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March 18, 2024

VIA EMAIL
David Fenn, Mayor (dfenn@beaumontca.gov)
Mike Lara, Mayor Pro Tem (mlara@beaumontca.gov)
Jessica Voigt, Councilmember (jvoigt@beaumontca.gov)
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Julio Martinez III, Councilmember (jmartinez@beaumontca.gov)
Elaine Morgan, City Clerk (emorgan@beaumontca.gov)
City of Beaumont
Beaumont Civic Center
550 East Sixth Street
Beaumont, CA 92223

Re: Beaumont Pointe Project, City of Beaumont City Council Tuesday, March 19, 2024; Agenda Item I.1.

Honorable Mayor, Members of the City Council and City Clerk:

This firm represents Beaumont Pointe Partners, LLC, the project applicant in connection with the agenda item referenced above. If approved by the City Council and upon annexation by LAFCO, the Beaumont Pointe Specific Plan would allow development of an industrial and commercial mixed use project on land within the sphere of influence of the City ("Project").

The requested Project entitlements include a General Plan amendment, the Specific Plan, a vesting tentative parcel map and a Development Agreement that provides a series of public benefits to the City and community, including commitments of the project applicant to:

- Pay the City annual CFD payments of $250,000 at buildout.
- Pay a voluntary $1/square foot fee for industrial development (Public Benefits Fee), anticipated to generate $5 million at buildout of the industrial project.
- Pay $20.2 million in non-traffic related impact fees (fire/police/emergency preparedness, sewer, public facilities, schools, open space/MSHCP etc.)
- Pay traffic related fees (TUMF, City traffic related DIF and 4th Street Benefit Area Fees) and construct offsite traffic improvements and/or payment of fair share contributions towards traffic improvements estimated to total approximately $19.2 million.
- Convey 230.82 acres of land, including 152.42 acres on the Project site and 78.40 acres of land offsite, to RCA and construct fencing around the property perimeter to support the function of Proposed Core 3 of the MSHCP.

The Project's fiscal analysis estimates that the Project will provide a net surplus of $41.8 million ($1.75 million annually) over the 20 years following Project buildout from local tax revenues including sales and property taxes and transient occupancy taxes to the City.

The Project will create approximately 5,456 permanent jobs, a 22% increase to the City's job base, and during buildout, will create over 1,000 construction jobs.

The Project Applicant has worked extensively and iteratively with City staff over the last 5 years to develop a Project that would serve the City and voluntarily comply with the City's PLUS program by providing new industrial and warehouse uses in the area identified by the City for industrial use south of SR 60.

The Project Applicant is committed to working in a public private partnership with the City to create a commercial center area in Phase 1, with grading and infrastructure improvements to the commercial area of the Project in the first phase of construction and an active program of outreach to commercial tenants focusing on entertainment, retail and dining, to permit creation of a community hub with uses not currently sufficiently available in the community.

The Project has undergone extensive environmental review and public comment, and careful examination by the Planning Commission. In response to Draft EIR (DEIR) comments received by the City, the project applicant committed to a series of new air quality and greenhouse gas (GHG) measures in the Final EIR.

At the Planning Commission meetings on November 29, 2023 and January 10, 2024, the Planning Commissioners requested further modifications and additional mitigation. In response, the project applicant provided additional view simulations of the Project confirming the aesthetic analysis in the DEIR and has committed to the **following new traffic, GHG and energy related project design features and mitigation measures** which are addressed in the supplemental environmental memorandum prepared by T&B Planning, Inc., the EIR consultant for the Project, and approved by City staff:

Truck Trips:

To further implement a prohibition on trucks from the Project traveling north of the SR-60/Potrero interchange to Oak Valley Parkway, the project applicant has agreed to a prepare and implement a Truck Traffic Demand Management Plan to be approved by the City including reporting obligations to the City and monitoring and enforcement provisions in favor of the City. This has been documented in a new mitigation measure and supplements mitigation measures in the Final EIR directing traffic to existing truck routes.

Greenhouse Gas Emissions (GHG) and Energy Consumption:

In the Final EIR, in response to comments received from the public, the project applicant agreed to add project design features that result in increases in building insulation and window insulation, reducing electrical lighting usage with occupant sensing lighting and LED requirements; and requiring Tenant leases to restrict truck and support equipment from idling longer than 3 minutes. These features were also added as requirements in the Specific Plan. In addition, new mitigation measures were added requiring, among other things, that the project applicant designate an area of

the construction site where electric or non-diesel vehicles, equipment, and tools used on the site can be fueled or charged and that contractors document that off-road diesel construction equipment used meets emission standards.

During Planning Commission hearings, to further mitigate GHG emissions, the project applicant agreed to more than triple the number of points the Project is required to achieve under the Riverside County Climate Action Plan (from 581 to 1850 points) and added the following new project design features and mitigation measures.

- meeting LEED-ready requirements, including by increasing building efficiency;
- prohibiting use of natural gas in industrial buildings;
- increasing the number of EV passenger car charging stations from 60 to 175; and
- additional recycling measures.

The DEIR conducted an extremely conservative analysis of reductions in greenhouse gas emissions resulting from proposed project design features and mitigation measures. For example, the DEIR did not calculate emissions reductions achieved by installation of vehicle (EV) passenger vehicle charging stations, infrastructure for truck charging stations, on-site idling of no more than three minutes per idling event; electrification of truck bays serving refrigerated trucks; or funding for Zero Emission (ZE) and Near Zero Emission (NZE) vans or trucks by providing a $1 per square foot lease credit to industrial tenants who purchase ZE or NZE vehicles.

A supplemental technical memorandum provided by Urban Crossroads Inc. (and attached to the Supplemental CEQA Memorandum provided to the City by the EIR consultant) quantifies some of the previously unquantified project design features and mitigation measures in the DEIR, the modified and new measures in the FEIR, and the additional new GHG reduction measures detailed in the supplemental CEQA memorandum, demonstrating further reduction in greenhouse gas emissions than was indicated in the DEIR. This analysis demonstrates that the project will have lower GHG impacts than originally described in the DEIR.

We also would like to provide the following legal analysis in support of the City's post-DEIR CEQA undertakings.

1. Recirculation is Not Required.

   The FEIR and supplemental CEQA memorandum presented to the City for certification do not require recirculation and can be approved now. The revisions described in the Final EIR and the supplemental CEQA memorandum provide additional environmental protection and do result in any additional impacts. Under applicable provisions of CEQA Guidelines §§15088.5(a)(1) and (3), additional information and additional mitigation measures require recirculation only if they are new and significant, narrowly defined as (1) changes to an EIR that deprive the public of a meaningful opportunity comment on substantial, adverse environmental project impacts, or (2) a feasible way to mitigate or avoid an effect that the project proponent declines to adopt. The project design features, analysis and mitigation measure modifications in the FEIR and the supplemental CEQA memorandum submitted by T&B Planning Inc. to the City dated March 4, 2024 expand the scope of mitigation in the DEIR

and clarify, amplify, or make other modifications in an otherwise adequate EIR and do not result in adverse environmental impacts or identify mitigations measures the applicant declines to adopt; therefore, the modifications do not constitute new information. See CEQA Guidelines §15088.5(b).

Further, no comments received after publication of the Final EIR raised any issues about the Final EIR's compliance with CEQA, either concerning the adequacy of the City's response to comments, the minor changes to the DEIR, the minor modifications to project design features and mitigation measures in the DEIR, or the new information added to the Final EIR. In short, no legal infirmities in the Final EIR have been identified requiring additional response or action by the City, or recirculation. Therefore, the Final EIR does not need to be recirculated prior to its certification.

2. Project Design Features to Incorporate Additional Sustainability Measures Into the Project is Warranted.

Incorporating features such as sustainability provisions into the Specific Plan as Project design features (i.e., as part of the Project description), as was done here, is consistent with CEQA requirements. *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 659 n. 8. Such features are part of the Project and are properly analyzed in an EIR as part of the Project to reduce pre-mitigation impacts. Including such measures as project design features in the Specific Plan ensures their enforceability, as the Project is required to conform with Specific Plan requirements.

3. Use of Performance Standards in Mitigation Measures is CEQA Compliant.

Mitigation measures containing performance standards that identify the specific criteria the agency will apply to determine that the impact has been mitigated comply with CEQA. Guidelines §15126.4 (a)(1)(B). Mitigation measures that provide information regarding the standards that will be applied, the techniques used, the oversight provided to ensure the standards are met, and the entity responsible for insuring compliance comply with CEQA. *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1059-1060.

4. The City Is Not Required, But May, Respond to Comments on the DEIR Submitted After the Close of the Public Comment Period.

CEQA provides a deadline for responding to a Draft EIR in order to permit the City ample time to respond and make project modifications, if it determines the modifications are warranted. Some groups and individual nonetheless file late comments, making it difficult for the City to respond. Guidelines §15089(b) provides that public comments submitted after expiration of the comment period established by CEQA Guidelines §15105(a) are to be focused on the legal adequacy of the Final EIR under CEQA.

The Sierra Club submitted a lengthy letter commenting on the DEIR on February 20, 2024, and from Golden State Environmental Justice Alliance (GSEJA) on March 18, 2024, both more than a year after the close of the DEIR public comment period on February 8, 2023 and over 6

weeks following the second Planning Commission hearing. The issues raised in the Sierra Club and GSEJA letters and the responses merely clarify or amplify information already contained in the Draft EIR, Final EIR, and the record. CEQA Guidelines §15105(b).

The City is not legally obligated to respond to public comments focused exclusively on the Draft EIR which were submitted orally or in writing after the expiration of the public comment period. Pub Res. Code §21091(d)(1). Nor is it required to respond to a comment to the FEIR that merely repeats the original comment, disagrees with the FEIR's response, and does not explain the basis for the disagreement and include data, references with facts, or expert opinion supported by facts concerning an environmental effect. See CEQA Guidelines Section 15204(c). However, the City may, and did, choose to address the issues set forth in the Sierra Club's letter. Pub. Res. Code §21091(d)(2); CEQA Guidelines §15088(a) in the record. Choosing to respond to any one late comment does not impose a requirement on the City to respond to other late comments in the same or any manner.

For the foregoing reasons, we respectfully request that the City adopt the Project with these modifications and certify the Final EIR incorporating the supplemental CEQA memorandum and with no further review, modification or recirculation. Thank you for your consideration.

Very truly yours,

Amy Freilich

Amy E. Freilich

Cc: Nicole Wheelwright, Deputy City Clerk (nwheelright@beaumontca.gov)
Christina Taylor, Deputy City Manager (ctaylor@beaumontca.gov)
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JN 1095-002

MEMORANDUM

TO: Christina Taylor, Deputy City Manager
City of Beaumont
550 East 6th Street
Beaumont CA, 92223

FROM: Nicole Morse, Esq., Principal

DATE: March 18, 2024

RE: Beaumont Pointe Specific Plan Project – Response to Late Comment Letter from GSEJA

T&B Planning, Inc. (T&B Planning) is the environmental consulting firm that prepared the Environmental Impact Report (EIR) for the Beaumont Pointe Specific Plan Project (hereinafter "Project"). The City received a late comment letter from Golden State Environmental Justice Alliance (GSEJA) on March 18, 2024 (see Attachment A). Pursuant to CEQA Guidelines § 15089(b), public comments submitted after expiration of the comment period established by CEQA Guidelines § 15105(a) are to be focused on the legal adequacy of the Final EIR under CEQA. The City is not legally obligated to respond to public comments focused on the Draft EIR, or which reiterate comments on the Draft EIR which were submitted orally or in writing after the February 08, 2023, expiration of the public comment period, including the Comment Letter submitted on March 18, 2024 on behalf of GSEJA. (Pub Res Code § 21091 (d)(1)). However, the City may choose to respond. Nevertheless, T&B Planning reviewed the comment letter to determine whether it raises any new environmental issues or impacts that were not previously addressed in the Beaumont Pointe Specific Plan Draft EIR and Final EIR. Comments must explain the basis for the comments and include data, references with facts, or expert opinion supported by facts concerning an environmental effect to merit a full response. See CEQA Guidelines Section 15204(c). Upon review, this comment letter does not present substantial new information resulting in the need for recirculation or additional environmental review pursuant to CEQA Guidelines § 15088.5. Here, comments disagree with the responses provided to the commenter's comments on the Draft EIR without identifying specific deficiencies with the responses based on data and facts. Thus, no further response is required. The Draft EIR adequately evaluates the environmental impacts of the Project, and recirculation pursuant to CEQA Guidelines Section 15088.5 is not required.

All comments provided in the comment letter have been addressed in the Draft EIR and Final EIR, specifically response to Comments B-1 through B-68 to Comment B (Comment Letter from Blum Collins & Ho, LLP on behalf of GSEJA date February 8, 2023). The information below provides additional points of clarification.

1. The commenter states that the EIR does not provide an analysis of the potential to conflict with environmental justice from the City's General Plan. Responses to previous comments made regarding the Project's consistency with the General Plan policies were provided in response to Comment B-9 for each

policy and goal listed. The commenter does not state why it believes the responses provided were insufficient, and no further response is required.

2. Consistency with the AQMP and CARB statewide GHG reduction goals were analyzed in the Air Quality and Greenhouse Gas chapters, respectively, and not in the Land Use chapter. No further response is required.

3. The commenter states that the EIR did not use the correct Fraction of Time At Home (FAH) values in the Health Risk Assessment (HRA). With respect to the use of FAH values used in the HRA (Draft EIR, Technical Appendix B2), this comment was addressed in the Final EIR, response to Comment B-30. The analysis in the HRA is correct. As stated in the HRA and Final EIR, the response to Comment B-30 is based primarily on OEHHA's 2015 Guidance. The 2017 South Coast AQMD Guidance that the commenter is referring to is South Coast AQMD's recommended procedures for permit projects that are subject to SCAQMD's jurisdiction and is not applicable to this Project because the Project is not a permit project that would be subject to South Coast AQMD's Rule 1401, which is what the 2017 SCAQMD guidance that is being referenced addresses. Notwithstanding, even if the HRA utilized the FAH values the commenter provided, there would be a negligible change in the risk calculations. The construction health risk would go from 0.47 in one million to 0.57 in one million and the operational health risk would go from 0.86 in one million to 1.09 in one million, which is significantly below the applicable threshold of 10 in one million. See Attachment B risk calculations with the modification demonstrating this outcome for reference.

4. The commenter states that the use of Age Sensitivity Factors (ASFs) are not demonstrated in the HRA. ASFs used in the HRA were explained in Final EIR, response to Comment B-31. The ASFs are referenced and shown in the HRA at Page 20 and Tables 2-4, 2-5, and 2-6 of the report. Additionally, in the HRA, Appendix 2.4 Risk Calculations, the output spreadsheets explicitly identify the ASFs. All of the information used to derive the risk estimates using the ASFs are presented explicitly in the HRA.

5. The commenter suggests the same series of additional mitigation measures presented in its comment on the Draft EIR. All feasible mitigation measures have been incorporated into the Project. Responses to each of the suggested mitigation measures proposed by the commenter were addressed in Final EIR, responses to Comments B-34 through B-63.

6. Finally, with respect to the existing setting and cumulative conditions, the commenter states that the area is overburdened by warehousing and pollution. As stated in the HRA, Draft EIR and Final EIR, a determination of significance for the Project was based on the available published thresholds and methodologies from the Office of Environmental Health Hazard Assessment (OEHHA) and South Coast AQMD. This comment was addressed in the Final EIR, response to Comment B-5 (disadvantaged communities) and Draft EIR Page 4.3-48 (air quality impacts on human health due to exceedance with regional significance thresholds and the lack of modeling to conduct a cumulative analysis for a broad area such as a census tract or air basin–Friant Ranch) and Section 4.3.7 (cumulative impacts).

The commenter does not raise any issues concerning or relating to the adequacy of the environmental analysis provided for the Project, and specifically of the Final EIR. Thus, no further response is required. The State CEQA Guidelines Section 15088.5 states:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice of its availability… "significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The commenter does not identify significant new information, the Draft EIR adequately evaluates the environmental impacts of the Project and recirculation pursuant to CEQA Guidelines Section 15088.5 is not required.

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Attachment A:
Comment Letter – GSEJA Comment Letter

Golden State Environmental Justice Alliance
Green Jobs & Clean Communities
P.O. Box 79222
Corona, CA 92877

To: City of Beaumont City Council

From: Golden State Environmental Justice Alliance

Subject: Beaumont Pointe Specific Plan EIR

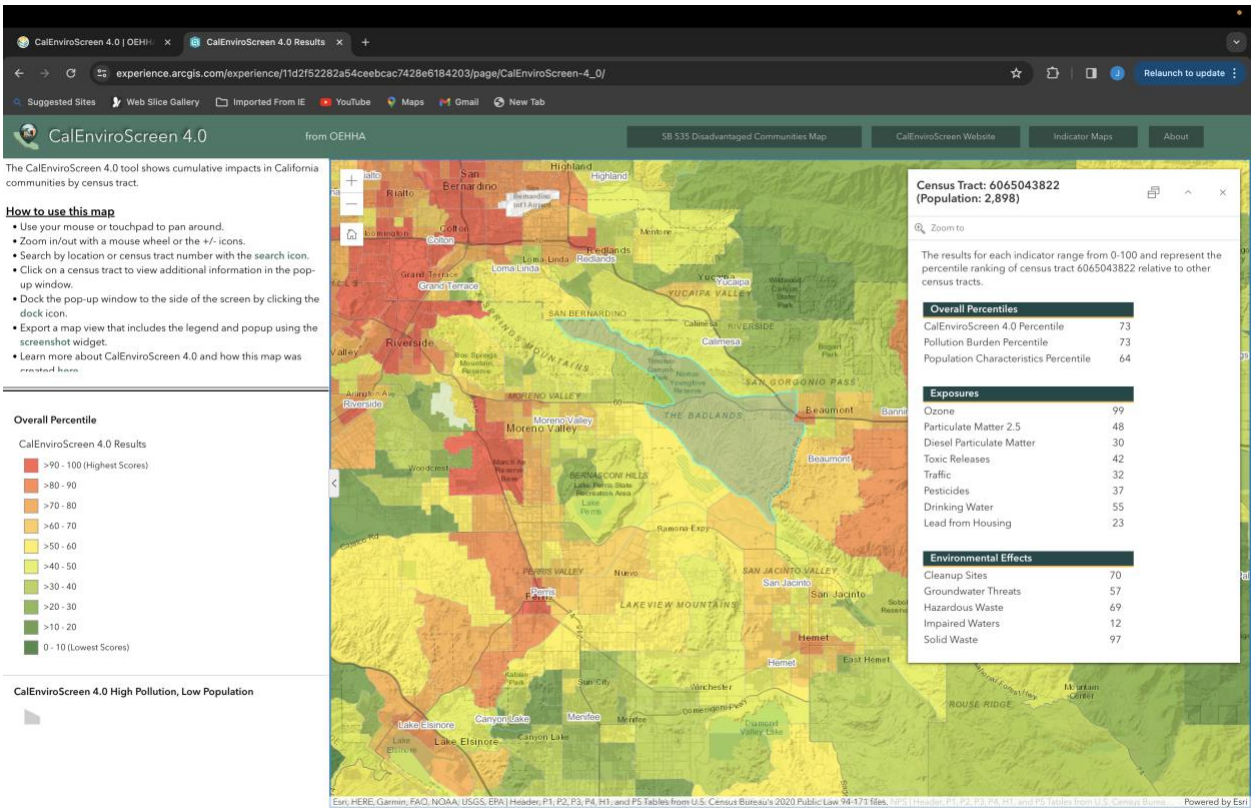
This letter is to serve as further comment in addition to all previously submitted comments and documents by Golden State Environmental Justice Alliance.

CalEnviroScreen Information

CalEnviroScreen is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the state. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores. CalEnviroScreen ranks communities based on data that are available from state and federal government sources. CalEnviroScreen is updated and maintained by The Office of Environmental Health Hazard Assessment, on behalf ofthe California Environmental Protection Agency.

CalEnviroScreen Data on : Beaumont Pointe Specific Plan EIR Project Location/Area

The above listed project is in census tract **6065043822.** Overall, when compared to other census tracts, the project site census tract is in the 73rd percentile regarding pollution. As far as pollution burden is concerned, this census tract is in the 73rd percentile. In terms of Ozone, this census tract is in the 99th percentile, Particulate Matter 2.5 48th percentile, Diesel Particulate Matter 30th percentile, Toxic Releases 42nd percentile and Traffic 32nd percentile to name a few.



RESPONSE TO COMMENTS REBUTTAL

The purpose of this section is to address the inadequacy of the Response to Comments.

The Responses to Comments (RTC) submitted to GSEJA does not provide meaningful evidence to support the conclusions made.

For example, RTC B-3 states: "The commenter incorrectly states that the Beaumont Pointe Specific Plan document was not attached for public review. The draft Specific Plan was incorporated by reference in the EIR at p. 2-7. CEQA Guidelines section 15150(b) only requires that a document to be incorporated by reference be made available to the public for inspection. The draft Specific Plan was posted at the same time and in the same location as the Draft EIR and its technical appendices on the City's website and remained available for review throughout the DEIR public comment period, as was documented in the Notice of Availability for the Draft EIR, at: https://www.beaumontca.gov/1143/Beaumont-Pointe-Specific-Plan. The EIR p. 2-6 also states that the Specific Plan is available on the City's website. Therefore, no further response is required."

It is factual that the Beaumont Pointe Specific Plan document was not attached to the EIR for public review. The RTC attempts to demonstrate that it is appropriate for the Beaumont Pointe Specific Plan document to be incorporated by reference and cites CEQA Guidelines section 15150(b). However, the RTC ignores that CEQA Guidelines section 15150(f) states that "Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand." The Beaumont Pointe Specific Plan document would include permitted uses

and development standards such as maximum height, floor area ratio, parking requirements, and other items that contribute directly to the analysis of environmental impacts and the problems at hand. The Beaumont Pointe Specific Plan document is the entire project and it is not permitted to be incorporated by reference as stated in CEQA Guidelines section 15150(f). Excluding the document from public review does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)) and requirements for documents that are permitted to be incorporated by reference via CEQA Guidelines section 15150(f). The EIR must be revised and recirculated to include the Beaumont Pointe SP document as an attachment for public review.

Further, RTC B-5 states:

"Environmental justice is not a topic that is required to be evaluated or considered pursuant to CEQA Guidelines Sections 15120-15132 (Contents of Environmental Impact Reports)."

While Environmental Justice is not explicitly listed as a topic of evaluation in the CEQA Guidelines, the City and State have adopted several land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect, including environmental justice. The EIR does not provide such an analysis and the project has significant potential to conflict with many of these items that contribute to environmental justice, including but not limited to the following from the General Plan:

1. Goal 3.3: A City that preserves its existing residential neighborhoods and promotes development of new housing choices.
2. Policy 3.3.1 Support the development of new housing opportunities, as defined by the Land Use Plan contained in this Element.
3. Policy 3.3.9 Ensure new development projects and infill construction are of a compatible scale in existing neighborhoods and provide adequate transitions to adjacent residential properties.
4. Policy 3.4.5 Focus economic development efforts on attracting high paying jobs to the City.
5. Policy 3.8.4 Prioritize access to health-promoting uses in new development, including neighborhood markets, grocery stores, medical centers, pharmacies, parks, gyms, community space and gardens.
6. Policy 4.1.1 Reduce vehicular congestion on auto-priority streets to the greatest extent possible. Policy 4.1.2 Maintain LOS D on all auto-priority streets in Beaumont. LOS E is considered acceptable on non-auto-priority streets.
7. Goal 4.6: An efficient goods movement system that ensures timely deliveries without compromising quality of life, safety, or smooth traffic flow for Beaumont residents.
8. Policy 5.1.4 Encourage growth and expansion of businesses and employment centers near public transit to increase transportation options for employees and limit traffic congestion.
9. Goal 6.1: A City that improves the overall health and welfare of its residents.
10. Policy 6.4.1 Ensure convenient access to affordable, fresh produce and healthy foods in all neighborhoods, including grocery stores, farmers' markets, and community gardens, particularly in communities with low incomes and low access.

11. Policy 6.4.3 Limit fast food and liquor stores in neighborhoods with a significant concentration of stores (e.g., multiple stores on the same block or intersection) and child-sensitive areas, such as schools, parks, and childcare facilities.
12. Policy 6.5.5 Promote development of a variety of housing types that meet the needs of residents of all income levels. This policy is implemented through the Land Use and Community Design Element.
13. Policy 6.5.8 Encourage health-promoting uses in new development, including neighborhood markets, grocery stores, pharmacies, parks, gyms, and community gardens.

RTC B-8 states:

"As discussed, although the Project would result in a change to the General Plan land use designations for the Project site to allow for implementation of the Specific Plan, these changes would not result in a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or reducing an environmental effect."

The RTC does not address that the EIR omits discussion and analysis regarding the project's inconsistency with other land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. For example, the project will have a significant and unavoidable cumulatively considerable impact to Air Quality because it will exceed the assumptions in the AQMP and generate operational-source emissions not reflected within the current 2016 AQMP regional emissions inventory for the SCAB. The project will also have a significant and unavoidable cumulatively considerable impact to Greenhouse Gas Emissions because it will conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. The Land Use and Planning analysis omits any discussion regarding inconsistencies with the AQMP and California's statewide GHG reduction goals for 2030 and 2050. The EIR must be revised to include these significant and unavoidable cumulatively considerable impacts for analysis and include a finding of significance.

RTC B-9 states:
"In numerous instances, CEQA case law has held that a project's consistency with a General Plan is not an environmental consideration and does not need to be addressed in a CEQA document (See, e.g., North Coast Rivers Alliance et al. v. Marin Municipal Water District (2013) 216 Cal.App.4th 614, 633; City of Long Beach v. Los Angeles Unified Sch. Dist., (2009) 176 Cal. App. 4th 889, 919). What a CEQA document must address is whether the Project would conflict with the General Plan in such a way that it would result in an environmental effect. In the absence of a planning inconsistency that results in an environmental effect, it is adequate to state that no conflict would occur, which was done in the Draft EIR."

The RTC avoids making the conclusion that should have been made in the EIR- that the project's conflicts with the General Plan necessitates a change in land use designation that results in significant and unavoidable cumulatively considerable impacts to Air Quality, Greenhouse Gas Emissions, Noise, and Transportation/VMT. The EIR must be revised to include this information for analysis and a finding of significance.

RTC B-12 and B-13 state:

"The commenter incorrectly states that the Project would result in a net loss of 383 dwelling units in violation of SB 330 due to land uses changes required to implement the Project. The Project site is not subject to SB 330 since it is currently regulated by Riverside County, outside of the City's jurisdiction. This area of the County is not subject to SB330 as it is outside of the urbanized area."

The RTC is nonsensical and does not provide supporting evidence to substantiate these claims. Due to the required land use changes to implement the proposed project, the site would not be used for the development of residential units and replacement sites must be proposed and analyzed as part of the project in order to comply with SB330. The RTC does not provide any information to support the claim that the County of Riverside is outside of an urbanized area. If the impact within the County of Riverside is outside the scope/jurisdiction of the lead agency, then it is even more essential for a finding of significance to be made as there is no evidence that mitigation (replacement sites to comply with SB330) will actually occur. The lost capacity of 383 dwelling units is a significant environmental impact in violation of the HCA/SB 330. The EIR must be revised to include a finding of significance due to this inconsistency.

RTC B-17 states:
"The commenter is conflating the Draft EIRs description of the availability of workforce in the area for purposes evaluating impacts to population and housing with worker commute VMT distances. As shown on Pages 4.14-8 through 4.18-9 of the Draft EIR, there is an ample supply of available workers within the City and the immediately surrounding area, and the Project would be within the anticipated growth projections contributing to an improved jobs-housing ratio."

The RTC seeks to hide that the EIR picks and chooses the location of its available workforce based upon the section of environmental analysis at hand, rendering it inadequate as an informational document and internally inconsistent. The RTC reinforces this in chastising the public for cross-checking and evaluating the consistency of each environmental topic. Notably, Pages 4.14-8 through 4.18-9 of the Draft EIR states verbatim, "the Riverside-San Bernardino-Ontario region contains an ample supply of potential employees under existing conditions and the Project's labor demand is not expected to draw a substantial number of new, unplanned residents to the area." Therefore, the EIR relies upon the entire supply of employees in the Riverside-San Bernardino-Ontario region to fill its jobs and therefore these employees will commute from across the region to the project site. This will increase the VMT per employee reported in the EIR. This will also increase GHG emissions during all phases of construction and operations and the EIR must be revised to account for longer worker trip distances. For example, the project site is approximately 45 miles from Eastvale, 67 miles from Victorville, and 55 miles from Temecula while the VMT analysis only assumed a 39.19 mile trip for employees. The RTC utilizes uncertain language in stating that "there is an ample supply of available workers within the City and *the immediately surrounding area*" in a failed attempt to fog the public from piecing the facts together. The EIR does not provide any information about the "immediately surrounding area;" only information regarding the Riverside-San Bernardino-Ontario region is provided and thus this is the information the public utilized for analysis. The EIR must be revised to include longer commute trip distances to reflect project employees commuting from across the Riverside-San Bernardino-Ontario region in order to provide an adequate and accurate environmental analysis.

RTC B-18 states:
"As part of the EIR process, projects are required to comply with all design standards. These include roadway street sections, ADA requirements, driveway standards, truck turns and emergency vehicle access requirements to name a few. Since the final site plan and buildings for each parcel are not determined at this stage, detailed truck turns will be prepared during the entitlement of each parcel to ensure final design meets all City requirements. All roadway striping, driveway design and location, ADA access, on-site/off-site truck turns and emergency vehicle access and turning movements will be developed to ensure all design elements result in a safe final design for each parcel and public roadways and will comply with applicable requirements. Therefore, no revisions to the Draft EIR are required."

The RTC again defers this environmental analysis required by CEQA to the construction permitting phase. This is deferred and improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared for the proposed project with this analysis in order to provide an adequate and accurate environmental analysis. The EIR cannot conclude that the project will not result in significant and unavoidable impacts until and unless it provides detailed analysis including truck turning templates, on-site/off-site truck turns and emergency vehicle access and turning movements.

Additionally, further comments by SWAPE (Soil Water Air Protection Enterprises) are incorporated into our response below.

Diesel Particulate Matter Emissions Inadequately Evaluated

As demonstrated in our February 1st comment letter, the DEIR's construction and operational HRAs underestimate the Fraction of Time At Home ("FAH") values. Review of the FEIR demonstrates that the Project again fails to implement the correct FAH values. In response to our February 1st comment letter, the FEIR states:

"In response to the first issue raised in this comment asserting that the fraction of time at home (FAH) values relied upon by the Draft EIR's Health Risk Assessment (HRA) are inconsistent with those recommended by the South Coast AQMD. South Coast AQMD recommends using Office Of Environmental Health Hazard Assessment (OEHHA) guidance. The HRA followed South Coast AQMD-approved and OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments (February 2015). The time at home factors used in the assessment are consistent with OEHHA-recommended factors and, therefore, follow South Coast AQMD recommended guidance" (FEIR, p. 2 - 62)

As discussed above, the FEIR claims to use the correct FAH values as recommended by the South Coast Air Quality Management District ("SCAQMD"). However, the DEIR and FEIR cite values recommend by SCAQMD in February 2015. In our February 1st comment letter, we rely on FAH values recommended by SCAQMD August 2017.1 As it is now November 2023, the FEIR should rely on the most recently updated values by SCAQMD for any health-risk analyses. Consequently, we maintain that the Project again fails to
use the correct FAH values in their analyses.
The HRAs utilize a FAH value of 0.85 for the third trimester (age -0.25 to 0) and infant (age 0 to 2) receptors, and an FAH value of 0.72 for the child receptors (age 2 to 16) (see excerpts below) (Appendix B2, p. 21, Table 2-4, Table 2-5).
However, the FAH values used for the third trimester, infant, and childhood receptors are incorrect, as SCAQMD guidance clearly states:

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

As stated above, per SCAQMD guidance, the HRAs should have relied on an FAH value of 1 for the third trimester, infant, and child receptors. Thus, by utilizing incorrect FAH values, the FEIR and DEIR underestimate the cancer risk posed to nearby, existing sensitive receptors as a result of Project construction and operation.

Additionally, as demonstrated in our February 1st comment letter, the DEIR's construction and operational HRAs may fail to include Age Sensitivity Factors ("ASFs"). Review of the FEIR demonstrates that the Project again fails to verify the use of ASF values in their calculations. In response to our February 1st comment letter, the FEIR states:

"The commenter incorrectly states that Age Sensitivity Factors (ASF) were omitted from the analysis. As noted on Page 20 of Technical Appendix B2, of the Draft EIR, and illustrated on Tables 2-4 through 2-6, the "Age Specific Factor" is clearly identified. Furthermore, the Risk Calculations contained in Appendix 2.4 of the Health Risk Assessment (Technical Appendix B2, of the Draft EIR), shows the quantification of carcinogenic risk and noncarcinogenic hazards based on each ASF scenario. As shown, the ASFs were appropriately included in the analysis. The analysis uses the same equation proposed by the commenter; however, a simplified version of this formula is presented in the Health Risk Assessment (refer to Section 2.5 of Technical Appendix B2 of the Draft EIR)" (FEIR, p. 2 – 63).

As discussed above, the FEIR claims to use ASF values in the calculations due to the fact that they are included in Tables 2-4 through 2-6. However, the DEIR and FEIR fail to demonstrate that these values, although included in Appendix B2 tables, are incorporated into the equation. As discussed below, we maintain that the Project again fails to verify the use of ASF values in the calculations.

Regarding ASFs, OEHHA guidance states:

"Studies have shown that young animals are more sensitive than adult animals to exposure to many carcinogens (OEHHA, 2009). Therefore, OEHHA developed age sensitivity factors (ASFs) to take into account the increased sensitivity to carcinogens during early-in-life exposure (Table 8.3). These factors were developed and described in detail in OEHHA (2009). In the absence of chemical-specific data, OEHHA recommends a default ASF of 10 for the third trimester to age 2 years, and an ASF of 3 for ages 2 through 15 years to account for potential increased sensitivity to carcinogens during childhood."

However, while the HRA Report includes ASFs in their exposure assumption tables, the equation to produce carcinogenic risk estimates, as shown below, is incorrect and underestimated (p. 22).

Instead, the HRA Report should have used the following equation that includes ASFs:

By potentially failing to include ASF values in the carcinogenic risk estimate equation, the FEIR and DEIR's HRAs underestimate the cancer risk posed to nearby, existing sensitive receptors as a result of Project construction and operation. As such, a revised EIR should be prepared to include an updated analysis correctly accounting for ASF values.

Disproportionate Health Risk Impacts of Warehouses on Surrounding Communities

As demonstrated in our February 1st comment letter, the DEIR reveals the Project will contribute to the disproportionate impact that warehouses have on surrounding communities. Review of the FEIR demonstrates that the Project again fails to adequately evaluate the Project's potential contribution to the disproportionate impacts on surrounding communities. We maintain that the DEIR and FEIR should evaluate the cumulative air quality impact on surrounding communities from the several warehouse projects proposed or built in a one-mile radius of the Project site. The revised EIR should prepare a cumulative HRA to quantify the adverse health outcome from the effects of exposure to multiple warehouses in the immediate area, in conjunction with the already poor ambient air quality in the Project's census tract.

Upon review of the DEIR, we determined that the development of the proposed Project would result in disproportionate health risk impacts on community members living, working, and going to school within the immediate area of the Project site. According to the SCAQMD:

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

In particular, the SCAQMD found that more than 2.4 million people live within a half mile radius of at least one warehouse, and that those areas not only experience increased rates of asthma and heart attacks, but are also disproportionately Black and Latino communities below the poverty line. Another study similarly indicates that "neighborhoods with lower household income levels and higher percentages of minorities are expected to have higher probabilities of containing warehousing facilities."

Additionally, a report authored by the Inland Empire-based People's Collective for Environmental Justice and University of Redlands states:

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

It is evident that the continued development of industrial warehouses within these communities poses a significant environmental justice challenge. However, the acceleration of warehouse development is only increasing despite the consequences on public health. The Inland Empire alone is adding 10 to 25 million SF of new industrial space each year.

In April 2022, the American Lung Association ranked Riverside County as the second worst for ozone pollution in the nation.8 The American Lung Association also reported that Riverside County has a weighted average of 133.3 bad air days for ozone pollution in 2020.9 Downtown Los Angeles, by comparison, had only 22 ozone violation days in 2020.10 This year, the County continues to face the second worst ozone pollution, as it has seen the highest recorded Air Quality Index ("AQI") values for ground-level ozone in California.11 The U.S. Environmental Protection Agency ("EPA") indicates that ozone, the main ingredient in "smog," can cause several health problems, which includes aggravating lung diseases and increasing the frequency of asthma attacks.

The U.S. EPA states:
"Children are at greatest risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, which increases their exposure. Children are also more likely than adults to have asthma."

Furthermore, regarding the increased sensitivity of early-life exposures to inhaled pollutants, the California Air Resources Board ("CARB") states:

"Children are often at greater risk from inhaled pollutants, due to the following reasons:
• Children have unique activity patterns and behavior. For example, they crawl and play on the ground, amidst dirt and dust that may carry a wide variety of toxicants. They often put their hands, toys, and other items into their mouths, ingesting harmful substances. Compared to adults, children typically spend more time outdoors and are more physically active. Time outdoors coupled with faster breathing during exercise increases children's relative exposure to air pollution.

• Children are physiologically unique. Relative to body size, children eat, breathe, and drink more than adults, and their natural biological defenses are less developed. The protective barrier surrounding the brain is not fully developed, and children's nasal passages aren't as effective at filtering out pollutants. Developing lungs, immune, and metabolic systems are also at risk.

• Children are particularly susceptible during development. Environmental exposures during fetal development, the first few years of life, and puberty have the greatest potential to influence later growth and development."

A Stanford-led study also reveals that children exposed to high levels of air pollution are more susceptible to respiratory and cardiovascular diseases in adulthood.14 Thus, given children's higher propensity to succumb to the negative health impacts of air pollutants, and as warehouses release more smog-forming pollution than any other sector, it is necessary to evaluate the specific health risk that warehouses pose to children in the nearby community.

According to the above-mentioned study by the People's Collective for Environmental Justice and University of Redlands, there are 640 schools in the South Coast Air Basin that are located within half a mile of a large warehouse, most of them in socio-economically disadvantaged areas.15 Furthermore, review of Google Earth demonstrates that there is a day care located approximately 4,235-feet, or 0.8 miles from the Project site (see excerpt below).

This poses a significant threat because, as outlined above, children are a vulnerable population that are more susceptible to the damaging side effects of air pollution. As such, the Project would have detrimental short-term and long-term health impacts on local children if approved.
As demonstrated above, we maintain our February 1st comment that the DEIR fails to take into account the Project's contribution to the disproportionate impacts of warehouses on the surrounding communities. In order to evaluate the cumulative air quality impact from the several warehouse projects proposed or built in a one-mile radius of the Project site, the revised EIR should prepare a cumulative health risk assessment ("HRA") to quantify the adverse health outcome from the effects of exposure to multiple warehouses in the immediate area in conjunction with the poor ambient air quality in the Project's census tract.

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

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project would result in potentially significant air quality and GHG impacts that should be mitigated further. As such, in an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project. Feasible mitigation measures can be found in the California Department of Justice Warehouse Project Best Practices document. Therefore, to reduce the Project's emissions, consideration of the following measures should be made:

• Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.

• 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.

• Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zeroemission beginning in 2030.

• Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.

• Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.

• Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.

• Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.

• Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.

• Running conduit to designated locations for future electric truck charging stations.
• Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.

• Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.

• Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)

• Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.

• Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.

• Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.

• Requiring all stand-by emergency generators to be powered by a non-diesel fuel.

• Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

• Requiring operators to establish and promote a rideshare program that discourages singleoccupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

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

• Designing to LEED green building certification standards.

• Providing meal options onsite or shuttles between the facility and nearby meal destinations.

• Posting signs at every truck exit driveway providing directional information to the truck route.

• Improving and maintaining vegetation and tree canopy for residents in and around the project area.
• Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
• Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.

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.

Furthermore, 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 the applicability of incorporating solar power system into the Project design. Until the feasibility of incorporating on-site renewable energy production is considered, the Project should not be approved.

A revised EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality 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.

Conclusion

Consider the above referenced information when making this important decision. Realize that you and the citizens of this area face some of the WORST POLLUTION in the entire state of California.

It is the responsibility of the City's elected and appointed officials to make environmentally responsible development decisions. Based on the CalEnviroScreen data, this is more than sufficient evidence of the further air quality impacts that the citizenry of Beaumont will continue to encounter with further development of another warehouse. We are not against development, as we believe it is necessary for further economic growth in our current society. Development needs to be conducted with the highest of expectations to ensure the local population does not suffer further air quality burdens.

We stand by our comments and believe the EIR is flawed and should be redrafted and recirculated for public review.

Respectfully Submitted,

Adam Salcido

Adam Salcido - GSEJA

Source -
https://experience.arcgis.com/experience/4af93cf9888a424481d2868391af2d82/page/home/?data_id=dataSource_2-1754d6afdb4-layer-9%3A7306

Glossary of Terms

Ozone - Amount of daily maximum 8-hour Ozone concentration

Particulate Matter 2.5 - Annual mean PM 2.5 concentrations

Diesel Particulate Matter - Diesel PM emissions from on-road and non-road sources

Toxic Releases - Toxicity-weighted concentrations of modeled chemical releases to air from
facility emissions and off-site incineration.

Traffic -Traffic density, in vehicle-kilometers per hour per road length, within 150 meters of the census tract boundary.

Attachment B:
Health Risk Calculations

Table 1 - Construction
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
-0.25 to 0 Age Bin Exposure Scenario

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards/ Toxicological Endpoints**								
					URF	CPF	DOSE	RISK	REL	RfD	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			$(ug/m^3)^{-1}$	$(mg/kg/day)^{-1}$	(mg/kg-day)		(ug/m^3)	(mg/kg/day)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
	0.00147	1.47E-06	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	5.1E-07	1.9E-08	5.0E+00	1.4E-03	2.9E-04							
TOTAL								1.9E-08			2.9E-04	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

** Key to Toxicological Endpoints

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effects)
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intake

exposure frequency (days/year)	350
exposure duration (years)	0.25
inhalation rate (L/kg-day))	361
inhalation absorption factor	1
averaging time (years)	70
fraction of time at home	1.00
age sensitivity factor (age third trimester	10

Table 2 - Construction
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
0-2 Age Bin Exposure Scenario

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards/ Toxicological Endpoints**								
					URF	CPF	DOSE	RISK	REL	RfD	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			(ug/m^3)$^{-1}$	(mg/kg/day)$^{-1}$	(mg/kg-day)		(ug/m^3)	(mg/kg/day)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
	0.00147	1.47E-06	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	1.5E-06	4.6E-07	5.0E+00	1.4E-03	2.9E-04							
TOTAL								4.6E-07			2.9E-04	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

** Key to Toxicological Endpoints

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effects)
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intake

exposure frequency (days/year)	350
exposure duration (years)	2
inhalation rate (L/kg-day))	1090
inhalation absorption factor	1
averaging time (years)	70
fraction of time at home	1.00
age sensitivity factor (0 to 2 years old)	10

Table 3 - Construction
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
2-16 Age Bin Exposure Scenario

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards/ Toxicological Endpoints**								
					URF	CPF	DOSE	RISK	REL	RfD	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			$(ug/m^3)^{-1}$	$(mg/kg/day)^{-1}$	(mg/kg-day)		(ug/m^3)	(mg/kg/day)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
	0.00147	1.47E-06	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	8.1E-07	9.1E-08	5.0E+00	1.4E-03	2.9E-04							
TOTAL								9.1E-08			2.9E-04	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

** Key to Toxicological Endpoints

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effects)
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intake

exposure frequency (days/year)	350
exposure duration (years)	2.5
inhalation rate (L/kg-day))	572
inhalation absorption factor	1
averaging time (years)	70
fraction of time at home	1.00
age sensitivity factor (ages 2 to 16 years old	3

Total Risk for All Age Bins (per million) 0.57

Table 4 - Operations
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
-0.25 to 0 Age Bin Exposure Scenario

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards/ Toxicological Endpoints**								
					URF	CPF	DOSE	RISK	REL	RfD	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			$(ug/m^3)^{-1}$	$(mg/kg/day)^{-1}$	(mg/kg-day)		(ug/m^3)	(mg/kg/day)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
	0.00153	1.53E-06	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	5.3E-07	2.0E-08	5.0E+00	1.4E-03	3.1E-04							
TOTAL								2.0E-08			3.1E-04	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

** Key to Toxicological Endpoints

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CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effects)
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intake

exposure frequency (days/year)	350
exposure duration (years)	0.25
inhalation rate (L/kg-day))	361
inhalation absorption factor	1
averaging time (years)	70
fraction of time at home	1.00
age sensitivity factor (age third trimester	10

Table 5 - Operations
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
0-2 Age Bin Exposure Scenario

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards/ Toxicological Endpoints**								
					URF	CPF	DOSE	RISK	REL	RfD	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			$(ug/m^3)^{-1}$	$(mg/kg/day)^{-1}$	(mg/kg-day)		(ug/m^3)	(mg/kg/day)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
	0.00153	1.53E-06	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	1.6E-06	4.8E-07	5.0E+00	1.4E-03	3.1E-04							
TOTAL								4.8E-07			3.1E-04	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

** Key to Toxicological Endpoints

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effects)
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intake

exposure frequency (days/year)	350
exposure duration (years)	2
inhalation rate (L/kg-day))	1090
inhalation absorption factor	1
averaging time (years)	70
fraction of time at home	1.00
age sensitivity factor (0 to 2 years old)	10

Table 6 - Operations
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
2-16 Age Bin Exposure Scenario

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards/ Toxicological Endpoints**								
					URF	CPF	DOSE	RISK	REL	RfD	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			(ug/m^3)$^{-1}$	(mg/kg/day)$^{-1}$	(mg/kg-day)		(ug/m^3)	(mg/kg/day)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
	0.00153	1.53E-06	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	8.4E-07	5.3E-07	5.0E+00	1.4E-03	3.1E-04							
TOTAL								5.3E-07			3.1E-04	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

** Key to Toxicological Endpoints

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effects)
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intake

exposure frequency (days/year)	350
exposure duration (years)	14
inhalation rate (L/kg-day))	572
inhalation absorption factor	1
averaging time (years)	70
fraction of time at home	1.00
age sensitivity factor (ages 2 to 16 years	3

Table 7 - Operations
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
16-30 Age Bin Exposure Scenario

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards/ Toxicological Endpoints**								
					URF	CPF	DOSE	RISK	REL	RfD	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			(ug/m^3)$^{-1}$	(mg/kg/day)$^{-1}$	(mg/kg-day)		(ug/m^3)	(mg/kg/day)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
	0.00153	1.53E-06	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	3.8E-07	5.9E-08	5.0E+00	1.4E-03	3.1E-04							
TOTAL								5.9E-08			3.1E-04	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

0.06

** Key to Toxicological Endpoints

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effects)
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intake

exposure frequency (days/year)	350
exposure duration (years)	14
inhalation rate (L/kg-day))	261
inhalation absorption factor	1
averaging time (years)	70
fraction of time at home	0.73
age sensitivity factor (ages 16 to 30 years old)	1

Total Risk for All Age Bins (per million) 1.09

Golden State Environmental Justice Alliance
Green Jobs & Clean Communities
P.O. Box 79222
Corona, CA 92877

To: City of Beaumont City Council

From: Golden State Environmental Justice Alliance

Subject: Beaumont Pointe Specific Plan EIR

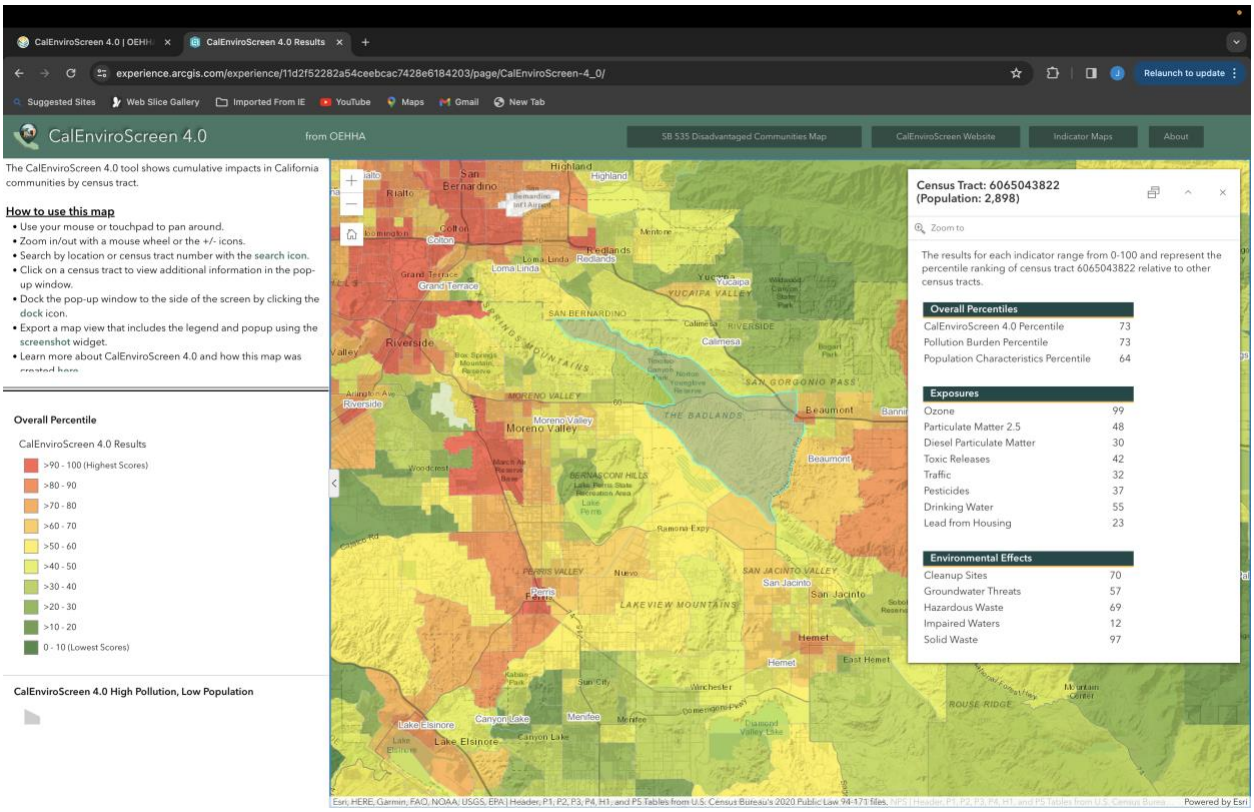
This letter is to serve as further comment in addition to all previously submitted comments and documents by Golden State Environmental Justice Alliance.

CalEnviroScreen Information

CalEnviroScreen is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the state. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores. CalEnviroScreen ranks communities based on data that are available from state and federal government sources. CalEnviroScreen is updated and maintained by The Office of Environmental Health Hazard Assessment, on behalf ofthe California Environmental Protection Agency.

CalEnviroScreen Data on : Beaumont Pointe Specific Plan EIR Project Location/Area

The above listed project is in census tract **6065043822.** Overall, when compared to other census tracts, the project site census tract is in the 73rd percentile regarding pollution. As far as pollution burden is concerned, this census tract is in the 73rd percentile. In terms of Ozone, this census tract is in the 99th percentile, Particulate Matter 2.5 48th percentile, Diesel Particulate Matter 30th percentile, Toxic Releases 42nd percentile and Traffic 32nd percentile to name a few.



RESPONSE TO COMMENTS REBUTTAL

The purpose of this section is to address the inadequacy of the Response to Comments.

The Responses to Comments (RTC) submitted to GSEJA does not provide meaningful evidence to support the conclusions made.

For example, RTC B-3 states: "The commenter incorrectly states that the Beaumont Pointe Specific Plan document was not attached for public review. The draft Specific Plan was incorporated by reference in the EIR at p. 2-7. CEQA Guidelines section 15150(b) only requires that a document to be incorporated by reference be made available to the public for inspection. The draft Specific Plan was posted at the same time and in the same location as the Draft EIR and its technical appendices on the City's website and remained available for review throughout the DEIR public comment period, as was documented in the Notice of Availability for the Draft EIR, at: https://www.beaumontca.gov/1143/Beaumont-Pointe-Specific-Plan. The EIR p. 2-6 also states that the Specific Plan is available on the City's website. Therefore, no further response is required."

It is factual that the Beaumont Pointe Specific Plan document was not attached to the EIR for public review. The RTC attempts to demonstrate that it is appropriate for the Beaumont Pointe Specific Plan document to be incorporated by reference and cites CEQA Guidelines section 15150(b). However, the RTC ignores that CEQA Guidelines section 15150(f) states that "Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand." The Beaumont Pointe Specific Plan document would include permitted uses

and development standards such as maximum height, floor area ratio, parking requirements, and other items that contribute directly to the analysis of environmental impacts and the problems at hand. The Beaumont Pointe Specific Plan document is the entire project and it is not permitted to be incorporated by reference as stated in CEQA Guidelines section 15150(f). Excluding the document from public review does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)) and requirements for documents that are permitted to be incorporated by reference via CEQA Guidelines section 15150(f). The EIR must be revised and recirculated to include the Beaumont Pointe SP document as an attachment for public review.

Further, RTC B-5 states:

"Environmental justice is not a topic that is required to be evaluated or considered pursuant to CEQA Guidelines Sections 15120-15132 (Contents of Environmental Impact Reports)."

While Environmental Justice is not explicitly listed as a topic of evaluation in the CEQA Guidelines, the City and State have adopted several land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect, including environmental justice. The EIR does not provide such an analysis and the project has significant potential to conflict with many of these items that contribute to environmental justice, including but not limited to the following from the General Plan:

1. Goal 3.3: A City that preserves its existing residential neighborhoods and promotes development of new housing choices.
2. Policy 3.3.1 Support the development of new housing opportunities, as defined by the Land Use Plan contained in this Element.
3. Policy 3.3.9 Ensure new development projects and infill construction are of a compatible scale in existing neighborhoods and provide adequate transitions to adjacent residential properties.
4. Policy 3.4.5 Focus economic development efforts on attracting high paying jobs to the City.
5. Policy 3.8.4 Prioritize access to health-promoting uses in new development, including neighborhood markets, grocery stores, medical centers, pharmacies, parks, gyms, community space and gardens.
6. Policy 4.1.1 Reduce vehicular congestion on auto-priority streets to the greatest extent possible. Policy 4.1.2 Maintain LOS D on all auto-priority streets in Beaumont. LOS E is considered acceptable on non-auto-priority streets.
7. Goal 4.6: An efficient goods movement system that ensures timely deliveries without compromising quality of life, safety, or smooth traffic flow for Beaumont residents.
8. Policy 5.1.4 Encourage growth and expansion of businesses and employment centers near public transit to increase transportation options for employees and limit traffic congestion.
9. Goal 6.1: A City that improves the overall health and welfare of its residents.
10. Policy 6.4.1 Ensure convenient access to affordable, fresh produce and healthy foods in all neighborhoods, including grocery stores, farmers' markets, and community gardens, particularly in communities with low incomes and low access.

11. Policy 6.4.3 Limit fast food and liquor stores in neighborhoods with a significant concentration of stores (e.g., multiple stores on the same block or intersection) and child-sensitive areas, such as schools, parks, and childcare facilities.
12. Policy 6.5.5 Promote development of a variety of housing types that meet the needs of residents of all income levels. This policy is implemented through the Land Use and Community Design Element.
13. Policy 6.5.8 Encourage health-promoting uses in new development, including neighborhood markets, grocery stores, pharmacies, parks, gyms, and community gardens.

RTC B-8 states:

"As discussed, although the Project would result in a change to the General Plan land use designations for the Project site to allow for implementation of the Specific Plan, these changes would not result in a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or reducing an environmental effect."

The RTC does not address that the EIR omits discussion and analysis regarding the project's inconsistency with other land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. For example, the project will have a significant and unavoidable cumulatively considerable impact to Air Quality because it will exceed the assumptions in the AQMP and generate operational-source emissions not reflected within the current 2016 AQMP regional emissions inventory for the SCAB. The project will also have a significant and unavoidable cumulatively considerable impact to Greenhouse Gas Emissions because it will conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. The Land Use and Planning analysis omits any discussion regarding inconsistencies with the AQMP and California's statewide GHG reduction goals for 2030 and 2050. The EIR must be revised to include these significant and unavoidable cumulatively considerable impacts for analysis and include a finding of significance.

RTC B-9 states:
"In numerous instances, CEQA case law has held that a project's consistency with a General Plan is not an environmental consideration and does not need to be addressed in a CEQA document (See, e.g., North Coast Rivers Alliance et al. v. Marin Municipal Water District (2013) 216 Cal.App.4th 614, 633; City of Long Beach v. Los Angeles Unified Sch. Dist., (2009) 176 Cal. App. 4th 889, 919). What a CEQA document must address is whether the Project would conflict with the General Plan in such a way that it would result in an environmental effect. In the absence of a planning inconsistency that results in an environmental effect, it is adequate to state that no conflict would occur, which was done in the Draft EIR."

The RTC avoids making the conclusion that should have been made in the EIR- that the project's conflicts with the General Plan necessitates a change in land use designation that results in significant and unavoidable cumulatively considerable impacts to Air Quality, Greenhouse Gas Emissions, Noise, and Transportation/VMT. The EIR must be revised to include this information for analysis and a finding of significance.

RTC B-12 and B-13 state:

"The commenter incorrectly states that the Project would result in a net loss of 383 dwelling units in violation of SB 330 due to land uses changes required to implement the Project. The Project site is not subject to SB 330 since it is currently regulated by Riverside County, outside of the City's jurisdiction. This area of the County is not subject to SB330 as it is outside of the urbanized area."

The RTC is nonsensical and does not provide supporting evidence to substantiate these claims. Due to the required land use changes to implement the proposed project, the site would not be used for the development of residential units and replacement sites must be proposed and analyzed as part of the project in order to comply with SB330. The RTC does not provide any information to support the claim that the County of Riverside is outside of an urbanized area. If the impact within the County of Riverside is outside the scope/jurisdiction of the lead agency, then it is even more essential for a finding of significance to be made as there is no evidence that mitigation (replacement sites to comply with SB330) will actually occur. The lost capacity of 383 dwelling units is a significant environmental impact in violation of the HCA/SB 330. The EIR must be revised to include a finding of significance due to this inconsistency.

RTC B-17 states:
"The commenter is conflating the Draft EIRs description of the availability of workforce in the area for purposes evaluating impacts to population and housing with worker commute VMT distances. As shown on Pages 4.14-8 through 4.18-9 of the Draft EIR, there is an ample supply of available workers within the City and the immediately surrounding area, and the Project would be within the anticipated growth projections contributing to an improved jobs-housing ratio."

The RTC seeks to hide that the EIR picks and chooses the location of its available workforce based upon the section of environmental analysis at hand, rendering it inadequate as an informational document and internally inconsistent. The RTC reinforces this in chastising the public for cross-checking and evaluating the consistency of each environmental topic. Notably, Pages 4.14-8 through 4.18-9 of the Draft EIR states verbatim, "the Riverside-San Bernardino-Ontario region contains an ample supply of potential employees under existing conditions and the Project's labor demand is not expected to draw a substantial number of new, unplanned residents to the area." Therefore, the EIR relies upon the entire supply of employees in the Riverside-San Bernardino-Ontario region to fill its jobs and therefore these employees will commute from across the region to the project site. This will increase the VMT per employee reported in the EIR. This will also increase GHG emissions during all phases of construction and operations and the EIR must be revised to account for longer worker trip distances. For example, the project site is approximately 45 miles from Eastvale, 67 miles from Victorville, and 55 miles from Temecula while the VMT analysis only assumed a 39.19 mile trip for employees. The RTC utilizes uncertain language in stating that "there is an ample supply of available workers within the City and *the immediately surrounding area*" in a failed attempt to fog the public from piecing the facts together. The EIR does not provide any information about the "immediately surrounding area;" only information regarding the Riverside-San Bernardino-Ontario region is provided and thus this is the information the public utilized for analysis. The EIR must be revised to include longer commute trip distances to reflect project employees commuting from across the Riverside-San Bernardino-Ontario region in order to provide an adequate and accurate environmental analysis.

RTC B-18 states:
"As part of the EIR process, projects are required to comply with all design standards. These include roadway street sections, ADA requirements, driveway standards, truck turns and emergency vehicle access requirements to name a few. Since the final site plan and buildings for each parcel are not determined at this stage, detailed truck turns will be prepared during the entitlement of each parcel to ensure final design meets all City requirements. All roadway striping, driveway design and location, ADA access, on-site/off-site truck turns and emergency vehicle access and turning movements will be developed to ensure all design elements result in a safe final design for each parcel and public roadways and will comply with applicable requirements. Therefore, no revisions to the Draft EIR are required."

The RTC again defers this environmental analysis required by CEQA to the construction permitting phase. This is deferred and improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared for the proposed project with this analysis in order to provide an adequate and accurate environmental analysis. The EIR cannot conclude that the project will not result in significant and unavoidable impacts until and unless it provides detailed analysis including truck turning templates, on-site/off-site truck turns and emergency vehicle access and turning movements.

Additionally, further comments by SWAPE (Soil Water Air Protection Enterprises) are incorporated into our response below.

Diesel Particulate Matter Emissions Inadequately Evaluated

As demonstrated in our February 1st comment letter, the DEIR's construction and operational HRAs underestimate the Fraction of Time At Home ("FAH") values. Review of the FEIR demonstrates that the Project again fails to implement the correct FAH values. In response to our February 1st comment letter, the FEIR states:

"In response to the first issue raised in this comment asserting that the fraction of time at home (FAH) values relied upon by the Draft EIR's Health Risk Assessment (HRA) are inconsistent with those recommended by the South Coast AQMD. South Coast AQMD recommends using Office Of Environmental Health Hazard Assessment (OEHHA) guidance. The HRA followed South Coast AQMD-approved and OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments (February 2015). The time at home factors used in the assessment are consistent with OEHHA-recommended factors and, therefore, follow South Coast AQMD recommended guidance" (FEIR, p. 2 - 62)

As discussed above, the FEIR claims to use the correct FAH values as recommended by the South Coast Air Quality Management District ("SCAQMD"). However, the DEIR and FEIR cite values recommend by SCAQMD in February 2015. In our February 1st comment letter, we rely on FAH values recommended by SCAQMD August 2017.1 As it is now November 2023, the FEIR should rely on the most recently updated values by SCAQMD for any health-risk analyses. Consequently, we maintain that the Project again fails to
use the correct FAH values in their analyses.
The HRAs utilize a FAH value of 0.85 for the third trimester (age -0.25 to 0) and infant (age 0 to 2) receptors, and an FAH value of 0.72 for the child receptors (age 2 to 16) (see excerpts below) (Appendix B2, p. 21, Table 2-4, Table 2-5).
However, the FAH values used for the third trimester, infant, and childhood receptors are incorrect, as SCAQMD guidance clearly states:

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

As stated above, per SCAQMD guidance, the HRAs should have relied on an FAH value of 1 for the third trimester, infant, and child receptors. Thus, by utilizing incorrect FAH values, the FEIR and DEIR underestimate the cancer risk posed to nearby, existing sensitive receptors as a result of Project construction and operation.

Additionally, as demonstrated in our February 1st comment letter, the DEIR's construction and operational HRAs may fail to include Age Sensitivity Factors ("ASFs"). Review of the FEIR demonstrates that the Project again fails to verify the use of ASF values in their calculations. In response to our February 1st comment letter, the FEIR states:

"The commenter incorrectly states that Age Sensitivity Factors (ASF) were omitted from the analysis. As noted on Page 20 of Technical Appendix B2, of the Draft EIR, and illustrated on Tables 2-4 through 2-6, the "Age Specific Factor" is clearly identified. Furthermore, the Risk Calculations contained in Appendix 2.4 of the Health Risk Assessment (Technical Appendix B2, of the Draft EIR), shows the quantification of carcinogenic risk and noncarcinogenic hazards based on each ASF scenario. As shown, the ASFs were appropriately included in the analysis. The analysis uses the same equation proposed by the commenter; however, a simplified version of this formula is presented in the Health Risk Assessment (refer to Section 2.5 of Technical Appendix B2 of the Draft EIR)" (FEIR, p. 2 – 63).

As discussed above, the FEIR claims to use ASF values in the calculations due to the fact that they are included in Tables 2-4 through 2-6. However, the DEIR and FEIR fail to demonstrate that these values, although included in Appendix B2 tables, are incorporated into the equation. As discussed below, we maintain that the Project again fails to verify the use of ASF values in the calculations.

Regarding ASFs, OEHHA guidance states:

"Studies have shown that young animals are more sensitive than adult animals to exposure to many carcinogens (OEHHA, 2009). Therefore, OEHHA developed age sensitivity factors (ASFs) to take into account the increased sensitivity to carcinogens during early-in-life exposure (Table 8.3). These factors were developed and described in detail in OEHHA (2009). In the absence of chemical-specific data, OEHHA recommends a default ASF of 10 for the third trimester to age 2 years, and an ASF of 3 for ages 2 through 15 years to account for potential increased sensitivity to carcinogens during childhood."

However, while the HRA Report includes ASFs in their exposure assumption tables, the equation to produce carcinogenic risk estimates, as shown below, is incorrect and underestimated (p. 22).

Instead, the HRA Report should have used the following equation that includes ASFs:

By potentially failing to include ASF values in the carcinogenic risk estimate equation, the FEIR and DEIR's HRAs underestimate the cancer risk posed to nearby, existing sensitive receptors as a result of Project construction and operation. As such, a revised EIR should be prepared to include an updated analysis correctly accounting for ASF values.

Disproportionate Health Risk Impacts of Warehouses on Surrounding Communities

As demonstrated in our February 1st comment letter, the DEIR reveals the Project will contribute to the disproportionate impact that warehouses have on surrounding communities. Review of the FEIR demonstrates that the Project again fails to adequately evaluate the Project's potential contribution to the disproportionate impacts on surrounding communities. We maintain that the DEIR and FEIR should evaluate the cumulative air quality impact on surrounding communities from the several warehouse projects proposed or built in a one-mile radius of the Project site. The revised EIR should prepare a cumulative HRA to quantify the adverse health outcome from the effects of exposure to multiple warehouses in the immediate area, in conjunction with the already poor ambient air quality in the Project's census tract.

Upon review of the DEIR, we determined that the development of the proposed Project would result in disproportionate health risk impacts on community members living, working, and going to school within the immediate area of the Project site. According to the SCAQMD:

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

In particular, the SCAQMD found that more than 2.4 million people live within a half mile radius of at least one warehouse, and that those areas not only experience increased rates of asthma and heart attacks, but are also disproportionately Black and Latino communities below the poverty line. Another study similarly indicates that "neighborhoods with lower household income levels and higher percentages of minorities are expected to have higher probabilities of containing warehousing facilities."

Additionally, a report authored by the Inland Empire-based People's Collective for Environmental Justice and University of Redlands states:

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

It is evident that the continued development of industrial warehouses within these communities poses a significant environmental justice challenge. However, the acceleration of warehouse development is only increasing despite the consequences on public health. The Inland Empire alone is adding 10 to 25 million SF of new industrial space each year.

In April 2022, the American Lung Association ranked Riverside County as the second worst for ozone pollution in the nation.8 The American Lung Association also reported that Riverside County has a weighted average of 133.3 bad air days for ozone pollution in 2020.9 Downtown Los Angeles, by comparison, had only 22 ozone violation days in 2020.10 This year, the County continues to face the second worst ozone pollution, as it has seen the highest recorded Air Quality Index ("AQI") values for ground-level ozone in California.11 The U.S. Environmental Protection Agency ("EPA") indicates that ozone, the main ingredient in "smog," can cause several health problems, which includes aggravating lung diseases and increasing the frequency of asthma attacks.

The U.S. EPA states:
"Children are at greatest risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, which increases their exposure. Children are also more likely than adults to have asthma."

Furthermore, regarding the increased sensitivity of early-life exposures to inhaled pollutants, the California Air Resources Board ("CARB") states:

"Children are often at greater risk from inhaled pollutants, due to the following reasons:
• Children have unique activity patterns and behavior. For example, they crawl and play on the ground, amidst dirt and dust that may carry a wide variety of toxicants. They often put their hands, toys, and other items into their mouths, ingesting harmful substances. Compared to adults, children typically spend more time outdoors and are more physically active. Time outdoors coupled with faster breathing during exercise increases children's relative exposure to air pollution.

• Children are physiologically unique. Relative to body size, children eat, breathe, and drink more than adults, and their natural biological defenses are less developed. The protective barrier surrounding the brain is not fully developed, and children's nasal passages aren't as effective at filtering out pollutants. Developing lungs, immune, and metabolic systems are also at risk.

• Children are particularly susceptible during development. Environmental exposures during fetal development, the first few years of life, and puberty have the greatest potential to influence later growth and development."

A Stanford-led study also reveals that children exposed to high levels of air pollution are more susceptible to respiratory and cardiovascular diseases in adulthood.14 Thus, given children's higher propensity to succumb to the negative health impacts of air pollutants, and as warehouses release more smog-forming pollution than any other sector, it is necessary to evaluate the specific health risk that warehouses pose to children in the nearby community.

According to the above-mentioned study by the People's Collective for Environmental Justice and University of Redlands, there are 640 schools in the South Coast Air Basin that are located within half a mile of a large warehouse, most of them in socio-economically disadvantaged areas.15 Furthermore, review of Google Earth demonstrates that there is a day care located approximately 4,235-feet, or 0.8 miles from the Project site (see excerpt below).

This poses a significant threat because, as outlined above, children are a vulnerable population that are more susceptible to the damaging side effects of air pollution. As such, the Project would have detrimental short-term and long-term health impacts on local children if approved.
As demonstrated above, we maintain our February 1st comment that the DEIR fails to take into account the Project's contribution to the disproportionate impacts of warehouses on the surrounding communities. In order to evaluate the cumulative air quality impact from the several warehouse projects proposed or built in a one-mile radius of the Project site, the revised EIR should prepare a cumulative health risk assessment ("HRA") to quantify the adverse health outcome from the effects of exposure to multiple warehouses in the immediate area in conjunction with the poor ambient air quality in the Project's census tract.

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

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project would result in potentially significant air quality and GHG impacts that should be mitigated further. As such, in an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project. Feasible mitigation measures can be found in the California Department of Justice Warehouse Project Best Practices document. Therefore, to reduce the Project's emissions, consideration of the following measures should be made:

• Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.

• 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.

• Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zeroemission beginning in 2030.

• Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.

• Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.

• Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.

• Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.

• Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.

• Running conduit to designated locations for future electric truck charging stations.
• Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.

• Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.

• Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)

• Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.

• Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.

• Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.

• Requiring all stand-by emergency generators to be powered by a non-diesel fuel.

• Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

• Requiring operators to establish and promote a rideshare program that discourages singleoccupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

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

• Designing to LEED green building certification standards.

• Providing meal options onsite or shuttles between the facility and nearby meal destinations.

• Posting signs at every truck exit driveway providing directional information to the truck route.

• Improving and maintaining vegetation and tree canopy for residents in and around the project area.
• Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
• Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.

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.

Furthermore, 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 the applicability of incorporating solar power system into the Project design. Until the feasibility of incorporating on-site renewable energy production is considered, the Project should not be approved.

A revised EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality 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.

Conclusion

Consider the above referenced information when making this important decision. Realize that you and the citizens of this area face some of the WORST POLLUTION in the entire state of California.

It is the responsibility of the City's elected and appointed officials to make environmentally responsible development decisions. Based on the CalEnviroScreen data, this is more than sufficient evidence of the further air quality impacts that the citizenry of Beaumont will continue to encounter with further development of another warehouse. We are not against development, as we believe it is necessary for further economic growth in our current society. Development needs to be conducted with the highest of expectations to ensure the local population does not suffer further air quality burdens.

We stand by our comments and believe the EIR is flawed and should be redrafted and recirculated for public review.

Respectfully Submitted,

Adam Salcido

Adam Salcido - GSEJA

Source -
https://experience.arcgis.com/experience/4af93cf9888a424481d2868391af2d82/page/home/?data_id=dataSource_2-1754d6afdb4-layer-9%3A7306

Glossary of Terms

Ozone - Amount of daily maximum 8-hour Ozone concentration

Particulate Matter 2.5 - Annual mean PM 2.5 concentrations

Diesel Particulate Matter - Diesel PM emissions from on-road and non-road sources

Toxic Releases - Toxicity-weighted concentrations of modeled chemical releases to air from
facility emissions and off-site incineration.

Traffic -Traffic density, in vehicle-kilometers per hour per road length, within 150 meters of the census tract boundary.

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VIA E-MAIL AND U.S. MAIL

February 20, 2024

City of Beaumont City Council
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Re: Public Comments – Beaumont Pointe Specific Plan Project including Environmental Impact Report

Dear City of Beaumont City Council:

Please accept this letter on behalf of the Sierra Club regarding the Beaumont Pointe Specific Plan Project ("the Project") including the Environmental Impact Report ("the EIR"). Sierra Club understands that the City's Planning Commission considered the Project at its meeting of January 10, 2024, and that the Project will now be considered by the City Council on some date in the near future.

The Project is a request for a General Plan Amendment, a Pre-Zone, and related land use approvals for purposes of developing a 539.9-acre site with approximately 5,331,000 square feet of total development space consisting of commercial and industrial land uses, including approximately 336,000 square feet of commercial uses and 4,995,000 square feet of warehousing/logistics space over six industrial planning areas (232.6 acres). The industrial land uses will include users such as warehouse/storage, fulfillment center, high cube warehouse, cold storage warehouse and e-commerce operations. The industrial land uses will promise approximately 94% of the planned uses at the site.

The Project site is located in the San Gorgonio Pass Area of unincorporated Riverside County and in the City's Sphere of Influence. The site is currently zoned Controlled Development Areas with a minimum 20-acre lot size to allow one-family dwellings, agricultural and animal raising uses. The site is located within the Pass Area of the Riverside County General Plan and Pass Area Plan. According to the Project's Draft EIR, the Pass Area Plan "focuses on preserving the unique features found only in the Pass Area." (Draft EIR p. 3-5.) The Draft EIR states the Pass Area "is a distinctive geographical area between the Coachella, San Jacinto, and Moreno Valleys." (Draft

EIR p. 3-4.) The Project site is currently vacant and undeveloped except for the paved portions of the Jack Rabbit Trail. The Draft EIR describes the site as being "nestled in the rolling topography of the northern terminus of the San Jacinto Mountains." (Draft EIR p. 3-3.) The Project contains natural vegetation communities and drainage courses. (*Id*.) It contains hillsides, canyons, valleys, and "steep" ridges. (*Id.*; DEIR p. 4.1-2.) SR-60 is located to north of the Project site; rural mountainous lands are located directly to the south/southwest/southeast including natural drainage courses, unmarked trails, and the Jack Rabbit Trail. Lands to the south/southwest are designated for conservation under the Western Riverside County MSHCP. Similarly, the mountainous areas to the west are designated for conservation within the MSHCP.

By build-out, the Project is anticipated to generate **a total of 16,266 vehicle trips per day** including **2,240 daily big-rig truck trips** (Draft EIR p. 4.13-24). The Project funnels these 2,240 big rig trucks on local roadways such as 4th Street and Portero Boulevard that is shared with local traffic. Vehicles will not access the Project site directly from SR-60 but rather must use local streets for ingress/egress to the site. The Project's substantial number of vehicle trips contribute to the Project's significant air quality, greenhouse gas emission, noise, and "VMT" (traffic) impacts.

Due to the site's topography, Project entails substantial grading of natural landforms and areas within the City's distinctive hillside areas including within "open space" areas inside the Project footprint. Natural and unique landforms will be replaced by manufactured slopes and flat-roofed, 60-foot box-style warehouse buildings as well as light poles (40-45 feet), paved roadways, and potentially a 125-room hotel. The Project proposes to expand development south of SR-60 by bringing urban infrastructure to an undeveloped natural area, creating the potential for further development of undeveloped areas in unincorporated Riverside County. For instance, the Project will extend 4th Street to make a roadway connection to the Project site.

The Project is located on a hillside at a relatively steep grade and proposes one primary vehicle access point. A secondary emergency access point is provided according to the EIR. In other words, the entirety of the Project will depend on one point of vehicular access, perhaps two depending on the nature of fire event, for evacuation purposes. This is in combination with evacuating traffic of existing industrial buildings along 4th Avenue (two Amazon facilities, the future Hidden Valley warehouse plus additional) in addition to residents of nearby neighborhoods.

Warehouse buildings are designed with loading docks on <u>both sides</u> (*i.e.,* maximized for industrial operations) despite being adjacent to an MSCHP Conservation Area to the south and being visible from vantage points to the north.

The energy efficiency measures identified in Draft EIR pp. 3-18 – 3-19 are not requirements of the Project through the CEQA mitigation program. All measures identified in or relied upon in the Draft EIR must be made enforceable through the Project's CEQA mitigation program. There are numerous other, feasible mitigation measures that must be adopted before the Project with significant impacts can be approved. We have identified additional measures throughout this letter. Finally, the EIR must examine a reasonable range of project alternatives and the City must adopt the environmentally superior alternative absent adequate findings in the record of infeasibility.

In accordance with the California Environmental Quality Act ("CEQA"), the EIR must be revised with further analysis, and it must identify additional mitigation for significant impacts. We therefore respectfully urge the Council to continue this Project until further action is taken towards appropriate analysis and mitigation of Project impacts.

Aesthetic Impacts

The Project will result in the conversion of the 539-acre site from vacant, undeveloped, natural lands and to large, box-style warehouse buildings up to 60 feet in height. Buildings will be constructed on flat concrete pads along an existing steep ridgeline characterized by rolling hills and natural vegetation. The Project would *wholly replace* natural landforms thereby substantially and permanently altering ridgelines and hillsides which are considered to be "significant" natural and visual resources according to the EIR. The Project proposes a massive amount of grading ("substantial earthwork") of steep ridgelines and hillsides. Natural slopes will be replaced by "manufactured slopes" including in PA 9 and in open space areas. The Draft EIR's analysis does not support the conclusion of less than significant. The EIR recognizes that "landforms in mid-ground views (PAs 1-8) would be altered for the development." (DEIR p. 4.1-13.)

The record does not disclose the level of impact. There are no "before" photographs of the site with sufficient detail to show how the Project will impact it, and there are no visual simulations of the actual development*, i.e.,* there are no visual depictions to show the buildings, lighting, and roadways including relative to surrounding vantage points such as from homes to the east of SR 60 or from SR 60. The record contains Figure 4.1-2, but this is not sufficient to provide realistic representations of Project buildings from surrounding vantage points (*see e.g*. Figure 4.3.-1). This single visual model does not illustrate what the buildings will actually look like and do not show the urban infrastructure including lighting (40-60 foot light poles) including at nighttime. Nor does it show the commercial buildings including 125-room hotel which presumably will be a prominent feature on the hillside given its planned location on the northeast corner of the site. Further, the EIR does not discuss whether the site contains rock outcroppings and whether these will be altered because of the Project. The permanent destruction of rock outcroppings must be disclosed and mitigated. The EIR indicates that some "blasting" may occur of landforms.

Based on the permanent alterations of natural landforms that will occur including flattening ridges and hillsides and replacing these natural landforms with massive box-style industrial buildings and related infrastructure and roadways there are also conflicts with policies of the City's General Plan that are intended to preserve, protect and minimize impacts to these resources, including policies 3.12.1, 3.12.2, 3.12.3, 3.12.4, 8.6.1, 8.6.3, 8.6.4, 8.9.2, 8.9.3, and 8.9.4. Given the importance placed on the preservation of natural landforms through the General Plan, and the permanent loss of these resources as a result of the Project, the EIR's finding of less than significant is not supported.

Moreover, the Project's lighting impacts have not been assessed as to the MSHCP Conservation Area. Artificial nighttime lighting negatively impacts animal species in a variety of ways and it has not been shown that the Project's lighting plan will adequately address the "edge

effects" of this Project on the existing conservation area.[1] [2] [3]

Appropriate mitigation must be adopted before the Project can be approved. This could include limiting the height of the buildings to 45 feet for example; locating truck docks on the southside of buildings only (at present loading docks are located on both sides of buildings); reducing the number of buildings or shrinking the size of the buildings including by way of "clustering" of development to the least sensitive areas of the site; increasing landscaping to buffer buildings; and avoidance of the most sensitive resources such as rock outrcroppings.

Air Quality Impacts

The Project will result in significant operational air quality emissions. In terms of NOx emissions, the Project at full operation will exceed the applicable threshold of significance by approximately nine times (total NOx emissions = 494.5 lbs per day compared to SCAQMD threshold of significance of 55 lbs per day). If construction and operation phases overlap, these emissions are far greater (675 lbs per day). (EIR 4.3-41 - 4.3-42.) Despite these significant operational impacts, the EIR fails to adopt all feasible mitigation to reduce these impacts consistent with CEQA.

The majority of the Project's air quality emissions are caused by mobile emissions. An EIR's central purpose is to identify a project's significant environmental effects and then evaluate ways of avoiding or minimizing them. (Cal. Public Resources Code, §§ 21002.1(a), 21061.) The City must adopt *any* feasible mitigation measure that can substantially lessen the project's significant air quality environmental impacts including due to mobile emissions. (Cal. Pub. Res. C. § 21002; State CEQA Guidelines, § 15002(a)(3).)

Title 24/Cal Green does not currently require the installation of electric vehicle (EV) charging units for cars or trucks; the Building Code requires electrical conduit for vehicle charging stations *but not charging units*. The Project must be conditioned to require the installation of electric vehicle (EV) charging units at the time of occupancy of each phase of the development. EV vehicle charging units are entirely feasible and standard practice.[4] The EIR mentions EV units in the discussion but none are required through the mitigation program and the record contains conflicting information as to how many units will be installed, where they will be installed, or when these units will be installed and operational.

The Project should also be conditioned to require EV charging units for heavy duty and

[1] https://darksky.org/resources/what-is-light-pollution/effects/wildlife-ecosystems/
Hyperlinks and their contents cited in this letter are fully incorporated herein by reference, and their contents are summarized in the body of the letter.
[2] https://kids.niehs.nih.gov/topics/natural-world/wildlife/ecology/lighting
[3] https://www.earthobservatory.nasa.gov/images/145767/night-lights-can-disrupt-wildlife
[4] https://www.sdge.com/residential/electric-vehicles/power-your-drive/public-charging#types

medium duty trucks. Level 3/DC Fast (or Quick) Chargers (DCFC) should be required[5] (*see id*.; *see also* **Attachment A** hereto [big rig truck with battery size of 550kw and range of 250 miles take approximately 24 hours to charge with a Level 2 charger].) This comment also applies to "medium duty" vehicles such as delivery vans. *See* [6] [FedEx vans charge in hours with DC quick charger/Level 3].) Chargers must be required that are able to charge the battery of a Class 8 (heavy duty/big rig) truck as well as have the battery range needed to ensure these trucks could meet a "two shift" or even a "one shift" schedule. These chargers are feasible and available on the commercial market.[7]

The Project should adopt further measures to reduce air quality impacts, including:

- Constructing building roofs with "light colored roofing materials." Cool roofs retain less heat and reflect more sunlight, thus lowering energy demand and reducing the "heat island" effect of a building. The Project must be conditioned to use roofing materials with a solar reflectance index ("SRI") of 78 for at least 75% of the roof surface (portions not covered in solar), consistent with USGBC standards. To provide measurable environmental benefit, the roofing material must be at the *highest possible* rating. *See* [8]
- Obtaining LEED certification to the most current USGBC[9] rating system for all industrial buildings, where such certification would require the applicant to implement sustainability measures that provide environmental benefits and off-set impacts.
- Installing concrete, preferably white concrete, in all parking areas. Light-colored concrete is more reflective of sunlight, thus employing concrete in all parking areas will reduce the "heat island" effect of the Project. [10] [11] Among other benefits, cooler surfaces and air reduce the need for air conditioning in vehicles.
- Providing landscaping in parking areas to provide 50% shade coverage within 10 years of operations. This can also reduce "heat island" effects and reduce the need for air conditioning.
- Installing and utilizing solar power for 100% of the facility's total electricity demand including electric vehicle parking in parking areas and automation within buildings. Solar power is entirely feasible and is particularly appropriate for a Project of this size, scale, and location.
- Including within buildings a "truck operator" lounge of a reasonable size which is available to truck operators with seating, restrooms, vending machines, and showers if size allows. The purpose of this lounge is to reduce the need for operators to wait in their cabs running either their diesel truck engine or diesel "APUs" either on- or

[5] https://blog.evbox.com/level-3-charging-speed
[6] https://www.carscoops.com/2018/11/fedex-adds-1000-china-built-chanje-f8100-electric-vans-fleet/
[7] https://polb.com/port-info/news-and-press/charging-station-to-power-electric-trucks-in-port-11-30-2023/
[8] https://www.energy.gov/sites/prod/files/2013/10/f3/coolroofguide.pdf
[9] https://www.usgbc.org/leed
[10] https://coolcalifornia.arb.ca.gov/cool-pave-how
[11] https://heatisland.lbl.gov/coolscience/cool-pavements

off-site. Signage shall also be provided notifying truck operators that a lounge(s) is available for their use.

- The California Attorney General has published a list of best practices for warehouse developments: https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf These include:
  - 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. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
  - Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
  - Requiring on-site equipment, such as forklifts and yard trucks, to be electric *only* with the necessary electrical charging stations provided.
  - Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
  - Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.
  - 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.
  - Constructing electric truck charging stations proportional to the number of dock doors at the project.
- Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- 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.
- Achieving certification of compliance with LEED green building standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.

- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.

The EIR finds that NOx (diesel-related) impacts are significant (approximately nine times the threshold of significance). In the aggregate, the southern-California "goods movement network" is a "major source of emissions that contribute to the region's air pollution," and the southern California area "continues to have the worse air quality in the nation." (https://www.ca-ilg.org/sites/main/files/file-attachments/f2012rtpscs.pdf?1383110821) A "key component of air pollution is nitrogen oxides (NOx). NOx is emitted whenever fuel is combusted and reacts in the air to form ozone (smog) and fine particulates." (*Id*.) Despite "aggressive strategies" in the South Coast Air Basin, "it is estimated that NOx emissions will need to be reduced by approximately two-thirds in 2023 and three-quarters in 2030." (*Id*.) Addressing NOx impacts associated with mobile sources is key to mitigating the Project's significant air quality impacts. According to the SCAQMD's Blueprint for Clean Air (2016)[12], the southern California air basin will require approximately a 65 percent reduction in NOx emissions, *above and beyond existing measures*, to meet air quality standards.

The Project should thus establish fleet efficiency requirements for vehicle fleets. This should include, at a minimum, requirements that industrial tenants shall use exclusively zero emission light and medium-duty delivery trucks and vans; shall use only zero emission service equipment such as forklifts and yard trucks (electric only/*no natural gas*); and shall use near-zero and zero-emission technologies in heavy-duty applications such as "last mile delivery."[13] As the State moves toward its goal of zero emission goods movement, the City must ensure that the Project is in line with this important objective by also requiring the *phase-in* of zero emission or clean technology for *heavy duty* trucks. According to CARB, actions to deploy both zero emission and cleaner combustion technologies will be essential to meet air quality goals in California particularly with respect to goods movement. [14] Additional, feasible mitigation for operational air quality impacts includes the phase-in of electric, hybrid electric, hydrogen electric, or battery operated (*i.e*., non-diesel) trucks. The Project should be conditioned to adopt a "Diesel Minimization Plan" whereby zero emission trucks are phased in, *e.g*., 25% of truck fleets shall use zero emission technology by 2030, and increase that percentage by 10% per year, until 100% of trucks operating on sites are zero emission. This approach to mitigation is consistent with California regulations regarding phase-in of electric vehicles.[15] [16] (California requiring

[12] https://www.aqmd.gov/docs/default-source/Agendas/aqmp/white-paper-working-groups/wp-blueprint-revdf.pdf?sfvrsn=2
[13] https://www.nbcnews.com/tech/tech-news/treated-sacrifices-families-breathe-toxic-fumes-california-s-warehouse-hub-n1265420
[14] https://ww3.arb.ca.gov/planning/sip/2016sip/2016mobsrc.pdf
[15] https://ww2.arb.ca.gov/news/california-moves-accelerate-100-new-zero-emission-vehicle-sales-2035
[16] https://www.cnbc.com/2023/03/31/california-requires-half-of-heavy-trucks-sales-to-be-electric-by-

manufacturers to produce zero emission trucks beginning in 2024); *see also* (discussing CARB's Advanced Clean Truck Rule)[17].) A mitigation measure is feasible if it can be achieved in a reasonable period of time. (Guidelines, § 15364.)

The Project must establish a "Truck Route" otherwise MM 4.3-17 is ineffective. The EIR does not indicate the path of truck travel and we could not locate any condition that would require trucks to use a certain path of travel, but it is assumed that trucks will use local roadways for access to SR-60 and I-10.

Finally, to the extent the Project purports to include "project design features" aimed at reducing air quality emissions these must be made enforceable requirements through the Project's CEQA mitigation program. Impacts must also be assessed and disclosed apart from any "design features" especially where they are not mandatory requirements of the Project.

Biological Resources

The Project proposes to construct and operate a massive warehouse complex adjacent to MSHCP Conservation Area(s). This has the potential for disruption and harm to biological species and habitat within the Conservation Area. For instance, noise impacts during the Project's anticipated five years of construction are not shown to be less than significant in terms of impacts to biological resources particularly at nighttime. The Conservation Area is a natural area containing biological resources including habitat for protected species. The Project will entail substantial grading and other construction activities including potentially "blasting" of significant landforms. These impacts have not been properly assessed and mitigated.

The Draft EIR does not demonstrate that noise impacts are less than significant with respect to adjacent conserved lands in terms of the residential noise threshold or otherwise. The record does not demonstrate that Planning Area (PA) 9 would serve as a "buffer" to ensure that noise levels due to Project operations *do not exceed the residential noise standard* in terms of conserved lands located immediately adjacent to the Project site particularly at nighttime.

The Draft EIR acknowledges the potential for "edge effects" to adjacent conserved lands. These include nighttime lighting and noise impacts that will adversely impact the habitat of biological species within the conserved lands. Additional biological mitigation should include: locating building loading docks on the northside of buildings only, or designing buildings so that loading docks and Project roadways are located as far away as possible from sensitive biological areas including the MSHCP Conservation Area. At present buildings have loading docks on *both sides* which is not necessary for operations as buildings will be built on speculation. The Project site maximizes development at the expense of providing a more sensitive transition between uses for the benefit of established biological habitat and known biological resources.

2035.html#:~:text=The%20state%27s%20rule%20requires%20manufacturers,on%20the%20road%20by%202035.

[17] https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-trucks-fact-sheet

Greenhouse Gas Emissions

The State of California has committed to aggressive goals for the reduction of the emissions causing global climate change. Executive Order S-3-05 establishes a 2030 target of a 40 percent GHG reduction below 1990 levels; Executive Order S-3-05 establishes a GHG emission reduction target of 80% below 1990 levels by 2050; and Executive Order B-16-2012 establishes a target for the reduction of GHG emissions from the transportation sector of 80% below 1990 levels by 2050. The City has adopted targets in line with the State Requirements (General Plan Policy 8.3.1 and Sustainable Beaumont/Climate Action Plan ("CAP")). Roughly a billion square feet of the Inland Empire is devoted to warehouses.[18] The Project serves to increase cumulative GHG emissions by building even more warehousing, but it fails to adopt all feasible mitigation for the cumulatively significant impact.

The Project will result in total GHG emissions of 63,911.07 MTCO2e/year. This vastly exceeds the adopted threshold of significance of 3,000 MTCO2e/year. As such the Project must adopt all feasible mitigation. Air quality mitigation measures listed above (including the phase-in of zero emission trucks) should be considered feasible mitigation for GHG impacts. Many of the Project's "sustainability features" are already requirements of Title 24/CalGreen, as such they cannot be considered "mitigation"; and they do not address mobile emissions, which are the greatest source of the Project's GHG emissions. For instance, the Project does not provide bike paths and the site will not be served by public transit. Accessible and safe bike paths as well as access to public transit should be considered feasible mitigation for significant GHG emissions related to mobile emissions.

Moreover, under Table 4.8-5, the Project has significant conflicts with the City's CAP and other plans adopting for the purposes of reducing GHGs, including, but not limited to:

City of Beaumont CAP

Goal 6: the Project can reduce its heat island effects by using only light-colored concrete in parking areas and roadways preferably "white concrete"; by increasing landscaping in parking areas; and by covering parking areas with solar canopy structures.

Goal 7: the Project has a significant VMT impact; the City should investigate and establish a programmatic VMT reduction fund (see discussion below).

Goal 9: the Project should maximize solar power by committing, through enforceable mitigation measures, to 100% solar power for all aspects of the facility's operations as well as requiring buildings to provide maximize "solar ready" roofs to allow for expansion of solar panels to accommodate future electric vehicle charging (trucks).

Goal 10: the Project patently conflicts with this goal as it does not "decrease GHG emissions from new development"; it vastly *increases* GHG emissions.

[18] https://calmatters.org/commentary/2023/09/inland-empire-warehouse-boom-rejections/

City of Beaumont General Plan

Policy 3.1.12: The Project does not locate "less intensive rural development within proximity to open space areas". It locates an intense warehouse complex with loading docks on both sides of buildings and truck travel lanes adjacent to open space conservation areas. The Project also includes "disturbance *within* areas designated as Open Space." (emphasis added)

Policy 4.1.5: the Project is not "required" to provide a public transit "connection."

Policy 4.4.3: the Project does not "improve safety for all transportation users." There are no bicycle paths and no public transit. The Project is not walkable to homes, and it will require use of personal vehicles by employees and visitors to commercial areas (if built), which is neither equitable nor environmentally sustainable. The same discussion applies to Policy 11.12.6.

County of Riverside CAP

It is not clear that the County of Riverside's CAP Screening Table is relevant to the conclusions of the EIR where the Draft EIR states that consistency with the CAP is shown for "informational purposes." However, to the extent the EIR *relies* on the CAP to determine the level of Project impacts and relies on the CAP Screening Table for purposes of *mitigation*, the Project is not shown to be consistent, including there is *no enforceable* mitigation requirement of photovoltaic power for which the Project claims 19 points under the Screening Table. Many of the Screening Table measures are already requirements of Title 24 (*e.g.*, bike lockers) thus claiming them as "mitigation" is inappropriate particularly where the EIR already reduces GHG emissions by 30% due to compliance with Title 24. The Project incredibly takes "480" points under the Screening Table for installing EV charging stations (the EIR notes that the Project "is anticipated to include 60 EV charging stations"; yet elsewhere the EIR states "15 electric vehicle charging stations"). In either case, the EV chargers are <u>not</u> part of the CEQA mitigation program. The Project further takes 3 points for providing bike lockers but there are no bike paths as part of the Project so that bicycle lockers do not seem to have a practical application. The Project is uphill and not a reasonable walking distance from any existing residential area.

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Goal 5: the Project does not reduce GHG emissions and improve air quality; it causes significant GHG emissions and significant air quality impacts.

Goal 10: the Project develops natural lands and replaces it with warehouse development bringing vehicles, big rig trucks, lighting, and noise ("urban development)" to a natural, undeveloped area adjacent to MSHCP Conservation Areas. Moreover, the Project is not located within "the City of Beaumont"; it is located in Riverside County in an area designated for conservation under the MSHCP.

Overall, the Project does not decrease VMT (it vastly increases VMT) and therefore is not consistent with plans and polices aimed at reducing VMT to reduce GHG emissions in southern California. In terms of proximity to the regional transportation network, access to the Project site is via 4th Street and local roadways including Portero Boulevard. Trucks and vehicles will must traverse local roadways to reach the Project site; the site is not accessible from SR-60.

County of Riverside General Plan

LU 2.1 (f): the Project does not incorporate "multi-modal transportation opportunities" in

that there are no bike paths and no public transit accommodations or access. The site is not within walking distance of anywhere.

LU 2.1 (g): the Project will be built in an environmentally sensitive, high risk fire zone.

LU 4.1: the Project has no requirement of solar energy; the site has no bicycle routes. Generally speaking the site is located far away from any other developed areas and therefore necessitates vehicle use.

LU 8.12: there is no requirement of local hiring so it is unclear that the Project would create a substantial number of jobs "that would be filled by residents of the City and surrounding communities" as claimed. Elsewhere in the EIR it is stated that warehouse distribution/e-commerce facilities are becoming increasingly automated.

LU 11.4: the Project does not provide bicycle paths or public transit. The fact that "sidewalks" will be provided is the minimum requirement to meet accessibility standards under Title 24.

LU 11.5: the Project does not "ensure that all new developments reduce [GHG] emissions". The Project vastly increases GHG emissions.

OS 16.8: the Project does not provide access to public transit. The inclusion of bicycle racks is already a requirement of Title 24. The Project must go beyond existing regulations to increase sustainability measures. The Project must include bicycle paths to encourage the use of bicycles as an alternate mode of transportation. This would include the use of "e-bikes."

OS 16.9: the Draft EIR does not include mitigation to provide within Project buildings "passive, solar design and day-lighting" such as sky lights. Sky lights should be required in all warehouse buildings particularly in employee areas to reduce the need for overhead lighting and provide enhanced working conditions for employees.

Overall, the Project does not reduce VMT and therefore is inconsistent with policies and goals related to reducing vehicle dependency. Among other things the Project does not provide bike lanes or access to public transit. The Project is primarily a warehouse complex located on a steep hillside on the south side of SR-60, and it is not located within walking distance from any residential or commercial areas.

Furthermore, MM 4.8-1 is inadequate under CEQA. It states that the Project will implement the measures of Table 4.8-6 but may also "achieve equivalent reductions from other measures approved by the City." This does not amount to certain and enforceable mitigation under CEQA in part because performance standards are not specified and these "other measures" will be formulated after Project approval. Moreover, the City will only "verify" the measures "prior to the issuance of the final Certificate of Occupancy," which may never occur, since there is no guarantee that all phases of the Project will be developed (including the commercial phase/Phase 3). Additionally, Table 4.8-10 asserts the Project will include a requirement to offset 60% of energy demand via photovoltaic solar but this is neither specified in the GHG Screening Table analysis or in the mitigation program. Again the City should also consider additional measures aimed at reducing VMT including *programmatic* VMT mitigation (see below).

Energy Demand

State CEQA Guidelines Appendix F provides that "[t]he goal of conserving energy implies

the wise and efficient use of energy. The means of achieving this goal include: (1) decreasing overall per capita energy consumption; (2) *decreasing* reliance on fossil fuels such as coal, natural gas and oil, and (3) *increasing* reliance on renewable energy sources." (emphasis added) Appendix F puts "particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy." The EIR's finding of less than significant with respect to energy resources is not supported.

The Project will consume 53,857,582 kBTU of natural gas, 25,747,206 kWh of electricity, and 5,318,792 gallons of fuel annually. The Draft EIR concludes that impacts are less than significant because the Project represents a small percentage of energy consumption compared to State-wide energy usage and fuel demand. Accordingly the Project does not adopt any energy mitigation measures.

The Project creates a massive demand for electricity, but does not, for instance, "increase reliance on renewable energy sources." (*See* CEQA Guidelines Appendix F.) This Project must mitigate its energy impacts. The installation and utilization of a solar energy system for 100% of the facility's total energy demands including all electric vehicle charging could vastly reduce the Project's energy impacts consistent with Guidelines Appendix F. The City must impose measures on the Project to ensure compliance with Guidelines, Appendix F and to advance the policies and goals of Senate Bill 100 which commits to 100% clean energy in California by 2045. The Draft EIR indicates that the Project will rely on renewables for 20% of the Project's energy demands but this is not part of the CEQA mitigation program and it is unclear how this measure will be implemented. Flat-roofed warehouse buildings must maximize their reliance on solar power including maximizing solar readiness for future expansion of PV panels to meet additional energy needs (charging of electric trucks).

The Project should be required to adopt further measures to reduce Vehicle Miles Traveled ("VMT") to reduce fuel consumption. The Draft EIR reasons that VMT will be reduced because at full buildout the Project is anticipated to employ approximately 5,000 persons. There is no requirement of local hiring so that assumptions that employees will travel shorter distances to work are not based in fact, and all employees will be dependent on cars as the uphill site is not within reasonable walking distance of any residences or a transit stop. The Project increases VMT and is therefore patently inconsistent with land use plans - local, regional, and State – that aim to reduce VMT. For instance, according to the 2022 CARB Scoping Plan[19],

[19] https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-e-sustainable-and-equitable-communities.pdf

> [c]ontrary to popular belief, zero-emission vehicles (ZEV) alone are not enough to solve the climate crisis. The 2022 Scoping Plan illustrates that despite cleaner vehicles and low- carbon fuels, the path to carbon neutrality by 2045 also depends on reducing per capita VMT (the total passenger vehicle miles driven by an average person in California on any given day). To meet the carbon neutrality goal, the Scoping Plan proposes reducing VMT from 24.6 miles per day in 2019 to 18.4 miles by 2030 (a 25 percent reduction) and to 17.2 miles per day by 2045 (a 30 percent reduction).

To reduce VMT consistent with State, regional and local plans, the Project should consider an alternate development scenario involving more mixed-use development balancing professional and business park uses with commercial and warehouse uses. As proposed 94% of the Project's developed space are industrial warehouses. The Project should consider committing to local hiring to reduce VMT. The Project should incorporate safe and accessible bike lanes as well as access to public transit. The City should also explore *programmatic VMT mitigation options*. Other jurisdictions like the City of Escondido are evaluating "VMT Exchange Programs" for instance[20]. *See also* [21] [22].

Finally, mitigation measure 4.3-8 must be revised to require only electric outdoor cargo-handling equipment ("non diesel" includes natural gas/CNG).

Land Use Impacts

Contrary to the conclusions of the Draft EIR, the Project results in significant land use impacts, including, but not limited to, conflicts between the Project and City of Banning General Plan policies as discussed in the GHG section above. The Project also conflicts with General Plan Policies 3.4.8, Policy 3.11.9, Policy 3.12.2, Policy 3.12.3, Policy 3.12.4, Policy 4.1.5, Policy 4.6.2, Policy 8.5.1, Policy 8.6.1, Policy 8.9.2, Policy 8.9.3, 8.9.4, Policy 8.10.4, and Policy 10.1.5 as well as General Plan policies related to noise.

The Project is also inconsistent with Riverside County General Plan Policies, including LU 7.7 in that "buffers" are not required between intense industrial uses and watercourse areas including their habitat. The Project does not provide transportation options and bikeways consistent with Policies C 1.2 and C 1.7. In terms of biological impacts, the EIR does not demonstrate that the Project is consistent with Policy OS 4.9 which "discourage[s] development within watercourses and areas within 100 feet of the outside boundary of riparian vegetation." The record does not demonstrate the Project is consistent with Policy OS 5.5 to "preserve and enhance existing native

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20 https://www.escondido.org/Data/Sites/1/media/Planning/VMT/EscondidoFeeProgramDocumentation_PublicReviewDraft10212022_clean.pdf

21 https://www.law.berkeley.edu/wp-content/uploads/2018/09/Implementing-SB-743.pdf

22 https://scag.ca.gov/sites/main/files/file-attachments/ladot-vmt-mitigation-program-factsheet.pdf?1643075436

riparian habitat." The Project is patently inconsistent with Policies OS 11.1, 11.,2, 11.3 and 16.9 regarding solar energy systems.

The Project is also inconsistent with plans and policies aimed at reducing VMT. The Project will result in 213,809 vehicle miles traveled per year; the heavy-duty truck VMT is 91,040. The Project will exceed the City's adopted VMT threshold by 45%. (Draft EIR, Appendix K2) The VMT Technical Analysis (Appendix K2) suggests strategies that should be applied to the Project (pp. 6-7) including to "provide pedestrian and bicycle network improvements within the development connecting to existing off-site facilities to the east along 4th Street." This was not adopted for the Project. The Draft EIR's transportation section acknowledges that there no transit stops or bicycle facilities *within the Project vicinity*. (DEIR p. 4.17-2.)

The City has apparently an approved *Policy on Land Use and Sensitive Receptors* which is intended to minimize the effects of warehouses in close proximity to sensitive receptors. This policy includes requirements such as that dock doors shall not be visible from surrounding residential properties; truck bays shall be a minimum of 1,000 feet from the property line of a nearest sensitive receptor; projects shall be designed to ensure adequate on-site queuing; truck driveways shall not front sensitive receptors; that a truck route should be submitted as part of the entitlement package; separate entry and exit points for trucks and passenger vehicles shall be provided to minimize vehicle/truck conflict; pad heights should be varied to provide visual dimension and reduce visible height of a structure; external PA systems are prohibited; wayfinding signage should be posted; a community benefit program shall be funded. (*See* **Attachment B** hereto)[23]. The Project has not evaluated in accordance with this Policy and the Project represents significant conflicts with this Policy.

The EIR must be revised in terms of conflicts with General Plan and other land use policies applicable to the Project. Additional mitigation must be imposed to ensure consistency between the Project and adopted land use plans.

Noise

Construction noise is significant contrary to the EIR's conclusions. The Draft EIR Table 4.13-7 claims a 20 dBA "typical building construction" noise reduction but does not explain why this substantial reduction noise is credited. The Draft EIR's Noise Study (Appendix J) indicates that this 20 dBA reduction is applied "for typical buildings with 'windows closed'," meaning, apparently, that the analysis assumes all residences in the vicinity of the Project site will not experience significant noise impacts because they will have their windows closed Monday through Saturday during the five-year construction period. This raw assumption does not account for homes without air conditioning (in summer months), nor does not account for the fact that people use exterior spaces of their homes (backyards). Nor does it account for the fact that wildlife will experience *unabated* noise during the Project's five-year construction period. Noise has harmful

[23] https://www.beaumontca.gov/DocumentCenter/View/37935/Final-PLUS

effects on wildlife species (see above). The analysis (Table 10-2) indicates significant impacts at "BIO" receivers during construction in particular as to BIO-3 (164 feed southwest of the Project site opposite the planned loading dock area of Building 4). Moreover, all construction noise levels exceed the residential noise standards applicable to the Conserved Area. Noise is very harmful to animal species.[24]

Furthermore, the construction noise analysis apparently does not measure or account for *off-site* construction activities including the extension of 4th Street or encroachments into the Open Space areas that are described in the Draft EIR including the construction of the "manufactured slopes" in these areas (*see* Appendix J, Noise Study Exhibit 10-A). The Project Description notes that off-site improvements include the installation of water, recycled water, and sewer lines, which would occur up to 350 feet east of the Project site in the 4th Street right of way. These activities are not captured by the construction noise analysis in terms of receiver locations. Finally, the construction noise analysis does not account for periods where construction will overlap with Project operations, meaning that noise events will be occurring simultaneously.

In terms of operational noise impacts, "loading dock" activity has a referenced noise level of 65.7 dBA at 50 feet according to the EIR. (Appendix J, p. 57). At 164 feet, BIO 3 can be expected to experience significant noise conditions particularly at nighttime. Indeed, the noise study indicates a significant impact at nighttime with respect to BIO-2 and BIO-3 (46.2 dBA and 50.2 dbA respectively.) This is a significant and unmitigated impact of the Project. Also, there were apparently no "ambient noise levels" taken for the BIO receivers meaning that the Draft EIR does not measure or disclose the *increase in noise* with respect to the conservation area to the south (*see* Tables 9-5 and 9-6).

The City must adopt all feasible mitigation measures for significant noise impacts. For impacts to the conservation area, this includes relocating, shrinking or clustering buildings to allow for more buffering between noise sources and sensitive biological receptors, installing noise absorbing walls, limiting nighttime activities including truck deliveries, prohibiting "PA" systems especially at night, prohibiting the use of generators except in case of emergency, ensuring a daytime schedule for trash compaction and collection, and ensuring lights are dimmed off to the maximum amount or turned off when not in use. (*See* Attorney General *Warehouse Best Practices* "Warehouse Siting and Design Considerations.")[25] *Thousands* of trucks per day are anticipated to arrive at the Project site on a 24 basis, utilizing travel lanes in and around the Project site adjacent to the conserved lands.

For significant traffic noise impacts, again site design measures including reducing the size or number of buildings to reduce the amount of truck traffic is feasible mitigation. Additionally, limiting the hours of operation/deliveries/loading dock activities to daytime hours is another feasible and reasonable means to reduce significant nighttime traffic noise impacts.

[24] https://www.nature.org/content/dam/tnc/nature/en/documents/Shale_Practices_Noise_Control.pdf
[25] https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf

The Draft EIR proposes only *one* noise mitigation measure for significant, long-term noise impacts due to intense industrial operations including significant truck traffic on local roadways. Sierra Club submits that numerous measures are available to reduce noise at the Project site due to Project operations including, for instance, paving roads with low noise asphalt (*see, id.,* p. 9; *see also*[26], [27]). Due to the porous nature of asphalt, this material can reduce roadway noise by 3 dBA to 5 dBA[28] (the Draft EIR dismisses this measure). Also for instance, loading docks can be designed with noise attenuating features such as a foam seal and enhanced bumpers on the deck leveler to reduce "dock mating noise." Ensuring a tight connection between the truck and the building will ensure that all unloading is done directly in the building. Again for instance, a completely roofed loading dock and roll up doors that are closed during trailer unloading would reduce nighttime noise if loading activities are permitted at nighttime. In terms of on-site equipment, all cargo moving equipment shall be installed with self-adjusting "back up" beepers that adapt to the noise environment.[29] [30]

Transportation

Project related traffic will use SR 60 and I-10 in route to/from the Project site via Portero Boulevard and 4th Street. The Draft EIR does not disclose that Project related traffic will contribute to cumulatively significant traffic impacts thereby requiring mitigation, and in fact, no traffic mitigation is required through the CEQA mitigation program. The Traffic Impact Analysis (Appendix K1), however, states:

> the proposed Project is not anticipated to require the construction of any off-site improvements, however, there are improvement needs identified at off-site intersections for future cumulative traffic analysis scenarios. As such, the Project Applicant's responsibility for the Project's contributions towards deficient off-site intersections is fulfilled through payment of fair share and/or payment into pre-existing fee programs (if applicable) that would be assigned to the future construction of the identified recommended improvements. The Project Applicant would be required to pay requisite fees and/or fair share contributions consistent with the City's requirements (see Section 10 *Local and Regional Funding Mechanisms*). (*See also* Table 1-4.)

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[26] https://www.petronaftco.com/asphalt-reduces-noise/
[27] https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/quieter-pavement-a11y.pdf
[28] https://www.sunlandasphalt.com/can-we-reduce-road-noise-by-selecting-a-certain-pavement-type/
[29] https://www.cpwrconstructionsolutions.org/heavy_equipment/solution/792/self-adjusting-and-directional-backup-alarms.html#:~:text=Self%2Dadjusting%20and%20directional%20backup%20alarms%20are%20an%20engineering%20control,the%20vicinity%20of%20the%20vehicle.
[30] https://www.forkliftamerica.com/forklift-backup-alarms/

This is a significant cumulative impact contrary to the conclusions of the Draft EIR. (DEIR p. 4-17.21.) The City must find the impact to be significant. The EIR indicates that a number of intersections will operate at unacceptable levels of service. (See Draft EIR Exhibit 5-7, 5-8, and 5-9.) The EIR indicates a number of needed improvements. (*See* Draft EIR section 5.7.1) The Project is not conditioned to make any fair share payments for needed traffic improvements.

The traffic model assumes that 25% of Project related vehicle traffic will use Portero Boulevard between 4th Street and Oak Valley Parkway thereby passing by existing residences to the west of Portero Boulevard. This is not disclosed in the Draft EIR. The traffic model assumes *no* truck traffic on this same roadway segment although there is nothing preventing or restricting trucks from using this roadway segment for access to I-10. The Project must establish a "Truck Route" to ensure that Project related truck traffic does not use Portero Boulevard north of the "new" interchange to reach I-10. If trucks use this segment of Portero Boulevard they will pass homes/sensitive receptors. The EIR states that the Project is not "anticipated" to use the Beaumont Avenue and I-10 off ramps but there is no designated and enforceable truck route that would prevent trucks from using this off ramp. On the other hand, the analysis appears to assume that Portero Boulevard and I-10 ramps will be utilized by Project trucks. (*See* Table 4.17-3.)

Contrary to the EIR's conclusions, the Project conflicts with General Plan policies related to transportation including Policies 4.1.5, 4.2.2, 4.2.5, 4.4.3, where there is no public transit available at the Project site and the Project proposes none.

In short, the Draft EIR's conclusion that the Project does not result in cumulatively significant traffic impacts is not supported. Table 4.17.3 indicates that the Project results in cumulatively significant impacts to the studied intersections. Therefore mitigation is required.

Wildfire Evacuation

The Project site is in a "Very High Fire Hazard Zone." The Project is designed so that the entirety of the development will rely on 4th Street and an emergency access point for vehicle ingress/egress points. The location of the Project, the design of the Project, and the intensity of development including the commercial component/hotel raises serious issues of fire safety and evacuation risk.

First, the Draft EIR does not demonstrate that fire response times can be met (the City's goal is five minutes, *see* General Plan Update p. 226[31]). The Fire Protection Plan indicates that the closest fire stations are 6.94 and 9.15 minutes from the entrance to the Project site (not the farthest point of the development). (FPP p. 35.) Both are staffed with a single fire engine. Riverside County has also recommended a 5 minute response time (90% of the time) for land uses such as large industrial complexes under the category of "heavy urban". (FPP p. 36.) There is no indication in the record that the Project can meet this 5 minute response time due to its more remote and hillside

[31] https://www.beaumontca.gov/DocumentCenter/View/36923/Beaumont-GPU_Final-rev-22521

location.

The Draft EIR also does not demonstrate that the Project site can be safely evacuated during a fast-moving major fire event. In addition to visitors to the commercial businesses, including the 125-room hotel, the Project is expected to employee roughly 5,500 people. The EIR must demonstrate that the number of persons occupying the Project site at any given time can evacuate in a safe and efficient manner including via 4th Street, that is, whether the capacity of 4th St. can handle the mass evacuation of the site; also the record does not indicate whether nearby roadways (Portero Road) can accommodate evacuating persons including residents of existing neighborhoods and employees and visitors of nearby warehouses assuming 4th Street through to SR 60 is blocked by fire. The Project depends on local roadways for connections to SR 60 which are likely not capable of handling the mass evacuation of the site (the Project apparently only improves 350 feet along 4th Street).

The Draft EIR's Evacuation Study (Appendix M2) indicates that under "Scenario 3" (4th Street) the Project will take approximately 2.5 hours to evacuate, and in combination with the "Hidden Valley Industrial Park" to the west, will take more than 3 hours to evacuate. This must represent a significant impact of the Project in terms of the need for additional fire protection services. The Project's mitigation program does not include mitigation for wildland fire risk impacts.

The Beaumont General Plan requires the preparation of a fire protection and evacuation plan and requires that new development provide two viable points of ingress and egress for emergency vehicles. The General Plan has other policies intended to mitigate fire risk which are not met here. (*See* General Plan Goals 9.4, 9.5, 9.6.) This includes Policy 9.5.2 stating that fire department resources shall be increased to meet the targeted response time of five minutes. Even with the construction of a new fire station as indicated in the Final EIR there is not evidence that fire response time of 5 minutes can be met for the Project. This new fire station was not evaluated through the Draft EIR and there is not evidence in the record that this new fire station will meet fire response times. Nor does the Project appropriately consider the Amazon facilities located on 4th Street.

Finally, the Fire Protection Plan must be made a mitigation requirement of the Project through the CEQA mitigation program. We could not locate the FPP in the conditions of approval or the mitigation program.

Cumulative Impacts

As noted above, a billion square feet of the Inland Empire is devoted to warehouses. In just a few months, the World Logistics Center (WLC) - the 40 million square foot warehouse complex in eastern Moreno Valley - will break ground. The WLC is located only a few miles from the Project site. The WLC is estimated to generate 12,000 daily diesel truck trips with most of them using SR-60 —traveling past the Project. It is also estimated to generate more than 50,000 daily vehicle trips.

The WLC Project has not been included in the Project's cumulative impact analysis. Because the Project will contribute to traffic impacts on SR-60, the cumulative impact analysis must be updated to include forthcoming the WLC Project. (*See attached; see also*, **Attachment C** hereto [map of warehouse development in Inland Empire indicating WLC].)

Growth Inducement

Based on the Project's development pattern and expansion of infrastructure, including roadways and utilities, and given the site's proximity to undeveloped rural residential lands, the Project presents the potential for growth inducing impacts contrary to the EIR's findings. (Guidelines, § 15126 (d).)

Project Alternatives and Findings of Fact

CEQA requires that an EIR describe "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project." (Guidelines, § 15126.6 (a).) The "range of alternatives" presented through the EIR do not provide decisionmakers with meaningful alternatives that substantially reduce project impacts and meet most of the basic objectives of the Project. The Reduced Intensity Alternative would still develop 4,000,000 square feet of industrial uses (a total of 4,495,000 sf of industrial development). It would primarily decrease the amount of commercial uses under the Project.

The Draft EIR should evaluate a development alternative with a greater mix of uses, such as business park or professional park uses, to reduce VMT and noise (due to heavy duty truck traffic). Specific plan zoning is an opportunity to create a comprehensive zoning plan for a particular area; and because the Project proposes to entirely redesignate and rezone the properties it is not a foregone conclusion that only industrial uses (with some limited commercial) must be developed. The City should explore a development that truly balances uses to create the type of "transit oriented" development that reduces VMT. The City should also consider an alternative that substantially reduces the amount of industrial development as this is the "primary" development objective of the Project. By reducing industrial development in a meaningful way there is a real opportunity to reduce Project impacts while still providing employment and tax revenue opportunities.

To ensure that alternatives are properly assessed and considered, CEQA "contains a `substantive mandate' requiring public agencies to refrain from approving projects with significant environmental effects if 'there are feasible alternatives or mitigation measures' that can substantially lessen or avoid those effects'." (*County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 98; Pub. Res. Code § 21002.) A lead agency may not reject an alternative unless the agency makes findings supported by substantial evidence showing that the alternative is infeasible. (Public Resources Code §§ 21081 (a), 21081.5; Guidelines, §§ 15091 (a)(3), 15092.) Rejected alternatives must be "truly infeasible." (*County of*

Marina v. Bd of Trustees of Calif. State Univ. (2006) 39 Cal.4th 341, 369.) Absent findings of infeasibility supported by substantial evidence, the City here must adopt the Reduced Intensity Alternative. The Findings do not demonstrate that this alternative is infeasible. The purported fact that fewer jobs would be created and that the alternative would not meet Project Objectives C, D, and E "to the same extent" as the Project is not a finding of infeasibility of the alternative.

Conclusion

For the reasons above, Sierra Club urges the Council to delay a decision on this Project pending revisions to and recirculation of the EIR as well as the adoption of further mitigation. Thank you for the opportunity to comment on this Project.

Sincerely,

Abigail Smith

Enclosure

ENVIRONMENT

Ontario still ‘warehouse king’ in Inland Empire

Large project propels Moreno Valley to No. 2 on consultant’s list of most impacted areas

Traffic flows on Philadelphia Street near warehouses in Ontario last week. An environmental consultant's data shows the region is becoming more saturated with warehouses.

Image 1 of 2

By Jeff Horseman

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It's easy in the Inland Empire to feel surrounded by warehouses. But where is the logistics footprint the largest?

Mike McCarthy thinks he knows. Using publicly available data, including information from county assessors' offices, the Riverside environmental consultant recently updated his list of the Inland communities with the most square footage devoted to existing and planned warehouses.

The rankings help residents hold accountable the elected officials who make land-use decisions allowing warehouses, McCarthy said.

"Understanding which cities are disproportionately impacted is helpful for local residents to understand where they fit," he said.

McCarthy's rankings, updated from his first list in 2022, paint a picture of a region increasingly saturated with large warehouses, often 1 million square feet or larger.

Thanks to its nexus of freeways and rail lines, proximity to the ports of Los Angeles and Long Beach, an abundance of flat, cheap, available land and a blue-collar workforce, the Inland Empire is a logistics hub supplying Southern California and a nation thirsty for instant delivery of online-ordered goods.

While warehouses employ thousands and provide an economic foundation in a region lacking the high-paying, white-collar jobs of coastal counties, some also blame logistics for a range of health problems associated with toxic

also blame logistics for a range of health problems associated with toxic exhaust belched by warehouse-bound trucks.

Critics also assail the logistics industry for destroying local roads with a seemingly endless stream of tractor trailers and warehouse working conditions described as unsafe and sweltering.

McCarthy, a member of Riverside Neighbors Opposing Warehouses, said he made two changes from his 2022 rankings. He included warehouses that have been planned and approved but not yet built. And he added unincorporated communities that aren't officially part of a city.

Ontario, which was No. 1 in 2022, remains at the top of McCarthy's list.

"Ontario is still the warehouse king of the Inland Empire," McCarthy said.

Moreno Valley, which ranked No. 11 two years ago, is now second.

The biggest factor in Moreno Valley's jump, McCarthy said, is the World Logistics Center, which will feature 40.6 million square feet of warehouse space on 2,610 acres — roughly equal to 700 football fields — once completed.

About 2.6 million square feet of the center has been built and occupied, Eric Rose, spokesperson for the center's developer, Highland Fairview, said via email. Engineering for the next phase of infrastructure is done, with construction expected to start as early as April, he added.

Moreno Valley Mayor Ulises Cabrera said via a text message that, while logistics brings an "economic uplift" to the city, "we must address its impacts on air quality, wages, benefits, and infrastructure strain, particularly affecting our most vulnerable communities."

The city also needs to "pivot" to industries such as "technology, the renewable energy supply chain, manufacturing, artificial intelligence, and health care," Cabrera said.

"This balanced approach aims not only to enhance our economic landscape," Cabrera said, "but also to ensure a higher quality of life, offering residents opportunities that extend beyond living paycheck to paycheck."

Fontana is third on the list. Land controlled by the March Joint Powers Authority, Perris, Rialto, Chino, Jurupa Valley, Beaumont and Rancho

Cucamonga round out the top 10.

One new entry to the top 20 is Menifee, which was not previously ranked. McCarthy said Menifee makes the latest list because "there's just a lot of planned activity going along on (the city's) border with Perris on Ethanac Road."

Redlands did not make the top 20 list.

Some cities rank lower on the list than they did in 2022.

Chino dropped to No. 7 from No. 4, Riverside dropped from 10 to 13, Corona dropped from 12 to 16 and Colton dropped from 15 to 18.

"The biggest trend that I'm seeing is just the continuation of logistics sprawl," McCarthy said. "The cities that are the hotbeds for new activity for the planned warehouses are farther from the ports. We're talking about Moreno Valley, Beaumont, Mead Valley, Temescal Valley (and) Menifee. Those are all 80 to 100 miles from the ports."

McCarthy said he was "a little surprised" to see the biggest changes on his list occurring in Riverside County.

"I don't know if that's just because the San Bernardino County cities are more built out," he said. "But almost all of the big changes happened in Riverside on my list."

The list is sobering to Ana Gonzalez, executive director of the Jurupa Valley-based Center for Community Action and Environmental Justice.

"We feel kind of heartbroken" because the list includes cities where the center has been working with residents to mobilize against warehouse growth, Gonzalez said.

The list also includes communities that are heavily Black and Latino, Gonzalez added. "We just see this perpetration of environmental racism in our communities."

Gonzalez said the list underscores the need for the state government to intervene to stem the tide of logistics development. Politico reported last month that Assembly Speaker Robert Rivas, D-Hollister, asked lawmakers to form a "warehouse working group" to rein in the problems associated with

warehouses in a way that doesn't kill warehouse jobs.