006	205.7525	0.0174	2.1000e-003	206.8139
Total		**673.9244**	**0.0569**	**6.8900e-003**	**677.4011**

6.0 Area Detail

6.1 Mitigation Measures Area

No Hearths Installed

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	3.3274	9.0000e-005	9.4300e-003	0.0000		3.0000e-005	3.0000e-005		3.0000e-005	3.0000e-005	0.0000	0.0184	0.0184	5.0000e-005	0.0000	0.0196
Unmitigated	3.3274	9.0000e-005	9.4300e-003	0.0000		3.0000e-005	3.0000e-005		3.0000e-005	3.0000e-005	0.0000	0.0184	0.0184	5.0000e-005	0.0000	0.0196

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.7666					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	2.5599					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	8.7000e-004	9.0000e-005	9.4300e-003	0.0000		3.0000e-005	3.0000e-005		3.0000e-005	3.0000e-005	0.0000	0.0184	0.0184	5.0000e-005	0.0000	0.0196
Total	**3.3274**	**9.0000e-005**	**9.4300e-003**	**0.0000**		**3.0000e-005**	**3.0000e-005**		**3.0000e-005**	**3.0000e-005**	**0.0000**	**0.0184**	**0.0184**	**5.0000e-005**	**0.0000**	**0.0196**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.7666					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	2.5599					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	8.7000e-004	9.0000e-005	9.4300e-003	0.0000		3.0000e-005	3.0000e-005		3.0000e-005	3.0000e-005	0.0000	0.0184	0.0184	5.0000e-005	0.0000	0.0196
Total	**3.3274**	**9.0000e-005**	**9.4300e-003**	**0.0000**		**3.0000e-005**	**3.0000e-005**		**3.0000e-005**	**3.0000e-005**	**0.0000**	**0.0184**	**0.0184**	**5.0000e-005**	**0.0000**	**0.0196**

7.0 Water Detail

7.1 Mitigation Measures Water

Install Low Flow Bathroom Faucet

Install Low Flow Kitchen Faucet

Install Low Flow Toilet

Install Low Flow Shower

Use Water Efficient Landscaping

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	317.7766	3.9660	0.0960	445.5203
Unmitigated	397.2208	4.9576	0.1199	556.9004

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Manufacturing	30.2937 / 0	79.5656	0.9930	0.0240	111.5504
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	7.4 / 0	19.4359	0.2426	5.8700e-003	27.2490
Unrefrigerated Warehouse-No Rail	113.544 / 0	298.2193	3.7220	0.0900	418.1011
Total		**397.2208**	**4.9576**	**0.1199**	**556.9004**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Manufacturing	24.235 / 0	63.6525	0.7944	0.0192	89.2403
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	5.92 / 0	15.5487	0.1941	4.6900e-003	21.7992
Unrefrigerated Warehouse-No Rail	90.835 / 0	238.5754	2.9776	0.0720	334.4809
Total		**317.7766**	**3.9660**	**0.0959**	**445.5203**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	132.7683	7.8464	0.0000	328.9278
Unmitigated	132.7683	7.8464	0.0000	328.9278

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Manufacturing	162.44	32.9739	1.9487	0.0000	81.6913
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	30.08	6.1060	0.3609	0.0000	15.1273
Unrefrigerated Warehouse-No Rail	461.54	93.6885	5.5368	0.0000	232.1092
Total		**132.7683**	**7.8464**	**0.0000**	**328.9278**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Manufacturing	162.44	32.9739	1.9487	0.0000	81.6913
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	30.08	6.1060	0.3609	0.0000	15.1273
Unrefrigerated Warehouse-No Rail	461.54	93.6885	5.5368	0.0000	232.1092
Total		**132.7683**	**7.8464**	**0.0000**	**328.9278**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
Emergency Generator	1	50	0	1073	0.73	Diesel

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

10.1 Stationary Sources

Unmitigated/Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Equipment Type	tons/yr										MT/yr					
Emergency Generator - Diesel (750 - 9999 HP)	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

11.0 Vegetation

KISS Logistics Warehouse Project - Vehicles Only

San Bernardino-Mojave Desert County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Unrefrigerated Warehouse-No Rail	491.00	1000sqft	11.27	491,601.00	0
Manufacturing	131.00	1000sqft	3.01	131,094.00	0
Refrigerated Warehouse-No Rail	32.00	1000sqft	0.73	32,773.00	0
Parking Lot	374.00	Space	0.00	0.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	32
Climate Zone	10			**Operational Year**	2024
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Consistent with DEIR's model.

Land Use - Total project site is 29.6 acres and will consist of a 655,468 sq ft industrial building with 5% cold storage and 20% manufacturing. Approximately 209,075 sq ft will be dedicated to landscape.

Construction Phase - See comment on: "Unsubstantiated Changes to Individual Construction Phase Lengths".

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Trips and VMT - Consistent with DEIR's model.

On-road Fugitive Dust -

Grading - Consistent with DEIR's model.

Architectural Coating - Consistent with DEIR's model.

Vehicle Trips - Passenger cars and medium trucks trip generation only. Total of 570 ADT are for the Unrefrigerated Warehouse, 34 ADT are for cold storage, and 517 ADT are for manufacturing.

Area Coating - Consistent with DEIR's model.

Energy Use - See comment on: "Unsubstantiated Reductions to Natural Gas Energy Use Values".

Construction Off-road Equipment Mitigation - Consistent with DEIR's model.

Mobile Land Use Mitigation -

Mobile Commute Mitigation - Consistent with DEIR's model.

Energy Mitigation -

Water Mitigation - Consistent with DEIR's model.

Fleet Mix - See comment on: "Unsubstantiated Changes to Operational Fleet Mix Values".

Stationary Sources - Emergency Generators and Fire Pumps - Project would include a 1,073 HP emergency generator to be used 50 hours per year.

Vehicle Emission Factors -

Area Mitigation -

KISS Logistics Warehouse Project - Vehicles Only - San Bernardino-Mojave Desert County, Summer

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	ConstArea_Parking	0.00	12,284.00
tblAreaCoating	Area_Parking	0	12284
tblConstructionPhase	NumDays	30.00	22.00
tblConstructionPhase	NumDays	300.00	216.00
tblConstructionPhase	NumDays	20.00	17.00
tblConstructionPhase	NumDays	20.00	17.00
tblConstructionPhase	PhaseEndDate	11/23/2023	11/15/2023
tblConstructionPhase	PhaseEndDate	1/4/2024	12/15/2023
tblConstructionPhase	PhaseEndDate	2/27/2025	10/14/2024
tblConstructionPhase	PhaseEndDate	3/27/2025	11/6/2024
tblConstructionPhase	PhaseEndDate	4/24/2025	11/29/2024
tblConstructionPhase	PhaseStartDate	11/10/2023	11/2/2023
tblConstructionPhase	PhaseStartDate	11/24/2023	11/16/2023
tblConstructionPhase	PhaseStartDate	1/5/2024	12/16/2023
tblConstructionPhase	PhaseStartDate	2/28/2025	10/15/2024
tblConstructionPhase	PhaseStartDate	3/28/2025	11/7/2024
tblGrading	AcresOfGrading	55.00	22.50
tblGrading	AcresOfGrading	0.00	66.00
tblLandUse	LandUseSquareFeet	131,000.00	131,094.00
tblLandUse	LandUseSquareFeet	32,000.00	32,773.00
tblLandUse	LandUseSquareFeet	491,000.00	491,601.00
tblLandUse	LandUseSquareFeet	149,600.00	0.00
tblLandUse	LotAcreage	3.37	0.00
tblOffRoadEquipment	HorsePower	247.00	367.00
tblOffRoadEquipment	HorsePower	97.00	84.00
tblOffRoadEquipment	HorsePower	158.00	36.00

tblOffRoadEquipment	HorsePower	187.00	148.00
tblOffRoadEquipment	HorsePower	247.00	367.00
tblOffRoadEquipment	HorsePower	367.00	423.00
tblOffRoadEquipment	HorsePower	97.00	84.00
tblOffRoadEquipment	HorsePower	231.00	367.00
tblOffRoadEquipment	HorsePower	89.00	82.00
tblOffRoadEquipment	HorsePower	84.00	14.00
tblOffRoadEquipment	HorsePower	97.00	84.00
tblOffRoadEquipment	HorsePower	130.00	81.00
tblOffRoadEquipment	HorsePower	132.00	89.00
tblOffRoadEquipment	HorsePower	80.00	36.00
tblOffRoadEquipment	HorsePower	78.00	37.00
tblProjectCharacteristics	CH4IntensityFactor	0.029	0.033
tblProjectCharacteristics	CO2IntensityFactor	702.44	390.98
tblProjectCharacteristics	N2OIntensityFactor	0.006	0.004
tblStationaryGeneratorsPumpsUse	HorsePowerValue	0.00	1,073.00
tblStationaryGeneratorsPumpsUse	HoursPerDay	0.00	50.00
tblStationaryGeneratorsPumpsUse	NumberOfEquipment	0.00	1.00
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripLength	10.80	18.50

tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripNumber	18.00	17.50
tblTripsAndVMT	WorkerTripNumber	55.00	55.10
tblVehicleTrips	ST_TR	1.49	3.9400e-003
tblVehicleTrips	ST_TR	1.68	1.0200e-003
tblVehicleTrips	ST_TR	1.68	1.1600e-003
tblVehicleTrips	SU_TR	0.62	3.9400e-003
tblVehicleTrips	SU_TR	1.68	1.0200e-003
tblVehicleTrips	SU_TR	1.68	1.1600e-003
tblVehicleTrips	WD_TR	3.82	3.9400e-003
tblVehicleTrips	WD_TR	1.68	1.0200e-003
tblVehicleTrips	WD_TR	1.68	1.1600e-003

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2023	4.0852	39.6155	37.1147	0.0956	25.3117	1.8292	27.1409	10.7517	1.6829	12.4346	0.0000	9,598.3088	9,598.3088	1.9203	0.0000	9,620.4899
2024	902.3679	20.9132	26.5602	0.0944	4.8794	0.5640	5.4434	1.3168	0.5257	1.8425	0.0000	9,483.9748	9,483.9748	0.8784	0.0000	9,505.9340
Maximum	**902.3679**	**39.6155**	**37.1147**	**0.0956**	**25.3117**	**1.8292**	**27.1409**	**10.7517**	**1.6829**	**12.4346**	**0.0000**	**9,598.3088**	**9,598.3088**	**1.9203**	**0.0000**	**9,620.4899**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2023	4.0852	39.6155	37.1147	0.0956	25.3117	1.8292	27.1409	10.7517	1.6829	12.4346	0.0000	9,598.3088	9,598.3088	1.9203	0.0000	9,620.4899
2024	902.3679	20.9132	26.5602	0.0944	4.8794	0.5640	5.4434	1.3168	0.5257	1.8425	0.0000	9,483.9748	9,483.9748	0.8784	0.0000	9,505.9340
Maximum	**902.3679**	**39.6155**	**37.1147**	**0.0956**	**25.3117**	**1.8292**	**27.1409**	**10.7517**	**1.6829**	**12.4346**	**0.0000**	**9,598.3088**	**9,598.3088**	**1.9203**	**0.0000**	**9,620.4899**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	18.2375	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397
Energy	0.2055	1.8677	1.5689	0.0112		0.1420	0.1420		0.1420	0.1420		2,241.2650	2,241.2650	0.0430	0.0411	2,254.5837
Mobile	1.9100e-003	0.0110	0.0212	9.0000e-005	6.9600e-003	5.0000e-005	7.0100e-003	1.8600e-003	5.0000e-005	1.9100e-003		9.2869	9.2869	4.2000e-004		9.2974
Stationary	88.0433	393.7238	224.4917	0.4231		12.9514	12.9514		12.9514	12.9514		45,039.9326	45,039.9326	6.3146		45,197.7977
Total	**106.4881**	**395.6034**	**226.1865**	**0.4344**	**6.9600e-003**	**13.0938**	**13.1008**	**1.8600e-003**	**13.0938**	**13.0957**		**47,290.7095**	**47,290.7095**	**6.3586**	**0.0411**	**47,461.9184**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	18.2375	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397
Energy	0.2055	1.8677	1.5689	0.0112		0.1420	0.1420		0.1420	0.1420		2,241.2650	2,241.2650	0.0430	0.0411	2,254.5837
Mobile	1.9100e-003	0.0110	0.0212	9.0000e-005	6.9600e-003	5.0000e-005	7.0100e-003	1.8600e-003	5.0000e-005	1.9100e-003		9.2869	9.2869	4.2000e-004		9.2974
Stationary	88.0433	393.7238	224.4917	0.4231		12.9514	12.9514		12.9514	12.9514		45,039.9326	45,039.9326	6.3146		45,197.7977
Total	**106.4881**	**395.6034**	**226.1865**	**0.4344**	**6.9600e-003**	**13.0938**	**13.1008**	**1.8600e-003**	**13.0938**	**13.0957**		**47,290.7095**	**47,290.7095**	**6.3586**	**0.0411**	**47,461.9184**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

KISS Logistics Warehouse Project - Vehicles Only - San Bernardino-Mojave Desert County, Summer

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	11/2/2023	11/15/2023	5	10	
2	Grading	Grading	11/16/2023	12/15/2023	5	22	
3	Building Construction	Building Construction	12/16/2023	10/14/2024	5	216	
4	Paving	Paving	10/15/2024	11/6/2024	5	17	
5	Architectural Coating	Architectural Coating	11/7/2024	11/29/2024	5	17	

Acres of Grading (Site Preparation Phase): 66

Acres of Grading (Grading Phase): 22.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 983,202; Non-Residential Outdoor: 327,734; Striped Parking Area: 12,284 (Architectural Coating – sqft)

OffRoad Equipment

KISS Logistics Warehouse Project - Vehicles Only - San Bernardino-Mojave Desert County, Summer

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Rubber Tired Dozers	3	8.00	367	0.40
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	84	0.37
Grading	Excavators	2	8.00	36	0.38
Grading	Graders	1	8.00	148	0.41
Grading	Rubber Tired Dozers	1	8.00	367	0.40
Grading	Scrapers	2	8.00	423	0.48
Grading	Tractors/Loaders/Backhoes	2	8.00	84	0.37
Building Construction	Cranes	1	7.00	367	0.29
Building Construction	Forklifts	3	8.00	82	0.20
Building Construction	Generator Sets	1	8.00	14	0.74
Building Construction	Tractors/Loaders/Backhoes	3	7.00	84	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	81	0.42
Paving	Paving Equipment	2	8.00	89	0.36
Paving	Rollers	2	8.00	36	0.38
Architectural Coating	Air Compressors	1	6.00	37	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	7	17.50	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Grading	8	20.00	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	275.00	107.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	55.10	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Site Preparation - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					25.0656	0.0000	25.0656	10.6864	0.0000	10.6864			0.0000			0.0000
Off-Road	3.9931	39.5606	36.3608	0.0492		1.8277	1.8277		1.6815	1.6815		4,768.8191	4,768.8191	1.5423		4,807.3774
Total	**3.9931**	**39.5606**	**36.3608**	**0.0492**	**25.0656**	**1.8277**	**26.8933**	**10.6864**	**1.6815**	**12.3680**		**4,768.8191**	**4,768.8191**	**1.5423**		**4,807.3774**

3.2 Site Preparation - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0920	0.0549	0.7539	2.2300e-003	0.2461	1.4600e-003	0.2476	0.0653	1.3400e-003	0.0666		222.5872	222.5872	5.4300e-003		222.7229
Total	**0.0920**	**0.0549**	**0.7539**	**2.2300e-003**	**0.2461**	**1.4600e-003**	**0.2476**	**0.0653**	**1.3400e-003**	**0.0666**		**222.5872**	**222.5872**	**5.4300e-003**		**222.7229**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					25.0656	0.0000	25.0656	10.6864	0.0000	10.6864			0.0000			0.0000
Off-Road	3.9931	39.5606	36.3608	0.0492		1.8277	1.8277		1.6815	1.6815	0.0000	4,768.8191	4,768.8191	1.5423		4,807.3774
Total	**3.9931**	**39.5606**	**36.3608**	**0.0492**	**25.0656**	**1.8277**	**26.8933**	**10.6864**	**1.6815**	**12.3680**	**0.0000**	**4,768.8191**	**4,768.8191**	**1.5423**		**4,807.3774**

3.2 Site Preparation - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0920	0.0549	0.7539	2.2300e-003	0.2461	1.4600e-003	0.2476	0.0653	1.3400e-003	0.0666		222.5872	222.5872	5.4300e-003		222.7229
Total	**0.0920**	**0.0549**	**0.7539**	**2.2300e-003**	**0.2461**	**1.4600e-003**	**0.2476**	**0.0653**	**1.3400e-003**	**0.0666**		**222.5872**	**222.5872**	**5.4300e-003**		**222.7229**

3.3 Grading - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					7.1067	0.0000	7.1067	3.4273	0.0000	3.4273			0.0000			0.0000
Off-Road	3.8665	38.6992	33.2907	0.0611		1.6780	1.6780		1.5438	1.5438		5,918.2208	5,918.2208	1.9141		5,966.0726
Total	**3.8665**	**38.6992**	**33.2907**	**0.0611**	**7.1067**	**1.6780**	**8.7847**	**3.4273**	**1.5438**	**4.9711**		**5,918.2208**	**5,918.2208**	**1.9141**		**5,966.0726**

3.3 Grading - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1052	0.0627	0.8616	2.5500e-003	0.2813	1.6700e-003	0.2830	0.0746	1.5400e-003	0.0761		254.3853	254.3853	6.2100e-003		254.5405
Total	**0.1052**	**0.0627**	**0.8616**	**2.5500e-003**	**0.2813**	**1.6700e-003**	**0.2830**	**0.0746**	**1.5400e-003**	**0.0761**		**254.3853**	**254.3853**	**6.2100e-003**		**254.5405**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					7.1067	0.0000	7.1067	3.4273	0.0000	3.4273			0.0000			0.0000
Off-Road	3.8665	38.6992	33.2907	0.0611		1.6780	1.6780		1.5438	1.5438	0.0000	5,918.2208	5,918.2208	1.9141		5,966.0726
Total	**3.8665**	**38.6992**	**33.2907**	**0.0611**	**7.1067**	**1.6780**	**8.7847**	**3.4273**	**1.5438**	**4.9711**	**0.0000**	**5,918.2208**	**5,918.2208**	**1.9141**		**5,966.0726**

3.3 Grading - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1052	0.0627	0.8616	2.5500e-003	0.2813	1.6700e-003	0.2830	0.0746	1.5400e-003	0.0761		254.3853	254.3853	6.2100e-003		254.5405
Total	**0.1052**	**0.0627**	**0.8616**	**2.5500e-003**	**0.2813**	**1.6700e-003**	**0.2830**	**0.0746**	**1.5400e-003**	**0.0761**		**254.3853**	**254.3853**	**6.2100e-003**		**254.5405**

3.4 Building Construction - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.3830	12.4814	13.8568	0.0233		0.5921	0.5921		0.5519	0.5519		2,181.7499	2,181.7499	0.6376		2,197.6904
Total	**1.3830**	**12.4814**	**13.8568**	**0.0233**		**0.5921**	**0.5921**		**0.5519**	**0.5519**		**2,181.7499**	**2,181.7499**	**0.6376**		**2,197.6904**

3.4 Building Construction - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.2336	8.2595	1.8562	0.0371	1.0117	0.0104	1.0221	0.2912	9.9800e-003	0.3011		3,918.7606	3,918.7606	0.1643		3,922.8681
Worker	1.4461	0.8624	11.8466	0.0351	3.8678	0.0229	3.8907	1.0257	0.0211	1.0468		3,497.7984	3,497.7984	0.0853		3,499.9315
Total	**1.6796**	**9.1219**	**13.7028**	**0.0722**	**4.8794**	**0.0334**	**4.9128**	**1.3168**	**0.0311**	**1.3479**		**7,416.5589**	**7,416.5589**	**0.2496**		**7,422.7995**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.3830	12.4814	13.8568	0.0233		0.5921	0.5921		0.5519	0.5519	0.0000	2,181.7499	2,181.7499	0.6376		2,197.6904
Total	**1.3830**	**12.4814**	**13.8568**	**0.0233**		**0.5921**	**0.5921**		**0.5519**	**0.5519**	**0.0000**	**2,181.7499**	**2,181.7499**	**0.6376**		**2,197.6904**

3.4 Building Construction - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.2336	8.2595	1.8562	0.0371	1.0117	0.0104	1.0221	0.2912	9.9800e-003	0.3011		3,918.7606	3,918.7606	0.1643		3,922.8681
Worker	1.4461	0.8624	11.8466	0.0351	3.8678	0.0229	3.8907	1.0257	0.0211	1.0468		3,497.7984	3,497.7984	0.0853		3,499.9315
Total	**1.6796**	**9.1219**	**13.7028**	**0.0722**	**4.8794**	**0.0334**	**4.9128**	**1.3168**	**0.0311**	**1.3479**		**7,416.5589**	**7,416.5589**	**0.2496**		**7,422.7995**

3.4 Building Construction - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.3138	11.8155	13.7084	0.0233		0.5309	0.5309		0.4948	0.4948		2,181.8085	2,181.8085	0.6362		2,197.7130
Total	**1.3138**	**11.8155**	**13.7084**	**0.0233**		**0.5309**	**0.5309**		**0.4948**	**0.4948**		**2,181.8085**	**2,181.8085**	**0.6362**		**2,197.7130**

3.4 Building Construction - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.2318	8.3160	1.7992	0.0371	1.0117	0.0104	1.0221	0.2912	9.9800e-003	0.3011		3,917.7724	3,917.7724	0.1643		3,921.8794
Worker	1.3619	0.7818	11.0527	0.0340	3.8678	0.0227	3.8905	1.0257	0.0209	1.0466		3,384.3939	3,384.3939	0.0779		3,386.3416
Total	**1.5937**	**9.0977**	**12.8518**	**0.0711**	**4.8794**	**0.0332**	**4.9126**	**1.3168**	**0.0309**	**1.3477**		**7,302.1662**	**7,302.1662**	**0.2422**		**7,308.2210**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.3138	11.8155	13.7084	0.0233		0.5309	0.5309		0.4948	0.4948	0.0000	2,181.8085	2,181.8085	0.6362		2,197.7130
Total	**1.3138**	**11.8155**	**13.7084**	**0.0233**		**0.5309**	**0.5309**		**0.4948**	**0.4948**	**0.0000**	**2,181.8085**	**2,181.8085**	**0.6362**		**2,197.7130**

3.4 Building Construction - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.2318	8.3160	1.7992	0.0371	1.0117	0.0104	1.0221	0.2912	9.9800e-003	0.3011		3,917.7724	3,917.7724	0.1643		3,921.8794
Worker	1.3619	0.7818	11.0527	0.0340	3.8678	0.0227	3.8905	1.0257	0.0209	1.0466		3,384.3939	3,384.3939	0.0779		3,386.3416
Total	**1.5937**	**9.0977**	**12.8518**	**0.0711**	**4.8794**	**0.0332**	**4.9126**	**1.3168**	**0.0309**	**1.3477**		**7,302.1662**	**7,302.1662**	**0.2422**		**7,308.2210**

3.5 Paving - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.0004	8.7992	10.1983	0.0140		0.5011	0.5011		0.4610	0.4610		1,352.8518	1,352.8518	0.4375		1,363.7903
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.0004**	**8.7992**	**10.1983**	**0.0140**		**0.5011**	**0.5011**		**0.4610**	**0.4610**		**1,352.8518**	**1,352.8518**	**0.4375**		**1,363.7903**

3.5 Paving - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0743	0.0426	0.6029	1.8500e-003	0.2110	1.2400e-003	0.2122	0.0559	1.1400e-003	0.0571		184.6033	184.6033	4.2500e-003		184.7095
Total	**0.0743**	**0.0426**	**0.6029**	**1.8500e-003**	**0.2110**	**1.2400e-003**	**0.2122**	**0.0559**	**1.1400e-003**	**0.0571**		**184.6033**	**184.6033**	**4.2500e-003**		**184.7095**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.0004	8.7992	10.1983	0.0140		0.5011	0.5011		0.4610	0.4610	0.0000	1,352.8518	1,352.8518	0.4375		1,363.7903
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.0004**	**8.7992**	**10.1983**	**0.0140**		**0.5011**	**0.5011**		**0.4610**	**0.4610**	**0.0000**	**1,352.8518**	**1,352.8518**	**0.4375**		**1,363.7903**

3.5 Paving - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0743	0.0426	0.6029	1.8500e-003	0.2110	1.2400e-003	0.2122	0.0559	1.1400e-003	0.0571		184.6033	184.6033	4.2500e-003		184.7095
Total	**0.0743**	**0.0426**	**0.6029**	**1.8500e-003**	**0.2110**	**1.2400e-003**	**0.2122**	**0.0559**	**1.1400e-003**	**0.0571**		**184.6033**	**184.6033**	**4.2500e-003**		**184.7095**

3.6 Architectural Coating - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	901.9301					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.1649	0.9078	1.1464	1.6400e-003		0.0317	0.0317		0.0317	0.0317		133.5074	133.5074	0.0148		133.8774
Total	**902.0950**	**0.9078**	**1.1464**	**1.6400e-003**		**0.0317**	**0.0317**		**0.0317**	**0.0317**		**133.5074**	**133.5074**	**0.0148**		**133.8774**

3.6 Architectural Coating - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.2729	0.1566	2.2146	6.8000e-003	0.7750	4.5500e-003	0.7795	0.2055	4.1900e-003	0.2097		678.1095	678.1095	0.0156		678.4997
Total	**0.2729**	**0.1566**	**2.2146**	**6.8000e-003**	**0.7750**	**4.5500e-003**	**0.7795**	**0.2055**	**4.1900e-003**	**0.2097**		**678.1095**	**678.1095**	**0.0156**		**678.4997**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	901.9301					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.1649	0.9078	1.1464	1.6400e-003		0.0317	0.0317		0.0317	0.0317	0.0000	133.5074	133.5074	0.0148		133.8774
Total	**902.0950**	**0.9078**	**1.1464**	**1.6400e-003**		**0.0317**	**0.0317**		**0.0317**	**0.0317**	**0.0000**	**133.5074**	**133.5074**	**0.0148**		**133.8774**

3.6 Architectural Coating - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.2729	0.1566	2.2146	6.8000e-003	0.7750	4.5500e-003	0.7795	0.2055	4.1900e-003	0.2097		678.1095	678.1095	0.0156		678.4997
Total	**0.2729**	**0.1566**	**2.2146**	**6.8000e-003**	**0.7750**	**4.5500e-003**	**0.7795**	**0.2055**	**4.1900e-003**	**0.2097**		**678.1095**	**678.1095**	**0.0156**		**678.4997**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Workplace Parking Charge

Employee Vanpool/Shuttle

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.9100e-003	0.0110	0.0212	9.0000e-005	6.9600e-003	5.0000e-005	7.0100e-003	1.8600e-003	5.0000e-005	1.9100e-003		9.2869	9.2869	4.2000e-004		9.2974
Unmitigated	1.9100e-003	0.0110	0.0212	9.0000e-005	6.9600e-003	5.0000e-005	7.0100e-003	1.8600e-003	5.0000e-005	1.9100e-003		9.2869	9.2869	4.2000e-004		9.2974

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Manufacturing	0.52	0.52	0.52	1,507	1,507
Parking Lot	0.00	0.00	0.00		
Refrigerated Warehouse-No Rail	0.03	0.03	0.03	95	95
Unrefrigerated Warehouse-No Rail	0.57	0.57	0.57	1,663	1,663
Total	1.12	1.12	1.12	3,265	3,265

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Manufacturing	9.50	7.30	7.30	59.00	28.00	13.00	92	5	3
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Refrigerated Warehouse-No	9.50	7.30	7.30	59.00	0.00	41.00	92	5	3
Unrefrigerated Warehouse-No	9.50	7.30	7.30	59.00	0.00	41.00	92	5	3

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Manufacturing	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830
Parking Lot	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830
Refrigerated Warehouse-No Rail	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830
Unrefrigerated Warehouse-No Rail	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.2055	1.8677	1.5689	0.0112		0.1420	0.1420		0.1420	0.1420		2,241.2650	2,241.2650	0.0430	0.0411	2,254.5837
NaturalGas Unmitigated	0.2055	1.8677	1.5689	0.0112		0.1420	0.1420		0.1420	0.1420		2,241.2650	2,241.2650	0.0430	0.0411	2,254.5837

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Manufacturing	11669.2	0.1258	1.1440	0.9610	6.8600e-003		0.0870	0.0870		0.0870	0.0870		1,372.8426	1,372.8426	0.0263	0.0252	1,381.0007
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	4647.48	0.0501	0.4556	0.3827	2.7300e-003		0.0346	0.0346		0.0346	0.0346		546.7624	546.7624	0.0105	0.0100	550.0116
Unrefrigerated Warehouse-No Rail	2734.11	0.0295	0.2681	0.2252	1.6100e-003		0.0204	0.0204		0.0204	0.0204		321.6600	321.6600	6.1700e-003	5.9000e-003	323.5714
Total		**0.2055**	**1.8677**	**1.5689**	**0.0112**		**0.1420**	**0.1420**		**0.1420**	**0.1420**		**2,241.2650**	**2,241.2650**	**0.0430**	**0.0411**	**2,254.5837**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Manufacturing	11.6692	0.1258	1.1440	0.9610	6.8600e-003		0.0870	0.0870		0.0870	0.0870		1,372.8426	1,372.8426	0.0263	0.0252	1,381.0007
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	4.64748	0.0501	0.4556	0.3827	2.7300e-003		0.0346	0.0346		0.0346	0.0346		546.7624	546.7624	0.0105	0.0100	550.0116
Unrefrigerated Warehouse-No Rail	2.73411	0.0295	0.2681	0.2252	1.6100e-003		0.0204	0.0204		0.0204	0.0204		321.6600	321.6600	6.1700e-003	5.9000e-003	323.5714
Total		**0.2055**	**1.8677**	**1.5689**	**0.0112**		**0.1420**	**0.1420**		**0.1420**	**0.1420**		**2,241.2650**	**2,241.2650**	**0.0430**	**0.0411**	**2,254.5837**

6.0 Area Detail

6.1 Mitigation Measures Area

No Hearths Installed

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	18.2375	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397
Unmitigated	18.2375	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	4.2008					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	14.0270					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	9.6700e-003	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397
Total	**18.2375**	**9.5000e-004**	**0.1048**	**1.0000e-005**		**3.7000e-004**	**3.7000e-004**		**3.7000e-004**	**3.7000e-004**		**0.2250**	**0.2250**	**5.9000e-004**		**0.2397**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	4.2008					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	14.0270					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	9.6700e-003	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397
Total	**18.2375**	**9.5000e-004**	**0.1048**	**1.0000e-005**		**3.7000e-004**	**3.7000e-004**		**3.7000e-004**	**3.7000e-004**		**0.2250**	**0.2250**	**5.9000e-004**		**0.2397**

7.0 Water Detail

7.1 Mitigation Measures Water

Install Low Flow Bathroom Faucet

Install Low Flow Kitchen Faucet

Install Low Flow Toilet

Install Low Flow Shower

Use Water Efficient Landscaping

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
Emergency Generator	1	50	0	1073	0.73	Diesel

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

10.1 Stationary Sources

Unmitigated/Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Equipment Type	lb/day										lb/day					
Emergency Generator - Diesel (750 - 9999 HP)	88.0433	393.7238	224.4917	0.4231		12.9514	12.9514		12.9514	12.9514		45,039.9326	45,039.9326	6.3146		45,197.7977
Total	**88.0433**	**393.7238**	**224.4917**	**0.4231**		**12.9514**	**12.9514**		**12.9514**	**12.9514**		**45,039.9326**	**45,039.9326**	**6.3146**		**45,197.7977**

11.0 Vegetation

KISS Logistics Warehouse Project - Vehicles Only

San Bernardino-Mojave Desert County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Unrefrigerated Warehouse-No Rail	491.00	1000sqft	11.27	491,601.00	0
Manufacturing	131.00	1000sqft	3.01	131,094.00	0
Refrigerated Warehouse-No Rail	32.00	1000sqft	0.73	32,773.00	0
Parking Lot	374.00	Space	0.00	0.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	32
Climate Zone	10			**Operational Year**	2024
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Consistent with DEIR's model.

Land Use - Total project site is 29.6 acres and will consist of a 655,468 sq ft industrial building with 5% cold storage and 20% manufacturing. Approximately 209,075 sq ft will be dedicated to landscape.

Construction Phase - See comment on: "Unsubstantiated Changes to Individual Construction Phase Lengths".

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Off-road Equipment - Default construction equipment with Tier 2 Engine

Trips and VMT - Consistent with DEIR's model.

On-road Fugitive Dust -

Grading - Consistent with DEIR's model.

Architectural Coating - Consistent with DEIR's model.

Vehicle Trips - Passenger cars and medium trucks trip generation only. Total of 570 ADT are for the Unrefrigerated Warehouse, 34 ADT are for cold storage, and 517 ADT are for manufacturing.

Area Coating - Consistent with DEIR's model.

Energy Use - See comment on: "Unsubstantiated Reductions to Natural Gas Energy Use Values".

Construction Off-road Equipment Mitigation - Consistent with DEIR's model.

Mobile Land Use Mitigation -

Mobile Commute Mitigation - Consistent with DEIR's model.

Energy Mitigation -

Water Mitigation - Consistent with DEIR's model.

Fleet Mix - See comment on: "Unsubstantiated Changes to Operational Fleet Mix Values".

Stationary Sources - Emergency Generators and Fire Pumps - Project would include a 1,073 HP emergency generator to be used 50 hours per year.

Vehicle Emission Factors -

Area Mitigation -

KISS Logistics Warehouse Project - Vehicles Only - San Bernardino-Mojave Desert County, Winter

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	ConstArea_Parking	0.00	12,284.00
tblAreaCoating	Area_Parking	0	12284
tblConstructionPhase	NumDays	30.00	22.00
tblConstructionPhase	NumDays	300.00	216.00
tblConstructionPhase	NumDays	20.00	17.00
tblConstructionPhase	NumDays	20.00	17.00
tblConstructionPhase	PhaseEndDate	11/23/2023	11/15/2023
tblConstructionPhase	PhaseEndDate	1/4/2024	12/15/2023
tblConstructionPhase	PhaseEndDate	2/27/2025	10/14/2024
tblConstructionPhase	PhaseEndDate	3/27/2025	11/6/2024
tblConstructionPhase	PhaseEndDate	4/24/2025	11/29/2024
tblConstructionPhase	PhaseStartDate	11/10/2023	11/2/2023
tblConstructionPhase	PhaseStartDate	11/24/2023	11/16/2023
tblConstructionPhase	PhaseStartDate	1/5/2024	12/16/2023
tblConstructionPhase	PhaseStartDate	2/28/2025	10/15/2024
tblConstructionPhase	PhaseStartDate	3/28/2025	11/7/2024
tblGrading	AcresOfGrading	55.00	22.50
tblGrading	AcresOfGrading	0.00	66.00
tblLandUse	LandUseSquareFeet	131,000.00	131,094.00
tblLandUse	LandUseSquareFeet	32,000.00	32,773.00
tblLandUse	LandUseSquareFeet	491,000.00	491,601.00
tblLandUse	LandUseSquareFeet	149,600.00	0.00
tblLandUse	LotAcreage	3.37	0.00
tblOffRoadEquipment	HorsePower	247.00	367.00
tblOffRoadEquipment	HorsePower	97.00	84.00
tblOffRoadEquipment	HorsePower	158.00	36.00

tblOffRoadEquipment	HorsePower	187.00	148.00
tblOffRoadEquipment	HorsePower	247.00	367.00
tblOffRoadEquipment	HorsePower	367.00	423.00
tblOffRoadEquipment	HorsePower	97.00	84.00
tblOffRoadEquipment	HorsePower	231.00	367.00
tblOffRoadEquipment	HorsePower	89.00	82.00
tblOffRoadEquipment	HorsePower	84.00	14.00
tblOffRoadEquipment	HorsePower	97.00	84.00
tblOffRoadEquipment	HorsePower	130.00	81.00
tblOffRoadEquipment	HorsePower	132.00	89.00
tblOffRoadEquipment	HorsePower	80.00	36.00
tblOffRoadEquipment	HorsePower	78.00	37.00
tblProjectCharacteristics	CH4IntensityFactor	0.029	0.033
tblProjectCharacteristics	CO2IntensityFactor	702.44	390.98
tblProjectCharacteristics	N2OIntensityFactor	0.006	0.004
tblStationaryGeneratorsPumpsUse	HorsePowerValue	0.00	1,073.00
tblStationaryGeneratorsPumpsUse	HoursPerDay	0.00	50.00
tblStationaryGeneratorsPumpsUse	NumberOfEquipment	0.00	1.00
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	VendorTripLength	7.30	10.20
tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripLength	10.80	18.50

tblTripsAndVMT	WorkerTripLength	10.80	18.50
tblTripsAndVMT	WorkerTripNumber	18.00	17.50
tblTripsAndVMT	WorkerTripNumber	55.00	55.10
tblVehicleTrips	ST_TR	1.49	3.9400e-003
tblVehicleTrips	ST_TR	1.68	1.0200e-003
tblVehicleTrips	ST_TR	1.68	1.1600e-003
tblVehicleTrips	SU_TR	0.62	3.9400e-003
tblVehicleTrips	SU_TR	1.68	1.0200e-003
tblVehicleTrips	SU_TR	1.68	1.1600e-003
tblVehicleTrips	WD_TR	3.82	3.9400e-003
tblVehicleTrips	WD_TR	1.68	1.0200e-003
tblVehicleTrips	WD_TR	1.68	1.1600e-003

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2023	4.0873	39.6182	36.9719	0.0909	25.3117	1.8292	27.1409	10.7517	1.6829	12.4346	0.0000	9,124.6705	9,124.6705	1.9195	0.0000	9,146.9741
2024	902.3751	20.8854	24.6743	0.0898	4.8794	0.5643	5.4437	1.3168	0.5259	1.8427	0.0000	9,023.3241	9,023.3241	0.8844	0.0000	9,045.4331
Maximum	**902.3751**	**39.6182**	**36.9719**	**0.0909**	**25.3117**	**1.8292**	**27.1409**	**10.7517**	**1.6829**	**12.4346**	**0.0000**	**9,124.6705**	**9,124.6705**	**1.9195**	**0.0000**	**9,146.9741**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2023	4.0873	39.6182	36.9719	0.0909	25.3117	1.8292	27.1409	10.7517	1.6829	12.4346	0.0000	9,124.6705	9,124.6705	1.9195	0.0000	9,146.9741
2024	902.3751	20.8854	24.6743	0.0898	4.8794	0.5643	5.4437	1.3168	0.5259	1.8427	0.0000	9,023.3241	9,023.3241	0.8844	0.0000	9,045.4331
Maximum	**902.3751**	**39.6182**	**36.9719**	**0.0909**	**25.3117**	**1.8292**	**27.1409**	**10.7517**	**1.6829**	**12.4346**	**0.0000**	**9,124.6705**	**9,124.6705**	**1.9195**	**0.0000**	**9,146.9741**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	18.2375	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397
Energy	0.2055	1.8677	1.5689	0.0112		0.1420	0.1420		0.1420	0.1420		2,241.2650	2,241.2650	0.0430	0.0411	2,254.5837
Mobile	1.6500e-003	0.0109	0.0187	8.0000e-005	6.9600e-003	5.0000e-005	7.0100e-003	1.8600e-003	5.0000e-005	1.9100e-003		8.5733	8.5733	4.3000e-004		8.5840
Stationary	88.0433	393.7238	224.4917	0.4231		12.9514	12.9514		12.9514	12.9514		45,039.9326	45,039.9326	6.3146		45,197.7977
Total	**106.4878**	**395.6034**	**226.1840**	**0.4344**	**6.9600e-003**	**13.0938**	**13.1008**	**1.8600e-003**	**13.0938**	**13.0957**		**47,289.9959**	**47,289.9959**	**6.3586**	**0.0411**	**47,461.2051**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	18.2375	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397
Energy	0.2055	1.8677	1.5689	0.0112		0.1420	0.1420		0.1420	0.1420		2,241.2650	2,241.2650	0.0430	0.0411	2,254.5837
Mobile	1.6500e-003	0.0109	0.0187	8.0000e-005	6.9600e-003	5.0000e-005	7.0100e-003	1.8600e-003	5.0000e-005	1.9100e-003		8.5733	8.5733	4.3000e-004		8.5840
Stationary	88.0433	393.7238	224.4917	0.4231		12.9514	12.9514		12.9514	12.9514		45,039.9326	45,039.9326	6.3146		45,197.7977
Total	**106.4878**	**395.6034**	**226.1840**	**0.4344**	**6.9600e-003**	**13.0938**	**13.1008**	**1.8600e-003**	**13.0938**	**13.0957**		**47,289.9959**	**47,289.9959**	**6.3586**	**0.0411**	**47,461.2051**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

KISS Logistics Warehouse Project - Vehicles Only - San Bernardino-Mojave Desert County, Winter

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	11/2/2023	11/15/2023	5	10	
2	Grading	Grading	11/16/2023	12/15/2023	5	22	
3	Building Construction	Building Construction	12/16/2023	10/14/2024	5	216	
4	Paving	Paving	10/15/2024	11/6/2024	5	17	
5	Architectural Coating	Architectural Coating	11/7/2024	11/29/2024	5	17	

Acres of Grading (Site Preparation Phase): 66

Acres of Grading (Grading Phase): 22.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 983,202; Non-Residential Outdoor: 327,734; Striped Parking Area: 12,284 (Architectural Coating – sqft)

OffRoad Equipment

KISS Logistics Warehouse Project - Vehicles Only - San Bernardino-Mojave Desert County, Winter

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Rubber Tired Dozers	3	8.00	367	0.40
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	84	0.37
Grading	Excavators	2	8.00	36	0.38
Grading	Graders	1	8.00	148	0.41
Grading	Rubber Tired Dozers	1	8.00	367	0.40
Grading	Scrapers	2	8.00	423	0.48
Grading	Tractors/Loaders/Backhoes	2	8.00	84	0.37
Building Construction	Cranes	1	7.00	367	0.29
Building Construction	Forklifts	3	8.00	82	0.20
Building Construction	Generator Sets	1	8.00	14	0.74
Building Construction	Tractors/Loaders/Backhoes	3	7.00	84	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	81	0.42
Paving	Paving Equipment	2	8.00	89	0.36
Paving	Rollers	2	8.00	36	0.38
Architectural Coating	Air Compressors	1	6.00	37	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	7	17.50	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Grading	8	20.00	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	275.00	107.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	55.10	0.00	0.00	18.50	10.20	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Site Preparation - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					25.0656	0.0000	25.0656	10.6864	0.0000	10.6864			0.0000			0.0000
Off-Road	3.9931	39.5606	36.3608	0.0492		1.8277	1.8277		1.6815	1.6815		4,768.8191	4,768.8191	1.5423		4,807.3774
Total	**3.9931**	**39.5606**	**36.3608**	**0.0492**	**25.0656**	**1.8277**	**26.8933**	**10.6864**	**1.6815**	**12.3680**		**4,768.8191**	**4,768.8191**	**1.5423**		**4,807.3774**

3.2 Site Preparation - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0942	0.0577	0.6111	2.0000e-003	0.2461	1.4600e-003	0.2476	0.0653	1.3400e-003	0.0666		199.6445	199.6445	4.7500e-003		199.7633
Total	**0.0942**	**0.0577**	**0.6111**	**2.0000e-003**	**0.2461**	**1.4600e-003**	**0.2476**	**0.0653**	**1.3400e-003**	**0.0666**		**199.6445**	**199.6445**	**4.7500e-003**		**199.7633**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					25.0656	0.0000	25.0656	10.6864	0.0000	10.6864			0.0000			0.0000
Off-Road	3.9931	39.5606	36.3608	0.0492		1.8277	1.8277		1.6815	1.6815	0.0000	4,768.8191	4,768.8191	1.5423		4,807.3774
Total	**3.9931**	**39.5606**	**36.3608**	**0.0492**	**25.0656**	**1.8277**	**26.8933**	**10.6864**	**1.6815**	**12.3680**	**0.0000**	**4,768.8191**	**4,768.8191**	**1.5423**		**4,807.3774**

3.2 Site Preparation - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0942	0.0577	0.6111	2.0000e-003	0.2461	1.4600e-003	0.2476	0.0653	1.3400e-003	0.0666		199.6445	199.6445	4.7500e-003		199.7633
Total	**0.0942**	**0.0577**	**0.6111**	**2.0000e-003**	**0.2461**	**1.4600e-003**	**0.2476**	**0.0653**	**1.3400e-003**	**0.0666**		**199.6445**	**199.6445**	**4.7500e-003**		**199.7633**

3.3 Grading - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					7.1067	0.0000	7.1067	3.4273	0.0000	3.4273			0.0000			0.0000
Off-Road	3.8665	38.6992	33.2907	0.0611		1.6780	1.6780		1.5438	1.5438		5,918.2208	5,918.2208	1.9141		5,966.0726
Total	**3.8665**	**38.6992**	**33.2907**	**0.0611**	**7.1067**	**1.6780**	**8.7847**	**3.4273**	**1.5438**	**4.9711**		**5,918.2208**	**5,918.2208**	**1.9141**		**5,966.0726**

3.3 Grading - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1077	0.0659	0.6984	2.2900e-003	0.2813	1.6700e-003	0.2830	0.0746	1.5400e-003	0.0761		228.1652	228.1652	5.4300e-003		228.3009
Total	**0.1077**	**0.0659**	**0.6984**	**2.2900e-003**	**0.2813**	**1.6700e-003**	**0.2830**	**0.0746**	**1.5400e-003**	**0.0761**		**228.1652**	**228.1652**	**5.4300e-003**		**228.3009**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					7.1067	0.0000	7.1067	3.4273	0.0000	3.4273			0.0000			0.0000
Off-Road	3.8665	38.6992	33.2907	0.0611		1.6780	1.6780		1.5438	1.5438	0.0000	5,918.2208	5,918.2208	1.9141		5,966.0726
Total	**3.8665**	**38.6992**	**33.2907**	**0.0611**	**7.1067**	**1.6780**	**8.7847**	**3.4273**	**1.5438**	**4.9711**	**0.0000**	**5,918.2208**	**5,918.2208**	**1.9141**		**5,966.0726**

3.3 Grading - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.1077	0.0659	0.6984	2.2900e-003	0.2813	1.6700e-003	0.2830	0.0746	1.5400e-003	0.0761		228.1652	228.1652	5.4300e-003		228.3009
Total	**0.1077**	**0.0659**	**0.6984**	**2.2900e-003**	**0.2813**	**1.6700e-003**	**0.2830**	**0.0746**	**1.5400e-003**	**0.0761**		**228.1652**	**228.1652**	**5.4300e-003**		**228.3009**

3.4 Building Construction - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.3830	12.4814	13.8568	0.0233		0.5921	0.5921		0.5519	0.5519		2,181.7499	2,181.7499	0.6376		2,197.6904
Total	**1.3830**	**12.4814**	**13.8568**	**0.0233**		**0.5921**	**0.5921**		**0.5519**	**0.5519**		**2,181.7499**	**2,181.7499**	**0.6376**		**2,197.6904**

3.4 Building Construction - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.2458	8.1887	2.0833	0.0361	1.0117	0.0107	1.0224	0.2912	0.0102	0.3014		3,805.6494	3,805.6494	0.1799		3,810.1465
Worker	1.4801	0.9060	9.6023	0.0315	3.8678	0.0229	3.8907	1.0257	0.0211	1.0468		3,137.2712	3,137.2712	0.0746		3,139.1373
Total	**1.7259**	**9.0947**	**11.6856**	**0.0675**	**4.8794**	**0.0336**	**4.9131**	**1.3168**	**0.0313**	**1.3481**		**6,942.9206**	**6,942.9206**	**0.2545**		**6,949.2838**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.3830	12.4814	13.8568	0.0233		0.5921	0.5921		0.5519	0.5519	0.0000	2,181.7499	2,181.7499	0.6376		2,197.6904
Total	**1.3830**	**12.4814**	**13.8568**	**0.0233**		**0.5921**	**0.5921**		**0.5519**	**0.5519**	**0.0000**	**2,181.7499**	**2,181.7499**	**0.6376**		**2,197.6904**

3.4 Building Construction - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.2458	8.1887	2.0833	0.0361	1.0117	0.0107	1.0224	0.2912	0.0102	0.3014		3,805.6494	3,805.6494	0.1799		3,810.1465
Worker	1.4801	0.9060	9.6023	0.0315	3.8678	0.0229	3.8907	1.0257	0.0211	1.0468		3,137.2712	3,137.2712	0.0746		3,139.1373
Total	**1.7259**	**9.0947**	**11.6856**	**0.0675**	**4.8794**	**0.0336**	**4.9131**	**1.3168**	**0.0313**	**1.3481**		**6,942.9206**	**6,942.9206**	**0.2545**		**6,949.2838**

3.4 Building Construction - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.3138	11.8155	13.7084	0.0233		0.5309	0.5309		0.4948	0.4948		2,181.8085	2,181.8085	0.6362		2,197.7130
Total	**1.3138**	**11.8155**	**13.7084**	**0.0233**		**0.5309**	**0.5309**		**0.4948**	**0.4948**		**2,181.8085**	**2,181.8085**	**0.6362**		**2,197.7130**

3.4 Building Construction - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.2438	8.2492	2.0216	0.0360	1.0117	0.0107	1.0223	0.2912	0.0102	0.3014		3,805.9209	3,805.9209	0.1800		3,810.4202
Worker	1.3980	0.8208	8.9443	0.0304	3.8678	0.0227	3.8905	1.0257	0.0209	1.0466		3,035.5947	3,035.5947	0.0682		3,037.2999
Total	**1.6418**	**9.0699**	**10.9659**	**0.0665**	**4.8794**	**0.0334**	**4.9128**	**1.3168**	**0.0311**	**1.3479**		**6,841.5155**	**6,841.5155**	**0.2482**		**6,847.7201**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.3138	11.8155	13.7084	0.0233		0.5309	0.5309		0.4948	0.4948	0.0000	2,181.8085	2,181.8085	0.6362		2,197.7130
Total	**1.3138**	**11.8155**	**13.7084**	**0.0233**		**0.5309**	**0.5309**		**0.4948**	**0.4948**	**0.0000**	**2,181.8085**	**2,181.8085**	**0.6362**		**2,197.7130**

3.4 Building Construction - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.2438	8.2492	2.0216	0.0360	1.0117	0.0107	1.0223	0.2912	0.0102	0.3014		3,805.9209	3,805.9209	0.1800		3,810.4202
Worker	1.3980	0.8208	8.9443	0.0304	3.8678	0.0227	3.8905	1.0257	0.0209	1.0466		3,035.5947	3,035.5947	0.0682		3,037.2999
Total	**1.6418**	**9.0699**	**10.9659**	**0.0665**	**4.8794**	**0.0334**	**4.9128**	**1.3168**	**0.0311**	**1.3479**		**6,841.5155**	**6,841.5155**	**0.2482**		**6,847.7201**

3.5 Paving - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.0004	8.7992	10.1983	0.0140		0.5011	0.5011		0.4610	0.4610		1,352.8518	1,352.8518	0.4375		1,363.7903
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.0004**	**8.7992**	**10.1983**	**0.0140**		**0.5011**	**0.5011**		**0.4610**	**0.4610**		**1,352.8518**	**1,352.8518**	**0.4375**		**1,363.7903**

3.5 Paving - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0763	0.0448	0.4879	1.6600e-003	0.2110	1.2400e-003	0.2122	0.0559	1.1400e-003	0.0571		165.5779	165.5779	3.7200e-003		165.6709
Total	**0.0763**	**0.0448**	**0.4879**	**1.6600e-003**	**0.2110**	**1.2400e-003**	**0.2122**	**0.0559**	**1.1400e-003**	**0.0571**		**165.5779**	**165.5779**	**3.7200e-003**		**165.6709**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.0004	8.7992	10.1983	0.0140		0.5011	0.5011		0.4610	0.4610	0.0000	1,352.8518	1,352.8518	0.4375		1,363.7903
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.0004**	**8.7992**	**10.1983**	**0.0140**		**0.5011**	**0.5011**		**0.4610**	**0.4610**	**0.0000**	**1,352.8518**	**1,352.8518**	**0.4375**		**1,363.7903**

3.5 Paving - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0763	0.0448	0.4879	1.6600e-003	0.2110	1.2400e-003	0.2122	0.0559	1.1400e-003	0.0571		165.5779	165.5779	3.7200e-003		165.6709
Total	**0.0763**	**0.0448**	**0.4879**	**1.6600e-003**	**0.2110**	**1.2400e-003**	**0.2122**	**0.0559**	**1.1400e-003**	**0.0571**		**165.5779**	**165.5779**	**3.7200e-003**		**165.6709**

3.6 Architectural Coating - 2024

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	901.9301					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.1649	0.9078	1.1464	1.6400e-003		0.0317	0.0317		0.0317	0.0317		133.5074	133.5074	0.0148		133.8774
Total	**902.0950**	**0.9078**	**1.1464**	**1.6400e-003**		**0.0317**	**0.0317**		**0.0317**	**0.0317**		**133.5074**	**133.5074**	**0.0148**		**133.8774**

3.6 Architectural Coating - 2024

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.2801	0.1645	1.7921	6.1000e-003	0.7750	4.5500e-003	0.7795	0.2055	4.1900e-003	0.2097		608.2228	608.2228	0.0137		608.5645
Total	**0.2801**	**0.1645**	**1.7921**	**6.1000e-003**	**0.7750**	**4.5500e-003**	**0.7795**	**0.2055**	**4.1900e-003**	**0.2097**		**608.2228**	**608.2228**	**0.0137**		**608.5645**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	901.9301					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.1649	0.9078	1.1464	1.6400e-003		0.0317	0.0317		0.0317	0.0317	0.0000	133.5074	133.5074	0.0148		133.8774
Total	**902.0950**	**0.9078**	**1.1464**	**1.6400e-003**		**0.0317**	**0.0317**		**0.0317**	**0.0317**	**0.0000**	**133.5074**	**133.5074**	**0.0148**		**133.8774**

3.6 Architectural Coating - 2024

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.2801	0.1645	1.7921	6.1000e-003	0.7750	4.5500e-003	0.7795	0.2055	4.1900e-003	0.2097		608.2228	608.2228	0.0137		608.5645
Total	**0.2801**	**0.1645**	**1.7921**	**6.1000e-003**	**0.7750**	**4.5500e-003**	**0.7795**	**0.2055**	**4.1900e-003**	**0.2097**		**608.2228**	**608.2228**	**0.0137**		**608.5645**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Workplace Parking Charge

Employee Vanpool/Shuttle

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.6500e-003	0.0109	0.0187	8.0000e-005	6.9600e-003	5.0000e-005	7.0100e-003	1.8600e-003	5.0000e-005	1.9100e-003		8.5733	8.5733	4.3000e-004		8.5840
Unmitigated	1.6500e-003	0.0109	0.0187	8.0000e-005	6.9600e-003	5.0000e-005	7.0100e-003	1.8600e-003	5.0000e-005	1.9100e-003		8.5733	8.5733	4.3000e-004		8.5840

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Manufacturing	0.52	0.52	0.52	1,507	1,507
Parking Lot	0.00	0.00	0.00		
Refrigerated Warehouse-No Rail	0.03	0.03	0.03	95	95
Unrefrigerated Warehouse-No Rail	0.57	0.57	0.57	1,663	1,663
Total	1.12	1.12	1.12	3,265	3,265

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Manufacturing	9.50	7.30	7.30	59.00	28.00	13.00	92	5	3
Parking Lot	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0
Refrigerated Warehouse-No	9.50	7.30	7.30	59.00	0.00	41.00	92	5	3
Unrefrigerated Warehouse-No	9.50	7.30	7.30	59.00	0.00	41.00	92	5	3

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Manufacturing	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830
Parking Lot	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830
Refrigerated Warehouse-No Rail	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830
Unrefrigerated Warehouse-No Rail	0.558745	0.035303	0.181800	0.111169	0.014289	0.004794	0.018611	0.065078	0.001365	0.001491	0.005725	0.000799	0.000830

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.2055	1.8677	1.5689	0.0112		0.1420	0.1420		0.1420	0.1420		2,241.2650	2,241.2650	0.0430	0.0411	2,254.5837
NaturalGas Unmitigated	0.2055	1.8677	1.5689	0.0112		0.1420	0.1420		0.1420	0.1420		2,241.2650	2,241.2650	0.0430	0.0411	2,254.5837

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Manufacturing	11669.2	0.1258	1.1440	0.9610	6.8600e-003		0.0870	0.0870		0.0870	0.0870		1,372.8426	1,372.8426	0.0263	0.0252	1,381.0007
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	4647.48	0.0501	0.4556	0.3827	2.7300e-003		0.0346	0.0346		0.0346	0.0346		546.7624	546.7624	0.0105	0.0100	550.0116
Unrefrigerated Warehouse-No Rail	2734.11	0.0295	0.2681	0.2252	1.6100e-003		0.0204	0.0204		0.0204	0.0204		321.6600	321.6600	6.1700e-003	5.9000e-003	323.5714
Total		**0.2055**	**1.8677**	**1.5689**	**0.0112**		**0.1420**	**0.1420**		**0.1420**	**0.1420**		**2,241.2650**	**2,241.2650**	**0.0430**	**0.0411**	**2,254.5837**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Manufacturing	11.6692	0.1258	1.1440	0.9610	6.8600e-003		0.0870	0.0870		0.0870	0.0870		1,372.8426	1,372.8426	0.0263	0.0252	1,381.0007
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	4.64748	0.0501	0.4556	0.3827	2.7300e-003		0.0346	0.0346		0.0346	0.0346		546.7624	546.7624	0.0105	0.0100	550.0116
Unrefrigerated Warehouse-No Rail	2.73411	0.0295	0.2681	0.2252	1.6100e-003		0.0204	0.0204		0.0204	0.0204		321.6600	321.6600	6.1700e-003	5.9000e-003	323.5714
Total		**0.2055**	**1.8677**	**1.5689**	**0.0112**		**0.1420**	**0.1420**		**0.1420**	**0.1420**		**2,241.2650**	**2,241.2650**	**0.0430**	**0.0411**	**2,254.5837**

6.0 Area Detail

6.1 Mitigation Measures Area

No Hearths Installed

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	18.2375	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397
Unmitigated	18.2375	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	4.2008					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	14.0270					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	9.6700e-003	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397
Total	**18.2375**	**9.5000e-004**	**0.1048**	**1.0000e-005**		**3.7000e-004**	**3.7000e-004**		**3.7000e-004**	**3.7000e-004**		**0.2250**	**0.2250**	**5.9000e-004**		**0.2397**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	4.2008					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	14.0270					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	9.6700e-003	9.5000e-004	0.1048	1.0000e-005		3.7000e-004	3.7000e-004		3.7000e-004	3.7000e-004		0.2250	0.2250	5.9000e-004		0.2397
Total	**18.2375**	**9.5000e-004**	**0.1048**	**1.0000e-005**		**3.7000e-004**	**3.7000e-004**		**3.7000e-004**	**3.7000e-004**		**0.2250**	**0.2250**	**5.9000e-004**		**0.2397**

7.0 Water Detail

7.1 Mitigation Measures Water

Install Low Flow Bathroom Faucet

Install Low Flow Kitchen Faucet

Install Low Flow Toilet

Install Low Flow Shower

Use Water Efficient Landscaping

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
Emergency Generator	1	50	0	1073	0.73	Diesel

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

10.1 Stationary Sources

Unmitigated/Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Equipment Type	lb/day										lb/day					
Emergency Generator - Diesel (750 - 9999 HP)	88.0433	393.7238	224.4917	0.4231		12.9514	12.9514		12.9514	12.9514		45,039.9326	45,039.9326	6.3146		45,197.7977
Total	**88.0433**	**393.7238**	**224.4917**	**0.4231**		**12.9514**	**12.9514**		**12.9514**	**12.9514**		**45,039.9326**	**45,039.9326**	**6.3146**		**45,197.7977**

11.0 Vegetation

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).

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.

- 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

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.

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.

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.

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

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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.

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.

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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.

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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.

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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.

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

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

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

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

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

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.

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

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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.

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

Teaching Experience:

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

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

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

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

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

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

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

Academic Grants Awarded:

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

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

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

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

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

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

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

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

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

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

ATTACHMENT B: Comment Letter 5: Californians Allied for a Responsible Economy, dated December 1, 2023 (FULL LETTER)

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December 1, 2023

Via Email and Overnight Mail

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Re: **Comments of Californians Allied for a Responsible Economy on the Draft Environmental Impact Report for the KISS Logistics Center Project (SCH No. 2022110097)**

Dear Mr. Leonard:

We write on behalf of Californians Allied for a Responsible Economy ("CARE CA") to comment on the Draft Environmental Impact Report[1] ("DEIR") prepared by the City of Hesperia ("City") pursuant to the California Environmental Quality Act ("CEQA") for the KISS Logistics Center Project (SCH No. 2022110097) ("Project") proposed by KISS Products Inc. ("Applicant").

5.1

I. INTRODUCTION

The Applicant seeks a Conditional Use Permit, Development Plan Review, and Specific Plan Amendment from the City to allow for the development of a single-story, 655,468 square foot industrial building to support warehouse, manufacturing, and office uses on a 29.61-acre site.[2] Additional improvements proposed include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and drive aisles.[3]

[1] City of Hesperia, KISS Logistics Center Project: Draft Environmental Impact Report (Oct. 2023) (hereinafter "DEIR"), *available at* https://www.cityofhesperia.us/DocumentCenter/View/18448.
[2] DEIR at p. 1.0-1, 3.0-12.
[3] DEIR at p. 3.0-12.

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Approximately 8.9 acres of offsite improvements would be required for necessary roadways and utility infrastructure.[4]

The proposed Project is located northwest of the intersection of Highway 395 and Main Street in Hesperia, California.[5] Project construction is estimated to take approximately 14 months over one phase.[6] The proposed development is assumed to be operational 24 hours a day, 7 days a week.[7]

5.1 cont.

We reviewed the DEIR, its technical appendices, and available reference documents with the assistance of air quality and hazardous resources expert James J. Clark, Ph.D, traffic and transportation expert Norman Marshall, M.S., and noise and vibration expert Luke Watry.[8] Based on our review and that of the technical experts, we conclude the DEIR fails to comply with CEQA.

As explained more fully below, the DEIR lacks an adequate project description and environmental baseline upon which to measure the whole Project's reasonably foreseeable impacts. The DEIR fails to disclose, analyze, and mitigate all the Project's potentially significant air quality, greenhouse gas ("GHG"), geologic, noise, vibration, traffic, and VMT impacts. Finally, the DEIR lacks substantial evidence to support its conclusion that air quality, noise, and vibration impacts are less than significant. The City cannot approve the Project until the errors and omissions in the DEIR are remedied, and a revised DEIR is recirculated for public review and comment which fully discloses, analyzes, and mitigates the Project's potentially significant environmental and public health impacts.

5.2

The technical comments and all attachments are incorporated by reference as if fully set forth herein. The City must respond to each technical expert's comments separately and fully.

[4] DEIR at p. 3.0-12.
[5] DEIR at p. 3.0-1.
[6] DEIR at p. 3.0-27.
[7] DEIR at p. 3.0-27.
[8] **Exhibit A**, Letter to Andrew J. Graf, Adams Broadwell Joseph & Cardozo from James J. Clark, Clark & Associates Environmental Consulting, Inc. re: Comment Letter on Draft Environmental Impact Report (DEIR) For Kiss Logistics Center Project, Hesperia, California (Nov. 30, 2023) (hereinafter "Clark Comments"); **Exhibit B**, Letter to Andrew J. Graf, Adams Broadwell Joseph & Cardozo from Norman L. Marshall, Smart Mobility re: KISS Logistics Center (Nov. 30, 2023) (hereinafter "Marshall Comments"); **Exhibit C**, Letter to Andrew J. Graf, Adams Broadwell Joseph & Cardozo from Luke Watry, Wilson Ihrig re: Comments on KISS Logistics Center Noise Analysis in Hesperia, CA (Nov. 30, 2023) (hereinafter "Watry Comments").

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I. STATEMENT OF INTEREST

CARE CA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental impacts of the Project. CARE CA includes the District Council of Ironworkers, Southern California Pipe Trades District Council 16, along with their members, their families, and other individuals that live and/or work in the City and San Bernardino County.

CARE CA advocates for protecting the environment and the health of their communities' workforces. CARE CA seeks to ensure a sustainable construction industry over the long-term by supporting projects that offer genuine economic and employment benefits while minimizing adverse environmental and other impacts on local communities.

Individual members of CARE CA include Hesperia residents Brian Osborne, David Roberts, Frank Rocha. These individuals live, work, recreate, and raise families in the vicinity of the Project. Accordingly, they will be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards created by the Project. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts. 5.3

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

Finally, CARE CA and its members are concerned about projects that risk serious environmental harm without providing countervailing economic benefits. CEQA provides a balancing process whereby economic benefits are weighed against significant impacts to the environment.[9] It is in this spirit we offer these comments.

[9] Pub. Res. Code § 21081(a)(3); *Citizens for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.

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II. LEGAL BACKGROUND

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR").[10] The EIR is the very heart of CEQA.[11] "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[12]

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.[13] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"[14] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[15] 5.4

Second, CEQA directs public agencies to avoid or reduce environmental damage when "feasible" by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.[16] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."[17] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[18]

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[10] *See e.g.*, Pub. Res. Code § 21100.
[11] *Dunn-Edwards v. Bay Area Air Quality Management Dist.* (1992) 9 Cal.App.4th 644, 652.
[12] *Communities for a Better Environment v. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109.
[13] Pub. Res. Code § 21061; 14 Cal. Code Regs. ("CEQA Guidelines") §§ 15002(a)(1), 15003(b)-(e); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517 ("[T]he basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.").
[14] *Citizens of Goleta Valley v. Bd. of Supervisors ("Goleta II")* (1990) 52 Cal.3d 553, 564.
[15] *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.
[16] CEQA Guidelines § 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Goleta II*, 52 Cal.3d at 564.
[17] CEQA Guidelines § 15002(a)(2).
[18] Pub. Res. Code § 21081; CEQA Guidelines § 15092(b)(2)(A)-(B).

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A public agency commits prejudicial abuse of discretion when its actions or decisions do not substantially comply with the requirements of CEQA.[19] The agency abuses its discretion if it does not proceed in the manner required by law or if its decision is not supported by substantial evidence.[20]

Claims of procedural error or informational inadequacies in an EIR are questions of law subject to independent review by the courts.[21] An EIR is inadequate as a matter of law where (1) the EIR omits information required by law and (2) the omission precludes informed decision-making by the lead agency or informed participation by the public.[22] "[T]he existence of substantial evidence supporting the agency's ultimate decision on a disputed issue is not relevant when one is assessing a violation of the information disclosure provisions of CEQA."[23]

5.4 cont.

An EIR must disclose the analytic route the agency traveled from evidence to action, and failure to do so amounts to a procedural error—not a factual one.[24] If an EIR lacks analysis or omits the magnitude of an environmental impact, the issue is "not a substantial evidence question" – rather, the courts review the issue de novo.[25] In other words, a conclusory discussion of an environmental impact that an EIR deems significant may be held to be inadequate as a matter of law "without reference to substantial evidence," even where mixed questions of law and fact are involved.[26] Only where factual questions *predominate* is a more deferential standard warranted.[27]

The substantial evidence standard applies to an agency's substantive factual conclusions, findings or determinations.[28] Substantial evidence means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions

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[19] Pub. Res. Code §§ 21168, 21168.5.
[20] *Sierra Club,* 6 Cal.5th at 512; *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 426.
[21] *Sierra Club*, 6 Cal.5th at 512-13; *see also Laurel Heights Improvement Assoc. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392, fn. 5; *Woodward Park Homeowners Assoc., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 705.
[22] *Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 76-77.
[23] *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82, quoting *Assn. of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1392.
[24] *Sierra Club*, 6 Cal.5th at 513 quoting *Topanga Assn. for a Scenic Community v. City of L.A.* (1974) 11 Cal.3d 506, 515.
[25] *Sierra Club*, 6 Cal.5th at 514.
[26] *Ibid.*; *see also Save the Hill Group v. City of Livermore* (2022) 76 Cal.App.5th 1092, 1103-04.
[27] *Sierra Club*, 6 Cal.5th at 514, 516 (emphasis added).
[28] Pub. Res. Code § 21168.

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might also be reached."[29] Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts,[30] but it does not include argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment.[31]

5.4 cont.

Importantly, "the reviewing court is not to uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[32] Failure to comply with the basic substantive requirements of CEQA is necessarily prejudicial error, requiring the decertification of any EIR and the recission of any approvals adopted in reliance on the same.[33]

III. THE DEIR LACKS A COMPLETE, STABLE, AND ACCURATE PROJECT DESCRIPTION

Generally, an adequate EIR must be "prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences."[34] "A project description must contain sufficient specific information about the project to allow the public and reviewing agencies to evaluate and review its environmental impacts. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[35] Without a complete, stable and accurate project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[36] A project description that omits integral components of the project may result in an EIR that fails to disclose the actual impacts of the project."[37]

5.5

[29] CEQA Guidelines § 15384(a).
[30] CEQA Guidelines § 15384(b).
[31] CEQA Guidelines § 15384(a).
[32] *Berkeley Jets*, 91 Cal.App.4th at 1355.
[33] *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 671; *Neighbors for Smart Rail v. Exposition Metro Line Construction Auth.* (2013) 57 Cal.4th 439, 463; *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1073.
[34] *Dry Creek Citizens Coalition v. County of Tulare* (199) 70 Cal.App.4th 20, 26.
[35] *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment*, 184 Cal.App.4th at 85–89; *County of Inyo*, 71 Cal.App.3d at 193.
[36] *Stopthemillenniumhollywood.com*, 39 Cal.App.5th at 17.
[37] *Id*. at 26 (citations omitted).

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A. The DEIR Fails to Describe the Construction Equipment Utilized for Offsite Roadway and Utility Improvements

The Project includes construction of a new offsite sewer line using traditional trenching as well as jack and bore pits to align the sewer lines beneath the Oro Grande Wash.[38] The Project also includes construction of a new offsite water line using traditional trenching as well as jack and bore pits to align the water lines beneath the Oro Grande Wash and Highway 395.[39] However, the DEIR does not describe the type of construction equipment, the number of pieces of construction equipment anticipated to be used, or construction schedule for this phase. This information (which is provided for other components of the Project, but not this one) is necessary in order to accurately quantify the construction emissions, construction noise, and other construction impacts associated with construction of these components of the Project. 5.6

The omission of this information is particularly significant here because construction activities associated with the offsite utility improvements would occur near sensitive receptors. For example, a jack and bore pit and trenches for the sewer line are located next to the Willow Oak Estates residential neighborhood.[40] Trenching for the sewer line would also occur next to the residence at 12020 Yucca Terrace Drive, while trenching for the water line would occur next to the residences at 9553 Los Banos Avenue and 11778 Cambria Road.[41] The DEIR lacks an accurate analysis of the severity of construction impacts and exposure to air emissions at these receptors because basic construction information is missing from the DEIR. 5.7

B. The DEIR Fails to Accurately Describe the Locations Where the Jack and Bore Construction Method Will Be Utilized

The DEIR states that construction of the water line underneath Highway 395 would occur via jack and bore (which can generate significant noise and vibration), but Figure 3-10 identifies three separate jack and bore receiving pits on the water line route, including a pit on both sides of Highway 395.[42] It is unclear from the project description whether all three pits are necessary. 5.8

The DEIR also states that the jack and bore method would be utilized to install the sewer line under the Oro Grande Wash, but it does not propose to utilize 5.9

[38] DEIR at p. 3.0-13.
[39] DEIR at p. 3.0-13.
[40] Watry Comments at p. 3; *see also* DEIR at p. 3.0-25, fig. 3-10 (Utility Improvements).
[41] Watry Comments at p. 3; *see also* DEIR at p. 3.0-25, fig. 3-10 (Utility Improvements).
[42] DEIR at p. 3.0-25, fig. 3-10 (Utility Improvements).

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this method to install the line under Highway 395.[43] Caltrans requires underground utilities must be installed by trenchless construction within State highway right-of-way unless the encroachment permit applicant can demonstrate that all trenchless methods have been considered and no other options are feasible.[44] Therefore, the DEIR's proposed method for installing the sewer line conflicts with applicable Caltrans guidelines. 5.9 cont.

In order to evaluate the impacts and legality of the Project's proposed water and sewage line construction, the DEIR must accurately disclose the locations of the jack and bore pits and the specific construction methods and equipment to be used for installation of the utility lines. Without this information, the public cannot determine whether the DEIR adequately discloses, analyzes, and mitigates all potentially significant environmental impacts that could result from the use of the jack and bore method, or whether the proposed methods comply with applicable law. The DEIR must be revised to correct these deficiencies and recirculated for public review. 5.10

C. The DEIR Fails to Consistently Describe Operational Truck Trip Routes

An EIR's project description, and the accompanying analysis, must be consistent throughout the EIR. If the project is described differently in different sections of the EIR, these shifts prevent the EIR from serving as a vehicle for intelligent public participation in the decisionmaking process.[45] An unstable or shifting project description may indicate that an EIR is attempting to minimize the project's impacts by not discussing reasonably foreseeable aspects of the project.[46]

The DEIR concludes that traffic noise impacts to off-site sensitive receptors are less than significant because Project-related traffic noise would not exceed the threshold of a 3.0 dBA noise level increase.[47] However, the traffic noise model assumptions for truck trips are not consistent with the project description. 5.11

The DEIR states that trucks are expected to primarily utilize Phelan Road, Highway 395, I-15, and Joshua Road,[48] but the traffic noise model assigns an

[43] DEIR at p. 3.0-13.
[44] California Department of Transportation, Encroachment Permits Manual (last updated Sept. 2023) p. 6-51 (hereinafter "Caltrans EPM"), *available at* https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/chapter-6-ada-a11y.pdf.
[45] *County of Inyo*, 71 Cal.App.3d at 197.
[46] *San Joaquin Raptor Rescue Ctr. V. County of Merced* (2007) 149 Cal.App.4th 645, 655.
[47] DEIR at p. 5.11-15.
[48] DEIR at p. 3.0-12.

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identical percentage of trucks to all four modeled roadways (Phelan Road West of Highway 395, Main Street East of Highway 395, Highway 395 North of Main Street, and Highway 395 South of Main Street).[49] In contrast, the Traffic Impact Analysis (Appendix K) assumes that 90% of trucks would travel south on Highway 395 from the Project site, 10% of trucks would travel north on Highway 395, and no trucks would travel on Phelan Road or Main Street.[50] 5.11 cont.

Moreover, the traffic noise model assumptions conflict with City's Truck Routes Program. Chapter 10.25 of the City's Municipal Code prohibits commercial vehicles exceeding a maximum gross weight of 14,000 pounds from traveling on streets not designated as a "through truck route."[51] While Highway 395 and Phelan Road are both designated as "through truck routes," Main Street is designated as a restricted street.[52] Therefore, the truck trip distribution assumptions utilized by the traffic noise model are either erroneous, or in violation of the City's Municipal Code. 5.12

Mr. Watry notes that, contrary to the noise analysis, Section 5.11.6 of the DEIR states that "[t]ruck trips would occur along Phelan Road to Highway 395 while passenger vehicle trips would occur along Main Street to I-15,"[53] which is consistent with Chapter 10.25 of the Municipal Code. Mr. Watry concludes that the Project's heavy truck traffic is therefore more likely to use Highway 395 than Main Street. As a result, and since heavy trucks generate high noise levels, Mr. Watry explains that the DEIR severely underestimates traffic noise impacts along Highway 395.[54] In fact, he opines that the potential for an increase in traffic noise could exceed the 3 dBA significance threshold if a more accurate assumptions are utilized.[55] The Project description, and accompanying analysis, must be revised to be consistent throughout the EIR to accurately analyze the Project's impacts. 5.13

D. The DEIR Fails to Identify an Encroachment Permit from Caltrans as a Necessary Approval

An EIR's project description must briefly state the intended uses of the EIR.[56] This statement must include a list of agencies that are expected to use the EIR in their decision-making process, a list of permits or other approvals that will be 5.14

[49] Watry Comments at p. 4.
[50] DEIR, appen. K at p. 30, fig. 14 (Project Truck Trip Distribution).
[51] Hesperia Municipal Code § 10.25.020;
[52] Hesperia Municipal Code § 10.25.060; DEIR at p. 3.0-23, fig. 3-9 (Truck Routes).
[53] Watry Comments at p. 4.
[54] Watry Comments at p. 4.
[55] Watry Comments at p. 4.
[56] CEQA Guidelines § 15124(d).

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required to implement the project, and a list of related environmental review and consultation requirements imposed by federal, state, or local laws, regulations, or policies.[57] The DEIR fails to disclose that an encroachment permit from the California Department of Transportation ("Caltrans") is required for the Project

An encroachment includes any pipe or pipeline "which is in, under, or over any portion of the State highway rights of way."[58] An encroachment permit must be obtained for all proposed activities related to the placement of encroachments within, under, or over the State highway rights of ways.[59] The City is aware that an approval from Caltrans may be required because the City requested that the DEIR be distributed to the agency.[60] The DEIR must be revised to identify the Caltrans encroachment permit as a necessary approval because the offsite utility improvements will traverse Highway 395.[61] 5.14 cont.

E. The DEIR Fails to Describe the Subsurface Conditions Where the Project Proposes to Utilize the Jack and Bore Construction Method

An EIR must describe the environmental setting for the project, which is made up of the physical environmental conditions in the vicinity of the project."[62] An EIR's description of this environmental setting must be sufficiently comprehensive to allow the project's significant impacts "to be considered in the full environmental context."[63] Specific information about particular characteristics may be required when necessary to determine the significance of an impact. For example, in *Cadiz Land Co. v. Rail Cycle*, the court rejected the EIR's description of the environmental setting for a landfill project because it did not quantify the volume of water in the aquifer under the site.[64] This information was critical to a full understanding of the significance of potential contamination on a valuable resource.[65] 5.15

The DEIR fails to describe the subsurface conditions at the offsite locations where the Project proposes the use of the jack and bore construction method to

[57] CEQA Guidelines § 15124(d)(1).
[58] Sts. & Hy. Code § 660.
[59] California Department of Transportation, Encroachment Permits, https://dot.ca.gov/programs/traffic-operations/ep (last accessed Dec. 1, 2023).
[60] City of Hesperia, Notice of Completion & Environmental Document Transmittal: KISS Logistics Center Project (Oct. 2, 2023) p. 2.
[61] DEIR at pp. 3.0-13, 3.0-25, fig. 3-10 (Utility Improvements).
[62] CEQA Guidelines § 15125(a).
[63] CEQA Guidelines § 15125(c).
[64] *Cadiz Land Co. v. Rail Cycle* (2000) 883 Cal.App.4th 74, 94.
[65] *Ibid.*

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install utility lines. While the DEIR relies on a geotechnical investigation, the study only identified geotechnical/geologic constraints that may have significant impacts resulting from development at the Project site.[66] It did not include any assessment of subsurface conditions along the 8.9 acres of offsite Project area. This information is critical to understanding whether the Project's utilization of jack and bore to install the water and sewer lines could adversely impact groundwater resources or the Oro Grande Wash due to an inadvertent release of drilling fluids, erosion, soil loss, settlement, runoff, or subsidence. 5.15 cont.

Moreover, Caltrans guidelines requires that all encroachment permit applicants seeking to install utilities via trenchless technology (such as jack and bore) perform a geotechnical investigation suitable for the proposed complexity of the trenchless construction.[67] That investigation must obtain "sufficient subsurface information, at the extent and depth of the proposed installation, to select a trenchless construction method and develop a construction plan."[68] Therefore, the subsurface conditions must be described in the DEIR since Caltrans will rely on the City's analysis of environmental impacts prior to approving the encroachment permit. 5.16

IV. THE DEIR FAILS TO MEANINGFULLY DISCLOSE, ANALYZE, AND MITIGATE ALL POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

A. The DEIR Fails to Disclose or Analyze All Potentially Significant Impacts that Would Be Caused by the Jack and Bore Construction Method

The Project includes construction of a new offsite sewer line using jack and bore pits to align the line beneath the Oro Grande Wash.[69] The Project also includes construction of a new offsite water line using jack and bore pits to align the line beneath the Oro Grande Wash and Highway 395.[70] Jack and bore is a method of trenchless technology used primarily for the installation of pipes beneath obstacles like roads, railways, or rivers. It involves jacking (or pushing) a pipe through the ground while simultaneously boring out the soil in front of it. This method is often chosen to minimize surface disturbances, especially in sensitive or populated areas. 5.17

[66] *See* DEIR, appen. F.
[67] Caltrans EPM at p. 6-52.
[68] Caltrans EPM at p. 6-52.
[69] DEIR at p. 3.0-13.
[70] DEIR at p. 3.0-13.

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While jack and bore offers some environmental advantages over open-cut trenching, there are still many substantial adverse effects on the environment associated with its use, including: 5.17 cont.

- **Ground Disturbance**: Even though jack and bore is a trenchless method, it still requires creation of entry (jacking) and exit (receiving) pits. The excavation of these pits can disturb soil and potentially lead to erosion or sediment runoff if not properly managed. The DEIR fails to discuss potential soil erosion or sediment runoff associated with the jack and bore method, instead focusing only on construction activities at the Project site.[71] 5.18
- **Groundwater Impact**: If the bore process encounters groundwater, there can be a risk of groundwater contamination from drilling fluids or other contaminants. This is especially concerning if the water table is close to the surface. The DEIR fails to discuss potential groundwater contamination from the inadvertent release of drilling fluids during the boring process because the City only conducted a geotechnical investigation at the Project site, not near the Oro Grande Wash where it proposes to utilize jack and bore.[72] 5.19
- **Noise and Vibrations**. The jack and boring process can generate noise and vibrations, potentially disturbing wildlife, aquatic resources, and nearby residences. The DEIR fails to discuss noise and vibration impacts associated with the jack and bore method.[73] 5.20
- **Fuel and Emission**s: The machinery required for jack and bore operations uses fuel that emits greenhouse gases and other pollutants, which can contribute to air quality impacts. The DEIR's air quality and GHG analysis does not account for any construction equipment used during the jack and bore phase.[74] 5.21
- **Vegetation, Habitat, and Wildlife Impacts**: The creation of jacking and receiving pits might necessitate the removal of vegetation or even the disruption of habitats. In addition, the physical presence of the machinery and pits might temporarily disrupt the migration patterns of terrestrial animals. In contrast with the other potential adverse impacts associated with the jack and bore construction method, the DEIR's analysis of impacts to biological resources includes the 8.9-acre offsite improvement area (and 100-foot buffer).[75] 5.22

[71] *See generally* DEIR at p. 5.6-12 to 5.6-13.
[72] *See generally* DEIR at p. 5.6-12, appen. F.
[73] Watry Comments at p. 4.
[74] Clark Comments at p. 14-15.
[75] *See generally* DEIR, appen. C.

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- **Potential for Ground Settlement**: If the boring process doesn't properly support the ground there can be a potential for ground settlement or subsidence above the bored tunnel, which can impact structures or natural features above ground. While the City preformed a geotechnical investigation of the Project site,[76] it did not conduct a subsurface assessment for any of the areas where it intends to utilize the jack and bore construction method as required for an encroachment permit. 5.23

- **Aquatic Ecosystem Disturbance**: If the bore pit is located near water bodies, there could be potential disturbance to the aquatic ecosystem, either from sedimentation, runoff, or the potential spill of drilling fluids. The DEIR summarily concludes the Project would not have a substantial adverse effect on the Oro Grande Wash without any discussion of potential adverse impacts to the tributary that could result from the jack and bore construciton method.[77] 5.24

In sum, the DEIR fails to disclose or analyze a variety of potentially significant environmental impacts that would be caused by the Project's utilization of the jack and bore construction method for the offsite utility improvements. The DEIR must be revised to disclose, analyze, and mitigate these potentially significant impacts, and recirculated for public review. 5.25

B. The DEIR Fails to Disclose, Analyze, and Mitigate Potentially Significant Impacts Caused by Offsite Construction Activities

1. The DEIR Fails to Assess Noise Impacts from Construction Activities that Would Occur Offsite Near Sensitive Receptors

The DEIR includes a quantitative construction noise assessment to estimate whether onsite Project-relate construction activities would generate noise levels which exceed the 80 dBA threshold at the nearby sensitive receiver locations.[78] The DEIR concludes that impacts related to construction noise would be less than significant because the noise level at the nearest offsite receptor (1,610 feet from the center of the Project site) would be 58 dBA, well below the applicable threshold.[79] The DEIR does not, however, include an analysis of noise impacts from construction activities that would occur offsite in close proximity to sensitive receptors.[80] 5.26

[76] *See generally* DEIR at pp. 5.6-13 to 5.6-14.
[77] DEIR at p. 5.3-22.
[78] DEIR at p. 5.11-13 to 5.11-14.
[79] DEIR at p. 5.11-14.
[80] Watry Comments at p. 2.

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As Mr. Watry notes, construction activities associated with offsite roadway and utility improvements would occur within 50 to 70 feet of existing residential properties along Los Banos Avenue, Yucca Terra Drive, and Blue Sage Street.[81] However, neither the DEIR, nor the Noise and Vibration Analysis (Appendix J), address these offsite construction locations.[82] 5.27

2. The DEIR Fails to Assess Prolonged Annoyance from Construction Vibration that Would Occur Offsite Near Sensitive Receptors

The DEIR includes a quantitative construction vibration *damage* assessment to estimate whether onsite Project-related construction activities would generate vibration levels which exceeded the City's vibration threshold of 0.2 peak particle velocity ("PPV") inches per second ("in/sec") at a receiver location.[83] The DEIR concludes that impacts related to construction vibration would be less than significant because the vibration level at the nearest offsite structure (885 feet away) would be 0.0004 PPV in/sec, well below the applicable threshold.[84] The DEIR does not, however, include an analysis of the Project's construction vibration *annoyance* impacts.[85] 5.28

PPV is the maximum instantaneous positive or negative peak of the vibration signal.[86] It is often used in monitoring construction vibration since it is related to the stress that are experienced by buildings and is not used to evaluate human response.[87] Vibration decibels ("VdB"), on the other hand, refers to the vibration velocity level in a decibel scale and is used to describe human response to vibration.[88] A vibration level that causes annoyance is well below the damage risk threshold for typical buildings.[89]

The Federal Transit Administration has developed criteria for assessing the effects of construction vibration on people related to annoyance and interference with activities in buildings.[90] For residences or buildings where people sleep, the

[81] Watry Comments at p. 2; *see also* DEIR (Utility Improvements figures).
[82] Watry Comments at p. 2.
[83] DEIR at pp. 5.11-17 to 5.11-19
[84] DEIR at p. 5.11-18.
[85] Watry Comments at p. 3.
[86] Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual (Sept. 2018) p. 110 (hereinafter "FTA Manual"), *available at* https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf; DEIR at p. 5.11-3.
[87] FTA Manual at p. 110; DEIR at p. 5.11-3.
[88] FTA Manual at pp. 110, 117-120; DEIR at p. 5.11-3.
[89] FTA Manual at p. 118; DEIR at p. 5.11-3.
[90] FTA Manual at pp. 182-87.

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FTA recommends utilizing a threshold of 72 VdB, 75 VdB, or 80 VdB depending on the frequency of the event.[91] The FTA defines frequent events as more than 70 events per day, typical of rapid transit projects.[92] The FTA does not have an equivalent frequency for construction activities; however, given that construction equipment operates continuously throughout the day during Project construction, it is reasonable to classify construction activities as high frequency events.[93] Therefore, use of a 72 VdB threshold when analyzing construction vibration annoyance impacts would be appropriate. 5.28 cont.

3. Substantial Evidence Supports the Conclusion that Offsite Construction Activities Would Cause Potentially Significant Noise and Vibration Impacts

As discussed above, the DEIR fails to analyze all potentially significant impacts from construction activities occurring at the 8.9 acres of offsite improvements which would be required for necessary roadway and utility infrastructure. An independent noise and vibration assessment conducted by Mr. Watry concludes that the Project's offsite construction activities would result in potentially significant noise and vibration impacts.

In conducting the assessment, Mr. Watry relied on the same methodology, reference levels, and usage factors identified in the DEIR's noise and vibration impact analysis.[94] The assessment focused on the trenching phase, which is expected to generate the highest levels of noise and vibration during construction of the utility lines.[95] Because the DEIR did not include an adequate project description with respect to the type of construction equipment that would be required for offsite improvements, Mr. Watry utilized an excavator and dump truck as the noise reference level, and a caisson drill as the vibration reference level.[96] 5.29

Based on sensitive receptors identified in the DEIR, Mr. Watry found that construction activities would occur within 50 feet of the residence located at 9553 Los Banos Avenue and the residence at 12020 Yucca Terrace Drive, and within 70 feet of the residence at Willow Oaks Estate.[97] At these distances, Mr. Watry concluded that construction noise levels would reach 84 dBA and 81 dBA,

[91] FTA Manual at p. 126 (Table 6-3 Indoor Ground-Borne Vibration (GBV) and Ground-Borne Noise (GBN) Impact Criteria for General Vibration Assessment).
[92] Watry Comments at p. 3.
[93] Watry Comments at p. 3.
[94] Watry Comments at p. 2.
[95] Watry Comments at p. 2.
[96] Watry Comments at p. 2.
[97] Watry Comments at pp. 2-3.

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respectively.[98] Therefore, the noise levels from offsite construction activities would exceed the DEIR's construction noise threshold of 80 dBA.[99] As a result, the Project's construction noise impacts are potentially significant. The City must identify feasible mitigation measures to reduce these impacts to less than significant levels in a revised and recirculated DEIR.

5.29 cont.

Mr. Watry also concluded that construction vibration impacts would be 78 VdB at 50 feet and 72 VdB at 70 feet.[100] Therefore, the vibration levels from offsite construction activities would exceed the FTA's vibration annoyance threshold of 72 VdB.[101] As a result, the Project's construction vibration impacts are potentially significant. The City must identify feasible mitigation measures to reduce these impacts to less than significant in a revised and recirculated DEIR.

C. The DEIR Lacks Substantial Evidence to Support Its Conclusion that Project's Pollutant Emissions Are Less Than Significant

1. The DEIR Fails to Include Emissions from Offsite Construction Equipment

The DEIR concludes impacts from construction emission for the proposed Project are less than significant.[102] However, the DEIR's analysis fails to include all reasonably foreseeable construction emissions. Neither the DEIR, nor the Air Quality, Health Risk, Greenhous Gas, and Energy Impact Report (Appendix B) accounts for emissions from construction activities associated with the offsite roadway and utility improvements.[103] As a result, the DEIR underestimates the Project's construction emissions and, therefore, lacks substantial evidence to conclude that air quality impacts are less than significant. The DEIR must be revised to include all reasonably foreseeable construction activities in its analysis and recirculated for public review.

5.30

2. The DEIR Fails to Include Emissions from the Fire Pump System During Project Operation

The DEIR concludes impacts from operational emissions for the proposed Project are less than significant.[104] However, the DEIR's analysis fails to include all reasonably foreseeable operational emissions. Neither the DEIR, nor Appendix B,

5.31

[98] Watry Comments at p. 3.
[99] DEIR at p. 5.11-11.
[100] Watry Comments at pp. 2-3.
[101] Watry Comments at pp. 2-3.
[102] DEIR at p. 5.2-16.
[103] Clark Comments at p. 15.
[104] DEIR at p. 5.2-17 to 5.2-18.

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account for emissions from the fire flow pump system that needs to be installed.[105] As a result, the DEIR underestimates the Project's operational emissions and, therefore, lacks substantial evidence to conclude that air quality impacts are less than significant. The DEIR must be revised to include all reasonably foreseeable operational activities in its analysis and recirculated for public review. 5.31 cont.

3. The DEIR Fails to Utilize Actual Truck Trip Lengths When Evaluating Operational Vehicle Emissions

To determine emissions from passenger care vehicles and truck trips, the DEIR utilized CalEEMod defaults for truck trip lengths for passenger vehicle cars and 2 to 3-axle trucks, while 4+ axle trucks were assumed to travel approximately 40 miles.[106] The DEIR fails to justify this assumption with any supporting facts demonstrating that shorter default truck trips would actually apply to the Project.

Dr. Clark and Mr. Marshall both explain that the most accurate way to estimate average truck trip length is to calculate the distance to the ports, which are common and reasonably foreseeable locations from which goods are transported to warehouses like the Project.[107] Moreover, disclosure of air pollution from the entire expected length of truck trips is consistent with guidance from the Attorney General, which states: 5.32

> CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.[108]

Here, the Project site is approximately 90 miles away from the Port of Los Angeles and Port of Long Beach.[109] Therefore, a minimum average heavy duty truck trip length of 90 miles should be used.[110] Using a 90-mile daily truck trip

[105] Clark Comments at p. 14.
[106] DEIR at p. 5.7-12, appen. B at p. 42.
[107] Clark Comments at p. 13; Marshall Comments at p. 5.
[108] Rob Bonta, Attorney General, State of California, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (last updated Sept. 2022) p. 7, *available at* https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf.
[109] Marshall Comments at p. 5; Clark Comments at p. 14.
[110] *Id.*

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would more than double the daily emission of pollutants associated with the Project, increasing the regional burden and resulting in a potentially significant impact.[111]

Furthermore, depending on the type of warehouse operation, the actual trip generation rate could be three times greater than the DEIR's assumption.[112] An increased intensity would further compound the Project's air quality, GHG, and VMT impacts.[113] The City must correct the estimated distance traveled by trucks and analyze the Project's impacts based on actual distances trucks are expected to travel to service the Project. 5.32 cont.

D. The DEIR Fails to Disclose or Analyze Valley Fever Impacts

The DEIR is silent with respect to Valley Fever. Valley Fever is a disease that can infect people when they are exposed to *Coccidioides immitis* fungal spores during ground disturbance, such as site preparation and grading associated with this Project's construction.[114] The fungus is naturally present in certain soils, and the fungi can be inhaled when they are stirred into the air by anything that disrupts the soils in which the fungi are present, such as construction and wind.[115]

Symptoms include fever, cough, headache, rash, muscle aches, or joint pain.[116] In severe cases, patients develop pneumonia or meningitis, sometimes resulting in death.[117] Valley Fever is endemic in the Southwestern United States, including San Bernardino County and the Mojave Desert.[118] Dr. Clark's comments describe the increasing incidence of Valley Fever in San Bernardino County over the last several years.[119] 5.33

As Dr. Clark emphasizes, there is a significant risk of Valley Fever to both workers constructing the Project and nearby residents.[120] Dr. Clark describes the known presence of Valley Fever spores in the soils of the Southern California high

[111] Clark Comments at p. 14.
[112] Marshall Comments at p. 5.
[113] *Id.*
[114] Clark Comments at p. 6.
[115] Clark Comments at p. 6.
[116] Clark Comments at p. 10.
[117] Clark Comments at p. 10.
[118] Clark Comments at p. 7.
[119] Clark Comments at p. 7; *see also* California Department of Public Health, Coccidioidomycosis in California Monthly Provisional Report: January – October 2023 (Oct. 31, 2023), *available at* https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciinCAProvisionalMonthlyReport.pdf.
[120] Clark Comments at p. 6.

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desert and San Bernardino County, where the Project site is located.[121] Workers involved in soil-disturbing activities, such as grading, can be exposed to Valley Fever in disturbed and windblown dust containing Valley Fever spores.[122] Nearby workers and other receptors downwind of disturbed soils are also at risk.[123]

The DEIR relies on Mojave Desert Air Quality Management District Rule 403.2, which ensures that National Ambient Air Quality Standards for PM10 will not be exceed due to anthropogenic sources of fugitive dust within the Mojave Desert Planning Are and implements the control measures contained in the Mojave Desert Area Federal PM10 Attainment Plan.[124] However, Dr. Clark points out that standard dust mitigation measures are inadequate to protect construction workers and other nearby receptors from the risk of Valley Fever.[125] Dr. Clark identifies several mitigation measures that can actively suppress the spread of Valley Fever, including: 5.33 cont.

- A site-specific Valley Fever Dust Management Plan.
- Specific requirements in the Project's Injury and Illness Prevention Program regarding safeguards to prevent Valley fever.
- Controls for dust exposure.
- Prevent transport of *Coccidioides immitis* fungal spores outside the Project area.
- Improve medical surveillance for construction workers.[126]

Specific details regarding these measures can be found in Dr. Clark's comments.[127]

Dr. Clark's comments and analysis constitute substantial evidence supporting the conclusion that the Project may have significant, unmitigated health risks to Project construction workers and nearby residents. The DEIR must be revised to evaluate these potentially significant impacts and adopt feasible mitigation measures to reduce impacts to less than significant.

[121] Clark Comments at p. 7.
[122] Clark Comments at p. 6.
[123] Clark Comments at p. 6.
[124] DEIR at p. 5.2-9.
[125] Clark Comments at p. 11-12.
[126] *Id.*
[127] *Id.*

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E. The DEIR Fails to Adequately Disclose, Analyze, and Mitigate the Project's Potentially Significant Transportation Impacts

1. The DEIR Fails to Consider Reasonably Foreseeable Traffic-Intensive Uses

To comply with CEQA, the lead agency must make "a reasoned and good faith effort to inform decision makers and the public" about the project's potential impacts.[128] This includes a meaningful analysis of all reasonably foreseeable project impacts, including the project's various allowed uses.[129] The DEIR assumes that 75% of the project site would be used for warehouse, 20% for manufacturing, and 5% for cold storage.[130] In doing so, the DEIR does not consider all reasonably foreseeable uses for the Project that would result in significantly greater traffic. By disregarding reasonably foreseeable uses that would result in significantly higher traffic from the Project, the DEIR thus fails to "reflect a good faith effort at full disclosure" as is required by CEQA.[131]

5.34

The DEIR evaluates the Project's traffic and VMT impacts based on the *Trip Generation Handbook, 11th Edition* published by the Institute of Transportation Engineers ("ITE").[132] The DEIR assumes the project site would be utilized as follows:

- 75% High Cube Transload and Short-Term Storage Warehouse (Land Use 154) Without Cold Storge
- 5% High Cube Transload and Short-Term Storage Warehouse (Land Use 154) With Cold Storge
- 20% Manufacturing (Land Use 140).[133]

The DEIR calculates 1,357 trips per day for the three categories combined.[134] This results in a net average rate of 2.07 trips per 1,000 square feet.

Mr. Marshall explains that the Trip Generation Handbook includes different "high-cube warehouse" categories which have significantly different trip generation rates than those assumed by the DEIR.[135] In fact, Mr. Marshall demonstrates that

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[128] *Berkeley Jets*, 91 Cal.App.4th at 1367.
[129] *Laurel Heights I*, 47 Cal.3d at 396.
[130] DEIR at p. 3.0-27.
[131] CEQA Guidelines § 15151; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 721-722.
[132] DEIR at p. 5.12-12, appen. K at p. 1; Marshall Comments at p. 4.
[133] DEIR at p. 3.0-27, appen. K at p. 4.
[134] DEIR at p. 5.12-12, appen. K at p. 27.
[135] Marshall Comments at pp. 4-5.

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the trip generation rate applied in the DEIR is much lower than the rates for other warehouse categories.[136] For example, the Parcel Hub Warehouse trip generation rate is 2.2 times higher than the rate use in the DEIR, which would add 1,678 trips per day over the rate assumed in the DEIR. [137] The Fulfillment Center Warehouse with Sorting trip generation rate is 3.1 times higher than the rate used in the DEIR, which would add 2,864 trips per day to the rate assumed in the DEIR.[138]

The DEIR relies on the least intensive use categories to evaluate the Project's impacts, without substantial evidence to support the DEIR's chosen method. Based on Mr. Marshall's comments, the Project could generate significantly more trips per day if all reasonably foreseeable uses were quantified. An underestimation in the Project's trip generation rate for the Project results in underestimation of the Project's VMT impact. This is critical because the Project's projected effect on VMT based on the DEIR's assumptions is only 1.4 below the County's regional average, whereas VMT would be substantially higher if more relevant trip generation rates were used.[139] The underestimation also impacts the air quality, GHG emission, noise, and vibration analysis. The City must revise the DEIR based on the reasonably foreseeable trip generation rates for the Project.

5.34 cont.

2. The DEIR Fails to Consider and Adopt All Feasible Mitigation Measures to Reduce the Project's Cumulative VMT Impacts Before Concluding the Impact is Significant and Unavoidable

The DEIR concludes that the Project's cumulative VMT impact is significant because it is 13.51% above the DEIR's significance threshold of 32.7.[140] To reduce this impact, the DEIR proposes Mitigation Measure ("MM") T-1.[141] MM T-1 requires that the Project applicant (1) implement Commute Trip Reduction Marketing, (2) provide a Ridesharing Program, and (3) provide end of trip bicycle facilities to encourage employees carpooling, taking transit, and biking to work.[142] All employees would be eligible to participate in all identified measures.[143]

5.35

CEQA prohibits agencies from approving projects with significant environmental effects if there are feasible mitigation measures or alternatives that

[136] Marshall Comments at p. 3.
[137] *Id.*
[138] *Id.*
[139] DEIR at p. 5.12-12.
[140] DEIR at p. 5.12-14.
[141] DEIR at p. 5.12-14.
[142] DEIR at p. 5.12-17.
[143] DEIR at p. 5.12-17.

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can substantially lessen or avoid those effects.[144] CEQA defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors."[145] "The core of an EIR is the mitigation and alternatives sections."[146] When an EIR concludes that a project will have significant impacts, the lead agency has two duties: to meaningfully consider feasible mitigation measures and alternatives, and to identify mitigation measures and alternatives rejected as infeasible.[147]

If significant effects still exist, a project may still be approved if the "unmitigated effects are outweighed by the project's benefits."[148] However, "[e]ven when a project's benefits outweigh its unmitigated effects, **agencies are still required to implement all mitigation measures unless those measures are truly infeasible**."[149] 5.35 cont.

Infeasibility findings must be supported by substantial evidence.[150] The lead agency must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible. While the response need not be exhaustive, it should evince good faith and a reasoned analysis, and must explain why measures proposed by commenters are not feasible.[151] When an agency finds alternatives or mitigation measures to be infeasible, "its analysis must explain in meaningful detail the reasons and facts supporting the conclusion. The analysis must be sufficiently specific to permit informed decision-making and public participation."[152] Conclusory statements are inadequate.[153]

For example, neither the DEIR, nor the VMT Analysis (Appendix K), evaluate the feasibility of requiring Employer-Sponsored Vanpool (CAPCOA 5.36

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[144] Pub. Res. Code § 21002; *Mountain Lion Found. v. Fish & Game Comm'n* (1997) 16 Cal.4th 105, 134.
[145] Pub. Res. Code § 21061.1; CEQA Guidelines § 15364.
[146] *Goleta II*, 52 Cal.3d at 564.
[147] *Covington v. Great Basin Unif. Air Poll. Control Dist.* (2019) 43 Cal.App.5th 867, 879-883; *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1353.
[148] *Sierra Club*, 6 Cal.5th at 524.
[149] *Id*. at 524-25 (emphasis added); *Covington*, 43 Cal.App.5th at 879-883.
[150] Pub. Res. Code § 21081.5.
[151] *Covington*, 43 Cal.App.5th at 883; *Los Angeles Unif. School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1029; *see also Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443, fn. 8.
[152] *Marin Mun. Water Dist. v. KG Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1664.
[153] *Covington*, 43 Cal.App.5th at 879; *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.4th 603, 615; *Village Laguna of Laguna Beach v. Bd. of Supervisors* (1982) 134 Cal.App.3d 1022, 1034-35.

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Measure T-11). Vanpooling is a flexible form of public transportation that provides groups of 5 to 15 people with cost-effective convenient rideshare option for commuting.[154] The mode shift from long-distance, single-occupied vehicles to shared vehicles reduces overall commute VMT.[155]

Mr. Marshall identifies ridesharing and vanpooling as the most relevant trip reduction strategies for this Project.[156] Including vanpooling would greatly strengthen VMT mitigation because a 20.4% reduction is possible when the employer covers the capital costs of vehicle acquisition and the labor costs of drivers, either through incentives to current employees or the hiring of dedicated drivers.[157] The DEIR must evaluate the feasibility of vanpooling before it can conclude the Project's VMT impacts are significant and unavoidable. 5.36 cont.

F. The DEIR Fails to Include a Water Supply Assessment

Senate Bill ("SB") 610 mandates that a water supply assessment ("WSA") be prepared for projects that are subject to CEQA and meet certain criteria, including "[a]n industrial, manufacturing, or processing plant, or industrial park … having more than 650,000 square feet of floor area."[158] CEQA Guidelines § 15155(a) identifies these types of projects as a "water-demand project." Although the DEIR acknowledges SB 610,[159] the City fails to explain why the Project is not subject to the WSA requirements.

The Project qualifies as a "water-demand project" because it would include development of a 655,468-square foot industrial building that would support warehouse, manufacturing, and office uses.[160] In fact, the proposed building would have a footprint of 650,468 square feet and a mezzanine of 5,000 square feet.[161] 5.37

The City must include the WSA and any water acquisition plan in a revised and recirculated DEIR.[162] In addition, the City must determine, based on the entire record, whether the projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses.[163] If the

[154] Marshall Comments at p. 3-4.
[155] *Id.*
[156] *Id.*
[157] Marshall Comments at p. 3.
[158] Water Code § 10912(a)(5); Pub. Res. Code § 21151.9.
[159] DEIR at p. 5.14-2.
[160] DEIR at p. 3.0-12.
[161] DEIR at p. 3.0-12.
[162] CEQA Guidelines § 15155(e).
[163] CEQA Guidelines § 15155(e).

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City concludes that water supplies will not be sufficient, it must include that determination in its findings.[164]

5.37 cont.

G. The City Lacks Substantial Evidence to Support the DEIR's Water Demand Estimate

Despite failing to complete the water supply assessment mandated by SB 610, the City concludes that the Project would have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years.[165] To reach this conclusion, the City estimated that the water demand rate for the proposed Project would be 2,000 gallons per day ("GPD") per acre, resulting in an increased water demand of 59,220 GPD or 66.33 acre-feet per year ("AFY").[166] In a footnote, the City explains it based the water demand rate on a "comparison to other industrial/warehouse uses in the County of San Bernardino in order to account for the increase water needs of industrial facilities."[167]

Even assuming a WSA is not required, the DEIR lacks substantial evidence to support the Project's estimated water demand because it does not disclose enough relevant information. The DEIR does not identify any of the industrial/warehouse projects it utilized as a comparison. In fact, the utilities and service systems reference section does not list documents from any other industrial/warehouse projects. While documents relied on in preparing an EIR need not be incorporated into the EIR or an appendix, the EIR must include citations to any documents that were used as the basis for any statements in the EIR.[168] Because the DEIR fails to disclose the basis for the Project's estimated water demand, the DEIR's discussion of the Project's impacts on water supplies does not include a reasoned analysis (i.e., "full discussion," a "good faith effort at full disclosure," or an "analytically complete and coherent explanation").[169]

5.38

Moreover, the DEIR likely grossly underestimates the Project's total water demand given the expected water demand for similar projects in the area. For example, the City recently observed that construction of two industrial/warehouse buildings totaling 414,700 square feet on a nearby 17.87-acre site would result in a

[164] CEQA Guidelines § 15155(e).
[165] DEIR at pp. 5.14-7 to 5.14-8.
[166] DEIR at p. 5.14-7.
[167] DEIR at p. 5.14-7, fn. 1.
[168] CEQA Guidelines § 15148.
[169] *See Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48.

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total water demand of 217,260 GPD or 243 AFY.[170] In contrast, the DEIR estimates that the Project's significantly larger industrial warehouse would demand 73% less water.

5.38 cont.

V. CONCLUSION

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

5.39

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

Sincerely,

Andrew J. Graf

Attachments
AJG:acp

[170] City of Hesperia, Draft Environmental Impact Report: Poplar 18 Project (Nov. 2022) at p. 4.11-16 (hereinafter "Poplar 18 DEIR"), *available at* https://www.cityofhesperia.us/DocumentCenter/View/17968.

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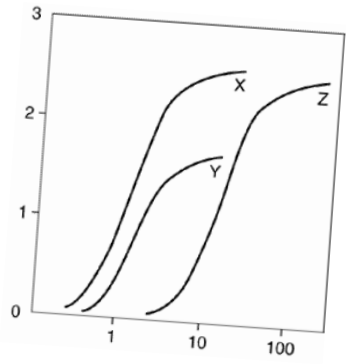
EXHIBIT A



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November 30, 2023

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

Attn: Mr. Andrew J. Graf

Subject: Comment Letter on Draft Environmental Impact Report (DEIR) For Kiss Logistics Center Project, Hesperia, California

Dear Mr. Graf:

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

The proposed building area would be 639,468 SF, inclusive of a 11,000 SF ground floor office space and a 5,000 SF mezzanine for additional office use. The gross lot acreage is defined in the City municipal code to include the property dimensions up to the centerline of the street. Therefore, based upon the gross lot acreage of 1,355,149 SF, the proposed building would result in an FAR of 0.48. The building would include 30 loading dock doors along the east side of the building and 30 dock doors along the west side of the building for a total of 60 dock doors. The Project would also provide 83 trailer stalls located opposite of the loading dock doors on the east and west perimeter of the proposed parking areas.[1]

The Project is 38.3-acres and includes the 29.61-acre Project site and 8.9-acres of offsite improvements. The 29.61 acre Project site is comprised of three parcels identified as Assessor's Parcel Numbers

[1] EPD Solutions. 2023. Kiss Logistics Center Project Draft Environmental Impact Report. October, 2023. Pg 1.0-1

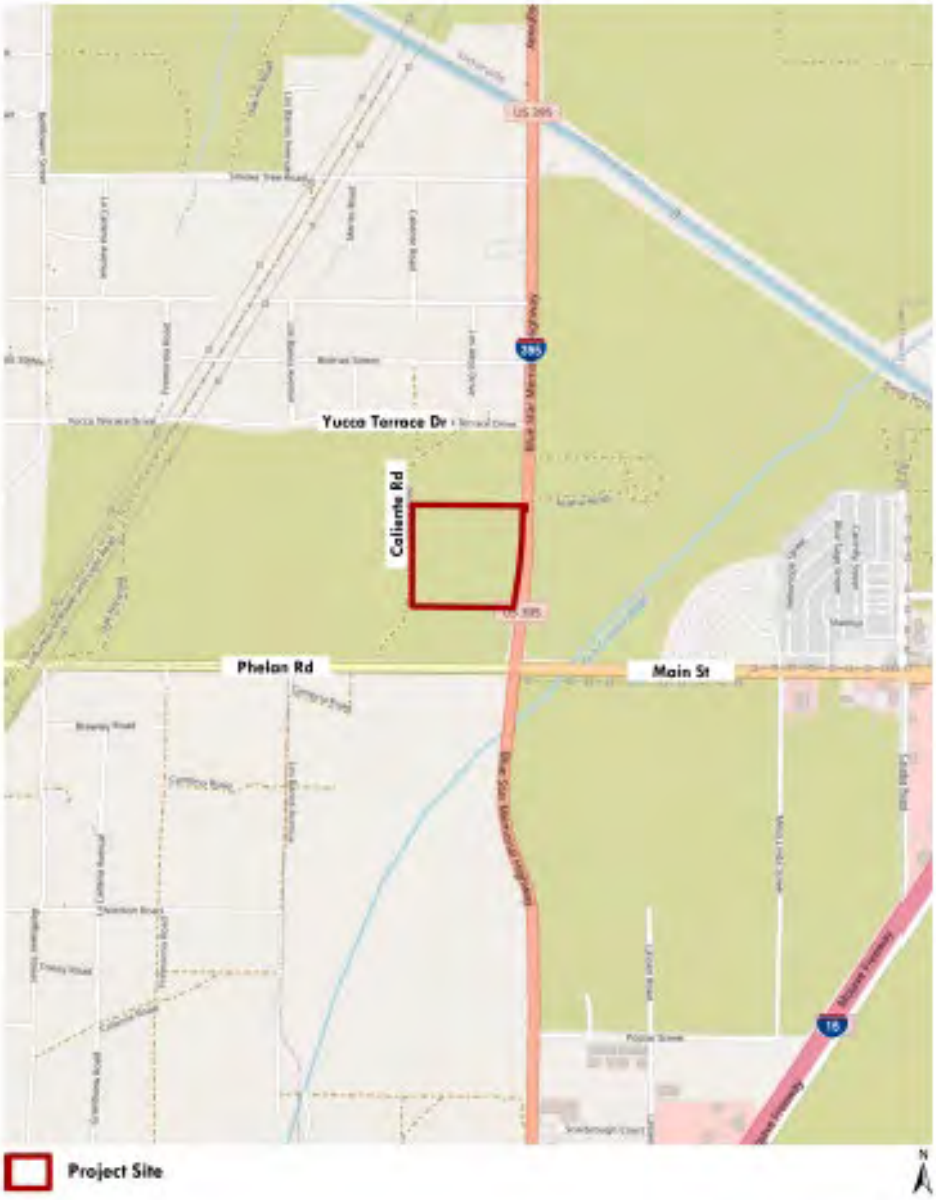


Figure 1: Project Site Location

(APNs) 3064-401-03, -04, and -05. [2]

[2] Ibid. pg 1.0-1 – 1.0-2

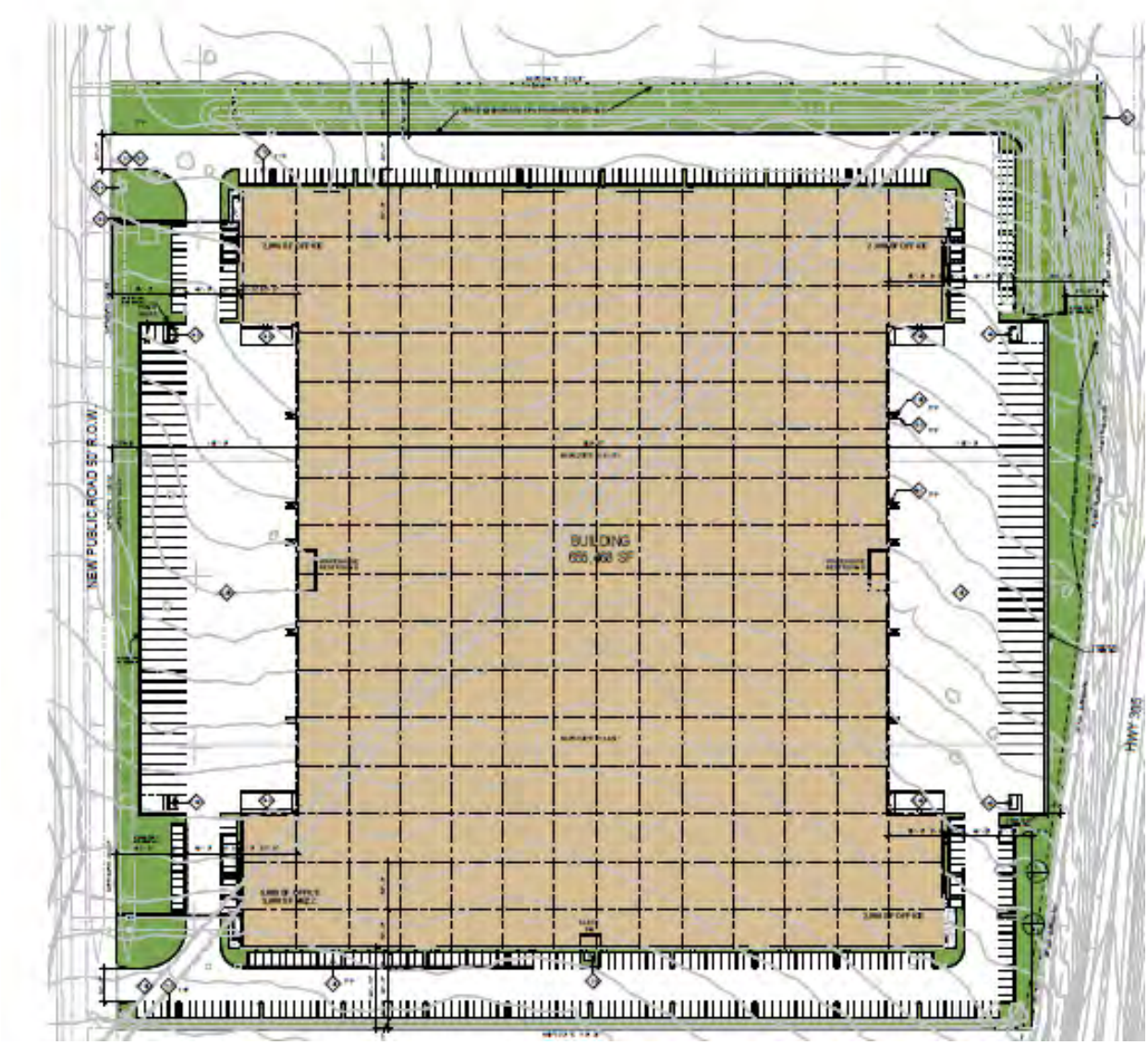


Figure 2: Project Conceptual Site Plan

According to the DEIR, the Project would be operated as a combination of high cube warehouse, manufacturing, and office use. The DEIR assumes 75 percent would be used for warehouse, 20 percent for manufacturing and five percent of floor space dedicated to cold storage.[3] The outdoor cargo handling equipment used during loading and unloading of trailers (e.g., yard trucks, hostlers, yard goats, pallet jacks, forklifts) would be non-diesel powered, in accordance with

[3] EPD Solutions. 2023. Kiss Logistics Center Project Draft Environmental Impact Report. October, 2023. Pg 3.0-27

contemporary industry standards. [4]

Project development is estimated to take approximately 14 months, beginning fourth quarter 2023 and fourth quarter November 2024. Construction activities for the Project would occur over one phase and would be conducted in the order of: site preparation, grading, building construction, paving, and architectural coatings. Each phase of the construction process is assumed to be conducted from start to finish without overlap. Staging for the project would be contained within the Project area.

Table 1: Assumed Construction Schedule

Construction Activity	Working Days
Site Preparation	15
Grading	20
Building Construction	230
Architectural Coating	15
Paving	130

Table 5-1. Cumulative Projects List

Project	Land Use	Quantity (TSF)
1. I-15 Industrial Park A - CUP21-00005	General Light Industrial	647.5
2. I-15 Industrial Park B - CUP21-00004	High-Cube Fulfillment Center Warehouse	1,202.50
3. U.S. Cold Storage (CUP21-00003)	High-Cube Cold Storage Warehouse	491
4. Pixior Warehouse (CUP20-00006)	High-Cube Fulfillment Center Warehouse	440
5. Hesperia Commerce Center II (CUP19-00010)	General Light Industrial/High-Cube Fulfillment Center Warehouse	3,745.43
6. Hesperia Commerce Center (CUP11-10229)	High-Cube Fulfillment Center Warehouse	3,500
7. Poplar 18 (CUP21-00010)	High-Cube Fulfillment Center Warehouse	414.7
8. CUP22-00003	High-Cube Fulfillment Center Warehouse	750
9. CUP22-00006	Mini-Warehouse	428 (storage units)
10. Mesa Linda Street Warehouse	High-Cube Transload and Short-Term Storage	408.997
11. Hesperia/Dara Industrial Center	High-Cube Fulfillment Center Warehouse/ High-Cube Cold Storage Warehouse	750

[4] Ibid

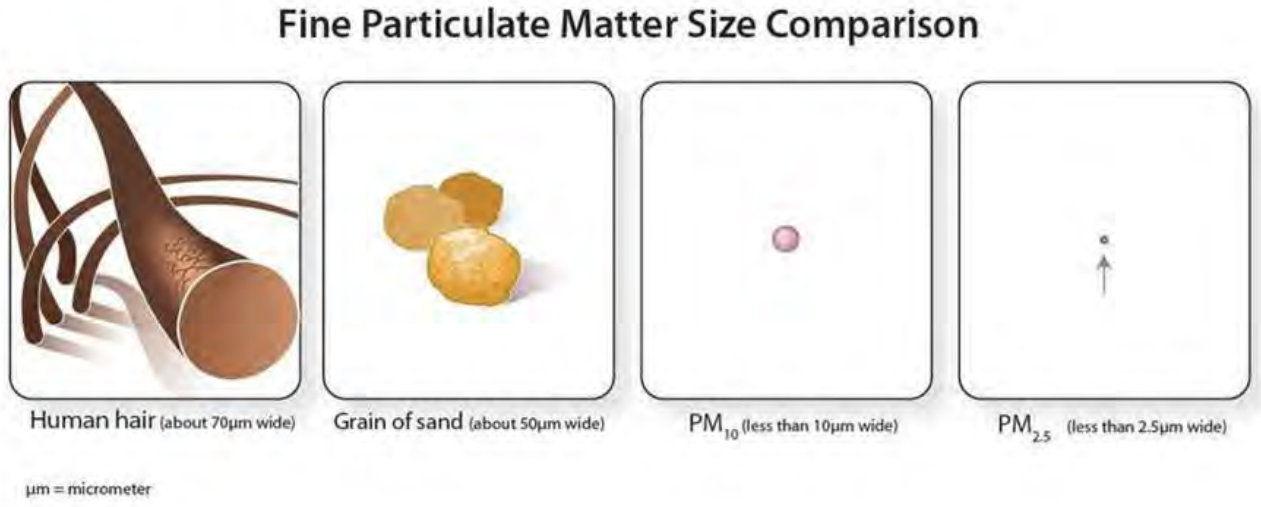
The City notes that there are 10 different light industrial/high-cube warehouse projects and 1 mini-house (containing 428 storage units) within the vicinity of the Project site. The high cube warehouse projects total 12,349,997 square feet of warehousing. The DEIR only assesses the impacts qualitatively.

The DEIR concludes that no mitigation is required to prevent impacts from the project on air quality in the area. This conclusion is in conflict with the facts provided within the DEIR.

Specific Comments:

1. The DEIR Fails To Consider The Known Issue of *Coccidiodes Immitis* (Valley Fever Cocci) Transport From The Project Site To The Nearest Sensitive Receptor.

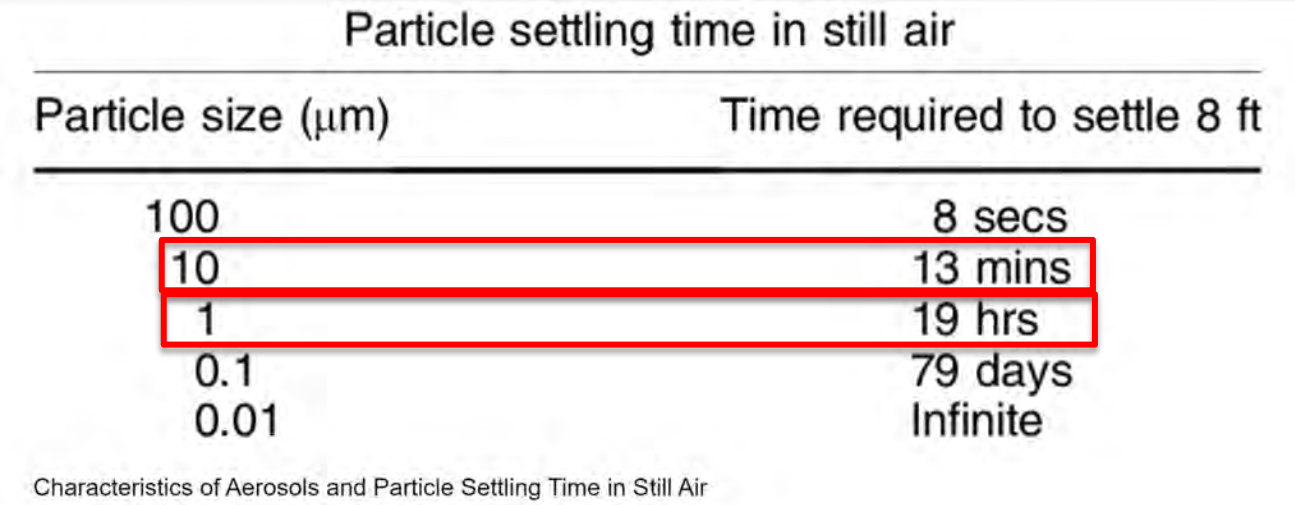
The DEIR fails to adequately address the known presence/issue of *Coccidiodes Immitis* (Valley Fever Cocci) in the Southern California. The spores of *Coccidiodes immitis*, (*cocci*), cause Valley Fever (VF) in workers involved in soil disturbing work (i.e, grading and demolition activities) and residents downwind of those disturbed soils. Since the spores of *Coccidiodes immitis* reside in soils and are not subject to degradation, entrainment of the potentially impacted soils may cause additional issues to further development of the site.



Very small particles require different mitigation measures than the much larger PM_{10}. The settling velocity of a particle, and, as a result, the settling time of the particle, are proportional to the diameter of the spherical particle squared. The larger the sphere diameter, the faster the particle will settle. The smaller the particle diameter, the longer it will stay suspended in air. As was noted in my initial comments *Coccidiodes Immitis* spores are very small. The spores are typically 0.002–0.005 millimeters ("mm") or 2 microns to 5 microns in diameter. In a 2004 paper regarding the fate of viruses and bacteria, including spores, in the air, Utrup and Frey[5] noted that smaller particles like spores require significantly longer to settle out of air. For particles 10 um in diameter the settling

[5] Utrup, L. and A. Frey. 2004. Fate of Bioterrorism-Relevant Viruses and Bacteria, Including Spores, Aerosolized into an Indoor Air Environment. *Experimental Biology and Medicine* 229(4):345-50

time is measured in minutes. For particles less than 10 um in diameter, the settling time is measured in hours. This would allow the spores to travel significantly longer distances impacting receptors at greater distances.



Particle settling time in still air

Particle size (μm)	Time required to settle 8 ft
100	8 secs
10	13 mins
1	19 hrs
0.1	79 days
0.01	Infinite

Characteristics of Aerosols and Particle Settling Time in Still Air

Clearly, based on the particle size and setting rate, Valley Fever spores are capable of travel many miles following their disturbance in soils.

The number of cases of Valley Fever in San Bernardino County has increased from 29 in 2015 to 229 in 2019 (an increase of 789 percent), as reported by the California Department of Public Health (CDPH).[6] In 2021, 66 cases were recorded in San Bernardino County,[7] twice as many as the amounts reported in 2015. In the first quarter of 2023, San Bernardino County reported 45 cases, representing a nearly 55% increase over the baseline year of 2015 in only one quarter of the year. Since Valley Fever cases are directly related to the disturbance of soils in the area, the City must directly address the impacts that the project's construction phase will have on the community.

[6] CDPH. 2019. Epidemiologic Summary of Valley Fever (Coccidiodomycosis) In California, 2019. Surveillance and Statistics Section, Infection Diseases Branch, Division of Communicable Disease Control, Center For Infectious Diseases, California Department of Public Health. https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2019.pdf

[7] CDPH. 2023. Coccidiodomycosis In California, Provisional Monthly Report, January – March 2023 (as of March 31, 2023). Surveillance and Statistics Section, Infection Diseases Branch, Division of Communicable Disease Control, Center For Infectious Diseases, California Department of Public Health. https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciinCAProvisionalMonthlyReport.pdf

A study in nearby Antelope Valley identified a correlation between soil disturbance due to large-scale renewable energy construction projects, agricultural management practices and PM_{10} fugitive dust emissions with increased incidence of coccidioidomycosis.[8]

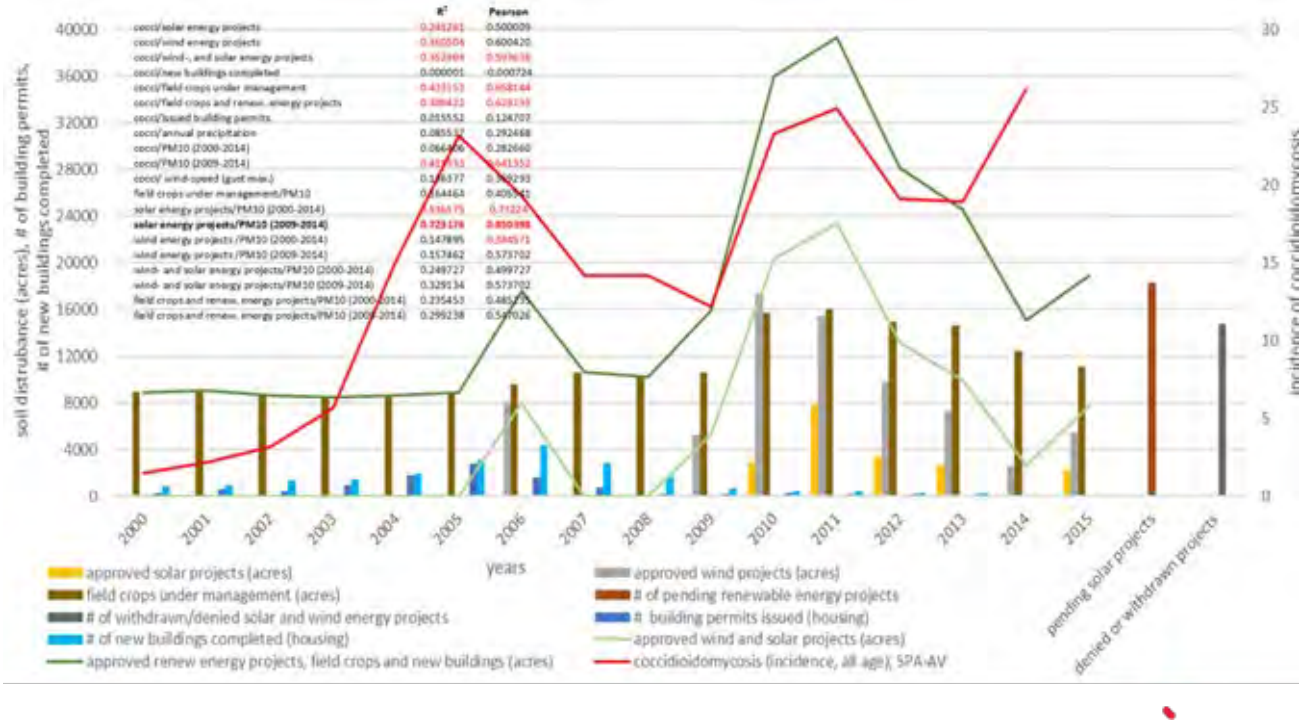


Figure 3: Valley Fever Incidence And Soil Disturbance

It is evident from the figure above that as the number of acres of soil in the Antelope Valley were disturbed the incidence rate of Valley Fever also increased. Within a ½ mile of the KISS Project Site, 3 projects totaling 7,660,130 square feet of warehouse (encompassing at least 175.9 acres) will be developed concurrently. This mass disturbance of soils clearly will create the same conditions that were detailed in the study by Colson. [9]

Windblown dust from Project-disturbed soils is a particular concern at this site due to desert winds, which occur in the area. Desert winds can raise significant amounts of dust, even when conventional dust control methods are used, often prompting alerts from air pollution control districts.

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

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

If these winds occurred during grading, cut and fill, or soil movement, or from bare graded soil surfaces (even if periodically wetted), significant amounts of PM_{10}, $PM_{2.5}$, and associated Valley Fever spores as well as silica dust would be released.

According to research on VF, outbreaks in populations with intense exposure to aerosolized arthroconidia are at greater risk for infection. These groups include agricultural or construction workers, or persons who participate in outdoor activities such as hunting or digging in the soil. Outbreaks of coccidioidomycosis have been linked to a variety of activities involving disturbance of impacted soils.[10,11,12] Since Valley Fever cases are directly related to the disturbance of soils in the area, the City must directly address the impacts that the project's construction phase will have on the community.

Valley fever is the initial form of coccidioidomycosis infection. The acute form of Valley Fever can develop into a more serious disease, including chronic and disseminated coccidioidomycosis. The initial, or acute, form of coccidioidomycosis is often mild, with few or no symptoms. Signs and symptoms occur one to three weeks after exposure. They tend to be similar to flu symptoms. Symptoms can range from minor to severe, including:

- Fever
- Cough
- Tiredness
- Shortness of breath
- Headache
- Chills
- Night sweats

[10] Brown. Et al. 2013. Coccidioidomycosis: epidemiology. *Clinical Epidemiology*. 5:185-197.

[11] Rafael Laniado-Laborin, Expanding Understanding of Epidemiology of Coccidioidomycosis in the Western Hemisphere, Annals of the New York Academy of Sciences, v. 111, 2007, pp. 20–22, available at https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.004; Frederick S. Fisher, Mark

W. Bultman, Suzanne M. Johnson, Demosthenes Pappagianis, and Erik Zaborsky, Coccidioides Niches and Habitat Parameters in the Southwestern United States, a Matter of Scale, Annals of the New York Academy of Sciences, v. 111, 2007, pp. 47–72 ("All of the examined soil locations are noteworthy as generally 50% of the individuals who were exposed to the dust or were excavating dirt at the sites were infected."), available at https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.031.

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

- Joint aches and muscle soreness
- Red, spotty rash, mainly on lower legs but sometimes on the chest, arms and back

If the initial coccidioidomycosis infection doesn't completely resolve, it may progress to a chronic form of pneumonia. This complication is most common in people with weakened immune systems. Signs and symptoms of chronic coccidioidomycosis include:

- Low-grade fever
- Weight loss
- Cough
- Chest pain
- Blood-tinged sputum (matter discharged during coughing)
- Nodules in the lungs

The most serious form of the disease, disseminated coccidioidomycosis, is uncommon. It occurs when the infection spreads (disseminates) beyond the lungs to other parts of the body. Most often these parts include the skin, bones, liver, brain, heart, and the membranes that protect the brain and spinal cord (meninges). Signs and symptoms of disseminated disease depend on the body parts affected and may include:

- Nodules, ulcers and skin lesions that are more serious than the rash that sometimes occurs with initial infection
- Painful lesions in the skull, spine or other bones
- Painful, swollen joints, especially in the knees or ankles
- Meningitis — an infection of the membranes and fluid surrounding the brain and spinal cord

Given the wide range of public health impacts from coccidioidomycosis infection/exposure it is clear that

The City must prepare a revised DEIR to disclose the impacts of the Project's ground disturbing construction activities on the closest receptors, and to incorporate effective VF mitigation for off-site receptors to ensure that public health will be protected adequately in a revised DEIR. Prior to any soil disturbance and well in advance of construction, the Project construction site should also be tested to determine if VF spores are present.

2. The DEIR Fails To Propose Any Mitigation Measures To Address Impacts from Exposure to *Coccidiodes Immitis* (Valley Fever Cocci) From Particulate Matter Released From Site.

Conventional dust control measures do nothing to prevent the spread of *Coccidiodes immitis*, (*cocci*) and are not effective at controlling Valley Fever[13] because they largely focus on visible dust or larger dust particles—the PM_{10} fraction—not the very fine particles where the Valley Fever spores are found. The use of PM_{10} and visible dust as a measure of the potential exposure to *Coccidiodes immitis*, (*cocci*) fails to consider the size of the spores (5 times smaller than the visible dust). The larger PM_{10} particles will settle out of the air column much quicker than the very fine spores. This fact allows the spores to spread in over a much greater area than the dust particles. Standard Air Quality Mitigation Measures such as watering of soils would not provide sufficient protection to on-site workers nor would they prevent the spread of *Coccidiodes immitis* from the site to receptors farther away. Compliance with SCAQMD Rule 403 would still fail to prevent the exposure of workers on- and off-site to *Coccidiodes immitis* impacted soils. Sampling for and removal of impacted soils is the best solution to *Coccidiodes immitis* spores. Since *Coccidiodes immitis* resides in soils and are not subject to degradation, entrainment of the potentially impacted soils may cause additional issues to further development of the site.

The City should require measures from the Proponent to actively suppress the spread of VF by:

1. A site specific Valley Fever Dust Management Plan should be prepared that includes a site-specific work plan (SWP) as well as a sampling and analysis plan (SAP) to measure the amount of *Coccidiodes immitis* present in soils at the Site prior to any soil disturbance on site. The SWP and SAP should detail the goals of the investigation(s), the collection methods, the number of samples to be collected, and the minimum detection requirements. The results of the investigation should be presented to the South Coast Air Quality Management District (SCAQMD) to ensure compliance with the goals of the SAP and approval of the investigation results.
2. Include specific requirements in the Project's Injury and Illness Prevention Program (as required by Title 8, Section 3203) regarding safeguards to prevent Valley Fever.
3. Control dust exposure:
    - Apply chemical stabilizers at least 24-hours prior to high wind event;

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

- Apply water to all disturbed areas a minimum of three times per day. Watering frequency should be increased to a minimum of four times per day if there is any evidence of visible wind-driven fugitive dust;
- Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
- Half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.
- Prohibit eating and smoking at the worksite, and provide separate, clean eating areas with hand-washing facilities.
- Avoid outdoor construction operations during unusually windy conditions or in dust storms.
- Consider limiting outdoor construction during the fall to essential jobs only, as the risk of cocci infection is higher during this season.

5. Prevent transport of cocci outside endemic areas:
    - Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations.
    - Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate;
    - Load all haul trucks such that the freeboard is not less than six inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent; or cover haul trucks with a tarp or other suitable cover.
    - Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
    - Clothing should be changed after work every day, preferably at the work site.
    - Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.
    - Post warnings onsite and consider limiting access to visitors, especially those

without adequate training and respiratory protection.

6. Improve medical surveillance for employees:
    - Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
    - Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.
    - Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
    - Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.
    - Skin testing is not recommended for evaluation of Valley Fever.[14]
    - If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

The mitigation measures identified in this comment, based on actual experience during construction of solar and wind projects in endemic areas, should be required for the Project.

3. The Average Truck Trip Length Of 40 Miles Used In The Air Quality Analysis Does Not Match The Length(s) Used To Support Other Warehouse Projects.

According to the operations air quality analysis of Project,[15] the analysis incorporated the SCAQMD recommended truck trip length of 40 miles in CalEEMod. The "trip generation rates used in CalEEMod for the project were based on the project's Traffic Impact Analysis[52], which identifies that the proposed project would generate a total of approximately 1,357 average daily trips, including

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

[15] EPD Solutions. 2023. Kiss Logistics Center Project Draft Environmental Impact Report. October, 2023. Pg 5.7-12

976 passenger vehicles, 68 2-axle truck trips, 77 3-axle truck trips, and 236 4+-axle truck trips. This analysis assumes that the four+-axle truck trips would travel approximately 40 miles." [16]

This statement does not comport with the reality of where warehoused materials will ship from in the region. The 40-mile distance is insufficient to allow vehicles to travel to the major ports in the Southern California region – Los Angeles and Long Beach. The distance from the Port of LA to the Project site is approximately 90 miles via Interstate 15 to Interstate 10 to Interstate 710.

Using the 90-mile daily truck trip will nearly double the daily emissions of pollutants associated with the Project, increasing the Regional burden and resulting in a potentially significant impact. The City must address the impact of this issue in a revised DEIR.

4. The Air Quality Analysis Of Operational Emissions Is Incomplete And Fails To Include Emissions From The Fire Pump System That Will Be Installed Onsite.

According to the Air Quality Analysis prepared by LSA[17] for the Project, operational emissions were calculated using the CalEEMOD (Version 2022.1.1.7) software. Included in the analysis are area source emissions and mobile source emissions. Not included in the analysis are emissions from the fire flow pump system that will need to be installed. The type of pump and purpose are not provided in the Air Quality Analyses nor in the DEIR. The City's analysis is therefore incomplete and must be corrected in an environmental impact report for the Project.

5. The Air Quality Analysis Of The Construction Phase Of The Project Fails To Include The Installation Of Utilities Offsite To The Project Site.

According to the DEIR, the Project would include the construction of new onsite and offsite sewer lines. The proposed sewer line would begin from the northern portion of "A" Street and extend approximately 1,600 feet north until reaching Yucca Terrace Drive.[18] From there, the alignment would travel 3,400 feet easterly passing U.S. Highway 395. [19] The sewer line includes jack and bore pits that would be used to align the sewer beneath Oro Grande Wash Project.[20]

[16] LSA. Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report. April, 2023. Pg 42

[17] LSA. Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report. April, 2023.

[18] EPD Solutions. 2023. Kiss Logistics Center Project Draft Environmental Impact Report. October, 2023. Pg 3.0-13

[19] Ibid

[20] Ibid.

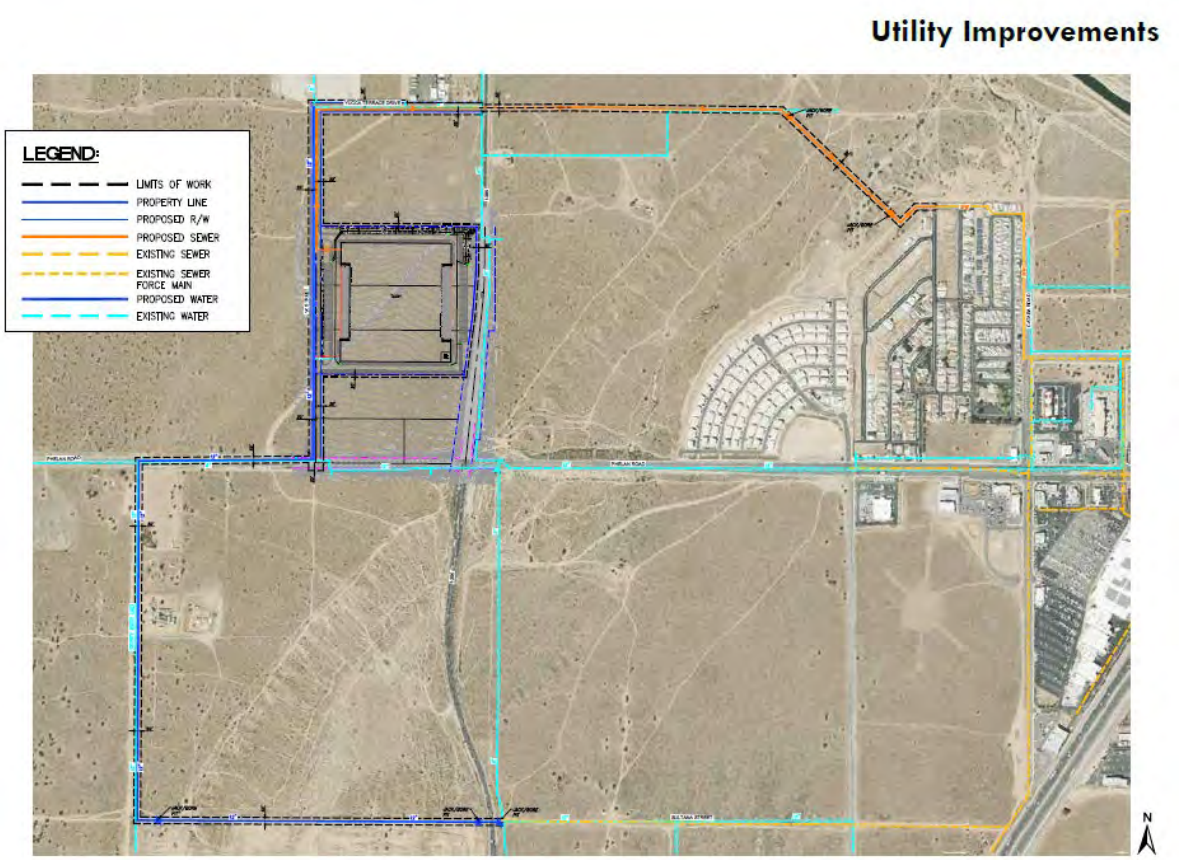


Figure 4: Utility Improvements

A review of the Air Quality Analysis by LSA[21] for the Project makes it clear that nowhere in the CalEEMOD analysis or in the attached spreadsheets is there a consideration of the utility improvements. The City's analysis is therefore incomplete and must be corrected in an environmental impact report for the Project.

[21] LSA. Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report. April, 2023.

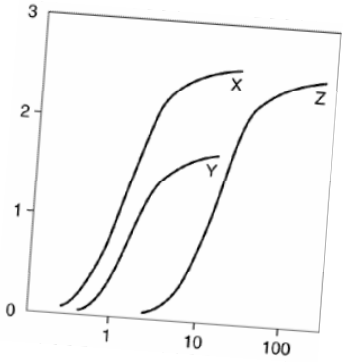
Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed. An environmental impact report should be prepared to address these substantial concerns.

Sincerely,

Exhibit A:

Curriculum Vitae



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

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

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

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

Client: Environmental Litgation Group, Birmingham, Alabama

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

Case Result: Settlement in favor of plaintiff.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

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

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

Case Result: Summary judgment for defendants.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

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

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247

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

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

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

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

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

Client – Confidential

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

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

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

Client – City of Santa Monica, Santa Monica, California

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

Client: Omnitrans, San Bernardino, California

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

Client: Confidential, San Francisco, California

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

Client: Confidential, Minneapolis, Minnesota

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

Client – United Kingdom Environmental Agency

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

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

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

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

Client: City of Santa Clarita, Santa Clarita, California

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

Client: Confidential, Los Angeles, California

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

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

Client – Confidential, Los Angeles, California

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

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

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

Client: Confidential, San Francisco, California

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

Client: Confidential, San Francisco, California

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

Client: Confidential, San Francisco, California

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

Client: Covanta Energy, Westwood, California

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

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (M*t*BE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of M*t*BE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

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

Client – Confidential, Los Angeles, California

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

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

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

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

Client: Confidential, Los Angeles, California

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

Client: Kaiser Venture Incorporated, Fontana, California

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

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

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

Client: Confidential, Escondido, California

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

Client: Confidential, San Francisco, California

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

Client: Confidential, Bogotá, Columbia

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

Client: Confidential, Los Angeles, California

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

Client: Confidential, Los Angeles, California

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

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

Client: Confidential, Los Angeles, California

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

Client: Confidential, Los Angeles, California

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

Client –Dominguez Energy, Carson, California

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

Kaiser Ventures Incorporated, Fontana, California

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

ANR Freight - Los Angeles, California

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

Kaiser Ventures Incorporated, Fontana, California

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

Unocal Corporation - Los Angeles, California

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

Client: Confidential, Los Angeles, California

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

Client: Confidential, San Francisco, California

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

Client: Confidential, San Francisco, California

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

IT Corporation, North Carolina

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

Professional Associations

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

Publications and Presentations:

Books and Book Chapters

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

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

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

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

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

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

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

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

Journal and Proceeding Articles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT B

794 Sawnee Bean Road
Thetford Center VT 05075

Norman Marshall, President
(802) 356-2969
nmarshall@smartmobility.com

November 30, 2023

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

Subject: KISS Logistics Center

Dear Mr. Graf,

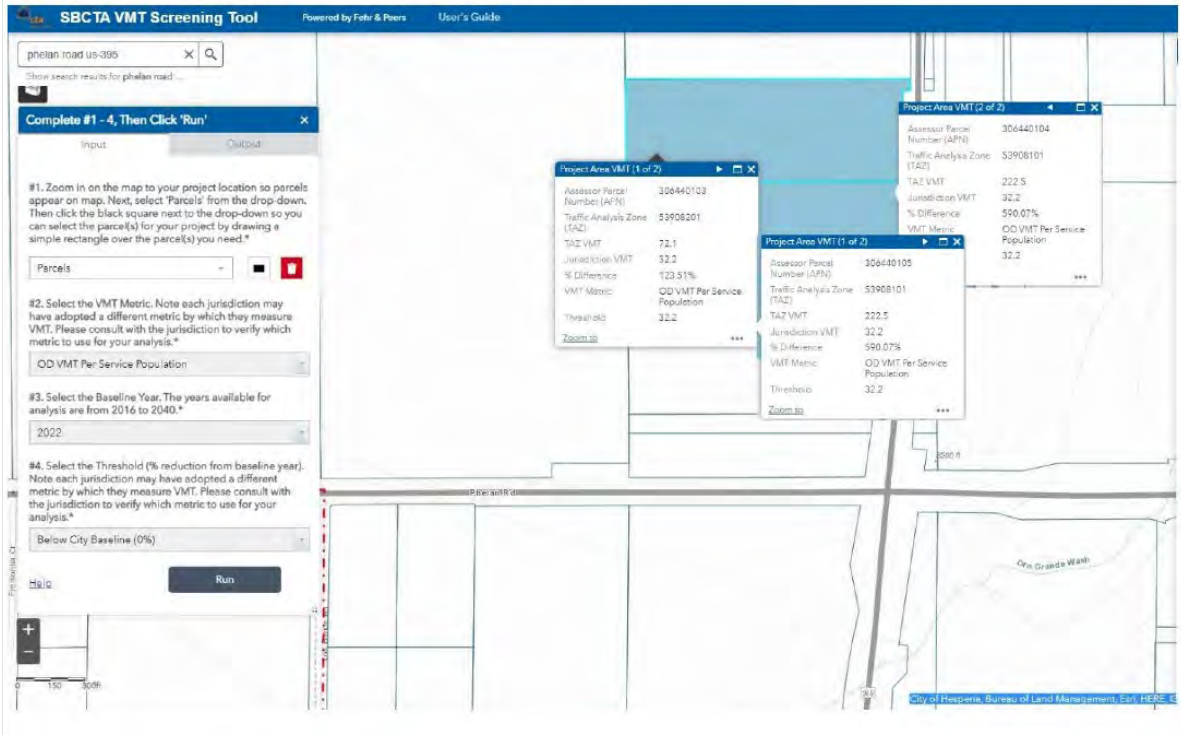
I have reviewed vehicle miles traveled (VMT), trip generation, and greenhouse gas (GHG) impacts of the proposed KISS Logistics Center as identified in the Draft Environmental Impact Report ("DEIR"). I make the following findings:

1) The DEIR demonstrates that the project will generate excessive VMT. The County's VMT Screening Tool shows one of the two project Transportation Analysis Zones ("TAZ") as more than double the County average and the other one almost seven times the County average. Additional modeling also shows VMT more than the threshold. The DEIR concludes that the VMT impact is "significant and unavoidable."
2) The VMT mitigation included in the DEIR does not adequately address the VMT impacts. Including vanpooling would greatly strengthen VMT mitigation. In addition, the mitigation plan should be strengthened with a trip reduction target, monitoring, and enforcement.
3) Project trip generation could be higher than assumed. Given the large uncertainty in the project's trip generation, the applicant should take one of two paths -either a) applying a significantly higher and more conservative trip generation rate, or b) requesting as a condition of approval that trip generation will not exceed the number assumed in the EIR, and this be certified prior to beginning construction.
4) Any trip generation underestimation translates into underestimated GHG and other emissions. In addition, truck trip lengths are critical to estimating emissions and cannot be accurately established at this time. The 40-mile average truck trip length assumed in the DEIR excludes most important truck origins and destinations, including major freight transfer points, food producing areas, food-processing facilities, and population centers. A higher and more conservative value should be used.

The DEIR Demonstrates that the Project Will Generate Excessive VMT

The DEIR demonstrates that the proposed project is in a highly VMT-inefficient location. As shown in DEIR Figure 5.12-1 (p. 5.12-10) reproduced below, the County's Screening Tool shows one of the two project Transportation Analysis Zones ("TAZ") as more than double the County average and the other one almost seven times the County average.

Figure 5.12-1: Low VMT Screening



After failing the screening by a wide margin, additional modeling was done in the DEIR. This modeling demonstrates that the project would have a significant VMT impact in DEIR Table 5.12-3 (p. 5.12-12) reproduced below.

Table 5.12-3: VMT Analysis of Project Impact

	2016	2040	2022
Project Zone VMT	15395.2	52112.0	24574.4
TAZ 53908101 Population	25	66	35
TAZ 53908101 Employment	553	1338	749
TAZ 53908101 Service Population	578	1404	785
Project VMT/SP	26.6	37.1	31.3
Baseline Threshold[1]	**Baseline Project VMT/SP**	**Percent Above/Below Threshold**	**Baseline VMT Impact?**
32.7	31.3	-4.21	No
Cumulative Threshold[2]	**Cumulative Project VMT/SP**	**Percent Above/Below Threshold**	**Cumulative VMT Impact?**
32.7	37.1	13.51	Yes

The DEIR states: "... because the cumulative VMT per service population is above the County's regional average of 32.7, the Project would have a significant impact on VMT." (p. 5.12-13) The DEIR further states that the proposed mitigation will not be sufficient to mitigate this significant impact: "Therefore, with implementation of the Mitigation Measure T-1, the Project's VMT impact would be significant and unavoidable." (DEIR, p. 5-12-14)

The DEIR fails to include this significant VMT impact in the summary table.

Additional VMT Mitigation is Required

The DEIR states:

> To mitigate the significant VMT impact, the Project would implement applicable measures from the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (hereafter CAPCOA). The Project would implement Commute Trip Reduction Marketing (CAPCOA Measure T-7), provide a Ridesharing Program (CAPCOA Measure T-8), and provide end of trip bicycle facilities (CAPCOA Measure T-10) to encourage employee carpooling, use of transit, and biking as alternative modes of transportation to work. (DEIR, p. 5.12-13)

The DEIR recognizes that the end of trip bicycle facilities would have little effect on VMT and estimates a reduction of only 0.03% from that measure. The estimated reductions from the other measures are more substantial with a total estimated VMT reduction of 4.77%. (DEIR, Table 5.12-6, p. 5-12.14)

These estimates are speculative because one of the inputs to the calculations is the percentage of employees who could participate in the programs, and this cannot be determined at this time. All demand management is complicated by the 24/7 operation of the project. (DEIR, p. 3.0-27)

Transit service to and from the project site is inadequate for commuting because of the long distances to bus stops. The DEIR states:

> The Project area is served by bus service via Victory Valley Transit Authority (VVTA), which serves several communities in San Bernadino County including Hesperia. Bus route 48 has the nearest stops to the Project site. The closest bus stops being Cataba Road SB and Main Street located 1.4 miles from the Project site, Main Street EB and Cataba Road 1.4 miles from the Project site, and Key Pointe Avenue NB and Main Street 1.5 miles from the Project site. (DEIR, p. 4.0-15)

Very few of the workers will live close enough for walking or biking to be a viable commute mode, even if there were better pedestrian and bike infrastructure in the project area.

Ridesharing and vanpooling are the most relevant trip reduction strategies for this project. The CAPCOA Handbook states that up to an 8% VMT reduction is possible with ridesharing. (Handbook, p. 92) The Handbook states that up to 20.4% reduction is possible with vanpooling when the employer covers "… the capital costs of vehicle acquisition and the labor costs of drivers, either through incentives to current employees or the hiring of dedicated drivers." (Handbook, p. 104) In both cases, the guidance requires factoring the maximum reduction by the "percent of employees eligible for the program." The

DEIR calculation for ridesharing reduces the maximum 8% reduction to 4.46%, implying that 55.6% of employees are eligible. There is no reason given for this factor, or why it could not be higher, e.g., 75%. If it were 75%, the reductions would be 6% for ridersharing, and a much higher 15.1% for vanpooling. Including vanpooling would greatly strengthen VMT mitigation. In addition, the mitigation plan should be strengthened with a trip reduction target, monitoring, and enforcement.

Trip Generation Could Be Higher than the DEIR Assumes

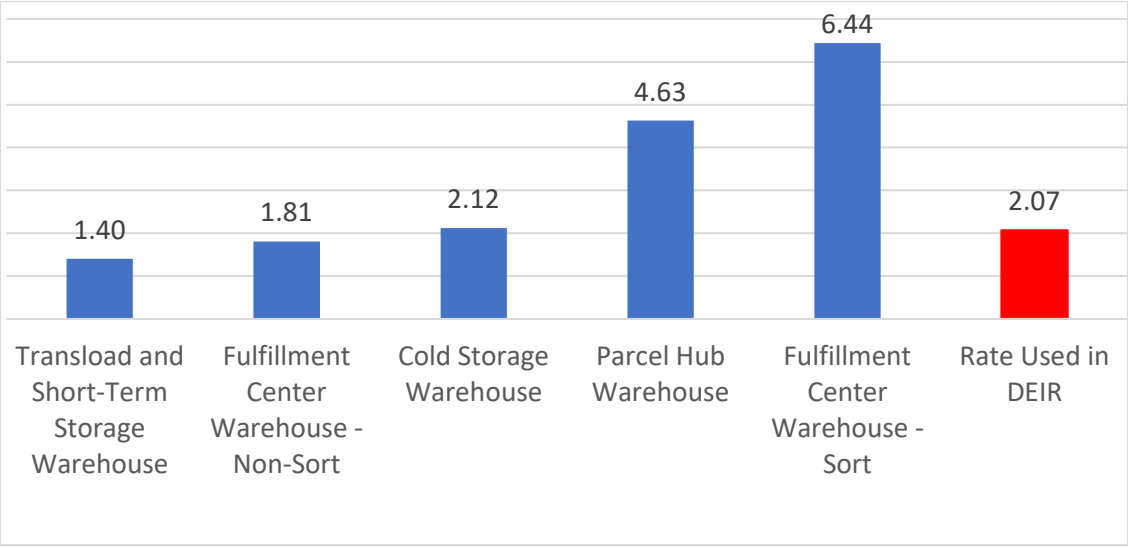
The project includes 655,468 square feet. (DEIR, p. 1.0-1) The tenants have not been identified, and the nature of the operations are unknown at this time. To estimate trip generation, the DEIR assumes the following uses:

> Project trips were generated for the project using trip rates from the Institute of Transportation Engineers (ITE) Trip Generation (11th Edition, September 2021) as follows:
>
> - 75% High Cube Transload and Short-Term Storage Warehouse (Land Use 154) Without Cold Storage
> - 5% High Cube Transload and Short-Term Storage Warehouse (Land Use 154) With Cold Storage
> - 20% Manufacturing (Land Use 140) (DEIR Appendix K, p. 26)

The DEIR applied the Institute of Transportation Engineers (ITE) *Trip Generation Handbook, 11th Edition* (2021) rates for the three assumed categories and calculates 1,357 trips per day. (DEIR: Appendix K, Table 10, p. 27) The net average rate is 2.07 per 1000 square feet.

The Institute of Transportation Engineers ("ITE") *Trip Generation* manual. *Trip Generation* includes different "high-cube warehouse" categories. As shown in Figure 1, the trip generation rate applied in the DEIR is much lower than rates for some other warehouse categories.

Figure 2: Trip Generation Rates for Different Warehouse Categories (Trips Per 1000 Square Feet per Day)



The Parcel Hub Warehouse trip generation rate is 2.2 times the rate used in the DEIR, which would add 1.678 trips per day over the rate assumed in the DEIR. The Fulfillment Center Warehouse with Sorting

rate is 3.1 times the rate used in the DEIR and would add 2.864 trips per day to the rate assumed in the DEIR.

Given the large uncertainty in the project's trip generation, the applicant should take one of two paths - either a) applying a significantly higher and more conservative trip generation rate, or b) requesting as a condition of approval that trip generation will not exceed the number assumed in the EIR, and this be certified prior to beginning construction.

GHG and Other Emissions are Likely Underestimated

Any trip generation underestimation will translate into underestimated GHG and other emissions.

In addition, trip length assumptions are critical in the GHG and other air emission estimates – particularly truck trip lengths. The DEIR estimates that 17.4% of all trips will be from heavy 4+-axle trips and another 10.7% of trips will be made by smaller commercial trucks. DEIR: Appendix K, Table 10, p. 27)

These estimates are factored by trip distance to estimate GHG and other emissions using CalEEMod. The DEIR states:

> To determine emissions from passenger car vehicles and truck trips, the CalEEMod defaults were utilized for trip lengths for passenger car vehicles and 2 to 3-axle trucks, while 4+ axle trucks were assumed to travel approximately 40 miles. (DEIR, p. 5.7-12)

The Attorney General's September 2022 guidance: *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act*[1] states:

> CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur. (p. 7)

It is notable that important major freight origins and destinations are considerably further away than the trip lengths assumed in the DEIR. These include the Ports of Los Angeles and Long Beach that are about 90 miles away. The 40-mile average truck trip length assumed in the DEIR excludes most important truck origins and destinations, including major freight transfer points, food producing areas, food-processing facilities, and population centers.

Sincerely,

Norman L. Marshall

Norman L. Marshall

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

NORMAN L. MARSHALL, PRESIDENT

nmarshall@smartmobility.com

EDUCATION:

Master of Science in Engineering Sciences, Dartmouth College, Hanover, NH, 1982
Bachelor of Science in Mathematics, Worcester Polytechnic Institute, Worcester, MA, 1977

PROFESSIONAL EXPERIENCE: (33 Years, 19 at Smart Mobility, Inc.)

Norm Marshall helped found Smart Mobility, Inc. in 2001. Prior to this, he was at RSG for 14 years where he developed a national practice in travel demand modeling. He specializes in analyzing the relationships between the built environment and travel behavior and doing planning that coordinates multi-modal transportation with land use and community needs.

Regional Land Use/Transportation Scenario Planning

Portland Area Comprehensive Transportation System (PACTS) – the Portland Maine Metropolitan Planning Organization. Updating regional travel demand model with new data (including AirSage), adding a truck model, and multiclass assignment including differentiation between cash toll and transponder payments.

Loudoun County Virginia Dynamic Traffic Assignment – Enhanced subarea travel demand model to include Dynamic Traffic Assignment (Cube). Model being used to better understand impacts of roadway expansion on induced travel.

Vermont Agency of Transportation-Enhanced statewide travel demand model to evaluate travel impacts of closures and delays resulting from severe storm events. Model uses innovate Monte Carlo simulations process to account for combinations of failures.

California Air Resources Board – Led team including the University of California in $250k project that reviewed the ability of the new generation of regional activity-based models and land use models to accurately account for greenhouse gas emissions from alternative scenarios including more compact walkable land use and roadway pricing. This work included hands-on testing of the most complex travel demand models in use in the U.S. today.

Climate Plan (California statewide) – Assisted large coalition of groups in reviewing and participating in the target setting process required by Senate Bill 375 and administered by the California Air Resources Board to reduce future greenhouse gas emissions through land use measures and other regional initiatives.

Chittenden County (2060 Land use and Transportation Vision Burlington Vermont region) – led extensive public visioning project as part of MPO's long-range transportation plan update.

Flagstaff Metropolitan Planning Organization – Implemented walk, transit and bike models within regional travel demand model. The bike model includes skimming bike networks including on-road and off-road bicycle facilities with a bike level of service established for each segment.

Chicago Metropolis Plan and Chicago Metropolis Freight Plan (6-county region)— developed alternative transportation scenarios, made enhancements in the regional travel demand model, and used the enhanced model to evaluate alternative scenarios including development of alternative regional transit concepts.

Developed multi-class assignment model and used it to analyze freight alternatives including congestion pricing and other peak shifting strategies.

Municipal Planning

City of Grand Rapids – Michigan Street Corridor – developed peak period subarea model including non-motorized trips based on urban form. Model is being used to develop traffic volumes for several alternatives that are being additional analyzed using the City's Synchro model

City of Omaha - Modified regional travel demand model to properly account for non-motorized trips, transit trips and shorter auto trips that would result from more compact mixed-use development. Scenarios with different roadway, transit, and land use alternatives were modeled.

City of Dublin (Columbus region) – Modified regional travel demand model to properly account for non-motorized trips and shorter auto trips that would result from more compact mixed-use development. The model was applied in analyses for a new downtown to be constructed in the Bridge Street corridor on both sides of an historic village center.

City of Portland, Maine – Implemented model improvements that better account for non-motorized trips and interactions between land use and transportation and applied the enhanced model to two subarea studies.

City of Honolulu – Kaka'ako Transit Oriented Development (TOD) – applied regional travel demand model in estimating impacts of proposed TOD including estimating internal trip capture.

City of Burlington (Vermont) Transportation Plan – Led team that developing Transportation Plan focused on supporting increased population and employment without increases in traffic by focusing investments and policies on transit, walking, biking and Transportation Demand Management.

Transit Planning

Regional Transportation Authority (Chicago) and Chicago Metropolis 2020 – evaluated alternative 2020 and 2030 system-wide transit scenarios including deterioration and enhance/expand under alternative land use and energy pricing assumptions in support of initiatives for increased public funding.

Capital Metropolitan Transportation Authority (Austin, TX) Transit Vision – analyzed the regional effects of implementing the transit vision in concert with an aggressive transit-oriented development plan developed by Calthorpe Associates. Transit vision includes commuter rail and BRT.

Bus Rapid Transit for Northern Virginia HOT Lanes (Breakthrough Technologies, Inc and Environmental Defense.) – analyzed alternative Bus Rapid Transit (BRT) strategies for proposed privately-developing High Occupancy Toll lanes on I-95 and I-495 (Capital Beltway) including different service alternatives (point-to-point services, trunk lines intersecting connecting routes at in-line stations, and hybrid).

Roadway Corridor Planning

I-30 Little Rock Arkansas – Developed enhanced version of regional travel demand model that integrates TransCAD with open source Dynamic Traffic Assignment (DTA) software, and used to model I-30 alternatives. Freeway bottlenecks are modeled much more accurately than in the base TransCAD model.

South Evacuation Lifeline (SELL) – In work for the South Carolina Coastal Conservation League, used Dynamic Travel Assignment (DTA) to estimate evaluation times with different transportation alternatives in coastal South Caroline including a new proposed freeway.

Hudson River Crossing Study (Capital District Transportation Committee and NYSDOT) – Analyzing long term capacity needs for Hudson River bridges which a special focus on the I-90 Patroon Island Bridge where a microsimulation VISSIM model was developed and applied.

PUBLICATIONS AND PRESENTATIONS (partial list)

DTA Love: Co-leader of workshop on Dynamic Traffic Assignment at the June 2019 Transportation Research Board Planning Applications Conference.

Forecasting the Impossible: The Status Quo of Estimating Traffic Flows with Static Traffic Assignment and the Future of Dynamic Traffic Assignment. *Research in Transportation Business and Management* 2018.

Assessing Freeway Expansion Projects with Regional Dynamic Traffic Assignment. Presented at the August 2018 Transportation Research Board Tools of the Trade Conference on Transportation Planning for Small and Medium Sized Communities.

Vermont Statewide Resilience Modeling. With Joseph Segale, James Sullivan and Roy Schiff. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

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Pre-Destination Choice Walk Mode Choice Modeling. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

A Statistical Model of Regional Traffic Congestion in the United States, presented at the 2016 Annual Meeting of the Transportation Research Board.

MEMBERSHIPS/AFFILIATIONS

Associate Member, Transportation Research Board (TRB)

Member and Co-Leader Project for Transportation Modeling Reform, Congress for the New Urbanism (CNU)

Resume

NORMAN L. MARSHALL, PRESIDENT

nmarshall@smartmobility.com

EDUCATION:

Master of Science in Engineering Sciences, Dartmouth College, Hanover, NH, 1982
Bachelor of Science in Mathematics, Worcester Polytechnic Institute, Worcester, MA, 1977

PROFESSIONAL EXPERIENCE: (32 Years, 18 at Smart Mobility, Inc.)

Norm Marshall helped found Smart Mobility, Inc. in 2001. Prior to this, he was at RSG for 14 years where he developed a national practice in travel demand modeling. He specializes in analyzing the relationships between the built environment and travel behavior and doing planning that coordinates multi-modal transportation with land use and community needs.

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Associate Member, Transportation Research Board (TRB)

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EXHIBIT C

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #23-002.32

November 30, 2023

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

SUBJECT: Comments on KISS Logistics Center Noise Analysis in Hesperia, CA

Dear Mr. Graf,

Per your request, we have reviewed the subject matter document for the *KISS Logistics Center Project* in Hesperia, California, based on the Draft Environmental Impact Report (DEIR) dated October 2023 and Appendix J: Noise and Vibration Impact Analysis from LSA. The proposed project involves the construction and operation of a new warehouse, office, and truck trailer parking facility with a total building area of 639,468 square feet inclusive of a 11,000 square feet of ground floor office space and 5,000 square feet of mezzanine office space. Offsite improvements would be required for roadway and utility improvements.

Wilson Ihrig is an acoustical consulting firm that has practiced exclusively in the field of acoustics since 1966. During our almost 57 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CadnaA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Adverse Effects of Noise[1]

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads

[1] More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (https://www.who.int/docstore/peh/noise/Comnoise-1.pdf)

to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

Inadequate Construction Noise & Vibration Assessment:

Offsite Construction Activities Were Not Considered in the DEIR or Appendix J

The DEIR acknowledges the necessity of offsite construction activities for roadway and utility improvements, but crucially, Section 5.11 (Noise) and Appendix J fail to consider the potential noise and vibration effects associated with these operations.

In Figure 3-10 of the DEIR, a layout of offsite water and sewer utility improvements is provided, indicating the need for utility improvements within 50 to 70 feet of existing residential properties along Los Banos Ave, Yucca Terrace Drive, and Blue Sage Street. However, the noise and vibration assessment for the Project neglects to address these offsite construction locations. To identify the potential for undisclosed significant impacts, Wilson Ihrig conducted an independent assessment, employing the methodology, reference levels, and usage factors outlined in Appendix J. Our assessment focused on a trenching phase, which is expected to generate the highest levels of noise and vibration during water and sewer improvement construction.

Our assessment utilized an excavator and dump truck to model noise during trenching, with a caisson drill as the vibration reference level. The FTA's *Transit Noise and Vibration Impact Assessment Manual* 2018 (FTA Manual) lacks a reference level for the vibration produced by an excavator. We assert that the caisson drill serves as the most suitable vibration reference level, considering the equipment source levels outlined in Table I of Appendix J, sourced from the FTA Manual.

The sensitive receptor along Los Banos Ave southwest of the Project site is located at 9553 Los Banos Ave. While the work zone indicated by Figure 3-10 reaches the property line of this residence, our

assessment utilized a conservative distance of 50 feet. At this distance, the predicted construction noise level reaches 84 dBA for an 8-hour Leq, exceeding the 80 dBA 8-hour Leq threshold specified in Appendix J and surpassing the ambient noise level at LT-2 by more than 13 dBA. The predicted vibration level at 50 feet was 78 VdB, surpassing the 72 VdB threshold set by the FTA Manual for human annoyance to frequent vibration events. According to the FTA Manual, frequent events are defined as more than 70 events per day, a scenario expected during typical construction excavation activities. Consequently, we assert that undisclosed significant impacts are probable arising from the construction of offsite utilities near 9553 Los Banos Ave.

The sensitive receptor along Yucca Terrace Drive north of the Project site is located at 10136 US-395. While the work zone indicated by Figure 3-10 reaches the property line, our assessment utilized a conservative distance of 50 feet. At this distance, the predicted construction noise level reaches 84 dBA for an 8-hour Leq, exceeding the 80 dBA 8-hour Leq threshold specified in Appendix J and surpassing the ambient noise level at LT-2 by more than 13 dBA. The predicted vibration level at 50 feet was 78 VdB, surpassing the 72 VdB threshold set by the FTA Manual for human annoyance to frequent vibration events. Consequently, we assert that undisclosed significant impacts are probable arising from the construction of offsite utilities near 10136 US-395.

The sensitive receptor along Blue Sage Street east of the Project site is located at Willow Oak Estates Unit 180. The center of the work zone indicated by Figure 3-10 is 70 feet from the backyard of Willow Oak Estates Unit 180. At this distance, the predicted construction noise level reaches 81 dBA for an 8-hour Leq, exceeding the 80 dBA 8-hour Leq threshold specified in Appendix J and surpassing the ambient noise level at LT-1 by more than 21 dBA. The predicted vibration level at 70 feet was 74 VdB, surpassing the 72 VdB threshold set by the FTA Manual for human annoyance to frequent vibration events. Consequently, we assert that undisclosed significant impacts are probable arising from the construction of offsite utilities near Willow Oak Estates Unit 180.

Considering the significant noise and vibration impacts predicted at all three sensitive receptors along the utility work zones, we contend that the DEIR requires an update to address these locations. Additionally, we recommend the identification of mitigation measures to alleviate these impacts.

The Construction Noise Assessment is an Incorrect Application of FTA Methodology, Resulting in Underestimated Noise Levels

The report indicates the use of detailed FTA construction noise assessment methodology (pg 12 Appendix J) but deviates from the detailed FTA construction noise assessment procedures. Their assessment utilizes equipment usage factors, but also uses the center of the project to calculate distances (pg 18 Appendix J).

The correct FTA procedure dictates that equipment usage factors should exclusively be applied in a detailed FTA construction noise assessment. In such cases, distances should be calculated using the actual separation between receivers and construction equipment, rather than measuring from the center of the Project. Employing the Project's central point for distance calculations, in addition to applying usage factors, leads to an underestimation of construction noise levels.

The residential receptor north of the site is located 900 feet from the edge of the Project site (pg 4 Appendix J) but the onsite construction noise assessment utilized a distance of 1,610 feet (Table H Appendix J). This results in an underestimation of detailed FTA construction noise levels by 6 dBA for activities occurring near the north edge of the Project site.

Inaccurate Traffic Noise Assessment:

The current traffic modeling lacks precision in representing the proportion of trucks within the estimated traffic volumes. Notably, Appendix C of Appendix J (Noise) assigns an identical percentage of trucks to all four modeled roads, a discrepancy from the information in Section 5.11.6 of the DEIR. Section 5.11.6 specifies that "Truck trips would occur along Phelan Road to Highway 395 while passenger vehicle trips would occur along Main Street to I-15."

Given that heavy trucks generate the highest levels of noise, the potential exists for an increase in traffic noise beyond the 1.6 dBA CNEL increase identified in the DEIR and could exceed the 3 dBA significance threshold. This increase in noise could result from a more accurate model of truck traffic along Phelan Road. Consequently, we recommend an update to the traffic noise assessment to better reflect the variations in truck traffic among the modeled roads.

Conclusions

The analysis includes several errors, primarily failing to address the noise and vibration impacts associated with the construction of offsite utility improvements. Correcting these would potentially identify several significant impacts which require mitigation.

Very truly yours,

WILSON IHRIG

Luke Watry
Senior Consultant

DEREK L. WATRY

Principal

Since joining Wilson Ihrig in 1992, Derek has gained experienced in many areas of practice including environmental, construction, forensic, architectural, and industrial. For all of these, he has conducted extensive field measurements, established acceptability criteria, and calculated future noise and vibration levels. In the many of these areas, he has prepared CEQA and NEPA noise technical studies and EIR/EIS sections. Derek has a thorough understanding of the technical, public relations, and political aspects of environmental noise and vibration compliance work. He has helped resolve complex community noise issues, and he has also served as an expert witness in numerous legal matters.

Education

- M.S. Mechanical Engineering, University of California, Berkeley
- B.S. Mechanical Engineering, University of California, San Diego
- M.B.A. Saint Mary's College of California

Project Experience

12th Street Reconstruction, Oakland, CA
Responsible for construction noise control plan from pile driving after City received complaints from nearby neighbors. Attendance required at community meetings.

525 Golden Gate Avenue Demolition, San Francisco, CA
Noise and vibration monitoring and consultation during demolition of a multi-story office building next to Federal, State, and Municipal Court buildings for the SFDPW.

911 Emergency Communications Center, San Francisco, CA
Technical assistance on issues relating to the demolition and construction work including vibration monitoring, developing specification and reviewing/recommending appropriate methods and equipment for demolition of Old Emergency Center for the SFDPW.

Central Contra Costa Sanitary District, Grayson Creek Sewer, Pleasant Hill, CA
Evaluation of vibration levels due to construction of new sewer line in hard soil.

City of Atascadero, Review of Walmart EIR Noise Analysis, Atascadero, CA
Review and Critique of EIR Noise Analysis for the Del Rio Road Commercial Area Specific Plan.

City of Fremont, Ongoing Environmental Services On-Call Contract, Fremont, CA
Work tasks primarily focus on noise insulation and vibration control design compliance for new residential projects and peer review other consultant's projects.

City of Fremont, Patterson Ranch EIR, Fremont, CA
Conducted noise and vibration portion of the EIR.

City of King City, Silva Ranch Annexation EIR, King City, CA
Conducted the noise portion of the EIR and assessed the suitability of the project areas for the intended development. Work included a reconnaissance of existing noise sources and receptors in and around the project areas, and long-term noise measurements at key locations.

Conoco Phillips Community Study and Expert Witness, Rodeo, CA
Investigated low frequency noise from exhaust stacks and provided expert witness services representing Conoco Phillips. Evaluated effectiveness of noise controls implemented by the refinery.

Golden Gate Park Concourse Underground Garage, San Francisco, CA
Noise and vibration testing during underground garage construction to monitor for residences and an old sandstone statue during pile driving for the City of San Francisco.

Laguna Honda Hospital, Clarendon Hall Demolition, San Francisco, CA
Project manager for performed vibration monitoring during demolition of an older wing of the Laguna Honda Hospital.

Loch Lomond Marina EIR, San Rafael, CA
Examined traffic noise impacts on existing residences for the City of San Rafael. Provided the project with acoustical analyses and reports to satisfy the requirements of Title 24.

Mare Island Dredge and Material Disposal, Vallejo, CA
EIR/EIS analysis of noise from planned dredged material off-loading operations for the City of Vallejo.

Napa Creek Vibration Monitoring Review, CA
Initially brought in to peer review construction vibration services provided by another firm, but eventually was tapped for its expertise to develop a vibration monitoring plan for construction activities near historic buildings and long-term construction vibration monitoring.

San Francisco DPW, Environmental Services On-Call, CA
Noise and vibration monitoring for such tasks as: Northshore Main Improvement project, and design noise mitigation for SOMA West Skate Park.

San Francisco PUC, Islais Creek Clean Water Program, San Francisco, CA
Community noise and vibration monitoring during construction, including several stages of pile driving. Coordination of noise and ground vibration measurements during pile driving and other construction activity to determine compliance with noise ordinance. Coordination with Department of Public Works to provide a vibration seminar for inspectors and interaction with Construction Management team and nearby businesses to resolve noise and vibration issues.

San Francisco PUC, Richmond Transport Tunnel Clean Water Program, San Francisco, CA
Environmental compliance monitoring of vibration during soft tunnel mining and boring, cut-and-cover trenching for sewer lines, hard rock tunnel blasting and site remediation. Work involved long-term monitoring of general construction activity, special investigations of groundborne vibration from pumps and bus generated ground vibration, and interaction with the public (homeowners).

Santa Clara VTA, Capitol Expressway Light Rail (CELR) Bus Rapid Transit (BRT) Update EIS, CA
Reviewed previous BRT analysis and provide memo to support EIS.

Shell Oil Refinery, Martinez, CA
Identified source of community noise complaints from tonal noise due to refinery equipment and operations. Developed noise control recommendations. Conducted round-the-clock noise measurements at nearby residence and near to the property line of the refinery and correlated results. Conducted an exhaustive noise survey of the noisier pieces of equipment throughout the refinery to identify and characterize the dominant noise sources that were located anywhere from a quarter to three-quarters of a mile away. Provided a list of actions to mitigate noise from the noisiest pieces of refinery equipment. Assisted the refinery in the selection of long-term noise monitoring equipment to be situated on the refinery grounds so that a record of the current noise environment will be documented, and future noise complaints can be addressed more efficiently.

Tyco Electronics Corporation, Annual Noise Compliance Study, Menlo Park, CA
Conducted annual noise compliance monitoring. Provided letter critiquing the regulatory requirements and recommending improvements.

University of California, San Francisco Mission Bay Campus Vibration Study, CA
Conducted measurements and analysis of ground vibration across site due to heavy traffic on Third Street. Analysis included assessment of pavement surface condition and propensity of local soil structure.

Chapter 4. Mitigation Monitoring and Reporting Program

4.1 Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Environmental Impact Report has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "…reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Mesa Linda Street Development Project (Project). The City of Hesperia is the Lead Agency for the Project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

4.2 Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the KISS Logistics Project. The table identifies the Project Design Features (PDFs) and mitigation measures required by the City to mitigate or avoid significant adverse impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plan, Program, Policies; and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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TABLE 4-1: MITIGATION MONITORING AND REPORTING PROGRAM
KISS LOGISTICS CENTER PROJECT EIR

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
BIOLOGICAL RESOURCES			
~~**Mitigation Measure BIO-1: Relocation of Desert Native Plants (Hesperia Municipal Code Chapter 16.24).**~~ ~~Prior to the issuance of grading permits, the Project Applicant shall submit an application and applicable fee paid to the City of Hesperia for removal or relocation of protected native desert plants under Hesperia Municipal Code Chapter 16.24 as required and schedule a preconstruction site inspection with the Planning Division and the Building Division. The application shall include certification from a qualified Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the City of Hesperia Municipal Code. Protected plants subject to Hesperia Municipal Code Chapter 16.24 may be relocated on site, or within an area designated as an area for species to be adopted later. The application shall include a detailed plan for the removal of all protected plants on the Project site. The plan shall be prepared by a qualified Joshua tree and native desert plant expert(s). The plan shall include, but not be limited to, the following measures:~~ ~~Salvaged plants shall be transplanted expeditiously to either their final on-site location, or to an approved off-site area. If the plants cannot be expeditiously taken to their permanent relocation area at the time of excavation, they may be transplanted in a temporary area (stockpiled) prior to being moved to their permanent relocation site(s).~~ ~~Western Joshua trees shall be marked on their north facing side prior to excavation. Transplanted western Joshua trees shall be planted in the same orientation as they currently occur on the Project site, with the marking on the north side of the trees facing north at the relocation site(s).~~ ~~Transplanted plants shall be watered prior to and at the time of transplantation. The schedule of watering shall be determined by the qualified tree expert and desert native plant expert(s) to maintain plant health. Watering of the transplanted plants shall continue under the guidance of qualified tree expert and desert native plant expert(s) until it has been~~	~~Prior to grading permit~~ **No longer required by the Native Plant Species Act pursuant to the Western Joshua Tree Conservation Act. Locally, the City has determined that Mitigation Measure BIO-2 fulfills the requirements of this measure. Therefore, this action is no longer required.**	~~City of Hesperia Planning Department.~~	

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
~~determined that the transplants have become established in the permanent relocation site(s) and no longer require supplemental watering.~~			
Mitigation Measure BIO-2: Conservation of Western Joshua Tree Lands (CESA) In the case that the California Fish and Game Commission lists western Joshua trees as threatened under the California Endangered Species Act, the following measure will be implemented: Prior to the initiation of Joshua tree removal, obtain California Endangered Species Act (CESA) ITP under Section 2081 of the Fish and Game Code. The Project Applicant will adhere to measures and conditions set forth within the ITP. Mitigation for direct impacts to western Joshua trees shall be fulfilled through conservation of western Joshua trees at a 1:1 habitat replacement ratio, of equal or better functions and values to those impacted by the Project. Mitigation can be through purchases of credits at a California Department of Fish and Wildlife (CDFW)-approved mitigation bank for western Joshua tree. Additionally, no take of western Joshua tree will occur without authorization from CDFW in the form of an ITP pursuant to Fish and Game Code 2081. Name, qualifications, business address, and contact information of a biological monitor (designated botanist) shall be submitted to CDFW at least 30 days prior to Project activities. The designated botanist shall be responsible for monitoring Project activities to help minimize and fully mitigate or avoid incidental take of Joshua trees. The designated botanist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid unauthorized take of an individual Joshua tree. The Project analyzed impacts to western Joshua trees**, which** ~~by applying the 186-foot buffer zone~~ overlap with the adjacent proposed developments. Any impacts to overlapping Joshua trees will be analyzed by CDFW to ensure no Joshua trees are mitigated twice. The Western Joshua Tree Conservation Act ~~is currently under consideration~~ **has been approved** by the California Fish and Game Commission. ~~In the event that the~~ **The** Western Joshua Tree Conservation Act is **now in** ~~effect, implemented, effectively replacing the function of species protection under~~ **which provides an alternative mitigation option to traditional** CESA **mitigation.**~~, a~~ **Alternative Western Joshua Tree Conservation Act** ~~habitat~~	Proof of approval from CDFW regarding compliance with mitigation and/or payment of in-lieu fees per the Western Joshua Tree Conservation Act. Prior to grading permit.	City of Hesperia Planning Department/CDFW/ Qualified Biologist	

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
~~replacement~~ **mitigation** mechanisms, providing equal or better function and value to existing mechanisms under CESA, will be implemented **in combination with traditional mitigation banking or in lieu of mitigation banking** as ~~required~~ **allowed** under state law.			
MM BIO-3 Compliance Monitoring. The Designated Biologist shall be on site daily when impacts occur. The Designated Biologist shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact, and that impacts are only occurring outside the permitted impact footprint. Weekly written observation and inspection records that summarize oversight activities and compliance inspections and monitoring activities required by the ITP shall be prepared.	Weekly submittal of Joshua tree compliance monitoring log. During site clearing.	City of Hesperia Planning Department/Qualified Biologist	
MM BIO-4 Education Program. An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before performing impacts. The WEAP shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and status of western Joshua tree, burrowing owl, and loggerhead shrike; and other biological resources mitigation measures described in the California Environmental Quality Act document. Interpretation for non-English-speaking workers will be provided, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who will be conducting work in the Project area.	During construction.	City of Hesperia.	
MM BIO-5 Construction Monitoring Notebook. The Designated Biologist shall maintain a construction monitoring notebook on site throughout the construction period, which shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel who have successfully completed the education program. The permittee shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the California Department of Fish and Wildlife.	During construction.	City of Hesperia.	

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
MM BIO-6 Delineation of Property Boundaries. Before beginning activities that would cause impacts, the contractor shall, in consultation with the Designated Biologist, clearly delineate the boundaries with fencing, stakes, or flags, consistent with the grading plan, within which the impacts will take place. All impacts outside the fenced, staked, or flagged areas shall be avoided, and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area.	Prior to commencement of ground disturbing activities	City of Hesperia	
MM BIO-7 Hazardous Waste. The Applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.	During construction.	City of Hesperia.	
MM BIO-8 Herbicides. The Applicant shall limit herbicide use for invasive plant species and shall use herbicides only if it has been determined that hand or mechanical efforts are infeasible. To prevent drift, the permittee shall apply herbicides only when wind speeds are less than 7 miles per hour. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, state, and local laws and regulations.	During construction.	City of Hesperia.	
MM BIO-9: Pre-construction Nesting Bird Survey. Pre-construction Nesting Bird Surveys and Avoidance. Project construction would be avoided during bird nesting season (typically February 1 through August 31). In the event construction is required to occur during bird nesting season, construction activities shall avoid the migratory bird nesting season, to reduce any potential significant impact to birds that may be nesting on the survey area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate buffer established around the nest, which will be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated	Within 72 hours prior to the start of construction (if between February 1 through August 31).	City of Hesperia Planning Department/Qualified Biologist	

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
in the field with flagging and stakes or construction fencing. On-site construction monitoring shall also be conducted when construction occurs in close proximately to an active nest buffer. No Project activities may encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until is determined the nestlings have fledged and the nest is no longer considered active.			
MM BIO-10: Pre-construction Surveys for Burrowing Owl. One pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of site preparation or grading activities, If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (prepared by the California Department of Fish and Game [now California Department of Fish and Wildlife] in 2012) or current version. If burrowing owls are detected, the Burrowing Owl Relocation Plan shall be implemented in consultation with the California Department of Fish and Wildlife (CDFW). As required by the Burrowing Owl Relocation Plan, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers will be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation or current version. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed. Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone by installing one-way doors in burrow entrances. These doors will be placed at least 48 hours prior to ground-disturbing activities. The Project area shall be monitored daily for one week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat will be provided following the guidance in the Staff Report on Burrowing Owl Mitigation or current version.	First survey no more than 14 days before initiation of site preparation or grading activities. Second Survey within 24 hours of the start of site preparation or grading activities.	City of Hesperia Planning Department/Qualified Biologist	

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
Where possible, burrows will be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any wildlife inside the burrow.			
MM BIO-11: Pre-construction Surveys for Crotch Bumble Bee. In the event that grading starts between April and August, a pre-construction survey for Crotch bumble bee shall be conducted by a qualified biologist within the construction area during the primary flight period (April through August) prior to the start of construction activities. The survey shall ensure that no nests for Crotch bumble bee are located within the construction area. Crotch bumble bee is a habitat generalist, ground-nesting bee. For the purposes of this mitigation measure, nest resources are defined as small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, rock walls, and brush piles. On June 6, 2023, the California Department of Fish and Wildlife (CDFW) released the "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species". The pre-construction survey shall follow the guidance included within "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species". If nest resources occupied by Crotch bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the construction zone, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources will be avoided for the duration of the Crotch bumble bee nesting period (February 1 through October 31). If the above measures are followed, it is assumed that the Project shall not need to obtain authorization from CDFW through the California Endangered Species Act ITP process. If the nest resources cannot be avoided, as outlined in this measure, the project applicant will consult with CDFW regarding the need to obtain an ITP. Any measures determined to be necessary through the ITP process to offset impacts to Crotch bumble bee may supersede measures provided in this CEQA document and shall be incorporated into the habitat mitigation and monitoring plan. In the event an ITP is needed, mitigation for direct impacts to	Prior to the start of construction (if between April and August).	City of Hesperia Planning Department/Qualified Biologist	

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
Crotch bumble bee will be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the ITP process. Mitigation will be accomplished either through off-site conservation or through a CDFW-approved mitigation bank.			
MM BIO-12: Lighting. Lighting for construction activities and operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife will be directed away from natural areas.	During construction.	City of Hesperia.	
MM BIO-13: Invasive Plant Management. To reduce the spread of invasive plant species, landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (http://www.cal-ipc.org/ip/inventory/index.php). Post-construction, the Project applicant shall continually remove invasive plant species on site by hand or mechanical methods, as feasible.	During construction.	City of Hesperia.	
CULTURAL RESOURCES			
Mitigation Measure CUL-1: Archaeological Monitoring. Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City Planning Division, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A, stating that qualified archeologists have been retained and will be present at pre-grade meetings and for all initial ground disturbing activities, up to five feet in depth. In the event that a resource is inadvertently discovered during ground-disturbing activities, work must be halted within 60 feet of the find until it can be evaluated by the qualified archaeologist. Construction activities could continue in other areas. If the find is considered a "resource" the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage, and	Retain archaeological monitor and submit letter. Prior to grading permit.	City of Hesperia Planning Department/Qualified Archaeologist	

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
treatment shall be required at the developer/applicant's expense. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to Yuhaaviatam of San Manuel Nation (YSMN) for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.			
GEOLOGY & SOILS			
Mitigation Measure GEO-1: Incorporation of and Compliance with the Recommendations in the Geotechnical Investigation. Prior to issuance of grading and building permits, the Hesperia Building Department shall verify all recommendations included in the Geotechnical Investigation prepared for the project by Advanced Geotechnical Solutions, Inc., in March 2022 are incorporated into all design and engineering plans including, but not limited to site preparation, grading, fill placement, foundations, pavement design, seismic design, etc.	Verify completion of recommendations prior to grading.	City of Hesperia	
Mitigation Measure PAL-1: Paleontological Resource Management Plan. Prior to the start of construction, a Paleontological Resources Management Plan (PRMP) shall be prepared by a qualified Paleontologist and include the following procedures: Monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor. Starting at the surface, monitoring will be conducted fulltime in areas of grading or excavation in undisturbed alluvial deposits. Development of an inadvertent discovery plan to expediently address treatment of paleontological resources should any be encountered during development associated with the Project. If these resources are inadvertently discovered during ground-disturbing activities, work must be halted within 50 feet of the find until it can be evaluated by a qualified paleontologist. Construction activities could continue in other areas. If the discovery proves to be significant, additional work, such as fossil collection and curation, may be	Prepare a PRMP. Prior to grading permit.	City of Hesperia Planning Department/Qualified Paleontologist	

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
warranted and would be discussed in consultation with the appropriate regulatory agency(ies).			
GREENHOUSE GAS EMISSIONS			
Mitigation Measure GHG-1: Prior to issuance of a building permit, the City of Hesperia shall identify project design details and specifications to document implementation and compliance with the following emission reduction measures. Implementation of the following measures will be required prior to building permits and is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project: ~~Use the cleanest technologies available and~~ provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site, **including but not limited to running conduit to dock doors to allow for future plug-in of TRUs or truck charging**. All loading/unloading docks and trailer spaces shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. ~~Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration shall be encouraged for operational fleets.~~ All TRUs **operated by the owner/applicant** entering the Project site be shall plug-in capable. ~~Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible.~~ All heavy-duty trucks ~~entering or~~ **operated by the owner/applicant** on the Project site shall be model year 2014 or later. The Project Applicant shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation. Trucks and support equipment shall be prohibited from idling longer than ~~five~~**three** minutes while on site.	Prior to building permit (construction-related measures will be confirmed prior to grading permit)	City of Hesperia Planning Department	

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
On-site TRU diesel engine runtime shall be limited to no longer than 15 minutes. Include rooftop solar panels ~~that~~ **and** supply 100 percent of **Project** electricity from renewable energy resources. Implement a transportation demand program. Program measures may include free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the Project site **(see Mitigation Measure T-1 of Section 5.12, Transportation)**. ~~Implement a zero-waste program or other feasible waste reduction measures such as composting waste food scraps from employee activities and food waste processing.~~ Install water-efficient fixtures (toilets, faucets, showers), water efficient landscape irrigation systems (drip irrigation with control panel and soil moisture sensors), and water efficient landscaping. **Keep onsite and furnishing to the lead agency of other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classification.** **Provide information on transit and ridesharing programs and services to construction employees.** **Provide information on nearby meal/dining destinations for construction workers.** **Run conduit to designated locations for future vehicle electric charging stations.** **Expand the electrical room by 10 percent to (25 percent total) to accommodate future expansion of electric vehicle charging capability.** **Run conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.** **The building shall have breakroom with food storage capabilities.** **Signs shall be posted at every truck exist driveway to provide directional information to the truck route.**			

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
The owner shall provide any future tenants with information on incentive programs, such as Carl Moyer program and Voucher Incentive Program, to upgrade their fleets.			
TRANSPORTATION			
Mitigation Measure T-1: The Project applicant shall implement Commute Trip Reduction Marketing (CAPCOA Measure T-7), provide a Ridesharing Program (CAPCOA Measure T-8), and provide end of trip bicycle facilities (CAPCOA Measure T-10) to encourage employees carpooling, taking transit, and biking to work. 100 percent of employees would be eligible to participate in all identified measures. Each measure is discussed further below: Implement Commute Trip Reduction Marketing (CAPCOA Measure T-7). A CTR Marketing strategy includes information sharing and marketing to promote and educate employees about their travel choices to the employment location. This measure would require an on-site employee transportation coordinator and commuter information services, and on-site or online transit pass sales. Provide Ridesharing Program (CAPCOA Measure T-8). Incentives for carpooling or vanpooling such as priority parking spaces and/or a daily or monthly stipend for participants. Additional incentives for carpool and/or vanpool drivers could also be provided. Preferred parking for carpool or vanpool vehicles. Provide End-of-Trip Bicycle Facilities (CAPCOA Measure T-10). This measure includes installation and maintenance of end-of-trip facilities for employee use that facilitate bicycling to work. Facilities could include bike parking, bike lockers, personal lockers and shower facilities. Initially, the project shall provide secure bicycle parking (bicycle racks or lockers) for at least 9 bicycles (consistent with San Bernardino County Code Section 83.14.030 which requires secure bicycle parking at a rate of one per 30 parking spaces). To comply with components 1 and 2 of MM T-1, tenants of the Project could participate in the IE Commuter program (iecommuter.org) or alternative program. Monitoring of the program shall be conducted by the onsite transportation coordinator and an annual report shall be provided to the City. The report shall include a summary of the current CTR program, the number of employees participating in the program, summary of any partnerships with	Prior to occupancy	City of Hesperia Planning Department	

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
outside agencies such as IE Commuter, and total amount of subsidies provided by type (if any). If project tenants choose to comply with MM T-1 via participation in the IE Commuter program, then the Commute Activity Report provided by IE Commuter shall be sufficient for annual reporting.			
TRIBAL CULTURAL			
Mitigation Measure TCR-1: The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in Mitigation Measure CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.	During construction.	City of Hesperia.	
Mitigation Measure TCR-2: Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	During construction.	City of Hesperia.	
Main Street and Freeway Corridor Specific Plan Final Environmental Impact Report Mitigation included the following applicable mitigation measure: **Mitigation Measure 6 (**from Main Street and Freeway Corridor Specific Plan**):** The landowner will relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition.	During construction.	City of Hesperia.	

Plans Programs and Policies

The following Plans Programs and Policies (PPPs) that are listed below would reduce impacts related to hydrology and water quality. These actions will be included in the project's mitigation monitoring and reporting program:

TABLE 4-2: PLANS PROGRAMS AND POLICIES
KISS LOGISTICS CENTER PROJECT EIR

Regulatory Requirement /Project Design Feature/ Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading permits, the applicant shall provide the City Building and Safety Department evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.	Prior to grading permit	City of Hesperia	
PPP WQ-2: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the Public Works Department. The WQMP shall be submitted using the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans and shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.	Prior to construction permit	City of Hesperia	

PROJECT DESIGN FEATURES

The following design features would be implemented as part of the Project and would reduce Project GHG emissions:

PDF-1 Renewable energy system/solar electricity generation and battery system – 90 kilowatt hours (kWh) generation and 38 kwh battery to allow for peak energy usage offset;

PDF-2 Automatic Light Switches;

PDF-3 Control receptacles (shut off after certain durations);

PDF-4 The proposed building would be designed to Leadership in Energy and Environmental Design (LEED) certification standards;

PDF-5 EV chargers would be installed per Title 24 requirements day one;

PDF-6 Low volatile organic compound (VOC) coatings and paint (less than 10 grams per liter);

PDF-7 Vistacool layer and Solarban layer on exterior glazing which reduces energy consumption due to solar heat gain.

BEST PRACTICES

The Project would implement voluntary best practices which would include the following:

- **"Use the cleanest technologies available"…**
- **Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible.**