

Date: February 20, 2025
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To: Monique Alaniz-Flejter, Mflejter@hemetca.gov
Site: Newland Simpson Road Project
Subject: Responses to Solera Diamond Valley Residents

This memo contains responses to comments related to the Environmental Impact Report (EIR) that the City of Hemet received on November 30, 2024, prior to the City’s Planning Commission meeting on December 3, 2024 for which the Project is on the agenda. It should be noted that these comments were submitted outside of the public review period for the Draft EIR, which started May 17, 2024 and ended July 1, 2024.

As further detailed in the individual responses to comments below, none of the comments indicate that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, or that there would be any of the other circumstances requiring recirculation as described in CEQA Guidelines Section 15088.5. No new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented, there is no substantial increase in the severity of an environmental impact, no feasible project alternative or mitigation measure considerably different from others previously analyzed would lessen the environmental impacts of the proposed Project, and the EIR is not fundamentally inadequate and conclusory in nature.

Letter L3: Solera Diamond Valley Residents (25 pages) Late Comment Letter

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VIA E-MAIL ONLY

November 12, 2024

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Re: Public Comments –Newland Simpson Road Project including Draft Environmental Impact Report (SCH No. 2023120462)

Dear Ms. Alaniz-Flejter and the City of Hemet:

Please accept this letter on behalf of Solera Diamond Valley Residents regarding the proposed Newland Simpson Road Project (“the Project”) including the Draft Environmental Impact Report (“the EIR” or “the Draft EIR”). The Project is currently pending before the City.

GENERAL COMMENTS

The Project is a request to develop a 71-acre site with two industrial buildings totaling approximately 1,192,418 square feet, a trailer parking lot, and related improvements at the intersection of Warren Road and Simpson Road in the western portion of the City of Hemet. The Project includes a request for a General Plan Amendment to change the site’s land use designation from Mixed Use (MU) to Business Park (B-P).

Building 1 will be 883,080 square feet with 144 truck dock doors; Building 2 will be 309,338 square feet with 50 dock doors. The easternmost portion of the Project site, on the east side of Warren Road, will be developed with a truck trailer parking lot with 160 trailer parking stalls. The Project site includes a total of 419 trailer parking spaces. Each of the Project buildings will be 60-feet tall.

Access to the building sites will be via three truck entrances on Simpson Road. According to the Draft EIR, the Project’s “truck route” includes Warren Road as a connection to Route 74. Warren Road is a two-lane road that is used by local traffic. Warren Road has no bike lanes and only partial sidewalks. Simpson Road, a secondary road, will provide trucks a connection to Route 79. The closest bus stop to the Project site is located two miles to the northeast. The Project also

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includes “off-site improvements” including the installation or extension of an off-site sewer line.

The Project site is currently utilized for active farming activities and is surrounded by undeveloped and agricultural lands. Residences are located within 1,000 feet of the Project site (930 feet) to the south and within 2,000 feet to the west and northwest. The truck trailer parking lots is located closer than 930 feet to nearest receptors. Single-family homes and sensitive receptors are located on Warren Road along the Project’s proposed “truck route.”

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The Project will operate as “high cube fulfillment center warehouses”, and it will be operational 24 hours per day, seven days per week, with operations occurring in exterior areas, including loading and unloading of truck trailers. The Draft EIR’s project description states that the Project would not include any cold storage uses, but this is not included within the EIR’s mitigation program, and there is no evidence that the Project will be conditioned to prohibit cold storage (“refrigerated”) uses. If cold storage uses are permitted, impacts will be more severe than analyzed.

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The Project is purportedly anticipated to generate 2,539 vehicle trips per day including truck trips.¹ The Draft EIR assumes that 45% of passenger vehicles will use Warren Road, 35% of passenger vehicles will use Simpson Road, and 10% of passenger vehicles will use Domenigoni Parkway. The Draft EIR assumes that **45% of trucks will use Warren Road, 40% of trucks will use Simpson Road**, and 15% of trucks will use Domenigoni Parkway. The intentional distribution of big-rig trucks onto local, two-lane roadways used by residential traffic is unacceptable. The Project distributes most of its trucks to local roadways, thereby burdening Hemet’s residents with the Project’s air and noise pollution. (See, Draft EIR, Appendix M, Table 6-1 [indicating “Sensitive Receptors” along roadways used by Project trucks]). Notably, Simpson Road is not a “truck route” meaning that it should not be used under any circumstances by Project trucks. Yet the Project is designed so that **all** Project trucks will access the site via driveways on Simpson Road. (Draft EIR, Appendix O, Appendix A, Figure 1.) As designed, the Project site is maximized with development, whereas shrinking the buildings or eliminating building space or the truck parking lot could provide measurable environmental and public health benefits. Furthermore, funneling trucks onto local roadways shared with residential vehicles represents poor planning and policy; the Project must be reduced in scope and intensity to reduce significant impacts to the nearby community. **Available mitigation for all “significant” Project impacts – including roadway noise impacts - includes a reduction in the size and intensity of the proposed Project.** The Draft EIR proposes not a single operational noise mitigation measure.

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The new industrial complex will permanently alter the character of the area by bringing substantial traffic, noise, and air pollution to the rural and residential community. In fact, the Draft EIR concludes the Project will result in “significant and unavoidable” impacts with respect to agricultural resources (loss of farmland), greenhouse gas emissions, noise (roadway noise), and transportation (vehicle miles traveled). Thus, the Project will result in irreversible changes to the

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¹ The applicant’s marketing brochure downplays the number of total vehicle trips by highlighting the alleged truck trips of 203 total per day on Simpson Road, and 181 truck trips on Warren Road. The total number of vehicle trips is much higher.

local and regional environment. Unfortunately, as discussed in this letter, the Draft EIR does not fully analyze the Project’s potentially significant impacts, and it fails to propose and adopt feasible mitigation for significant Project impacts. In accordance with the California Environmental Quality Act (“CEQA”), the Draft EIR must be revised with further analysis, and it must identify additional mitigation for significant impacts. In addition, the EIR must examine further project alternatives, and the City must adopt the environmentally superior alternative absent adequate findings in the record of infeasibility.

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Furthermore, **the City should refrain from taking any action on the Project, including any certification of the Final EIR, until the City adopts the new “warehouse standards” currently being considered.** (See November 12, 2024 City Council Staff Report, Agenda Item 16 A²). This includes a proposal to designate truck routes consistent with Assembly Bill 98. This recent legislation establishes certain standards for development of warehouse projects to protect sensitive populations from the harmful and irreversible effects of these intense operations.³ In addition, **the standards of AB 98 and any City of Hemet future warehouse standards must be considered “feasible mitigation” for the proposed Project in all areas of significant impacts discussed in this letter (see, *id.*)** The EIR should be revised at a minimum to include these standards.

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A. AESTHETIC RESOURCES

The Project will construct two, 60-foot buildings and a big-rig truck parking lot in a rural area currently comprised of open space and farmland in the foreground of the Domenigoni Mountains. The large-scale, urban development, including its roadways, lighting and other infrastructure, will permanently alter the area’s visual landscape, and it represents an adverse change over existing conditions that must be considered a potentially significant impact of the Project (*e.g.*, Draft EIR Threshold AE-3). Among other things, the Project adversely impacts public views from Simpson Road. The Draft EIR must consider appropriate mitigation for this direct impact of the Project, such as limiting the height of the buildings to 40-45 feet or eliminating the smaller industrial building and/or the trailer parking lot.

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Importantly, the Draft EIR does not provide sufficient information to assess the level of impact to the existing environment. There are not “before” photographs of the site or its surroundings to show how the buildings will impact the existing visual landscape. There are not simulations of the development from multiple vantage points. The *single* visual simulation of a *portion* of one of the buildings from a “close up” angle, Figure 5.1-1, fails to adequately describe the Project’s impacts relative to *surrounding vantage points to the north of the site*. Still, Figure 5.1-1 indicates that the massive building will block or substantially obstruct the views of the Domenigoni Mountains from Simpson Road. The Draft EIR notes that the Domenigoni Mountains to the south of the site are “regionally significant scenic resources” (Draft EIR p. 5.1-3).

² <https://hemetca.civiviewweb.net/document/208894/?p%20style= text-align justify; Preliminary%20Over.pdf?handle=FE463789C60748E8A69CCAF381F32BDF>

This hyperlink and all hyperlinks cited in this letter are fully incorporated herein by reference as if cited in full.

³ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB98

The introduction of massive, box-style industrial buildings and related infrastructure conflicts with policies of the City of Hemet’s General Plan that are intended to preserve, protect and minimize impacts to visual resources in western Hemet. The Domenigoni Mountains are considered by the City to be an important visual resource. (See, General Plan, Figure 7.1) Given the importance placed on the preservation of visual resources by the General Plan, and the permanent impact to these resources because of the Project, the EIR’s finding of less than significant is not supported. The Project conflicts with General Plan policies such as Community Design “CD” 4.2, CD 4.13, CD-5, and CD 5.2. The Project also conflicts with General Plan Policy OS 2.2 which states that the City shall “[c]onserve view corridors and ridgelines” through the development review process.

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The EIR reasons there are no impacts to visual resources because there will be a “setback” between the Project site and Simpson Road. Arguably the Project includes a 20-foot “setback” between Simpson Road and the Project buildings. This area appears to contain parking lots, drive aisles, and arguably some landscaping. The record fails to show, by way of evidence, how the purported setback minimizes the visual impacts of the massive buildings relative to views of the mountains, particularly relative to Simpson Road. Even if there is “landscaping” (such as 24-inch box trees), the record does not establish that it will mitigate the visual effect of 60-foot buildings from the vantage point of Simpson Road relative to the Dominigoni Mountains.

Appropriate mitigation must be adopted before the Project can be approved, such as: limiting the height of the buildings to 40-45 feet; locating truck docks on the southside of buildings only; or reducing the number of buildings or shrinking the size of the buildings by “clustering” development in the least sensitive areas of the site.

B. AGRICULTURAL RESOURCES

The Draft EIR states that the Project site is currently utilized for farming activities (row crops) (p. 3-1). Photographs in the Draft EIR indicate that the site and surrounding sites are active agricultural properties. The Project site contains 9.2 acres of Prime Farmland and 63.9 acres of Farmland of Statewide Importance as designated by the California Department of Conservation Farmland Mapping and Monitoring Program (Draft p. 4-4; see also, City of Hemet General Plan Figure 7.1⁴). The Project results in the complete conversion of these documented agricultural resources to urban (non-agricultural) uses, and it sets a precedent for conversion of other properties to non-agricultural uses. CEQA requires analysis and mitigation of significant agricultural impacts including direct and cumulative impacts. (See, *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 870.) The Draft EIR concludes that the Project’s impacts to agricultural resources are significant and unavoidable on project-level *and* cumulative bases. The Draft EIR proposes no mitigation for this impact and finds that the permanent loss of approximately 70 acres of agricultural land is “significant and unavoidable.” However, before the City can adopt a “statement of overriding considerations,” it is obligated under CEQA to examine and propose

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⁴ https://www.hemetca.gov/DocumentCenter/View/2162/7_OS_web?bidId=

mitigation measures through the Draft EIR.

Once an EIR has identified a potentially significant environmental effect, it must propose and describe mitigation measures. (§§ 21002.1, subd. (a), 21100, subd. (b).) Specifically, CEQA requires the EIR to ‘include a detailed statement setting forth...[m]itigation measures proposed to minimize significant effects on the environment ... (§ 21100, subd. (b)(3).) Mitigation is defined as an action that minimizes, reduces, or avoids a significant environmental impact or that rectifies or compensates for the impact. (Guidelines, § 15370 [].) (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 851-852.)

The Draft EIR ignores available and feasible mitigation for the loss of important agricultural farmland. According to the State of California⁵, the conversion of agricultural land represents a permanent reduction in the State’s agricultural land resources. *Conservation easements are an available mitigation tool.*” (emphasis added) As discussed in *King, supra*, mitigation can include conservation easements (“ACE”), purchase of conservation credits, and restoration of agricultural lands. (See also,⁶.) Conservation easements⁷ are contemplated by CEQA as appropriate mitigation for the loss of agricultural resources. (State CEQA Guidelines, § 15370 (e); see, *V Lions Farming, LLC v. County of Kern* (2024) 100 Cal.App.5th 412.)

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The City of Hemet General Plan Policy OS-3.4 states that projects shall “secure ... conservation easements where feasible and suitable as a means for protecting prime farmland...” Other General Plan policies are designed and intended to protect agricultural resources in the City including: Policy LU-15.8, Goal OS-3 and Policy OS-3.1. and Policy OS-3.3. ⁸ The Draft EIR does not show that mitigation is infeasible. “The requirement for a description of the mitigation is based on the general rule that ‘an EIR is required to provide the information needed to alert the public and the decision makers of the significant problems a project would create and to discuss currently feasible mitigation measures.’ [] The discussion provided must contain facts and analysis, rather than the agency’s bare conclusions or opinions.” (*King, supra*, at 866, emphasis in original.) For instance, the County of San Diego has an agricultural conservation program to promote the long-term preservation of agriculture.⁹ (See also, ^{10 11} .) Mitigation banks must also be considered feasible mitigation.¹²

The Project proposes to develop the area of Prime Farmland *with a truck trailer parking lot*. Avoidance of this area, which is located east of Warren Road from the primary development site,

⁵ [https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-\(CEQA\)-.aspx](https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-(CEQA)-.aspx)

⁶ <https://calandtrusts.org/wp-content/uploads/2014/03/conserving-californias-harvest-web-version-6.26.14.pdf>

⁷ <https://www.nrcs.usda.gov/programs-initiatives/ale-agricultural-land-easements>

⁸ <https://www.hemetca.gov/DocumentCenter/View/2307/Appendix-A-Sustainable-GP-Policies?bidId=>

⁹ <https://www.sandiegocounty.gov/content/sdc/pds/advance/PACE.html>

¹⁰ <https://storymaps.arcgis.com/stories/d252237bcf284fc4aa51815f7a7955ee>

¹¹ <https://www.iercd.org/>

¹² <https://calandtrusts.org/conservation-basics/conservation-tools/mitigationbanks/>

should be considered appropriate and feasible mitigation. (See, *King, supra*, at p. 830 [clustering of oil wells is feasible mitigation to reduce the project’s conversion of agricultural land].) At present, the Project site is maximized with development which is not necessary. The Draft EIR asserts that retention of onsite agricultural uses would be “infeasible” as it would prevent the development of onsite buildings. This is not an accurate statement at least with respect to the area of Prime Farmland as no buildings are proposed for that area. The elimination of the smaller Building 2 must also be considered feasible mitigation for the loss of agricultural resources.

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Before the statement of overriding considerations can be adopted, the City must make findings supported by substantial evidence that these specific mitigation measures are infeasible. (Cal. Public Resources Code, §§ 21081 subd. (a)(3), (b), 21081.5.)

C. AIR QUALITY IMPACTS

i. PROJECT-SPECIFIC IMPACTS

The air quality study (Draft EIR, Appendix C) must be revised and recirculated because it is based on traffic data inputs that underestimate the Project’s air quality emissions.

The air quality study states that it relies on trip data (trip rates and truck percentages) from the “TUMF High-Cube Warehouse Trip Generation Study, WSP, January 29, 2019” (Appendix O, p. 16, Table 4.1). This study is problematic and results in the reporting of fewer truck trips than if a more standard model is utilized. The South Coast AQMD recommends that high cube warehouse projects use “truck trip rates from the Institute of Transportation (ITE) for high cube warehouse projects located in South Coast AQMD.”¹³ Also, it appears that the 2019 “TUMF study” utilized by the Draft EIR was updated in 2023, which is not reflected in the Draft EIR’s analysis.¹⁴ The TUMF study also applies to “transload” facilities. There is no indication that this Project will operate as a transload facility (*i.e.*, a facility where goods are unloaded from one form of transportation such as rail to another form of transportation such as a truck). These facilities typically have fewer employees on account of a high level of automation.¹⁵ ¹⁶ In short, there are different categories and types of “high cube distribution centers,” thus, the appropriate trip rates must be applied to the analysis to ensure the accurate capture of truck trips for purposes of evaluating the Project’s traffic and air quality impacts.¹⁷

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Also, the data inputs in the air quality study do not match those of the greenhouse gas emissions study (GHG) in terms of vehicle mixes and the percentages of vehicle type trips. For instance, Table 3-5 of the Project’s GHG study (Appendix G) is not consistent with the truck fleet assumptions of Table 3.8 of the Air Quality Study (Appendix C). Further, the GHG report assumes

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¹³ <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/high-cube-warehouse>

¹⁴ <https://wrcog.us/AgendaCenter/ViewFile/Agenda/12142023-730>

¹⁵ <https://transloadservicesusa.com/blog/container-transloading/>

¹⁶ <https://transloadservicesusa.com/blog/what-is-transloading/#Definition-of-Transloading>

¹⁷ <http://newpromisefarms.com/files/2018/07/HighCube-Warehouse-Oct-2016-Study-ITE.pdf>

that only 16.90% of truck trips are heavy duty truck trips (HHD) with respect to Building 1; this does not appear to be realistic assumption given that Building 1 will function as a high cube distribution center serviced by heavy duty trucks. In addition, the assumed “trip length” does not match between the two studies. In Appendix G, an average trip length of 24.78 is used; in Appendix C, a trip length of 30.47 is used. Furthermore, an average trip length of 40 miles (local) and 70 or 90 miles (regional) should be applied to analysis. See,¹⁸ The AQMD has recently been recommending that projects apply a truck trip length that is relative to the distance between the subject site and the Ports of Los Angeles and Long Beach. See,¹⁹ The AQMD has recommended that other warehouse projects take a “project specific” approach to evaluating truck trip lengths and not rely on outdated trip rate assumptions. See,^{20 21} Finally, the Project is not conditioned to prohibit cold storage. As a result, the air quality analysis must be updated to reflect the “worst case scenario”, that is, it must assume that some percentage of the Project buildings will be used for cold storage. See, *id.*

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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, and including on a cumulative basis. (Cal. Pub. Res. C. § 21002; State CEQA Guidelines, § 15002(a)(3).)

In addition to any electric vehicle (EV) charging units for electric vehicles that will be installed at the site pursuant to CalGreen/Title 24 requirements, the Project should also be conditioned to require EV charging units for heavy duty and medium duty trucks. Level 3/DC Fast (or Quick) Chargers (DCFC) should be required²² (*see id.* [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. See²³ [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.²⁴

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

- Constructing the building’s roof with “light colored roofing materials.” Cool roofs

¹⁸ <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2023/november-2023/SBC231011-05.pdf>

¹⁹ <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/june-2024/rvc240501-06-deir-palm-springs-fulfillment-center-project.pdf?sfvrsn=6>

²⁰ <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/february/RVC240104-02.pdf>

²¹ <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/june-2024/rvc240604-05-draft-eir-murrieta-road-warehouse-project.pdf>

²² <https://blog.evbox.com/level-3-charging-speed>

²³ <https://www.carscoops.com/2018/11/fedex-adds-1000-china-built-chanje-f8100-electric-vans-fleet/>

²⁴ <https://polb.com/port-info/news-and-press/charging-station-to-power-electric-trucks-in-port-11-30-2023/>

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 ²⁵ ; see also, *Riverside County Climate Action Plan Measure R2-L2* ²⁶.)

- Obtaining LEED certification to the most current USGBC²⁷ rating system for the industrial building, 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. ^{28 29} Among other benefits, cooler surfaces and air reduce the need for air conditioning in vehicles. (See, *id. Riv. County Climate Action Plan Measure R2-L2*.)
- 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. See, *id. Riv. County Climate Action Plan R2-L1*
- Installing and utilizing solar power for 100% of the facility’s total electricity demand including electric vehicle charging stalls 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. The Project should go beyond Title 24/CalGreen building code requirements for the installation of solar panels and battery backup.
- Including within the building 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 off-site. Signage shall also be provided notifying truck operators that a lounge(s) is available for their use.
- Limiting truck idling to no more than three continuous minutes.
- Requiring all trucks that access the site to have 2014 or newer engines. This requirement will align with the Port of Long Beach’s requirement that any new registered drayage trucks must be model year 2014 or newer.³⁰
- Requiring through the adopted CEQA mitigation program the installation of EV charging stations of a certain number and specification.
- The California Attorney General has published a list of best practices for warehouse

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²⁵ <https://www.energy.gov/sites/prod/files/2013/10/f3/coolroofguide.pdf>

²⁶ <https://planning.rctlma.org/sites/g/files/aldnop416/files/migrated/Portals-14-CAP-2019-2019-CAP-Update-Full.pdf>

²⁷ <https://www.usgbc.org/leed>

²⁸ <https://coolcalifornia.arb.ca.gov/cool-pave-how>

²⁹ <https://heatisland.lbl.gov/coolscience/cool-pavements>

³⁰ <https://polb.com/environment/clean-trucks/#program-details>

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. Mitigation Measure GHG-9 should be revised to state that *only electric* cargo-handling equipment shall be allowed (no natural gas or other fuels). The Draft EIR states the Project will operate four natural gas powered cargo handling equipment in truck court areas (p. 5.3-27).
- 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.

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- 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.

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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/f2012rtpscscs.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.*) According to the SCAQMD’s Blueprint for Clean Air (2016)³¹, 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; and shall use near-zero and zero-emission technologies in heavy-duty applications such as “last mile delivery.”³² 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.³³ 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.³⁴ ³⁵ (California requiring manufacturers to produce zero emission trucks beginning in 2024); *see also* (discussing CARB’s

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³¹ <https://www.aqmd.gov/docs/default-source/Agendas/aqmp/white-paper-working-groups/wp-blueprint-revdf.pdf?sfvrsn=2>

³² <https://www.nbnews.com/tech/tech-news/treated-sacrifices-families-breathe-toxic-fumes-california-s-warehouse-hub-n1265420>

³³ <https://ww3.arb.ca.gov/planning/sip/2016sip/2016mobsrc.pdf>

³⁴ <https://ww2.arb.ca.gov/news/california-moves-accelerate-100-new-zero-emission-vehicle-sales-2035>

³⁵ <https://www.cnbc.com/2023/03/31/california-requires-half-of-heavy-trucks-sales-to-be-electric-by-2035.html#:~:text=The%20state%27s%20rule%20requires%20manufacturers.on%20the%20road%20by%202035.>

Advanced Clean Truck Rule)³⁶.) A mitigation measure is feasible if it can be achieved in a reasonable period of time. (Guidelines, § 15364.)

L3.11
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ii. CUMULATIVE AIR QUALITY

The EIR summarily dismisses the potential for cumulative air quality impacts as a result of the Project. A cumulative air quality impact analysis is relevant to the extent that a billion square feet of industrial warehousing has been constructed in the Inland Empire in the last ten years or so.³⁷ Approximately 400 million square feet of industrial development has been approved or is in process of approval in Riverside County.³⁸

As authority for the claim that a cumulative air quality impact analysis is not necessary, the EIR cites an appendix to a 2003 white paper issued by the South Coast AQMD, which is selectively quoted and misapplied. The generalized discussion concerns South Coast AQMD's approach to cumulative impact analysis when it is the Lead Agency for a project, which it is not here.³⁹ ⁴⁰ Moreover, the 20-year-old appendix states that AQMD does not "generally" consider projects to have cumulative impacts when those projects do not exceed project-specific thresholds. Environmental agencies continue to study, document and recognize the adverse health effects of poor air quality conditions especially with respect to children.⁴¹ In fact, the AQMD is in the process of updating its "guidance documents" in terms of cumulative impact analysis, while recognizing that cumulative air quality analysis is a requirement of CEQA.⁴² ⁴³ ⁴⁴ ⁴⁵ CEQA defines a "cumulative impact" as one that *may be individually limited* but cumulatively considerable when considered with past, present, and foreseeable future projects. (State CEQA Guidelines, §§ 15130 (a), 15355 (b).) The City must evaluate the Project's potential for significant cumulative air quality impacts, particularly the EIR must examine the Project's NOx impacts (truck diesel emissions) in combination with other cumulative projects. It is likely the Project's NOx emissions, when combined with other similar projects, will result in cumulatively significant air quality impacts requiring mitigation. The City recently published a list of cumulative industrial warehouse projects that are being evaluated in connection with the City's analysis of future "warehouse standards" consistent with AB 98 (see, Footnote 2 above). These cumulative projects must be considered in terms of the Project's contribution to cumulatively significant air quality conditions in the City.

L3.12

³⁶ <https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-trucks-fact-sheet>

³⁷ <https://timesofsandiego.com/business/2023/01/28/southern-california-warehouse-boom-poses-environmental-costs-for-the-inland-empire/>

³⁸ <https://radicalresearch.shinvapps.io/WarehouseCITY/>

³⁹ <http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf>

⁴⁰ <http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf>

⁴¹ <https://oehha.ca.gov/media/downloads/calenviroscreen/report/cireport123110.pdf>

⁴² [http://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-\(new\)](http://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new))

⁴³ http://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-1-presentation_02172022_final.pdf?sfvrsn=6

⁴⁴ http://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-3_20230124.pdf?sfvrsn=6

⁴⁵ http://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-4_20230602_final.pdf?sfvrsn=10

D. GREENHOUSE GAS EMISSIONS

The State of California has committed to aggressive goals for the reduction of the emissions causing global climate change. Assembly Bill 1279 requires the state to achieve net zero greenhouse gas emissions (GHG) as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter. The bill requires California to reduce statewide GHG emissions by 85 percent compared to 1990 levels no later than 2045. Roughly a billion square feet of the Inland Empire is devoted to warehouses.⁴⁶ Strong, enforceable mitigation measures will be required of implementing projects to achieve the State’s GHG emission reduction goals. 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 10,362.39 MTCO₂e/yr which exceeds the adopted threshold of significance of 3,000 MTCO₂e/year. As such the Project must adopt all feasible mitigation. The 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 proposed GHG measures 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. (See, ⁴⁷ at p. 2-14.) The Project must take steps to reduce the use of diesel trucks including measures listed above to phase-in electric vehicles. Trucks represent 25% of the State’s on-road GHGs.⁴⁸ The Advanced Clean Fleets Regulation requires that all medium duty and heavy-duty vehicles sold in California be zero-emission beginning in 2036. (*Id.*) The Advanced Clean Car Regulation from Executive order N-79-2⁴⁹ requires that all new trucks and passenger cars sold in California be zero emission by 2035. Also, all drayage trucks entering seaports and intermodal railyards are required to be zero emission by 2035.⁵⁰

L3.13

The mitigation program is silent as to solar energy. At the least, the mitigation program must clearly require the installation and operation of a renewable energy systems at least consistent with Title 24/CalGreen. To be sure that all feasible mitigation is imposed, the mitigation program shall require the installation and operation of a renewable energy system that meet the total energy needs of the Project buildings and parking lot infrastructure, including a storage system. According to the City of Hemet’s General Plan 2030⁵¹, “Riverside County is becoming one of the prime areas for the use of solar technologies due to the area’s abundant sunshine... Energy resource conservation and the use of renewable resources can reduce [] fiscal and economic effects, as well as improve air quality.” (p. 7-27) According to the General Plan, the City will encourage property owners to implement “active solar projects”, primarily photovoltaic panels. (p. 7-27.) The City must ensure consistency with this important policy by imposing a requirement for renewable energy on the flat-

⁴⁶ <https://calmatters.org/commentary/2023/09/inland-empire-warehouse-boom-rejections/>

⁴⁷ <https://wrcog.us/DocumentCenter/View/9987/Climate-Action-Plan-Toolkit>

⁴⁸ <https://ww2.arb.ca.gov/news/1-6-new-trucks-buses-and-vans-california-are-zero-emission#:~:text=While%20trucks%20represent%20only%206,000%20of%20the%20total%20fleet%20of%20vehicles%20on%20the%20road,only%206%20percent%20of%20the%20fleet%20is%20zero-emission>

⁴⁹ <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>

⁵⁰ <https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-fleets-regulation-detailed-drayage-truck-requirements>

⁵¹ https://www.hemetca.gov/DocumentCenter/View/2162/7_OS_web?bidId=

roofed warehouse Project.

Furthermore, under Table 4.8-5, the Project has significant conflicts with plans adopted for the purposes of reducing GHGs, including the following:

**L3.13
Cont.**

i. CITY OF HEMET GENERAL PLAN

The City of Hemet does not have a Climate Action Plan. According to the General Plan, Mitigation Measure 4.7-2⁵² (General Plan 2030 EIR, Appendix H) states that the City shall achieve communitywide GHG reductions to 6.6 MTCO₂e/SP/year by 2020 and by 4.9 MTCO₂e/SP/yr. The Draft EIR does not discuss this measure or demonstrate how the Project reduces emissions consistent with these goals. Further, the Project does not “demonstrate the ability to meet any applicable GHG reduction targets adopted by ARB or SCAQMD” (*Id.*). Therefore, the Project has potential impacts as to the adopted threshold, GHG Impact 2.

The Project does not demonstrate consistency with “Sustainability in Hemet General Plan Policies” (General Plan Appendix A)⁵³, including:

- CSI-5.4 stating that the City shall “encourage new buildings to maximize solar access to promote solar energy use... and on-site solar generation.” (p. 23)
- CSI-8.4 stating that the City shall “promote nonrequired alternative energy practices and [LEED] certifications.” (p. 24)
- LU-2.9 stating that projects shall be designed to provide “long-term sustainable site and building design features.” (p. 25)
- OS-6.2 regarding LEED certification
- OS-6.5 regarding Clean Energy resources
- OS-6.6 regarding on-site solar generation
- OS-7.1 stating that the City shall “reduce the amount of air pollution from ... stationary sources ... by using best management practices in development proposals and project implementation.”
- OS-7.5 stating that the City shall “encourage a mix of housing types that are affordable to all segments of the population and are near job opportunities to further reduce vehicle trips.”
- OS-7.7 regarding alternative clean vehicles.
- OS-7.8 regarding “green” building techniques
- OS-7.9 stating the City shall “ensure that industrial... land uses are meeting [SCAQMD] air thresholds.”

L3.14

Furthermore, the Draft EIR references that the GHG analysis relies on the Western Riverside County Council of Governments’ Subregional Climate Action Plan. To the extent this is accurate, this plan⁵⁴ relies upon transportation measures (LT-1 through LT11) to achieve emission reductions consistent with applicable emission reduction targets. The Project does not demonstrate

⁵² <https://www.hemetca.gov/DocumentCenter/View/2313/Appendix-H-Mitigation-and-Monitoring-Program?bidId=>

⁵³ <https://www.hemetca.gov/DocumentCenter/View/2307/Appendix-A-Sustainable-GP-Policies?bidId=>

⁵⁴ <https://wrcog.us/DocumentCenter/View/9987/Climate-Action-Plan-Toolkit>

conformity with these policies.

L3.14
Cont.

ii. COUNTY OF RIVERSIDE CLIMATE ACTION PLAN (“CAP”)⁵⁵

The Project increases GHG emissions and therefore the Project is inconsistent with the goals and policies of the County CAP that aim to reduce GHG emissions. For instance, the CAP states:

In the year 2030, the County would need to reduce emissions by 525,511 MT CO₂e annually below the ABAU scenario to meet the State-aligned target. In 2050, the County would need to reduce emissions by 2,982,947 MT CO₂e annually below the ABAU scenario to meet the State-aligned target. (CAP p. 3-6).

Also for instance, CAP Policy R2-EE11 (p. 4-10) states that the County shall promote LEED building ratings as a means to reduce GHG emissions. This must be considered feasible mitigation in this case. Again for instance, R2-CE1 requires solar panel installations on new commercial buildings and “encourages” energy storage system installation with solar panels. Installation of a maximally sized solar system with sufficient battery storage must be considered feasible mitigation in this case. Also for instance, R2-L1 states that “shaded surfaces may be 20 to 45 degrees Fahrenheit [] cooler than the peak temperatures of unshaded materials.” Increasing tree plantings, particularly in parking areas, must be considered feasible mitigation for the Project. Also for instance, R2-L2 states that cool roofs and cool pavements reduce the need to cool buildings and reduce the “heat island” effects of projects. Exceeding existing regulatory requirements (Title 24) for the installation of cool roofs and cool pavements must be considered feasible mitigation for this Project.

L3.15

iii. COUNTY OF RIVERSIDE GENERAL PLAN

The Project conflicts with the following policies of the County of Riverside General Plan:

Land Use “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.

LU 4.1: the Project has no requirement of solar energy; the site has no bicycle routes.

LU 8.12: there is no requirement of local hiring to reduce VMT.

LU 11.4: the Project does not provide bicycle paths or public transit.

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

LU 13.1 the Project does not provide land use arrangements that reduce reliance on the automobile and improve opportunities for pedestrian, bicycle and transit use in order to minimize congestion and air pollution.

LU 13.2 the Project does not locate employment and service uses in area that are easily accessible to existing or planned transportation facilities.

L3.16

⁵⁵ <https://planning.rctlma.org/sites/g/files/aldnop416/files/migrated/Portals-14-CAP-2019-2019-CAP-Update-Full.pdf>

Open Space “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 disclose whether the Project buildings will include “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 numerous policies and goals related to reducing vehicle dependency. The City should consider additional measures aimed at reducing VMT including *programmatic* VMT mitigation (*see* discussion below).

L3.16
Cont.

iv. SCAG 2020-2045 RTC/SCS ⁵⁶

The Draft EIR does not establish consistency with the policies of the 2020-2025 RTP/SCS. The Project conflicts with many “SCAG goals” including those aimed at reducing GHGs and improving air quality as well as decreasing VMT (i.e., the Project vastly increases VMT). ⁵⁷ The Draft EIR must evaluate these policies and adopt appropriate mitigation.

L3.17

v. CARB 2022 SCOPING PLAN

The Draft EIR does not discuss specific goals or strategies of the California Air Resources Board (“CARB”) 2022 Scoping Plan for Achieving Carbon Neutrality (“2022 Scoping Plan”) ^{58 59}. The 2022 Scoping Plan is designed to achieve the emission reduction requirements of AB 1279. The Draft EIR must be revised with analysis that demonstrates Project consistency with the Scoping Plan strategies.⁶⁰ This includes strategies for VMT reduction including “increase[ing] public access to public transit...” (p. 11).

L3.18

E. ENERGY RESOURCES

The Draft EIR’s finding of less than significant with respect to energy resources is not supported. According to the Draft EIR, the Project will consume 5,892,788 kWh/year of electricity, 773,174 gallons of fuel annually due to cars and trucks, and 18,568 kBtu per year of natural gas for operation of cargo-handling equipment. The Draft EIR concludes that impacts are less than significant because “this use of energy is typical for urban development” (p. 5.6-12). Accordingly, the Project does not adopt any energy mitigation measures.

L3.19

⁵⁶ <https://scag.ca.gov/sites/main/files/file-attachments/23-2987-connect-social-2024-final-ch-03-our-plan-040424.pdf?1712261395>

⁵⁷ https://www.icpds.com/assets/SCAG_2020-1642792556.pdf

⁵⁸ <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf>

⁵⁹ <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp-es.pdf>

⁶⁰ <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf>

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 Project creates a new demand for electricity, but does not, for instance, “increase reliance on renewable energy sources” or “decrease reliance on fossil fuels.” (See, Guidelines Appendix F.) The Project must mitigate its energy impacts (Public Resources Code, § 21100 (b)(3)), including transportation energy impacts (*i.e.*, fuel consumption). Any reliance on Title 24 is insufficient as Title 24 does not address transportation energy resources. (See, *Calif. Clean Energy Committee v. City of Woodward* (2014) 225 Cal.App.4th 173, 210.)

L3.19
Cont.

The installation and utilization of a solar energy system for 100% of the facility’s total energy demands including all electric vehicle charging and any cold storage uses could vastly reduce the Project’s energy impacts consistent with Guidelines Appendix F. The City must consider and 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. (See, *id.* at p. 212.) 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 (*e.g.*, charging of heavy-duty electric trucks).

The Project should be required to adopt further measures to reduce VMT to reduce fuel consumption. The Project increases VMT and is therefore patently inconsistent with land use plans - local, regional, and State – that aim to reduce VMT. (See discussion, *infra*). Furthermore, the Project is patently inconsistent with City General Plan policies pertaining to sustainability through increasing energy efficiency and decreasing VMT, including, but not limited to, CSI-5.5, CSI-8.4, OS-6.1 and OS-7.9, and the following:

L3.20

- CSI-5.4 stating that the City shall “encourage new buildings to maximize solar access to promote solar energy use... and on-site solar generation.” (p. 23)
- CSI-8.4 stating that the City shall “promote nonrequired alternative energy practices and [LEED] certifications.” (p. 24)
- LU-2.9 stating that projects shall be designed to provide “long-term sustainable site and building design features.” (p. 25)
- OS-6.2 regarding LEED certification
- OS-6.5 regarding Clean Energy resources
- OS-6.6 regarding on-site solar generation

F. LAND USE IMPACTS

The Draft EIR fails to demonstrate based on substantial evidence that the Project is consistent with the City’s General Plan in several important ways.

L3.21

The Project requests a general plan amendment from Mixed Use to Business Park. According to the City’s General Plan, the Business Park land use designation is intended to support “clean” industries that do not create nuisances due to levels of noise, odor, air emissions, vibrations, waste or substantial heavy truck traffic.” (p. 2-21). The proposed Project produces a range of significant and “unavoidable” environmental impacts, thus, it does not appear to qualify as a “clean industry”. On the other hand, the Industrial (I) designation is intended to accommodate “logistics” uses and are intended to be located “adjacent to the rail line, the airport, or major transportation corridors.” (p. 2-22) Accordingly, the record indicates the Project is inconsistent with Land Use Policy LU 1.9 in that the Project is not “in conformance with the land use character and development intention of each land use District established in the General Plan and implementing ... ordinances...” The Project is not located on a major transportation corridor, a rail line or adjacent to the airport.

**L3.21
Cont.**

The Project conflicts with other City of Hemet General Plan policies including, but not limited to, Goal LU-2 to “provide for new and infill development in compliance with Smart Growth Principles.” The Project locates a truck-intensive industrial development in a rural area not served with pedestrian, bicycle, or public transit facilities, and the Project is shown to increase VMT on a significant basis. Again for instance, the Project conflicts with Policy LU 2.9 which states that new development is required to be “designed to minimize consumption of water, energy and other resources” (see also, Policy CD 1.6). The Project creates a demand for energy resources and fails to adopt all feasible mitigation to reduce impacts such as solar energy. Also for instance, the Project conflicts with Policy C 1.15 stating that “New Development” shall be required to “meet roadway and intersection performance standards and/or contribute their fair share toward improvements pursuant to a traffic impact analysis” (see, transportation discussion, *infra*). Again for instance, the Project conflicts with C 4.1 in that “new growth” is not directed “along transportation corridors.” Only a small percentage of Project-related vehicles will use Domenigoni Parkway: the Project directs the *majority* of truck and vehicle trips to local roadways, Simpson Road and Warren Road. Also for instance, the Project that increases VMT conflicts with policies designed to reduce VMT, including Policy C 4.6 stating the City shall “encourage and promote the reduction of [VMT].” The Project furthermore conflicts with Policy C 4.15 which states that new development shall be required to “incorporate transit-oriented design features... to promote public transit...” The Project does not include any public transit access.

L3.22

General Plan Goal C-6 states the City desires to facilitate the movement of freight and goods “while protecting residents and travelers from the negative effects of truck operations...” Policy C 6.4 states the City shall “maintain a system of truck routes that provides adequate access to industrial ... areas ... without intruding on residential neighborhoods.” The Project directly conflicts with these policies as it relies, exclusively, on a non-truck route (Simpson Road) for ingress/egress to the Project site, and the Project funnels a substantial amount of truck traffic to non-truck routes including Simpson Road and Warren Road. *By design*, the Project relies on roads that are not designated truck routes; and the Project directs trucks to and *through* residential areas per the Draft EIR’s truck distribution model.

Again for instance, the Project conflicts with Policy PS 11.1 which states the City shall

“enforce noise standards to maintain acceptable noise limits”. The Draft EIR concludes that the Project results in significant noise impacts in terms of increasing roadway noise above acceptable levels. The Project also does not “protect noise-sensitive uses from new noise sources” consistent with Policy PS 11.4. More particularly, the Project does not “minimize noise conflicts between current and proposed land uses and the circulation network by encouraging compatible land uses ...” The Project requests a major land use amendment to locate a new industrial land use with noise-generating truck activity in a rural and residential environment.

**L3.22
Cont.**

The Draft EIR does not evaluate the Project’s consistency with Policy OS 1.7 relating to a Wildlife Movement Corridor. This policy states that “new development” in the “open space areas surrounding Diamond Valley Lake” shall incorporate wildlife corridors as applicable.

The Project also conflicts with Policy OS 7.1 which states the City shall “reduce the amount of air pollution emissions from mobile and stationary sources.” The Project must consider the mitigation measures listed above to reduce air quality emissions.

In addition, the Project conflicts with the purposes and goals of the “West Hemet District” planning area under the City’s General Plan (Land Use Element, section 2.9.4). According to the General Plan, this area was part of an “urban renewal case study” that envisioned dynamic and sustainable mixed use planning for the subject area. Among other “smart growth” principles that were contemplated for the area, the General Plan notes that “land use planning and circulation planning must be coordinated” by creating “connections between land uses” that promote pedestrian and bicycle use. The General Plan states that “central to the business park concept is the integration of all land uses along a comprehensive trail network [for] pedestrians and bicyclists...” The Project includes no pedestrian, bicycle or transit access.

The Project is also inconsistent with the County of Riverside General Plan in terms of land use planning, including:

L3.23

- LU 3.1 (d) Create street and trail networks that directly connect local destinations, and that are friendly to pedestrians, equestrians, bicyclists, and others using non-motorized forms of transportation.
- LU 4.1 (p) Require that new development be designed to provide adequate space for pedestrian connectivity and access.
- LU 4.1 (r) Site building’s access points along sidewalks, pedestrian areas, and bicycle routes, and include amenities that encourage pedestrian activity.
- LU 7.1 [land use compatibility policies]
- LU 30.1 Accommodate the continuation of existing and development of new industrial in areas appropriately designated by General Plan and area plan land use maps.
- LU 30.2 Control heavy truck and vehicular access to minimize potential impacts on adjacent properties.

The Project does not provide transportation options and bikeways consistent with County of

Riverside General Plan Policies C 1.2 and C 1.7. The Project is patently inconsistent with Policies OS 11.1, 11.2, 11.3 and 16.9 regarding solar energy systems. Policies AQ 20.18 and AQ 26.1 similarly require the County to encourage the installation of solar panels. Policy AQ 4.7 requires that projects shall mitigate significant air emissions “to the greatest extent possible.” Thus the Project must require *all* feasible mitigation. AQ 8.8 states the County shall promote land use patterns which reduce the number and length of motor vehicle trips. The Project vastly increases VMT as shown in VMT analysis. County of Riverside General Plan Policy AQ 8.9 states the County shall promote land use patterns that promote alternative modes of travel; however, the Project provides no transit or pedestrian access. AQ 9.2 requires VMT reductions, and the Project increases VMT as discussed. Policies AQ 20.2, AQ 20.3, 20.4, 20.7, 22.1, and 23.1 also state that the County shall reduce VMT. The Project also fails to demonstrate consistency with Riverside County’s Good Neighbor Policy⁶¹. For instance, Policy 4.1 states that heavy duty trucks shall be limited to 2010 or newer engines. This is not part of the Project’s mitigation program.

L3.23
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In sum, 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 applicable land use plans.

G. NOISE IMPACTS

The Draft EIR proposes no noise mitigation measures for significant, long-term noise impacts due to intense industrial operations including truck traffic on local roadways. The Project results in significant, long-term noise impacts with respect to at least three roadway segments to the north of the site: Warren Road s/o Stetson Avenue; Warren Road s/o Mustang Way; and Simpson Road e/o SR-79. (Draft EIR, Table 5.12-16.) Arguably, other roadway segments are also significantly impacted by the Project according to Table 5.12-16. (See, General Plan, Safety Element, Table 6-5 [noise contours].) There are measures available to reduce roadway noise including, for instance, paving roads with low noise asphalt.^{62 63} Due to the porous nature of asphalt, this material can reduce roadway noise by 3 dBA to 5 dBA.⁶⁴ Rubberized asphalt can reduce freeway noise next to residential areas.⁶⁵ According to the Federal Highway Administration, the treatment of existing roads to create “quieter pavement” can “improve[] the livability of neighborhoods near highways.”⁶⁶ The statement in the Draft EIR that rubberized asphalt is “only effective for tire-on-pavement noise at higher speeds and would not reduce truck-related off-site traffic noise levels ... to less than significant levels” is not supported by evidence. (Draft EIR p. 5.12-32.) The Draft EIR also does not explain why installation of noise barriers (*e.g.*, sound walls) in sensitive off-site locations is infeasible. In addition, the noise analysis assumes that half of the

L3.24

⁶¹ <https://rivcocob.org/sites/g/files/aldnop311/files/migrated/wp-content/uploads-2020-01-Good-Neighbor-Policy-F-3-Final-Adopted.pdf>

⁶² <https://www.petronaftco.com/asphalt-reduces-noise/>

⁶³ <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/quieter-pavement-a11y.pdf>

⁶⁴ <https://www.sunlandasphalt.com/can-we-reduce-road-noise-by-selecting-a-certain-pavement-type/>

⁶⁵ <https://azdot.gov/blog-article/rubberized-asphalt-reduces-noise-helps-environment>

⁶⁶ https://www.fhwa.dot.gov/pavement/sustainability/articles/tire_noise.cfm

heavy-duty truck trips will occur at nighttime. By restricting the hours of delivery to daytime/evening hours, the Project can mitigate its impacts on sensitive receptors. This must be considered feasible mitigation for significant roadway noise impacts. Available mitigation also includes reducing the size and intensity of the Project and establishing and enforcing truck routes that do not impact residential areas.

L3.24
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H. TRANSPORTATION IMPACTS

Contrary to the conclusions of the Draft EIR, the Project has potential impacts under threshold Transportation Impact TR-1.

First, as discussed, there are numerous City General Plan policies pertaining to pedestrian, bicycle, and transit facilities in new projects. **The Project provides only limited “pedestrian facilities”, i.e., a sidewalk on the Project’s frontage, and it does not provide bicycle facilities or access to public transit.** The Project is patently inconsistent with land use policies that are intended to reduce air quality, greenhouse gas emissions, and transportation (VMT) impacts by providing reasonable and practical access to pedestrian, bicycle and public transit facilities.

L3.25

Second, with respect to “Truck Route Facilities,” the Project will utilize Simpson Road for exclusive truck access to the site via three truck driveways, and 40% of the Project’s truck trips are assumed to occur on Simpson Road. Simpson Road is not a designated truck route. (See, Draft EIR p. 5.15-13). The Project has potential transportation and safety impacts to the extent that almost half of the Project’s trucks will use a *non-truck* route. The Project must establish a truck route that avoids local roadways that do not have the capacity to handle substantial truck traffic and/or that impact sensitive receptors. The applicant’s marketing brochure highlights the use of Simpson Road as a Project truck route. Simpson Road is not a designated truck routes per the City’s recent analysis. (See, November 12, 2024 City Council Meeting Agenda, Item 16 A, Attachment 1 ⁶⁷).

L3.26

Third, with respect to “Roadway Facilities,” the Project will cause specific intersections to operate at unacceptable levels of service (“LOS”). The Draft EIR’s traffic analysis (Draft EIR, Appendix O) concludes that the LOS at the intersection of Warren Road and Stetson Avenue will be substantially degraded due to the addition of Project-related traffic. In fact, this intersection will operate a Level of Service “F” with Project traffic. This intersection is currently served by All Way Stop Control (*i.e.*, it is an unsignalized intersection). When cumulative traffic conditions are accounted for, the conditions worsen further. *Yet impacts are significant on a project-specific basis.* Appendix O identifies needed traffic improvements to address the immediate need caused by the Project: under the “Project Completion” scenario, a traffic signal and northbound, southbound and eastbound left turn lanes are “required by safety reasons” and “recommended for better intersection operations.” (Appendix O p. 43). However, rather than require mitigation for this direct Project impact, the Draft EIR purports to calculate the Project’s “fair share” contribution to the total funds

L3.27

⁶⁷ <https://hemetca.civicweb.net/document/208894/?p%20style= text-align justify; Preliminary%20Over.pdf?handle=FE463789C60748E8A69CCAF381F32BDF>

needed to install the improvements at some later, undetermined date. As to the intersection of Warren Road/Stetson Avenue, the Project is calculated to be responsible for 23.33% of the “fair share” contribution (p. 46).

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Furthermore, the EIR is misleading on an informational basis, and it is defective on procedural grounds. First, the EIR informs readers and decisionmakers that the Project causes *no* potentially significant traffic impacts as to Impact TR-1, and, therefore, it states that *no mitigation is required*. This is inaccurate as discussed above. Mitigation is required for direct impacts to several intersections.

Second, fair share funding can be acceptable mitigation under CEQA for a project’s contribution to cumulatively significant conditions, but it is not appropriate for direct project impacts. (Guidelines, § 15130 (a)(3).) The Project must be required to adopt all feasible mitigation for significant Project impacts including transportation improvements that will be needed at the Project’s opening.

Third, the alleged “fair share” funding is not enforceable in accordance with CEQA. Specifically, the “fair share” funding is not adopted as a mitigation measure through the CEQA mitigation monitoring and reporting program (“MMRP”). Even if fair share fees are imposed through the Project’s conditions of approval or other agreements in the future, there is no evidence that the improvements are part of a reasonable plan for implementation, especially as the improvements are needed in the “project completion” scenario. (See, Guidelines, § 15130 (a)(3) [facts shall support finding that impact is mitigated through payment of fair share funds].) CEQA requires that feasible mitigation measures “actually be implemented as a condition of development, and not merely be adopted and then neglected or disregarded.” (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260-1261; Public Res. Code, § 21081.6 (a)(1), (b) [mitigation measures must be “fully enforceable”].) Fee-based mitigation can be sufficient if agency commits to a “reasonable plan of actual mitigation.” (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1187.) The record here does not indicate a “reasonable plan of actual mitigation”.

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Lastly, the Draft EIR discloses a significant impact for which *no plan* of mitigation is even discussed. The Draft EIR finds that “no feasible improvements will result” in satisfactory LOS at the intersection of SR-79/Domenigoni Parkway. (Appendix O, p. 43) This is a significant impact of the Project. In other words, there is *no* “fair share” mitigation identified with respect to the Project’s significant direct impact to this intersection *or any mitigation*. But, it is *only* with improvements that this intersection will operate an acceptable level of service. It is a fundamental rule of CEQA that a lead agency may not approve a project with significant, *unmitigated* impacts. Absent an adequate and enforceable plan of mitigation for significant traffic impacts, or a finding that measures are infeasible within the meaning of CEQA, the City is precluded from approving the Project. (Guidelines, §§ 15092, 15093 (a)(3), (b).)

Next, the Project results in significant impacts with respect to VMT under threshold TR-2 but does not adopt all feasible VMT mitigation. The Project will result in annual VMT of

L3.29

14,754,276 miles. According to the Draft EIR, the Project Baseline VMT Service Population would be 28.8 VMT/Service Population or 17.3 percent above the City’s threshold of 24.6 VMT/Service Population. The Draft EIR states that only two VMT measures are applicable to the proposed Project: the implementation of a “commute trip reduction project” and “pedestrian improvements.” (Draft EIR p. 5.15-18) The Draft EIR admits that the construction of a sidewalk (*i.e.*, the pedestrian improvement) along the Project’s frontage on Simpson Road provides no measurable benefit since there are no other sidewalks in the Project area, meaning there is no pedestrian connectivity to provide a safe or reasonable means for walkability to and from the Project site. In this way, the “sidewalk” does not reduce dependency on vehicles. As to the commute trip reduction project, the Project adopts MM GHG-10 (p. 1-23).

MM GHG-10 measure requires the owner or tenant of any building with more than 250 of employees to develop a Transportation Demand Management Program (TDM). The measure then provides a list of “recommended program elements”. None of the elements are required of the Project, meaning it is a “voluntary” trip reduction program, making the measure uncertain and unenforceable within the meaning of CEQA. Moreover, several of the elements are inapplicable to the Project such as providing pedestrian and bicycle improvements, public transit, and “compressed work schedules,” which are not realistic for the majority of warehouse employees.

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The Draft EIR ignores other feasible measures from the California Air Pollution Control Officers Association’s Handbook for *Analyzing Greenhouse Gas Emission Reductions, et al.*⁶⁸ that are feasible and applicable to the Project, such as:

- T-1 “Increase Residential Density”. The current designation of the site is Mixed Use meaning that the Project could include residential units to provide a balance between employment opportunities and residential uses. This is a “smart growth” concept⁶⁹ that helps to reduce VMT.
- T-7 “Provide Ridesharing Program” including providing an app or website for coordinating rides among employees.
- T-8 “Implement Subsidized or Discounted Transit Program” where the employer provides subsidies for employees to use public transit.
- T-9 “End-of-Trip Bicycle Facilities” that includes bike parking, showers, and personal lockers.
- T-10 “Provide Employer-Sponsored Vanpool” that provides groups of 5 to 15 employees with a cost-effective and convenient rideshare option for commuting.
- T-13 “Provide Electric Vehicle Charging Infrastructure” that provides EV charging stations *beyond* what is required by CalGreen/Title 24.
- T-17 “Provide Pedestrian Network Improvement” that increases sidewalk coverage.
- T-18-A “Construct or Improve Bike Facility” that constructs or improves a single bicycle facility that connects to a larger bicycle network.
- T-19 “Expand Bikeway Network” that would increase the length of the City’s bikeway

⁶⁸ https://www.airquality.org/ClimateChange/Documents/Handbook%20Public%20Draft_2021-Aug.pdf

⁶⁹ <https://www.epa.gov/smartgrowth/about-smart-growth>

- network.
- T-24 “Expand Transit Network Coverage” to expand the local transit network by adding or modifying existing transit service.

In addition, 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 Plan⁷⁰

[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 adopt the alternative involving mixed-use development that balances professional and business park uses with commercial and warehouse uses. Some example of measures aimed at reducing VMT include: providing carpool incentives to employees, such as free parking, preferred parking or implementing a reward program for carpooling; providing free, low-cost monthly transit passes to employees ; creating an online ridesharing program that matches potential carpoolers through e-mail; encouraging the development of a commuter trip reduction plan; incorporating transit stops; and promoting accessibility to public transit such as providing a shuttle service to transit service for employees.⁷¹ The Project should incorporate safe and accessible bike lanes as well as reasonable access to public transit. The City, as the lead agency for the Project, should also explore *programmatic VMT mitigation options*. Other jurisdictions like the City of Escondido are evaluating “VMT Exchange Programs” for instance⁷² (See also, ^{73 74}).

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I. WILDLAND FIRE AND EVACUATION IMPACTS

The Project site is “Outside of the State Responsibility Area” for fire protection. The Project site is therefore not mapped for “fire severity” risk. However, areas to the south of the site, to the south of Domenigoni Parkway, are mapped as “Very High” for fire risk. (Draft EIR Figure 5.18-1; see also, General Plan, Safety Element, Figure 6.5-B). The Project site is therefore “near [a] state responsibility area or lands classified as [a] very high fire hazard severity zone” per the adopted

L3.30

⁷⁰ <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-e-sustainable-and-equitable-communities.pdf>

⁷¹ <http://www.aqmd.gov/docs/default-source/ceqa/handbook/capcoa-quantifying-greenhouse-gas-mitigation-measures.pdf>

⁷² <https://www.escondido.gov/DocumentCenter/View/2117/VMT-Exchange-Program-PDF>

⁷³ <https://www.law.berkeley.edu/wp-content/uploads/2018/09/Implementing-SB-743.pdf>

⁷⁴ <https://scag.ca.gov/connect-social>

thresholds of significance. (Draft EIR p. 5.18-9). As such analysis of fire risk is needed and prudent.

The Draft EIR’s finding of less than significant as to wildland fire risk is not supported by analysis let alone substantial evidence. In particular, the Draft EIR does not demonstrate that the Project can meet the mandatory emergency response time of five minutes or less for 80 percent of fire and emergency calls. (General Plan Policy PS-7.1) There is no analysis or discussion of the closest fire stations, including the anticipated response time from the nearest station to the Project site. The closest fire station according to the General Plan Safety Element appears to be Fire Station #4 (Figure 6.5 “Fire Facilities”), but the Draft EIR does not disclose the locations of any fire stations and the response time to the Project site from any stations. A search on Google maps indicates that this fire station is located more than five minutes driving distance from the Project site, assuming this station is equipped and capable of addressing a fire at the Project site. The Project is also in conflict with General Plan Policy PS-6.2 which states that all new development that will be located adjacent to wildland areas should assess the development’s vulnerability to fire. Also, given the Project’s proximity to a Very High Fire Hazard Severity zone, and in the absence of any mapping of the site itself, the Project should be required, in the interest of public safety and full disclosure, to “submit and implement a fire protection plan” per General Plan Policy 6.12. There is no Fire Protection Plan (“FPP”) for the Project. A typical FPP will specifically address emergency response times as well as evacuation planning. There is no analysis here of evacuation routes.

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J. 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 and agricultural lands, the Project presents the potential for growth-inducing impacts contrary to the EIR’s findings. (Guidelines, § 15126 (d).) The Draft EIR acknowledges that “[d]evelopment of the Project site may place further development pressure on areas to the north, west, east, and south, which are mostly undeveloped and utilized for agricultural purposes” (p. 6-4 – 6-5).

L3.31

K. 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 Draft EIR does not provide decisionmakers with meaningful alternatives that substantially reduce project impacts and meet most of the basic objectives of the Project. The Draft EIR evaluates three alternatives: Alternative 1 (No Project/No Development); Alternative 2 (Reduced Project Alternative); and Alternative 3 (No Project/Buildout of Existing Land Use Alternative). Only one of these alternatives – Alternative 2 – is designed to meet basic project objectives and reduce significant Project impacts. Alternative 1 would leave the Project site in its current state of agricultural use, and therefore does not meet any of the Project Objectives. Alternative 3 would develop a mixed-use Project, and while this alternative is advantageous for several important reasons, the EIR states that Alternative would 3 would result in more severe environmental impacts and it would not meet at

L3.32

least three of the Project Objectives pertaining to development of an industrial project. Thus, the Draft EIR examines only *one* development alternative, which does not constitute a “reasonable range” within the meaning of CEQA.

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 environmentally superior alternative, Alternative 2. The Draft EIR states that Alternative 2 would at least partially meet Project Objectives.

L3.32
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CONCLUSION

Based on the above discussion, we submit that revisions to the Draft EIR are needed and further mitigation should be proposed in accordance with CEQA. Thank you for the opportunity to comment on this Project.

L3.33

Sincerely,



Abigail Smith

Response to Letter L3: Solera Diamond Valley Residents, dated December 2, 2024

This comment letter was received after the public review and comment period ended (May 17, 2024, through July 1, 2024). As stated in Section 15088 of the CEQA Guidelines, Lead Agencies are not required to respond to letters received outside of the noticed comment period. However, the following responses have been prepared to provide clarity regarding the environmental concerns that have been raised.

Comment L3.1: The comment states that Solera Diamond Valley Residents are submitting comments regarding the sufficiency of the Newland Simpson Road Project Draft EIR under CEQA. The comment then provides a description of the proposed Project.

Response L3.1: The comment is introductory in nature and provides a summary of the proposed Project and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment L3.2: This comment states that the Project would operate as a “high cube fulfillment center warehouse” that would not include any cold storage; however, there are no mitigation measures or conditions that prohibit the use of cold storage which could lead to more severe impacts.

Response L3.2: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. As identified on page 3-33 of Section 3.0, *Project Description* Draft EIR, the building is not designed to accommodate and would not include any warehouse cold storage or refrigerated uses. As such, cold storage is not included as part of this Project. Additionally, the Project would be conditioned to prohibit future cold storage uses. Should the Project later be modified to propose cold storage, the analysis would be required to be revised under subsequent CEQA evaluation to evaluate the Project change, including air toxic emissions and health impacts from cold storage and TRUs.

Comment L3.3: This comment states that many of the trucks accessing the site would be routed on local roadways which are used by nearby residents which would result in an increase in noise and air pollution. The comment states that Simpson Road is not a truck route, yet the Project proposes all of the driveways to be located on Simpson Road. The comment states that the EIR should include additional mitigation measures for operational noise including mitigation that would reduce the size of the Project.

Response L3.3: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. While Simpson Road is not a designated truck route, both Warren Road and Domenigoni Parkway are designated as truck routes, which would be primarily used by trucks to access the site. Trucks utilizing Simpson Road would be doing so via either Domenigoni Parkway or Warren Road to access the driveways along Simpson Road. Due to the nature of the Project site, with the drainage located to the south of the site and the bridge located on the eastern portion, the driveways were designed to be on Simpson Road in order to allow for safe ingress and egress. In terms of air pollution, an air quality analysis operational health risk assessment was completed and included in Section 5.3, *Air Quality*, and shows that potential health impacts to nearby residents and regional and localized air quality would be below all applicable thresholds with implementation of included mitigation measures.

Reducing the Project size does not constitute mitigation under CEQA as it would change the definition and design of the Project itself. However, the Draft EIR analyzed a Reduced Project Alternative as an Alternative. As detailed in Draft EIR Section 8.0, *Alternatives*, the proposed Project is consistent with the current zoning of the site and would result in significant and unavoidable impacts related to agriculture, greenhouse gas emissions, noise and transportation. One alternative (Alternate Site Alternative) was considered but rejected due to its infeasibility and lack of ability to meaningfully reduce Project impacts while meeting Project objectives. Instead, a No Project/ No Development Alternative, a Reduced Project alternative, and a No Project/ Buildout of Existing Land Use Alternative were analyzed within the Draft EIR. As such, the alternatives utilized by the EIR provide a reasonable range of alternatives pursuant to

CEQA Guidelines Section 15126.6. As set forth by CEQA, the Lead Agency is not required to choose the environmentally superior alternative. Instead, CEQA requires the City to consider environmentally superior alternatives, weigh those considerations against the environmental impacts of the proposed Project, and make findings that the benefits of those considerations outweigh the harm. These findings are provided in Exhibit B to the Staff Report.

For operational roadway noise impacts, mitigation measures were discussed within Section 5.12, *Noise*, and implementation of all possible mitigation measures was found to be infeasible. Potential noise reducing actions associated with truck traffic, including rubberized asphalt hot mix pavement and off-site noise barriers, were analyzed. While rubberized asphalt may provide some noise reduction in certain circumstances, the Noise Impact Analysis prepared for the Project (included as Draft EIR Appendix M) recognizes that this is only effective for tire-on-pavement noise at higher speeds and would not reduce truck-related off-site traffic noise levels associated with truck engine and exhaust stacks to less than significant levels. Since the use of rubberized asphalt would not lower the off-site traffic noise levels below a level of significance, rubberized asphalt is not proposed as mitigation for the Project because while it would reduce tire on pavement noise, it does not address any other noise sources such as exhaust or engine noises and would not effectively lower noises to below a level of significance.

Off-site noise barriers were also considered in the Noise Impact Analysis as a potential traffic noise mitigation measure to reduce the impacts. Off-site noise barriers are estimated to provide a *readily perceptible* 5 dBA reduction which, according to the Federal Highway Administration (FHWA), is simple to attain when blocking the line-of-sight from the noise source to the receiver. Caltrans guidance in the Highway Design Manual, Section 1102.3(3), indicates that for design purposes, the noise barrier should intercept the line of sight from the exhaust stack of a truck to the receptor, and an 11.5-foot-high truck stack height is assumed to represent the truck engine and exhaust noise source. However, the Applicant and the City does not have the ability to implement an 11.5 feet tall sound barrier wall on the nearby private residences given it would constitute a taking. Further, this wall height also would not be allowed by the City's code. Therefore, noise barriers are not proposed as mitigation for the Project because they are infeasible.

Comment L3.4: This comment states that the Draft EIR fails to fully analyze the Project's significant and unavoidable impacts or propose and adopt feasible mitigation measures. The comment further states that the Draft EIR must further analyze Project alternatives and the City must adopt the environmentally superior alternative absent adequate findings.

Response L3.4: This comment is conclusory and does not provide any substantial evidence that the Project would result in a significant environmental impact. As discussed in Section 5.2 *Agricultural and Forestry Services*, there are no feasible mitigation measures to reduce impacts associated with the Project's conversion of Prime Farmland and Farmland of Statewide Importance to non-agricultural uses. Retention of onsite agricultural uses would be infeasible as it would prevent the development of onsite buildings, which would inhibit implementation of the Project as a whole. Replacement of agricultural resources offsite would be infeasible as creation of new farmland-status properties within the City is outside of the City and Applicant control. Additional offsite mitigation would be infeasible as it would require the Applicant to purchase replacement acreage for farmland currently not in use elsewhere in California and restore it as viable farmland; however, distant mitigation would not reduce impacts as the Project parcels have no relationship to the loss of agricultural lands within the City or County. There is no available replacement acreage of lower quality farmland within the City or County that could be mitigated to Prime Farmland. Farmland within the City or County is either planned for future development of non-agricultural uses or already designated by the Department of Conservation as Unique Farmland, Farmland of Statewide Importance, or Prime Farmland. If the City were able to locate land that could be improved in order to meet the Prime Farmland designation per Department of Conservation requirements, there is no way to guarantee that any improvements would ultimately result in the change in classification, as that is determined by the Department of Conservation as well as other climate factors such as rainfall.

As discussed in Section 5.8 *Greenhouse Gas Emissions*, there are no feasible Project measures that would reduce substantially vehicular emissions, and more than 79 percent of all GHG emissions (by weight) would be generated by Project mobile sources (vehicle trips). Neither the Project Applicant nor the Lead Agency (City of Hemet) can substantively or materially affect reductions in Project mobile-source emissions. Therefore, impacts related to GHG emissions would be significant and unavoidable.

As above in response L3.3, the use of a sound barrier or rubberized asphalt would not be feasible in reducing Project impacts.

As discussed in Section 5.15, *Transportation*, pursuant to CAPCOA Guidance the maximum allowable reduction in VMT through implementation of measures is 15 percent. As Project TAZ's VMT/SP is over 15 percent above the City baseline, there is no feasible way to fully reduce VMT to a level that is less than significant.

The Draft EIR included a comprehensive analysis of Project Alternatives as required by CEQA Guidelines Section 15126.6. The "range of alternatives" to be evaluated is governed by the "rule of reason" and feasibility, which requires the EIR to set forth only those alternatives that are feasible and necessary to permit an informed and reasoned choice by the Lead Agency and to foster meaningful public participation (CEQA Guidelines Section 15126.6(f)). Additionally, State CEQA Guidelines Section 15126.6(b) emphasizes that the selection of project alternatives be based primarily on the ability to reduce impacts relative to the proposed project.

As detailed in Draft EIR Section 8.0, *Alternatives*, the proposed Project is consistent with the current zoning of the site and would result in significant and unavoidable impacts related to agriculture, greenhouse gas emissions, noise and transportation. One alternative (Alternate Site Alternative) was considered but rejected due to its infeasibility and lack of ability to meaningfully reduce Project impacts while meeting Project objectives. Instead, a No Project/ No Development Alternative, a Reduced Project alternative, and a No Project/ Buildout of Existing Land Use Alternative. As such, the alternatives utilized by the EIR provide a reasonable range of alternatives pursuant to CEQA Guidelines Section 15126.6.

Draft EIR Page 8-1 states that a pursuant to State CEQA Guidelines Section 15126.6(d), discussion of each alternative presented in this Draft EIR section is intended "to allow meaningful evaluation, analysis, and comparison with the proposed project." As permitted by CEQA, the significant effects of each alternative are discussed in less detail than those of the proposed Project, but in enough detail to provide perspective and allow for a reasoned choice among alternatives to the proposed Project. The qualitative analysis provided is sufficient to support the impacts claims.

As shown on Table 8-1, Alternative 2 is expected to generate approximately 479 daily trips, compared to the proposed Projects 2,539. Since trips are calculated based on building square footage, an 81% decrease in building area with the same proposed use would result in an 81% decrease in trips. Given that a majority of GHG emissions are from mobile emissions, it is expected that this reduction would be greatly reduced compared to the proposed Project. As such, Alternative 2 was selected as the Environmentally Superior Alternative. The comment misconstrues PRC Section 21081(a), which allows for an agency to approve a proposed project if the agency makes a finding that "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report" (Public Resource Code Section 21081, subd. (a)). As such, the City could approve the Project so long as it makes the finding that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Comment L3.5: This comment states that the City should not take any action on the Project until the City adopts new "warehouse standards" and the standards of AB 98 should be included in the proposed Project.

Response L3.5: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. While the proposed Project would not be required to implement AB 98 given the timing of the initial entitlement submittal, the loading docks are located more than 900 feet from any sensitive receptors and the proposed Project would adhere to many of the guidelines. The proposed truck loading bays would be oriented away from any sensitive receivers. The Project would comply with Title 24 of the California Code of Regulations for building efficiency and the Green Building Code. The Project would feature a 100 percent solar-ready roof, providing 64 charging stations for light duty vehicles as well as providing charging readiness for medium and heavy duty vehicles. All cargo handling equipment would be non-diesel powered or electric. Thus, while the Project is not explicitly complying with AB 98 due to the distance to nearby receptors, the Project would include many features consistent with AB 98. Thus, no further response is warranted.

Comment L3.6: This comment states that the proposed 60-foot buildings would result in a significant impact to the rural aesthetic of the area, including views of the mountains from Simpson Road. The comment states that the Draft EIR does not provide any “before” photographs showing the site before development and the single visual simulation does not adequately illustrate the views of the entire area. The commenter states that the proposed setbacks do not provide relief for the view of the 60-foot buildings and that mitigation should be included to limit the height of the buildings to 40-45 feet and to locate the loading docks on the south side of the buildings only.

Response L3.6: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The comment incorrectly asserts that there are no photos of the Project site before any development. Figures 3-3 *Aerial View*, 3-4a, and 3-4b *Site Photos* capture the views of the Project site in its current condition. The Draft EIR adequately analyzed the potential impacts to scenic vistas, and this comment does not provide any substantial evidence to support a new impact. Pursuant to Section 15064, “an effect shall not be considered significant in the absence of substantial evidence.” Where comments provide no facts or other substantial evidence to support an assertion, or where comments do not explain why the evidence supporting a conclusion in the Draft EIR is not substantial evidence, the Final EIR is not required to alter a significance determination of the Draft EIR. CEQA permits disagreements of opinion with respect to environmental issues addressed in the EIR (see Section 15151 of the CEQA Guidelines [“disagreement among experts does not make an EIR inadequate... the courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure”].) The Draft EIR for the proposed Project provides an adequate, complete, and good faith effort at full disclosure of the physical environmental impacts of the proposed Project and the conclusions are based upon substantial evidence in light of the whole record. Thus, no further response is warranted.

Comment L3.7: This comment states that the proposed Project would result in a significant and unavoidable impact related to Agricultural Resources. The comment states that the Draft EIR fails to analyze all possible mitigation including conservation easements. The comment also states that the proposed Project would be inconsistent with various General Plan measures aimed at preserving agricultural land. The comment also suggests the Project either remove the truck trailer parking lot as part of the Project or remove building 2 in order to maintain some of the agricultural land onsite.

Response L3.7: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. As discussed in Section 5.2 *Agricultural and Forestry Services*, there are no feasible mitigation measures to reduce impacts associated with the Project’s conversion of Prime Farmland and Farmland of Statewide Importance to non-agricultural uses. Retention of onsite agricultural uses would be infeasible as it would prevent the development of onsite buildings, which would inhibit implementation of the Project as a whole. Replacement of agricultural resources offsite would be infeasible as creation of new farmland-status properties within the City is outside of the City and Applicant control. Additional offsite mitigation would be infeasible as it would require the Applicant to purchase replacement acreage for farmland currently not in use elsewhere in California and restore it as viable farmland; however, distant mitigation would not reduce impacts as the Project parcels have no relationship to the loss of

agricultural lands within the City or County. There is no available replacement acreage of lower quality farmland within the City or County that could be mitigated to Prime Farmland. Farmland within the City or County is either planned for future development of non-agricultural uses or already designated by the Department of Conservation as Unique Farmland, Farmland of Statewide Importance, or Prime Farmland. If the City were able to locate land that could be improved in order to meet the Prime Farmland designation per Department of Conservation requirements, there is no way to guarantee that any improvements would ultimately result in the change in classification, as that is determined by the Department of Conservation as well as other climate factors such as rainfall.

Reducing the Project size does not constitute mitigation under CEQA as it would change the definition and design of the Project itself. However, the Draft EIR also contains a discussion of possible alternatives that could reduce potential impacts. As detailed in Draft EIR Section 8.0, *Alternatives*, the proposed Project is consistent with the current zoning of the site and would result in significant and unavoidable impacts related to agriculture, greenhouse gas emissions, noise and transportation. One alternative (Alternate Site Alternative) was considered but rejected due to its infeasibility and lack of ability to meaningfully reduce Project impacts while meeting Project objectives. Instead, a No Project/ No Development Alternative, a Reduced Project alternative, and a No Project/ Buildout of Existing Land Use Alternative. As such, the alternatives utilized by the EIR provide a reasonable range of alternatives pursuant to CEQA Guidelines Section 15126.6.

Comment L3.8: This comment states that the proposed Project utilizes incorrect traffic assumption by utilizing “transload” facilities which generate fewer trips than other warehouse uses.

Response L3.8: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The TUMF study and splits within are standard practice use for the County of Riverside for warehouses larger than 200,000 SF. As general practice, SQAMD truck splits are utilized for traffic analysis outside of Riverside, whereas TUMF splits are utilized within the County of Riverside. The TUMF study was a study completed by Riverside County and caters to their unique use of warehouses of different sizes and operations within the County. ITE truck trip splits, noting that the data utilized in the manual is national, instead of regional or local, tends to have lower number of truck splits than TUMF. It is therefore more conservative to use TUMF trip generation and truck splits, which would result in a more conservative number of truck trips as compared to ITE.

It is also to be noted, “transload” means to transfer products from one mode of transportation to another. It does not necessarily engage the use of railroad. This is what the facility is proposing as warehouse use. The comment goes on to refer to the use as a high cube distribution center, which would be incorrect. The proposed Project is a high cube transload short-term warehouse.

Comment L3.9: This comment states that the vehicle mixes do not match between the GHG study and the air quality study and that the GHG report only assumes 16.90% of truck trips being heavy heavy duty with respect to Building 1. The comment also states that the assumed truck trip length is underestimated as they should be based off of the length to travel to the Port of Los Angeles or Port of Long Beach (40 or 70 or 90 miles). The comment also states that the Project is not conditioned to exclude cold storage uses and the analysis must be updated to include the worst-case analysis of cold storage uses.

Response L3.9: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The analysis was completed pursuant to SCAQMD’s recommended methodology and utilized the average trip length for light-heavy (15.3-miles), medium-heavy (14.2-miles) and heavy-heavy trucks (39.9-miles) which is based on SCAQMD’s recommendations outlined in their implementation of the Warehouse Actions and Investments to Reduce Emissions (WAIRE) adopted in 2021. These trip lengths represent averages and therefore would include local trips as well as potential trips that may occur to the applicable port facilities. It would be speculative to assume that all Project truck trips would extend only to the Ports of Los Angeles and Long Beach, and because the percentage of truck trips

that would extend to the ports is not known at this time. It is, therefore, appropriate to be consistent with SCAQMD's recommended methodology, which is based on actual data from similar facilities in the region.

As identified on page 3-33 of Section 3.0, *Project Description*, of the Draft EIR, the building is not designed to accommodate and would not include any warehouse cold storage or refrigerated uses. As such, cold storage is not included as part of this Project. Additionally, the Project would be conditioned to prohibit future cold storage uses. Should the Project be modified after approvals to propose cold storage, the analysis would be revised under subsequent CEQA evaluation to evaluate the Project change, including air toxic emissions and health impacts from cold storage and TRUs.

Comment L3.10: This comment states that the proposed Project should be required to include Level 3/DC Fast Chargers for heavy duty and medium duty trucks. The comment then lists several mitigation measures that would reduce air quality impacts.

Response L3.10: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The Project would provide electric prewiring at dock doors pursuant to 2022 Title 24 requirements, which would allow for the installation of future truck charging infrastructure should electric heavy-duty trucks become economically and technologically feasible. As discussed in section 5.3 *Air Quality*, proposed Project construction and operational impacts have already been reduced to a less than significant level with the implementation of the mitigation measures within the Draft EIR. Therefore, in regard to air quality impacts, there is no nexus between the proposed mitigation and Project impacts. Thus, no further mitigation is required, and no further response is necessary.

Comment L3.11: This comment states that the region's good movements networks have worsened air quality in the area, especially regarding NO_x emissions. The comment states that feasible mitigation to reduce NO_x impacts include the phase-in of electric, hybrid electric, hydrogen electric, or battery operated (non-diesel) trucks.

Response L3.11: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. As discussed in section 5.3 *Air Quality*, proposed Project construction and operational impacts have already been reduced to a less than significant level, including impacts regarding NO_x emissions, with the implementation of the mitigation measures within the Draft EIR. Therefore, in regard to air quality impacts, there is no nexus between the proposed mitigation and Project impacts.

Regarding zero emission trucks and related infrastructure, as of 2025, the use of zero-emission heavy-duty trucks in support of uses such as those proposed by the Project remains infeasible given the extremely limited commercial availability of zero-emission trucks, as well as infrastructure limitations, including limited truck-accessible charging/refueling stations and electrical grid capacity. While many heavy-duty truck manufacturers have released zero-emission battery electric and hydrogen-powered trucks, these vehicles have yet to reach large scale production, and their use remains extremely limited. Tesla first revealed the Tesla Semi in 2017, and an initial order for 100 trucks was placed by PepsiCo. However, the Tesla Semi did not enter production until 2022, and, as of April 2024, only 36 trucks have been delivered to PepsiCo, with additional orders placed by UPS, Walmart, Sysco, Schneider, and ASKO Norway remaining unfulfilled. Although the Tesla Semi was initially slated to begin production in 2019, with production expected to hit 50,000 units in 2024, battery production constraints have severely limited production, and it is uncertain at this time when these orders may be expected to be fulfilled.¹

Facing delays with the Tesla Semi, several companies have turned to other vehicle manufacturers, including Daimler's eCascadia. However, with a significantly shorter range of approximately 230 miles compared to

¹ <https://www.reuters.com/business/autos-transportation/tesla-semi-trucks-short-supply-pepsico-its-rivals-use-competing-ev-big-rigs-2024-04-19/>

the 500-mile range of the Tesla Semi, the eCascadia's use case is significantly limited in comparison. As of late 2023, Schneider has taken delivery of 92 eCascadias², representing 0.9 percent of the company's fleet of 10,600 tractors.³

The limited availability of zero-emission medium- and heavy-duty vehicles is borne out in CARB's Emission Factor (EMFAC) Model, as well as data published by HVIP. EMFAC model outputs provide detailed information as to the vehicle fleet in California, including fuel types for various vehicle classes and vehicle populations. Per EMFAC data, in 2024, battery electric trucks made up 0.01 percent of California's medium-duty truck fleet, and 0.21 percent of the heavy-duty truck fleet.⁴ Similarly, based on HVIP's Zero-Emission Vehicle Population Dashboard,⁵ as of October 2024, there are currently 226 medium-duty and 197 heavy-duty zero-emission vehicles within the SCAQMD jurisdiction, which includes Orange, Riverside, and San Bernardino Counties, as well as much of Los Angeles County. In 2023, statewide deliveries totaled 183 medium-duty vehicles and 121 heavy-duty vehicles, while in 2024 there have been no medium-duty truck vehicle deliveries and 13 heavy-duty truck deliveries.

Further, the availability of truck accessible vehicle charging stations and hydrogen refueling stations in California and the United States as a whole severely limits the feasibility of zero-emission trucks. Although the California Energy Commission estimates that there are over 11,000 DC fast charging stations in California,⁶ the vast majority of these are intended to accommodate light duty passenger vehicles and lack the accessibility for medium- and heavy-duty trucks. California's first publicly accessible DC fast charging station for medium- and heavy-duty trucks opened in March 2023 in Otay Mesa.⁷ In addition, based on data provided by the U.S. Department of Energy Alternative Fuels Data Center, there are currently 12 publicly accessible DC fast charging stations with a total of 21 EV charging ports across the United States and Canada that are capable of accommodating heavy-duty (class 6-8) trucks.⁸

As of early 2024, medium- and heavy-duty truck DC fast charging depots are planned for three locations along Interstate 5 in the Central Valley as well as in Blythe⁹, the lack of charging stations severely limits the useful range of battery electric trucks, effectively restricting their use to local routes only.

Adoption and implementation of hydrogen fuel cell trucks face similar challenges. Based on data provided by the California Energy Commission, there are currently 68 light-duty vehicle hydrogen refueling stations in California.¹⁰ However, similar to DC fast chargers, these stations are intended for use by light duty passenger vehicles and would not be capable of accommodating medium- and heavy-duty trucks. According to the United States Department of Energy Alternative Fuels Data Center, there are five hydrogen refueling stations across the United States and Canada that are capable of accommodating heavy-duty (class 6-8) trucks.¹¹

Although infrastructure improvements and the installation of medium- and heavy-duty truck capable DC fast chargers and hydrogen fueling stations are currently in progress, the current state of charging and refueling infrastructure severely limits the feasibility of ZEV trucks beyond local routes where charging or hydrogen refueling would not be necessary outside of the location where trucks would be domiciled.

Finally, based on the current state of the electrical grid and the increasing adoption of electric vehicles in California, significant investments in the grid will need to occur in the coming decades will be needed to

² <https://electrek.co/2023/11/20/schneider-1-million-emission-free-miles-freightliner-ecascadia-electric-trucks/>

³ <https://schneider.com/resources/infographic/schneider-by-the-numbers>

⁴ <https://arb.ca.gov/emfac/>

⁵ <https://californiahvip.org/industryinitiatives/#cazevdashboard>

⁶ <https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics/electric-vehicle>

⁷ <https://www.sempra.com/cas-first-public-dc-fast-chargers-electric-medium-and-heavy-duty-vehicles-truck-stop-open-public>

⁸ <https://afdc.energy.gov/stations#/find/nearest>

⁹ <https://www.canarymedia.com/articles/ev-charging/big-electric-truck-charging-depots-are-coming-soon-to-california>

¹² <https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics/hydrogen-refueling>

¹¹ <https://afdc.energy.gov/stations#/find/nearest>

keep pace. However, these upgrades will be spread out over a period of decades such that the costs of infrastructure upgrades in any given year may be kept reasonable. Additionally, technologies such as battery integrated DC fast chargers¹² may be used to reduce strain on the grid and limit the need for expensive utility upgrades. At the local level, there is not sufficient grid capacity at this time to support electrification of a significant portion of the proposed Project's truck fleet.

Thus, no further mitigation is required, and no further response is necessary.

Comment L3.12: This comment states that the Draft EIR does not adequately analyze the Project's cumulative air quality impacts as it relies on an outdated white paper issued by the South Coast AQMD. The City has a list of cumulative industrial warehouses in the City and those should be included in the cumulative evaluation.

Response L3.12: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The Draft EIR lists the cumulative projects in Draft EIR Table 5-1, *Cumulative Projects List*, within Section 5.0, *Environmental Impact Analysis*. Also, as detailed in Draft EIR Section 5.3.7, *Cumulative Impacts*, based on guidance published in SCAQMD's *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*¹³, if an individual project does not exceed the SCAQMD's thresholds for project-specific impacts, then it would also not result in a cumulatively considerable impact. While the SCAQMD is in the process of updating its cumulative guidance, to date new guidance has not been released and, as a Responsible Agency to thousands of warehouse projects and as an expert in the field of air quality, SCAQMD has not commented on the current use of its methodology for analyzing cumulative air quality impacts. As detailed throughout Draft EIR Section 5.3, *Air Quality*, the Project would not exceed any thresholds and impacts would be less than significant.

Impacts related to toxics and health effects are discussed on pages 5.3-39 through 5.3-41 of Section 5.3, *Air Quality*, in the Draft EIR, which describes that the SCAQMD states that it has been able to correlate potential health outcomes for very large emissions sources, but that the Project's emissions would equate to 1.45 and 0.73% of NO_x and 0.05% of VOC emissions. Based on the fact that Project emissions would be reduced to a less than significant level through incorporation of mitigation measures, the Project would not have the potential to result in cumulative health impacts related to NO_x. Additionally, based on existing SCAQMD recommendations for Mobile Source Health Risk Assessments, the combined construction and operational impacts of the proposed Project at the closest effected receptor is estimated at 1.29 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable threshold of 1.0. As such, the Project would result in emissions that are far below existing SCAQMD thresholds. Therefore, the Project's impacts on human health risks would not be cumulatively considerable and would be less than significant.

Comment L3.13: This comment states that the State of California has committed to aggressive goals to reduce GHG emissions. The proposed Project would result in 10,362.39 MTCO₂e/yr and fails to adopt all feasible mitigation. The comment states that the mitigation measures listed in Comment O3.10 would also help reduce GHG emissions from the Project beyond Title 24 requirements. The comment states that the mitigation should also include solar to at least meet Title 24 requirements.

Response L3.13: The comment does not provide substantial evidence of a significant impact not already disclosed in the EIR or evidence that not all feasible mitigation has been included in the Draft EIR. In regard to the lack of feasibility of additional GHG mitigation measures, page 5.8-13 describes that there are no feasible mitigation measures that would reduce substantially vehicular emissions, and more than 79 percent

¹² <https://freewiretech.com/pro-series/>

¹³ SCAQMD. (2003). *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*.
<http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf>

of all GHG emissions (by weight) would be generated by Project mobile sources (vehicle trips). Neither the Project Applicant nor the Lead Agency (City of Hemet) can substantively or materially affect reductions in Project mobile-source emissions. In regard to the Advanced Clean Fleet Regulation and furthering the use of electric heavy-duty trucks, as previously discussed the future tenant(s) of the proposed buildings is unknown. However, given the type of warehouse development proposed, it is unlikely that the future tenant(s) would own their own fleet of heavy-duty trucks, which would render it infeasible for the Lead Agency, Applicant, or tenant(s) to control the types of trucks accessing the Project site. Further, as discussed in detail in Response L3.11, based on data from the American Trucking Associations, electrification of heavy-duty trucks is cost prohibitive for development and the grid network provided by Southern California Edison cannot currently meet the electricity demand that would be required to support electric vehicle infrastructure for heavy-duty trucks. In addition, SCAQMD has stated that zero emission heavy duty trucks are not commercially available or technologically feasible to implement on a wide-scale basis beyond a limited pilot scale.¹⁴

A typical diesel heavy-duty truck costs approximately \$180,000 while a comparable battery-electric truck could cost approximately \$400,000.¹⁵ Based on the amount of heavy duty trucks accessing the site each day (approximately 292 as estimated in Draft EIR Table 5.15-5) this would equate to an approximately \$64,240,000 increase in operating costs to utilize electric heavy-duty trucks. This increase in operating costs would result in the Project being not economically viable given that the Project is speculative and the buildings would be nearly impossible to lease as operating costs would transfer to the tenant(s). Therefore, requiring the use of electric heavy-duty trucks is not economically feasible.

In addition, the proposed Project would feature a 100% solar ready roof, which exceeds Title 24 requirements and would allow future tenants to install solar panels covering up to 100 percent of the rooftop. Thus, no further response is warranted.

Comment L3.14: This comment states that the proposed Project is not consistent with the City of Hemet General Plan especially regarding goals for GHG emission reduction.

Response L3.14: The Draft EIR is a public disclosure document that serves to provide information to the City's decisionmakers and elected officials when deciding whether or not to approve a project. The goal of the consistency analysis is to provide the reader with a general overview of whether a project is in harmony with the overall intent of the applicable goals and policies. It is within the City's purview to decide if the Project is consistent or inconsistent with applicable goals or policies. CEQA case law recognizes that "it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable [general] plan." (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) A compiled table of applicable Hemet General Plan goals and policies, along with the Project's consistency is included in Section 5.11, *Land Use and Planning*. In addition, the policies mentioned throughout this comment letter are not mandatory policies for the purpose of mitigating an environmental effect. In the case of *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) Cal.App.4th 704, 719, the courts found that "none of the policies on which appellant relies is mandatory, and [the] project need not be in perfect conformity with each and every policy." Thus, CEQA does not require the Project to be consistent with each comment mentioned by the commenter.

Comment L3.15: This comment states that the proposed Project would be inconsistent with the County CAP as it would result in an increase in GHG emissions. The commenter states that LEEDS building certification, solar, and shaded surfaces are potential mitigation measures that could reduce impacts.

¹⁴ South Coast Air Quality Management District. *Letter from Wayne Nastro, Executive Officer of South Coast Air Quality Management District*. August 3, 2021.

¹⁵ American Trucking Associations. March 19, 2024. *New Report Pega Cost of Electrifying U.S. Commercial Truck Fleet at \$1 Trillion*. Accessed from: <https://www.trucking.org/news-insights/new-report-pegs-cost-electrifying-us-commercial-truck-fleet-1-trillion>

Response L3.15: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The Draft EIR concluded that implementation of the proposed Project would not be compliance with the City of Hemet CAP, and impacts would be significant and unavoidable. The Riverside County CAP would not be applicable to the Project as it is not under the jurisdiction of the County. The proposed Project would implement Mitigation Measure GHG-1, which requires the use of Energy Star certified light bulbs and light features. In addition, the proposed Project would feature a 100% solar-ready roof which exceeds the Title 24 requirement of 15%. The proposed Project would also include 64 EV charging stations. While the proposed Project would not obtain a sustainable building certification, the proposed Project would go above and beyond the requirements of Title 24. Thus, the proposed Project would implement the measures mentioned in the comment.

Comment L3.16: This comment states the proposed Project is inconsistent with several County of Riverside General Plan Policies.

Response L3.16: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The Draft EIR is a public disclosure document that serves to provide information to the City's decisionmakers and elected officials when deciding whether or not to approve a project. The goal of the consistency analysis is to provide the reader with a general overview of whether a project is in harmony with the overall intent of the applicable goals and policies. It is within the City's purview to decide if the Project is consistent or inconsistent with applicable goals or policies. CEQA case law recognizes that "it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable [general] plan." (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) A compiled table of applicable Hemet General Plan goals and policies, along with the Project's consistency is included in Section 5.11, *Land Use and Planning*. In addition, the policies mentioned throughout this comment letter are not mandatory policies for the purpose of mitigating an environmental effect. In the case of *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) Cal.App.4th 704, 719, the courts found that "none of the policies on which appellant relies is mandatory, and [the] project need not be in perfect conformity with each and every policy." Thus, CEQA does not require the Project to be consistent with each comment mentioned by the commenter. Further, the Riverside County General Plan policies would not be applicable to the Project as the Project is not under the jurisdiction of Riverside County.

Comment L3.17: This comment states that the proposed Project conflicts with many of the policies of the 2020-2025 SCAG RTP/SCS.

Response L3.17: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. Substantial evidence supporting the SCAG RTP/SCS consistency analysis is provided in Section 5.3, *Air Quality*, and Section 5.8, *Greenhouse Gas Emissions*. The SCAG RTP/SCS provides overall regional goals, therefore the referenced goal is not a Project specific goal. As stated in the Draft EIR, the proposed Project would not prevent SCAG from implementing actions that would reduce greenhouse gas emissions and the Project includes measures related to building design, landscaping, and energy systems pursuant to Title 24 guidelines that would be consistent with SCAG's goals. The Project consistency discussion within Table 5.11-1 provides justification for consistency with each goal. Thus, the Draft EIR does not need to be revised due to an inconsistency with the 2020-2045 RTP/SCS Connect SoCal document.

Comment L3.18: This comment states that the Draft EIR does not discuss consistency with the CARB 2022 Scoping Plan.

Response L3.18: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The Project's consistency with the CARB Scoping Plan is discussed in Section 5.8, *Greenhouse Gas Emissions*, on page 5.8-13. The proposed Project would not interfere with the State's implementation of AB 1279's target of 85 percent below 1990 levels and carbon neutrality by

2045 because it does not interfere with implementation of the GHG reduction measures listed in CARB's Updated Scoping Plan (2022), as demonstrated below. CARB's 2022 Scoping Plan reflects the 2045 target of an 85 percent reduction below 1990 levels, set by Executive Order B-55-18, and codified by AB 1279.

Comment L3.19: This comment states that the Draft EIR does not adequately support the fact that energy use would be less than significant. The comment states that the Projects energy demand must be mitigated, including 100% solar energy use.

Comment L3.19: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The proposed Project would implement Mitigation Measure GHG-1, which requires the use of Energy Star certified light bulbs and light features. In addition, the proposed Project would feature a 100 percent solar-ready roof which exceeds the Title 24 requirement of 15 percent. The proposed Project would also include 64 EV charging stations. While the proposed Project would not obtain a sustainable building certification, the proposed Project would go above and beyond the requirements of Title 24. Thus, the Project would reduce reliance on fossil fuels as discussed in the comment. The proposed Project would include solar infrastructure on each building to support onsite renewable energy generation and use. Although the Project's future tenants are not currently known, and the use of solar panels is generally tailored to the electrical demands of the tenant, the building tenants would be able to install solar panels on 100 percent of the rooftop and utilize that onsite power for electric plug ins at loading docks and onsite motorized equipment.

Comment L3.20: This comment states that the proposed Project should include additional mitigation in order to reduce VMT. The comment states that the Project is inconsistent with General Plan policies related to sustainability through increasing energy efficiency and decreasing VMT.

Response L3.20: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. As discussed in Section 5.15 *Transportation*, CAPCOA measure T-6 requires implementation of a commute trip reduction project; and CAPCOA measure T-18 requires provision of pedestrian improvements, thereby reducing the number of trips, VMT, and GHG emissions. With compliance with existing rules, and implementation of CAPCOA measures T-6 and T-18 that are included as Mitigation Measure GHG-10 and Project Design Feature TR-1, the Project VMT would be reduced by 13.82 percent. It should be noted that while PDF TR-1 includes the provision of sidewalks, due to the lack of pedestrian infrastructure in the Project area, the sidewalks that will be constructed by the Project would not result in a significant reduction in VMT. Therefore, this measure is considered to be a supportive measure and would not result in a significant or measurable reduction in VMT on its own. Despite this reduction, Project VMT would continue to exceed the baseline threshold. Furthermore, pursuant to CAPCOA Guidance the maximum allowable reduction in VMT through implementation of measures is 15 percent. As Project TAZ's VMT/SP is over 15 percent above the City baseline, there is no feasible way to fully reduce VMT to a level that is less than significant.

Further, in regard to City General Plan policy consistency, the goal of the consistency analysis is to provide the reader with a general overview of whether a project is in harmony with the overall intent of the applicable goals and policies. It is within the City's purview to decide if the Project is consistent or inconsistent with applicable goals or policies. CEQA case law recognizes that "it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable [general] plan." (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) A compiled table of applicable Hemet General Plan goals and policies, along with the Project's consistency is included in Section 5.11, *Land Use and Planning*. In addition, the policies mentioned throughout this comment letter are not mandatory policies for the purpose of mitigating an environmental effect. In the case of *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) Cal.App.4th 704, 719, the courts found that "none of the policies on which appellant relies is mandatory, and [the] project need not be in perfect

conformity with each and every policy.” Thus, CEQA does not require the Project to be consistent with each comment mentioned by the commenter.

Comment L3.21: This comment states that the EIR fails to explain how the Project is consistent with the City’s General Plan as the project site is currently designated for Mixed Uses and the Business Park land use designation is intended to support clean industries which would not include industrial uses.

Response L3.21: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The Project includes a General Plan Amendment to change the site’s Mixed Use designation to Business Park. Thus, the Draft EIR appropriately evaluates the proposed Project, which is the proposed development and the proposed Business Park General Plan designation that would be consistent with the existing zoning designation. Pursuant to state law, a general plan and zoning designation require consistency and any inconsistency be brought into conformance in a prompt manner. Accordingly, the Applicant is simply seeking compliance with state law to harmonize the land use designations. The proposed General Plan Amendment would result in consistency with the existing zoning and would not result in an environmental effect. Further, a land use designation in and of itself does not constitute a “land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.” It is a designation to provide development standards for projects. Therefore, the Project’s proposed General Plan Amendment does not constitute a conflict with the policies of the General Plan.

Comment L3.22: This comment states that the proposed Project would be inconsistent with various General Plan policies.

Response L3.22: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The Draft EIR is a public disclosure document that serves to provide information to the City’s decisionmakers and elected officials when deciding whether or not to approve a project. The goal of the consistency analysis is to provide the reader with a general overview of whether a project is in harmony with the overall intent of the applicable goals and policies. It is within the City’s purview to decide if the Project is consistent or inconsistent with applicable goals or policies. CEQA case law recognizes that “it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable [general] plan.” (*Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1563.) A compiled table of applicable Hemet General Plan goals and policies, along with the Project’s consistency is included in Section 5.11, *Land Use and Planning*. In addition, the policies mentioned throughout this comment letter are not mandatory policies for the purpose of mitigating an environmental effect. In the case of *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) Cal.App.4th 704, 719, the courts found that “none of the policies on which appellant relies is mandatory, and [the] project need not be in perfect conformity with each and every policy.” Thus, CEQA does not require the Project to be consistent with each comment mentioned by the commenter.

Comment L3.23: This comment states that the proposed Project would be inconsistent with various County of Riverside General Plan policies.

Response L3.23: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The commenter is referred to Response L3.16 in regard to consistency with Riverside County General Plan policies.

Comment L3.24: This comment states that the Draft EIR does not include any mitigation measures related to the significant and unavoidable operational roadway noise impacts. The comment suggests that rubberized asphalt could reduce freeway noise next to residential receptors and the Draft EIR does not provide substantial evidence to support why that is not feasible. The Draft EIR also fails to explain why the installation of noise barrier in sensitive off-site locations is infeasible. In addition, the Project could limit the nighttime delivery hours to mitigate the potential noise impacts.

Response L3.24: The Draft EIR explored the potential to include mitigation for the operational roadway noise increases in Chapter 5.12 *Noise*, and found that the measures would not be effective in reducing impacts. While rubberized asphalt would provide some noise reduction, the Noise Impact Analysis prepared for the Project (included as Draft EIR Appendix M) recognizes that this is only effective for tire-on-pavement noise at higher speeds and would not reduce truck-related off-site traffic noise levels associated with truck engine and exhaust stacks to less than significant levels. In regard to off-site noise barriers, the Applicant team does not own the land in which the sensitive receptors are situated and therefore do not have the ability to construct a screening wall on private land which they do not own.

Furthermore, reducing the Project size and/or changing hours of truck deliveries does not constitute mitigation under CEQA as it would change the definition and design of the Project itself. However, the Draft EIR analyzed a Reduced Project Alternative as an Alternative. As detailed in Draft EIR Section 8.0, *Alternatives*, the proposed Project is consistent with the current zoning of the site and would result in significant and unavoidable impacts related to agriculture, greenhouse gas emissions, noise and transportation. One alternative (Alternate Site Alternative) was considered but rejected due to its infeasibility and lack of ability to meaningfully reduce Project impacts while meeting Project objectives. Instead, a No Project/ No Development Alternative, a Reduced Project alternative, and a No Project/ Buildout of Existing Land Use Alternative were analyzed within the Draft EIR.

Comment L3.25: This comment states the Project is inconsistent with the City's General Plan as it only includes minimal pedestrian improvements and no bicycle facilities or access to public facilities.

Response L3.25: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. As discussed in Section 5.15, *Transportation*, the proposed Project would construct sidewalks along all Project frontages along Simpson Road and Waren Road, as shown in Figure 3-7, *Conceptual Site Plan*. Because no sidewalks currently exist along the Project site frontages, the Project would improve pedestrian facilities and the sidewalk network along the Project frontages. The proposed Project would not conflict with pedestrian facilities but instead would provide additional facilities. Implementation of the Project would not alter or conflict with existing or planned bike lanes or bicycle transportation. Thus, impacts related to bicycle facilities would not occur. The nearest bus stop to the Project site is located approximately two miles northeast, on Sanderson Avenue. The existing transit service would continue to service the area and would also serve the employees of the site, who would be given easier access through the proposed sidewalk improvements. Thus, no further response is warranted.

Comment L3.26: This comment states that 40 percent of all truck trips generated would utilize Simpson Road which is not a designated truck route. The comment states that the Project must avoid roadways that go near sensitive receptors.

Response L3.26: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. While Simpson Road is not a designated truck route, both Warren Road and Domenigoni Parkway are designated as truck routes, which would be primarily used by trucks to access the site. Trucks utilizing Simpson Road would be doing so via either Domenigoni Parkway or Warren Road to access the driveways along Simpson Road. Due to the nature of the Project site with the drainage located to the south of the site and the bridge located on the eastern portion, the driveways were designed to be on Simpson Road in order to allow for safe ingress and egress.

Comment L3.27: This comment states that implementation of the proposed Project would result in certain intersections operating at unacceptable levels of service. The comment states that the Draft EIR does not propose any mitigation for the traffic impacts and only relies on a "fair share" contribution.

Response L3.27: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. The comment states that the Project would have a significant LOS impact at the intersection of Warren Road and Stetson Avenue. The commenter misconstrues the analysis within the Traffic Impact Analysis (TIA) prepared for the Project. As shown on page 2 of the TIA, the intersection

operates at LOS F in the existing condition. The unsatisfactory operation of the intersection is not caused by Project traffic. For this reason, a fair-share contribution to the future improvement of the intersection is appropriate as there is no nexus to require the Project to remedy an existing deficiency.

Comment L3.28: This comment states that the Draft EIR is misleading, and the comment alleges that the Project would cause potentially significant traffic impacts related to Impact TR-1 because the Project would contribute fair share payments to several intersections and because there are no feasible improvements at the intersection of SR-79/Domenigoni Parkway. The comment also states that the City is precluded from approving the Project due to these unmitigated impacts.

Response L3.28: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. Senate Bill (SB) 743 changes include the elimination of auto delay, LOS, and similar measures of vehicular capacity or traffic congestion as the basis for determining significant impacts. As part of the 2019 amendments to the CEQA Guidelines, SB 743 directed that the revised CEQA Guidelines “shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses” (Public Resources Code Section 21099[b][1]); and that “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment” (Public Resources Code Section 21099[b][2]). As such, while the comment is correct in stating that the Project would result in 8,555 daily vehicle trips, pursuant to Public Resources Code Section 21099(b)(2), the Draft EIR is not required to analyze impacts related to traffic congestion. Therefore, the “unmitigated impacts” that the comment identifies are not, in fact, considered significant Project impacts per CEQA.

Comment L3.29: The comment states that the Project would result in significant impacts related to VMT but does not adopt all feasible VMT mitigation. The comment summarizes the Draft EIR’s VMT analysis and states that construction of the sidewalk would provide no measurable benefit. The comment states that Mitigation Measure GHG-10 is unenforceable under CEQA and that several of the elements are inapplicable to the Project. The comment states that multiple additional measures from CAPCOA’s Handbook are feasible and applicable to the Project.

The comment states that to reduce VMT, the Project should adopt the alternative involving mixed-use development and provides additional examples of mitigation options, such as VMT exchange programs.

Response L3.29: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. As discussed in Section 5.15 *Transportation*, CAPCOA measure T-6 requires implementation of a commute trip reduction project; and CAPCOA measure T-18 requires provision of pedestrian improvements, thereby reducing the number of trips, VMT, and GHG emissions. With compliance with existing rules, and implementation of CAPCOA measures T-6 and T-18 that are included as Mitigation Measure GHG-10 and Project Design Feature TR-1, the Project VMT would be reduced by 13.82 percent. It should be noted that while PDF TR-1 includes the provision of sidewalks, due to the lack of pedestrian infrastructure in the Project area, the sidewalks that will be constructed by the Project would not result in a significant reduction in VMT. Therefore, this measure is considered to be a supportive measure and would not result in a significant or measurable reduction in VMT on its own. Despite this reduction, Project VMT would continue to exceed the baseline threshold. Furthermore, pursuant to CAPCOA Guidance the maximum allowable reduction in VMT through implementation of measures is 15 percent. As Project TAZ’s VMT/SP is over 15 percent above the City baseline, there is no feasible way to fully reduce VMT to a level that is less than significant.

Regarding the mitigation measures provided by the commenter, these measures are not applicable for the reasons listed:

- T-1 Increase Residential Density – The Project is not a residential project and, therefore, the mitigation is not applicable.

- T-7 Provide Ridesharing Program – This is included in the mandatory commute trip reduction program required as required by Mitigation Measure
- T-8 Implement Subsidized or Discounted Transit Program – This is included as Mitigation Measure GHG-10, which provides for a mandatory transportation demand management program specific to the future tenant.
- T-9 End-of-Trip Bicycle Facilities – Due to the low numbers of bicyclists observed in the area, this mitigation is unlikely to be effective in reducing vehicle trips.
- T-10 Provide Employer-Sponsored Vanpool – This is included as Mitigation Measure GHG-10, which provides for a mandatory transportation demand management program specific to the future tenant.
- T-13 Provide Electric Vehicle Charging Infrastructure – Electric Vehicle charging does not reduce vehicle trips and is therefore ineffective as a VMT mitigation measures.
- T-17 Provide Pedestrian Network Improvement – The Project would construct sidewalks along all Project frontages.
- T-18A -Construct or Improve Bike Facility – The Project would dedicate right-of-way along the project frontage for buildout of Simpson Road, including the planned Class II Bike Lane. As noted previously, due to the low numbers of bicyclists observed in the area, this mitigation is unlikely to be effective in reducing vehicle trips.
- T-19 Expand Bikeway Network – The Project would dedicate right-of-way along the project frontage for buildout of Simpson Road, including the planned Class II Bike Lane. As noted previously, due to the low numbers of bicyclists observed in the area, this mitigation is unlikely to be effective in reducing vehicle trips.
- T-24 Expand Transit Network Coverage – There is no transit service on Simpson Road serving the Project site, therefore improvement to the transit network are not applicable as Project mitigation.

Regarding the suggested mixed-use alternative, as detailed in Draft EIR Section 8.0, *Alternatives*, the proposed Project is consistent with the current zoning of the site and would result in significant and unavoidable impacts related to agriculture, greenhouse gas emissions, noise and transportation. One alternative (Alternate Site Alternative) was considered but rejected due to its infeasibility and lack of ability to meaningfully reduce Project impacts while meeting Project objectives. Instead, a No Project/ No Development Alternative, a Reduced Project alternative, and a No Project/ Buildout of Existing Land Use Alternative were analyzed within the Draft EIR. As such, the alternatives utilized by the EIR provide a reasonable range of alternatives pursuant to CEQA Guidelines Section 15126.6. As set forth by CEQA, the Lead Agency is not required to choose the environmentally superior alternative. Instead, CEQA requires the City to consider environmentally superior alternatives, weigh those considerations against the environmental impacts of the proposed Project, and make findings that the benefits of those considerations outweigh the harm. These findings are provided in Exhibit B to the Staff Report.

Comment L3.30: This comment states that the Project is near a high fire hazard severity zone and that the findings of less than significant impact is not supported by substantial evidence and provides additional discussion of what analysis should be included.

Response L3.30: This comment is conclusory in nature and does not provide any substantial evidence that the Project would result in a significant environmental impact. Draft EIR page 5.18-10 discusses that the nearest slopes are located approximately 0.25-miles southeast of the Project site across Domenigoni Parkway within the Domenigoni Mountains. Further, the predominant wind direction at the Project site area is typically from the west and north (NOAA, 2023). This suggests that a fire burning in the foothills southeast of the Project site has a low probability of being blown toward the site during typical prevailing wind conditions. While it is possible that a wildfire does not behave according to historic weather patterns, the Project site is not within a VHFHSZ, and it is unlikely that this worst-case scenario would occur. Further, the Project would be required to comply with California Fire Code and City of Hemet Municipal Code

Article IX, which provide requirements to reduce the potential of fires that include vegetation management, construction materials and methods, installation of automatic sprinkler systems, and fire flows (the quantity of water available for fire-protection purposes). Compliance with these requirements would be verified by the City prior to issuance of building permits for the Project. In addition, the proposed Project structures would consist mostly of concrete, which is a non-flammable material. Further, as discussed on Table 5.14-1, the closest fire station would be within a 4-minute drive of the Project site and would have adequate capacity to serve the Project. Therefore, the Draft EIR's analysis provides substantial evidence that the Project would not result in a significant impact related to wildfire hazards.

Comment L3.31: This comment states that based on the Project's development pattern, expansion of infrastructure, and proximity to undeveloped rural and agricultural lands, the Project presents the potential for growth inducing impacts.

Response L3.31: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. As discussed on Draft EIR page 6-4, the Project includes various roadway improvements to accommodate the safe passage and turning movements of the vehicles that would access the site on Simpson Road and Warren Road. The Project does not propose roadway extensions into new undeveloped areas that would allow for additional growth and development.

The Project site is currently served by existing water and storm drain facilities within Simpson Road. The Project also proposes installation of new potable water lines, irrigation lines, sewer lines, and stormwater drainage facilities on the site that would connect to surrounding, existing infrastructure in Simpson Road and Warren Road in order to accommodate the demands of the Project. The Project would also install a 24-inch sewer line in Simpson Road that would connect to the existing sewer line west of the Project site. Therefore, the Project would not expand sewer services into unplanned areas. The proposed infrastructure improvements have been designed to serve only the demands of the Project. Therefore, the Project would not result in significant growth inducing impacts.

Comment L3.32: This comment gives a summary of the Project alternatives, along with opinion about their adequacy. The commenter states that absent findings of infeasibility supported by substantial evidence, the City must adopt the environmentally superior alternative, Alternative 2.

Response L3.32: As detailed in Draft EIR Section 8.0, *Alternatives*, the proposed Project is consistent with the current zoning of the site and would result in significant and unavoidable impacts related to agriculture, greenhouse gas emissions, noise and transportation. One alternative (Alternate Site Alternative) was considered but rejected due to its infeasibility and lack of ability to meaningfully reduce Project impacts while meeting Project objectives. Instead, a No Project/ No Development Alternative, a Reduced Project alternative, and a No Project/ Buildout of Existing Land Use Alternative were analyzed within the Draft EIR. As such, the alternatives utilized by the EIR provide a reasonable range of alternatives pursuant to CEQA Guidelines Section 15126.6. As set forth by CEQA, the Lead Agency is not required to choose the environmentally superior alternative. Instead, CEQA requires the City to consider environmentally superior alternatives, weigh those considerations against the environmental impacts of the proposed Project, and make findings that the benefits of those considerations outweigh the harm. These findings are provided in Exhibit B to the Staff Report.

Comment L3.33: This comment states that based on the above comments, revisions to the Draft EIR and additional mitigation measures are required in accordance with CEQA.

Response L3.33: The comment is conclusory in nature and does not raise a specific issue with the adequacy of the Draft EIR evaluation. The commenter's concerns were addressed above in Responses L2.2 through L2.6. In reviewing the above listed comments and making the appropriate revisions, when necessary, no significant new information was incorporated, and further, the impacts disclosed in the Draft EIR accurately reflect the proposed Project and subsequent potential environmental impacts. Therefore, according to CEQA Guidelines and CA Code of Regulations 15088.5, Draft EIR recirculation would not be warranted.