

Responses to Comment Letter from CARE CA Dated April 1, 2026

Californians Allied for a Responsible Economy (CARE CA) via Adams Broadwell Joseph & Cardozo

April 1, 2026

1. This comment provides a general introduction, reference to a prior comment letter submitted by CARE CA, and a general summary of alleged deficiencies of the FEIR and Findings, and the author requests that the DEIR be revised and recirculated. This comment is overbroad and provides no substantial evidence to support the commenter's assertions. Responses to individual environmental issues are provided below.

2. The commenter provides a Statement of Interest regarding its non-profit organization and members. This comment does not identify a specific concern with the adequacy of the DEIR or raise an issue or comment specifically related to the DEIR's environmental analysis. Therefore, no further response is warranted.

3. The commenter alleges that the DEIR violates CEQA's prohibition against piecemealing regarding analysis of a waterline extension, citing *San Joaquin Raptor/Wildlife Rescue Ctr. v County of Stanislaus* (1994) 27 CA4th 713.

The City disagrees with this assertion. As stated in the FEIR, the water line extension is a separate project that would occur with or without the proposed Project (see Section 4.19, Utilities and Service Systems, of the DEIR (pages 4.19-13 and 4.19-14)). (see FEIR Comment Response 16-10). The water line extension was separately evaluated by a different project proponent, the Coachella Valley Water District (CVWD), and it was concluded that the water line project would not result in any environmental effects that would cause substantial adverse effects directly or indirectly (see *IS/MND, Subsequent Initial Study, and Mitigated Negative Declaration (IS/MND), Phase III A-2 Transmission Main, East Coachella Valley Water Supply Project, Valley View Mobile Home Park Water Consolidation Project* (State Clearinghouse No. 2019079095) (April 2022), as referenced in the DEIR). Under CEQA, environmental review of a project must encompass the whole of an action affecting the environment. (CEQA Guidelines section 15378(a)). In *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376, 396 (*Laurel Heights I*) the California Supreme Court clarified that an EIR must include an analysis of the environmental effects of future expansion or other action that: (1) is a reasonably foreseeable consequence of the initial project and (2) will likely change the scope or nature of the initial project or its environmental effects. Courts have interpreted *Laurel Heights I* to conclude that "two projects may properly undergo separate environmental review ... when the projects have different proponents, serve different purposes, or can be implemented independently." (*Banning Ranch Conservancy v.*

City of Newport Beach (2012) 211 Cal.App.4th 1209, 1223 (*Banning Ranch*)). Here, the fact that the projects have different proponents and lead agencies is sufficient to defeat the commenter's piecemealing allegation. (see *Banning Ranch* at 1223: "two projects may properly undergo separate environmental review (i.e., no piecemealing) when the projects have different proponents, serve different purposes, or can be implemented independently. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 99, 108 Cal.Rptr.3d 478 (CBE) [refinery upgrade and construction of pipeline exporting excess hydrogen from upgraded refinery were "independently justified separate projects with different project proponents"]; *Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 237, 103 Cal.Rptr.3d 124 (Castaic Lake) [water transfer had "significant independent or local utility" from broader water supply agreement, and would be implemented with or without it]; *Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 699, 27 Cal.Rptr.3d 223 (West Side Irrigation) [two water-rights assignments to city were "approved by different independent agencies.""]".

Finally, the commenter's reference to *San Joaquin Raptor* is inapt. The commenter asserts that the project violates CEQA's prohibition against piecemealing because, in *San Joaquin Raptor*, "an EIR for a housing project was rejected because it did not include construction of sewer lines and expansion of a wastewater treatment plant necessary for the operation of the project." However, in *San Joaquin Raptor*, the sewer expansion was a consequence and a "required element of the development project" that would not have been undertaken but for the project: "One of the conditions of approval of the project is that "a use permit be obtained for the expansion of the Grayson Sewage Treatment Facility."" (*San Joaquin Raptor* at 731). The Court held that the FEIR was deficient because the sewer expansion was "recognized as necessary to the project" yet "the FEIR contains no analysis of the *combined environmental effects* of the proposed development plus the sewer expansion either as two severable projects or as one project." (*Id.* at 733). Here, unlike in *San Joaquin Raptor*, both the DEIR and the FEIR recognize that the waterline extension is an independent project, which would not result in any environmental effects that would cause substantial adverse effects directly or indirectly. Additionally, the waterline extension is not a consequence of the project, as in *San Joaquin Raptor*. In *Banning Ranch*, the court upheld an EIR for a park and access road project against a claim that a proposed residential development that would also use the access road should have been treated as part of the park project. The court concluded that, even though the residential project was foreseeable and the access road would benefit it, the residential project could not be viewed as a "consequence" of the access road. (*Banning Ranch* at 1222).

4. The commenter asserts that the DEIR is deficient because backup generator emissions are not included in the DEIR. The commenter asserts that generator use

associated with cold storage must be addressed as reasonably foreseeable consequences of the project because cold storage uses are not prohibited, that emergency generator use is not exempted under CEQA Guidelines section 15269 because generators must be periodically tested, and that emergency generator use is not covered by mitigation measure GHG-1.

CEQA does not require the analysis of hypothetical or speculative uses not proposed in the project description. (CEQA Guidelines section 15145). As stated in the FEIR, the project description does not include a description, details, or proposed objectives that include any references to a “cold storage” use. (Response 16-12). Any potential conversion to cold storage use is speculative because such use would require extensive infrastructure upgrades including new electrical connections and specialized refrigeration units, which are not part of the current project design. Contrary to the commenter’s assertion, the use of backup generators is not reasonably foreseeable simply because it is not prohibited or because it can be *typically* associated with the type of project at issue. For example, in *Save Round Valley Alliance v County of Inyo* (2007) 157 Cal.App.4th 1437, 1450 (SRVA), the Court upheld an EIR’s project description for a residential subdivision against claims the project description should have included units that might be built under a county ordinance allowing a second unit on each lot because future construction of second units was speculative: “Whether a conditional use permit to build a second unit will ever be sought depends initially upon the desires of future lot owners, who are unknown. Although a conditional use permit can be sought for a second unit, there is no factual basis for believing that a future lot owner is likely to do so. Any conclusions about their intentions to build second units would therefore be pure speculation. There is simply nothing in the record (other than SRVA’s speculative comment) to remotely suggest that any future lot owner would ever desire to build a second unit.” Furthermore, the Court stated: “even if the building of some second units might be foreseeable, it is impossible to predict how many units will be built, the size of such units, on which lots they might be built . . .” (*Id.*). Here, as in SRVA, although cold storage use is not prohibited, such use would be dependent upon the desires of future owners or tenants, and it is impossible predict how much, if any, of the warehouse space would ever be utilized for potential cold storage use. Finally, as stated in the FEIR, if more intense uses than described in the project description were to be proposed in the future, the City would be required to evaluate the proposed changes under CEQA Guidelines §15162 and consider preparation of a Supplemental or Subsequent EIR or Addendum to the Certified EIR, to the extent appropriate. (Response 16-12).

5. The commenter asserts that the FEIR fails to analyze impacts from potential cold storage uses. See comment response 4.

6. The commenter asserts that any disturbance of *Coccidioides* fungal spores during construction is likely to result in potentially significant health risks from Valley Fever exposure and that additional dust suppression measures should be taken. See FEIR comment response 16-14. The commenter states that Valley Fever (coccidioidomycosis) is present in the “Project area” because the FEIR cites the extremely low incident rate of Valley Fever in the Coachella Valley. However, the commenter provides no substantial evidence that Valley Fever is present at the actual project site. In an attachment to the comment letter, Dr. Clark cites a statement from San Bernardino County Public Health as evidence that outbreaks of Valley Fever do occasionally occur in the [Riverside] County. (see Exhibit A, fn. 7). As stated in the FEIR, the project will comply with SCAQMD requirements, including Rules 403 and 403.1, which require the implementation of stringent dust and particulate matter emission control measures during active operations capable of generating fugitive dust and which are recognized as standard control measures by the California Department of Industrial Relations as effective in substantially reducing the risk of Valley Fever. Additionally, the project would comply with California Code of Regulations, Title 8, which includes additional regulations to further reduce worker exposure, including Section 3203 (Injury and Illness Prevention), Section 5141 (Control of Harmful Exposures), and Section 5144 (Respiratory Protection). Compliance with these standard regulatory requirements further ensures that the project will not cause or increase potential health effects relating to the exposure of people to Valley Fever. As such, the project is not expected to change the physical environment in a way that will cause adverse effects on people by increasing Valley Fever incident rates in Riverside County. Therefore, no Valley Fever specific mitigation measures need to be incorporated into the project’s mitigation plan.

7. The commenter asserts that the DEIR cannot screen out the project’s small warehouse use from VMT analysis on the basis that the project is a mixed-use project and that the City’s use of the County’s VMT guidelines threshold is unsupported. See FEIR comment responses 16-15 and 16-16. The City disagrees that CEQA limits the term “mixed use” to certain uses, and the commenter provides no substantial evidence to support this assertion. The commenter claims that the label “mixed use” is “generally applicable to . . . mixes of residential with retail and other service” and therefore any interpretation of “mixed use” as including multiple non-residential land uses is an “erroneous interpretation.” (Marshall Letter, Exhibit B, p. 3). However, CEQA interprets the term “mixed use” to include multiple non-residential uses. For example, the CEQA Guidelines related to infill projects describe performance standards for “Mixed-Use Projects” as follows: “Where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this Section that apply to the predominant use shall govern the entire project.” (CEQA Guidelines Appendix M, Section IV

(G)). CEQA defines “infill project, in part, as “the whole of an action consisting of residential, commercial, retail, transit station, school, or public office building uses, or any combination of such uses that meet the eligibility requirements set forth in subdivision (b).” (CEQA Guidelines section 15183.3 (f)(1) (emphasis added)). Additionally, CEQA uses the term “mixed use residential” to describe mixed-use projects that include residential uses. (PRC section 21159.28). Therefore, under CEQA, the use of the phrase “mixed use” does not imply or require that the project include residential uses.

The City also disagrees that use of the County VMT guidelines is unsupported. The County of Riverside Transportation Analysis Guidelines were developed in accordance with SB 743. The City has elected to utilize these guidelines, which is within the City’s discretion to decide and helps ensure consistency in VMT analysis with other portions of the Coachella Valley. This approach is consistent with other local jurisdictions. Furthermore, the County’s thresholds allow for a tailored evaluation that constitutes a “good faith effort at full disclosure” of the project’s traffic impacts in accordance with CEQA Guidelines section 15151. The City disagrees with the commenter’s assertion that the FEIR’s approach would allow nearly any industrial park project to screen out of a VMT analysis. As stated in the FEIR, the large warehouse component did not screen out of VMT analysis, and the modeling included the entire project to ensure all project land uses were analyzed. (see FEIR comment response 16-16).

8. The commenter asserts that the MM-GHG-1 vanpool measure must be revised to be compliant with the CAPCOA Handbook and claims that the FEIR failed to respond to this comment previously. See FEIR comment responses 16-17 and 16-18. As stated in the DEIR, the project would be required to adhere to Measure T-11 of the 2021 CAPCOA Handbook. (DEIR p. 5.0-1). Regarding the commenter’s assertion that an up to 20.4% reduction is possible when the vanpooling measure is compliant with the Handbook, this potential reduction depends on a variety of project-specific inputs, including employee participation, one-way vehicle commute length, vanpool occupancy, vehicle emissions factor, and vanpool emissions factor. (CAPCOA Handbook p. 105). The commenter provides no substantial evidence to support the contention that all of these inputs are applicable or feasible here, or that the applicable inputs for the Project could feasibly reduce GHG emissions by 20.4%. To avoid overstating the amount of GHG emissions reductions that can feasibly be achieved for the Project through implementation of Mitigation Measure GHG-1, the EIR limited the reduction to only those components or inputs that the City can find will be feasibly and successfully implemented. As stated in FEIR comment response 16-17, it was determined that the Transportation Demand Management Program included in Mitigation Measure GHG-1 would reduce GHG emissions by 1.6%, which is less than half of what CAPCOA calculated for implementation of this measure, thus ensuring a conservative

estimate of GHG emissions reduction. In addition, the City's CAP found that a Citywide Transportation Demand Management Program would reduce emissions by 5% and provided substantial evidence to support that conclusion (DEIR page 4.8-13). Therefore, the use of a 1.6% reduction in emissions from implementation of the TDM provides for a conservative analysis supported by substantial evidence, and no changes to the DEIR are warranted.

The commenter also asserts that the FEIR fails to include an analysis of battery energy storage systems that would be necessary to satisfy the mitigation measure GHG-1 requirement that a minimum of 50% of power onsite come from renewable sources. The FEIR states that new Title 24 regulations will require solar PV systems to include battery storage systems that can also be used for backup power, and mitigation measure GHG-1 requires the project to be designed to generate a minimum of 50% of the power onsite from renewable sources, which is likely to be at least partially met through the use of battery storage systems. (Comment response 16-2 from Vista Environmental dated January 6, 2026). As stated in the DEIR, City of Coachella 2035 General Plan Update Policy 2.6 requires new construction to not only meet, but to exceed Title 24 energy efficiency standards and incorporate solar photovoltaics. (DEIR p. 4.6-5). Title 24 specifies the prescriptive requirements for photovoltaic and battery storage systems, including sizing and safety requirements. For example, 24 CCR 140.10(b) states: "All buildings that are required by Section 140.10(a) to have a PV system shall also have a battery storage system meeting the minimum qualification requirements of Reference Joint Appendix JA12." Reference Joint Appendix JA12 Safety Requirements state, in part: "The battery storage system shall be tested in accordance with the applicable requirements given in UL1973 and UL9540." (JA12.2.1). UL 1973 and UL 9540 are complementary safety standards used in the testing and certification of battery energy storage systems. UL 1973 is a component-level standard that evaluates the safety and performance of the battery itself, including cells, modules, and packs, with testing focused on electrical integrity, mechanical durability, environmental conditions, and risks such as thermal runaway. UL 9540 is a system-level standard that applies to the complete energy storage system, including the battery, battery management system, inverters, and other integrated components, and assesses how these parts function together safely under real-world operating conditions. In other words, UL 1973 ensures that the battery is inherently safe for use, while UL 9540 ensures that the fully assembled system operates safely as a whole. The DEIR thoroughly addresses potential environmental impacts associated with hazards and hazardous materials, public services, and fire in sections 4.9, 4.15, and 4.20, respectively. In section 4.15, the DEIR notes that the regulatory framework includes more than 300 National Fire Protection Association (NFPA) codes and standards intended to minimize the possibility and effects of fire and other risks (including NFPA 855, the standard for installing stationary energy storage systems (ESS), which provides

comprehensive guidelines for fire and explosion risk mitigation, covering design, installation, and decommissioning for various battery technologies). (DEIR p. 4-15-7). The regulatory framework also includes the State Multi-Hazard Mitigation Plan, the California Building Code, the California Fire Code, and local regulations including the City of Coachella Fire and Emergency Medical Services Master Plan and Municipal Code. (*Id.*). Given that the project's installation of any solar or battery energy storage system equipment is non-discretionary and must be compliant with Title 24 requirements and other existing federal, state, and local regulatory requirements, the DEIR adequately addresses potential environmental impacts associated with required solar and battery energy storage system installation.

9. The commenter repeats assertions that alleged error in the DEIR's air quality analysis does not constitute substantial evidence, and therefore the FEIR is not supported by substantial evidence. This comment was fully addressed in the FEIR. See FEIR comment responses 16-17 and 16-18.

10. The commenter asserts that the DEIR underestimates emissions from warehouse truck trips and that the default CalEEMod values are not reflective of local conditions. This comment was fully addressed in the FEIR. See FEIR comment response 5-9.

11. The commenter asserts that the fuel center must be relocated away from an existing mobile home community. This comment was fully addressed in the FEIR. See FEIR comment response 16-20.

12. The commenter asserts that the FEIR's cumulative impact analysis does not comply with CEQA and that the FEIR's interpretation of the Court's decision in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 693 (*Kings County*) is inaccurate. The City disagrees with the commenter's assertions. See FEIR comment response 16-23. In *Kings County*, the DEIR discussed cumulative impacts in accordance with the list approach specified in CEQA Guidelines section 15120(b)(1)(A) and determined that "A cumulative impact analysis of mid-San Joaquin Valley energy projects shows that GWF projects would contribute less than one percent of area emissions for all criteria pollutants." (*Id.* at 718-719). The Final EIR in *Kings County* concluded, based on this ratio, that "incremental effects of the project studied by the EIR are not significant, even though the cumulative ozone impacts of Valley-wide energy development might be considered substantial." (*Id.* at 719). The Court held that assessing the significance of cumulative impacts by focusing upon the ratio between the project's impacts and the overall problem is contrary to the intent of CEQA. (*Id.* at 720). Here, the DEIR states that the project, in accordance with the plan approach, would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard because the project would adhere to and be consistent with "all applicable

General Plan policies, as well as implementation of Mitigation Measure GHG-1.” (DEIR p. 4.3-22). Unlike *Kings County*, the DEIR does not state that cumulative impacts would be less than significant because the project’s relative impact is some small percentage of the overall problem. *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63 (*League to Save Lake Tahoe Mountain*) is illustrative. In *League to Save Lake Tahoe Mountain*, the court criticized the EIR’s statement that the project’s conversion would be a small percentage of remaining commercial forest land but held that the cumulative impact discussion was sufficient in accordance with the plan approach:

The Committee contends the EIR improperly analyzed the project's cumulative impact by relying on the project's relative impact instead of its contribution to the cumulative impact by it and other projects. We agree that the EIR's statement that the project's conversion would be “small and less than one percent relative to the 400,000 acres” of remaining commercial forest land does not meet CEQA's procedural requirement for analyzing cumulative impacts. Focusing on an individual project's relative effect does not indicate whether the project's contribution to the cumulative impact will be cumulatively considerable in light of its and other projects' contributions to the impact. It simply describes the project's individual impact on existing forest resources. (See Kings County Farm Bureau v. City of Hanford . . .) However, the EIR also determined the cumulative impact was not significant because it was within the projection of converted forest land which the County had previously determined would not constitute a significant cumulative impact. This was an appropriate analysis of cumulative impacts. As mentioned above, the Guidelines authorize a lead agency to utilize a summary of projections contained in a general plan or related planning document that evaluates conditions contributing to the cumulative impact. (Guidelines, § 15130, subd. (b)(1)(B).)” (Id. at 151-152).

13. The commenter asserts that the cumulative effects analysis for diesel particulate matter (DPM) emissions must include mobile emissions from existing projects within 5 kilometers of the project to account for mobile sources along roadways near the project site. The City disagrees. The CEQA Guidelines specify that the discussion of cumulative impacts should be guided by the standards of practicality and reasonableness and the discussion need not provide as great detail as is provided for the effects attributable to the project alone. (CEQA Guidelines section 15130(b)). The DEIR’s TAC emissions dispersion modeling relies on recommended methodology described in *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel idling Emissions for CEQA Air Quality Analysis* (SCAQMD HRA Guidance), prepared by SCAQMD, 2003, *Air Toxics Hot Spots Program Risk Assessment Guidelines* (OEHHA Guidelines), prepared by Office of Environmental Health Hazard, February 2015, and *Risk Assessment Procedures for Rules 1401, 1401.1 and 212* (SCAQMD Risk Assessment Procedures), prepared by SCAQMD,

September 1, 2017. AERMOD View Version 12.0.0 Model was used for all dispersion modeling, and truck travel and truck idling emission rates were obtained from the EMFAC2021 model Version 1.0.2. (DEIR Appendix B, p. 49-50). The DEIR states that the cancer risk from the project's DPM emissions would be 1.8 per million persons at the mobile homes located south of the project site, and 3.3 per million persons when combined with the gas station TAC emissions. (DEIR Appendix B, p. 73). Because these cancer risk levels are below the SCAQMD's threshold of 10 per million, the TAC emissions and associated cancer risks from the project and the proposed gas station would result in a less than significant impact on the nearby residents. (DEIR p. 4.3-26). Because the project does not have a significant impact under the relevant SCAQMD guidance for cancer risk levels, the project would not contribute to a cumulatively significant impact.

14. The commenter asserts that the project would result in cumulatively significant impacts because the project's total square footage of warehouse use would be greater than 100,000 square feet. The City disagrees. See FEIR comment response 16-24. The commenter refers to the SCAQMD working group guidance to imply that different aggregating standards should apply. However, as stated in the FEIR, the expert supplemental technical report attached to the FEIR as Appendix B2 confirms that the draft SCAQMD protocols are specifically applicable to warehouses that are over 100,000 square feet, which would not apply to the proposed Project. The commenter cites no specific language from the SCAQMD working group presentations to contradict this point. The FEIR response aligns with SCAQMD Rule 2305, the Warehouse Indirect Source Rule - Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, which specifically applies to "owners and operators of warehouses located in the South Coast Air Quality Management District (South Coast AQMD) jurisdiction with greater than or equal to 100,000 square feet of indoor floor space in a single building." (Rule 2305(b) (*emphasis added*)). Rule 2305 does not blindly aggregate warehouse square footage—it does the opposite. Under Rule 2305, the term "Warehousing Activities" does not include certain activities that are within the same warehouse building but are physically separate and not related to warehouse operations activity. (Rule 2305(c)(33)). In other words, warehouse size considers areas where warehousing activities may occur and is not necessarily the same as the total square footage of the building. For example, a warehouse building may have more than 100,000 square feet of indoor floor space, but if less than 50,000 square feet of space is used for warehousing operations, only limited reporting portions of Rule 2305 would apply. Therefore, the commenter's assertion that warehouse space must be aggregated is not supported by either the SCAQMD working group or current SCAQMD Rule 2305. Furthermore, the SCAQMD working group thresholds have not yet been adopted by the SCAQMD and are not applicable to the proposed Project. Regarding the commenter's assertion that references to SCAQMD

working group documents in other project comment letters constitutes substantial evidence that reliance on the existing approved threshold is unsupported, CEQA requires that thresholds of significance adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence. (CEQA Guidelines section 15064.7(b)).

15. The commenter asserts that the project's health risk impacts would exceed SCAQMD's draft cumulative impacts thresholds. See comment response X-14. CEQA requires that thresholds of significance adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence. (CEQA Guidelines section 15064.7(b)).

16. The commenter asserts that the FEIR fails to mitigate significant construction noise impacts. See FEIR comment responses 16-25 through 16-30. The commenter provides no new substantial evidence to support the commenter's assertions. Regarding the commenter's assertion that the DEIR's analysis of nighttime noise impacts is speculative because certain nighttime operations are not prohibited, CEQA does not require the analysis of hypothetical or speculative uses not proposed in the project description. (CEQA Guidelines section 15145). Here, there is nothing in the record to suggest that substantial nighttime operations would occur outside of normal operating hours that would result in significant nighttime operational noise impacts. (*see Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1450).

17. The commenter claims that the City's Statement of Overriding Considerations is not supported by substantial evidence because the project has not taken steps to ensure employment of highly trained and skilled craft workers on project construction. As a preliminary matter, the City has not yet adopted a Statement of Overriding Considerations, although the City recognizes that one will be required for this project and notes that the project will provide several significant public benefits that do substantially outweigh the project's significant and unavoidable impacts. The City also disagrees that a Statement of Overriding Considerations would not be supported by substantial evidence. Although CEQA references considerations for the provision of employment opportunities for highly trained workers as a consideration that may make infeasible mitigation measures or alternatives identified in the environmental impact report (PRC section 21081(a)(3), CEQA does not regulate the type of jobs that must be created. Here, the DEIR specifies the following objective related to employment: "Create new and diverse employment opportunities within the City of Coachella as identified under the City's 2035 General Plan Update, with the

development of a wide range of commercial uses.” (DEIR p. ES-2). Specifically, the General Plan provides as follows: “Urban Employment Center: Provides for a range of employment uses to help expand and diversify the City’s economy and transform Coachella from a small town into a full-service city. These centers are the primary location for office and professional jobs, supported by retail, services and homes. (City of Coachella 2035 General Plan, p. 04-22). Additionally, the DEIR states that impacts to transportation would be significant and unavoidable, including project-related and cumulative VMT impacts. (DEIR p. ES-23). However, there is no information in the record to suggest that the provision of employment opportunities for highly trained workers makes transportation-related mitigation measures or project alternatives infeasible. Furthermore, when there are specific economic, legal, social, technological, or other considerations that make mitigation measures or alternatives infeasible, the public agency may find that a variety of specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. (PRC section 21081(b)). CEQA does not require that a project must specifically provide employment opportunities for highly trained workers when there are any significant and unavoidable effects on the environment.

18. The commenter asserts that the City lacks substantial evidence to make approval findings for Conditional Use Permit 326 to allow a convenience store and gas station to occur at the south end of the project site because of potential impacts to a mobile home community. The City disagrees with this assertion. See FEIR comment response 16-20. The DEIR found that the operation of the proposed project, including the gas station and convenience store, would not create a significant cancer risk to the residents of the mobile home park. (DEIR pages 4.3-26-4.3-29). SCAQMD thresholds are used as the defining criteria for determining significance, and the proposed fueling station and convenience store do not exceed those thresholds. General Plan Policy 11.3 prohibits “the siting of land uses that adversely impact existing sensitive receptors, including schools, childcare centers, senior housing, and subsidized affordable housing.” (General Plan p. 07-11). The project satisfies this prohibition because, as stated in the DEIR, “since the combined project-related cancer risk from DPM and gas station TAC emissions would be below the SCAQMD’s threshold of 10 per million persons, Project operations would result in a less than significant impact due to the cancer risk from TAC emissions . . . [and] the implementation of Mitigation Measure GHG-1 would reduce potentially significant air quality impacts to a less than significant level.” (DEIR pages 4.3-28 and 4.3-29). Therefore, operations of the proposed Project would result in a less than significant exposure of sensitive receptors to substantial pollutant concentrations. Because of this, the project is not considered to have a significant adverse impact on the mobile home residents under General Plan Policy 11-3.

19. The commenter asserts that the City lacks substantial evidence to make approval findings for Conditional Use Permit 324 to allow industrial uses and cannabis-related businesses within the site across the street from a rural residential neighborhood, which would conflict with General Plan Policy 7.3 and 7.4. The City disagrees with this assertion. Policy 7.3 specifies that heavy industrial uses should be in locations that do not affect sensitive uses. Here, the project proposes no heavy industrial uses. Policy 7.4 requires new industrial development to be designed for compatibility with surrounding uses. As stated in the DEIR, the project is designed to be compatible with the residential community to the south: “Uses on the southern portion of the site include a mini-mart, gas station and restaurant uses which serve the neighborhood residents and travelers on SR 86, and also serve as a buffer between the proposed Project’s warehouse/light industrial uses and the existing residential neighborhood to the south of the Project site.” (DEIR p. 4.11-11). Additionally, the General Plan does not prohibit industrial uses near existing residential development. Instead, General Plan Policy 7.5 states: “Industrial compatibility. Where industrial uses are near existing and planned residential development, require industrial projects be designed to limit the impact of truck traffic on residential areas.” As stated in the DEIR, “the proposed Project site is located immediately adjacent to SR 86 and thus minimizes the distance trucks travel off of SR 86 and avoids directing truck routes through residential areas.” (DEIR p. 4.11-11). General Policy 7.2 states: “Industrial expansion. Actively seek to expand the amount of industrial uses in Coachella as a source of jobs and economic development. Industrial uses should be focused in subareas 5, 7 and 8.” As stated in the DEIR, the project would be located in Subarea 8 and will allow for small retail and commercial uses at the southern portion of the property, with larger structures and denser industrial uses towards the northern portion of the site. (DEIR p. 4.11-9). Additionally, the DEIR states: “Although currently primarily utilized for agricultural uses, the City General Plan anticipates this subarea [8] to transform over time into an employment district with a variety of industrial and office uses. With this subarea’s and therefore the proposed Project site’s location adjacent to SR 86, the City envisions that Subarea 8 would also be developed with employment-generating uses, including industrial, retail and office uses.” (*Id.*).

Regarding potential cannabis uses, the DEIR states: “The Project is subject to SCAQMD Rule 402, Nuisance – Controls the emissions of odors and other air contaminants. In addition, the Project would be required to implement an odor abatement plan for cannabis cultivation and processing activities as a standard condition of approval, in compliance with Coachella Municipal Code Section 5.68.040(P), as well as include specific project design features in compliance with Coachella Municipal Code Chapter 5.68.130, Operating Standards, (C) Odor Control, described in full in Section 4.3.2 above. As such, with compliance with applicable regional and local cannabis-related regulations, this impact would be less than

significant.” (DEIR p. 4.3-30). Therefore, the DEIR provides substantial evidence to support making the approval findings required for Conditional Use Permit 324.

20. The commenter asserts that approval of the tentative tract maps would place the community in a condition dangerous to its health and safety due to cancer risk and noise impacts, thus conflicting with the Subdivision Map Act. The City disagrees with this assertion. See prior comment responses related to TAC emissions and noise impacts. This comment is overbroad and provides no new substantial evidence to support the commenter’s assertions.

21. The commenter asserts that the City lacks substantial evidence to approve Architectural Review 20-04 because the Staff Report fails to include substantial evidence necessary to make the required findings and fails to discuss air quality, health risks, and noise impacts on neighboring residences. The City disagrees with this assertion. CEQA defines “substantial evidence” to mean, in part, “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.” (CEQA Guidelines section 15384(a)). Under PRC section 21167.6(e), the record of proceedings includes, among other things, staff reports, the EIR, and all documents relied on in the agency’s CEQA findings or statement of overriding considerations. Here, the DEIR and FEIR thoroughly address potential impacts related to air quality, health risks and noise. The staff report need not reproduce every single detail contained in the record for the City to make the required findings.

22. The commenter asserts that the Planning Commission lacks substantial evidence to make findings related to the Development Agreement because the project would result in significant and unmitigated public health and environmental impacts. The City disagrees with this assertion. This comment is overbroad and provides no substantial evidence to support the commenter’s assertions. Regarding the commenter’s assertion that the community benefits provided for in the Development Agreement are illusory, CEQA does not require a response to comments unrelated to significant environmental issues. To the extent the commenter is implying that benefits listed in the Development Agreement are merely project components needed for operation of the project, the DEIR thoroughly addresses the potential significant environmental impacts related to all community benefits that may have associated environmental impacts.

23. The commenter concludes that the FEIR fails to adequately disclose and mitigate the project’s significant impacts and that the City cannot make the requisite findings to certify

the FIER. The City disagrees. This comment is overbroad and provides no substantial evidence to support the commenter's assertions, and the FEIR fully discloses and adequately mitigates the project's significant environmental impacts.

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April 1, 2026

Via Email and Hand Delivery

City of Coachella Planning Commission

Attn: Commissioners Isela Murillo, Oscar Fonseca, Eva Lara, Alyssa Torres, and
Vanessa Ordorica

Email: cityclerk@coachella.org

Via Email Only

City of Coachella Development Services, Planning Division

Attn: Kendra Reif, Community Development Director

Email: Kreif@coachella.org

Re: Agenda Item 3 – Coachella Airport Business Park Project (SCH No. 2023040106)

Honorable Commissioners and Ms. Reif:

On behalf of Californians Allied for a Responsible Economy (“CARE CA”), we submit these comments on the Coachella Airport Business Park Project (SCH No. 2023040106) (“Project”), proposed by Haagen Co., LLC (dba Empire Airport Co., LLC) (“Applicant”) in the City of Coachella (“City”). At its April 1, 2026, meeting, the Planning Commission will consider whether to recommend approval of the Project’s Final Environmental Impact Report (“FEIR”), Change of Zone, Tentative Parcel Map, Conditional Use Permits (“CUPs”), development agreement, and architectural review. The Project will be considered as Agenda Item 3.

On September 11, 2025, CARE CA submitted comments on the DEIR, accompanied by expert comments, showing that the DEIR failed to comply with the requirements of the California Environmental Quality Act (“CEQA”). The DEIR failed to accurately disclose and mitigate significant air quality, public health, Vehicle Miles Travelled (“VMT”), noise, and cumulative impacts.¹ The FEIR contains responses to CARE CA’s comments, but CARE CA’s review of the FEIR and staff report demonstrates that the City still failed to comply with CEQA and

¹ Letter from Adams Broadwell Joseph & Cardozo to City re: Comments on Draft Environmental Impact Report for Coachella Airport Business Park Project (SCH No. 2023040106) (September 11, 2025).

applicable land use laws. We reviewed the FEIR and staff report with the assistance of air quality expert Dr. James Clark,² transportation expert Norm Marshall,³ and noise expert Ani Toncheva.⁴

In summary, the Project continues to have significant, unmitigated impacts that the FEIR fails to disclose or mitigate to the greatest extent feasible. The Project would locate industrial uses across the street from a rural mobile home community, exposing residents to significant concentrations of toxic air contaminants (“TACs”). Cumulative cancer risk impacts at these residences would exceed draft thresholds prepared by SCAQMD.⁵ The Project’s site plan exacerbates avoidable health impacts by locating the gas station as close as possible to the existing residences, ignoring General Plan policies calling for a buffer between such uses and regulatory recommendations for minimum safe distances from TAC emissions.⁶ The Project would result in significant noise impacts during both construction and operations, yet the FEIR fails to correct major flaws in its noise analysis and mitigation measures. The City claims that the Project’s VMT impacts would be significant and unavoidable, yet violates CEQA by failing to require all feasible mitigation to reduce the severity of the impact. As a result of these shortcomings, the FEIR lacks substantial evidence to support its conclusions and fails to properly mitigate the Project’s significant environmental impacts.

Recirculation of an EIR is required when significant new information is added after the DEIR is circulated for public review but before certification of the FEIR.⁷ Significant new information can include changes in the project or the environmental setting, as well as additional data or other information, information about new or more severe impacts, new information about mitigation measures, the availability project alternatives or mitigation that is considerably different from others previously analyzed that would lessen significant environmental impacts but the project’s proponents decline to adopt it; or where the DEIR “was so fundamentally and basically inadequate and conclusory in nature that meaningful

² Dr. Clark’s technical comments and curricula vitae are attached hereto as **Exhibit A**.

³ Mr. Marshall’s technical comments and curricula vitae are attached hereto as **Exhibit B**.

⁴ Ms. Toncheva’s technical comments and curricula vitae are attached hereto as **Exhibit C**.

⁵ The Project’s operations would result in a cancer risk of 3.3 in one million, which exceeds the 1 in one million significance threshold under the draft SCQAMD thresholds. SCAQMD, Working Group Meeting #6, Cumulative Impacts from Air Toxics for CEQA Projects, November 6, 2024, https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13, pg. 21; DEIR, Appendix B, PDF pg. 80.

⁶ General Plan Land Use Policies 7.3, 7.4, Sustainability and Natural Resources Policy 11.3.

⁷ 14 CCR §15088.5(a).

public review and comment were precluded.”⁸ Here, the DEIR lacked basic analysis and discussion of the Project’s air quality, noise, VMT, and cumulative impacts that are required by CEQA. Recirculation of the EIR is necessary to correct these deficiencies.

Further, the Planning Commission lacks substantial evidence to make the requisite findings to approve the Project. The draft resolution incorrectly concludes that the FEIR complies with CEQA. This finding is unsupported by evidence in the record due to the major flaws in the Project’s environmental review. And due to the Project’s significant environmental and public health impacts, the Commission cannot make the requisite findings to recommend approval of the Project’s entitlements. Further, the Development Agreement fails to provide adequate community benefits.

CARE CA respectfully asks that the Planning Commission continue this hearing and remand the Project to City staff to revise and recirculate the EIR before bringing the Project back for further consideration. CARE CA reserves the right to provide supplemental comments at any and all later proceedings related to this Project.⁹

I. STATEMENT OF INTEREST

CARE CA is non-profit organization which advocates for protecting the environment and the health of their communities’ workforces. The organization’s members include Coachella residents Jose Quintero, Jesse Meraz, and Jesus Verdugo, as well as the District Council of Ironworkers and Southern California Pipe Trades DC 16, along with their members, their families, and other individuals who live and work in the City of Coachella and in Riverside County. These individuals and labor organization members may be adversely affected by the potential public and worker health and safety hazards, and the environmental impacts of the Project.

CARE CA seeks to ensure a sustainable construction industry over the long-term by supporting projects that offer genuine economic and employment benefits, and which minimize adverse environmental and other impacts on local communities. CARE CA members live, work, recreate, and raise their families in

⁸ 14 CCR §15088.5(a)(1)-(4); *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043.

⁹ Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

the City of Coachella and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

In addition, CARE CA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

II. THE FEIR FAILS TO COMPLY WITH CEQA

A. The FEIR Still Fails to Consider the Combined Impacts of the Project and the Necessary Water Line Extension

CARE CA commented on the DEIR that the City failed to analyze the combined impacts of the Project and a 1.5-mile-long water line extension necessary for the operation of the Project. CARE CA explained that this violates CEQA's prohibition against piecemealing, which may occur when "the reviewed project legally compels or practically presumes completion of another action."¹⁰ CARE CA identified plainly applicable caselaw, such as *San Joaquin Raptor/Wildlife Rescue Ctr. v County of Stanislaus*, in which an EIR for a housing project was rejected because it did not include construction of sewer lines and expansion of a wastewater treatment plant necessary for the operation of the project.¹¹

The FEIR fails to provide the omitted analysis and ignores the legal authorities cited in CARE CA's comments. Instead, the FEIR argues that the impacts of the water line extension were analyzed separately in a mitigated negative declaration.¹² Analysis of the necessary water line extension in a separate environmental document does not comply with CEQA and is the definition of piecemealed review. The EIR must be revised to analyze the combined effects of the Project and water line extension – either as a project-level or cumulative impact.

¹⁰ *Banning Ranch Conservancy v. City of Newport Beach* (2017) 211 Cal.App.4th 1209.

¹¹ *San Joaquin Raptor/Wildlife Rescue Ctr. v County of Stanislaus* (1994) 27 CA4th 713.

¹² FEIR, pg. 262.

B. The FEIR Still Fails to Include Emissions from Backup Generators

CARE CA explained that backup generators are reasonably foreseeable for the Project's end uses and that the resultant emissions must be included in the DEIR. The FEIR makes three arguments to support the omission of this analysis, each of which are unsupported.

First, the FEIR states that “[t]he Project does not include the use of cold storage; therefore, the need to permanently install emergency backup generators is not required.”¹³ This argument is incorrect. CEQA requires that a complete description of a project must “address not only the immediate environmental consequences of going forward with the project, but also all “*reasonably foreseeable* consequence[s] of the initial project.”¹⁴ Here, the Project's warehouses could be used for cold storage, as there is no condition of approval or mitigation measure precluding cold storage.¹⁵ Moreover, backup generators are commonly used by warehouses in general, not only cold storage warehouses.¹⁶ The DEIR itself indicated that use of back-up generators is reasonably foreseeable for the Project: “[n]oise sources commonly associated with warehouse uses typically include mechanical equipment such as backup power generators... operational noise levels associated with backup power generators can reach levels of approximately 78 dBA Leq at 50 feet.”¹⁷ Thus, the EIR must include a reasonable estimate of generator emissions.

The FEIR also argues, with no supporting evidence, that “use of any generator would be limited to the duration of any declared power outage and also would be exempt from CEQA under CEQA Guidelines §15269.”¹⁸ This is factually unsupported, as any generators included in the Project may be operated for routine testing. Additionally, CEQA Guidelines §15269 is inapplicable to a component of a larger project that is subject to CEQA. The instant project is not an emergency project. Emissions from reasonably foreseeable testing and emergency use of generators are part of the Project and must be analyzed in the EIR.

¹³ FEIR, pg. 262.

¹⁴ *Laurel Heights I*, 47 Cal. 3d 376, 398 (emphasis added); *see also Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.

¹⁵ DEIR, Appendix B, pg. 53.

¹⁶ Letter from SCAQMD to City of South El Monte re: Draft Environmental Impact Report (DEIR) for the South El Monte Athletic Fields and Business Park (October 10, 2025), available at <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2025/october-2025/lac250903-02-deir-south-el-monte-athletic-fields-and-business-park.pdf>.

¹⁷ DEIR, pg. 4.13-20.

¹⁸ FEIR, pg. 263.

The FEIR also argues, without support, that “the use of any emergency backup generator would be covered by Mitigation Measure GHG-1, which requires the Project to be designed to generate a minimum of 50% of the power onsite from renewable sources, which would include the use of solar generation and battery storage systems.”¹⁹ This does not address the flaw CARE CA identified, which is omission of generator emissions in the EIR’s analysis. Thus, the FEIR remains inadequate under CEQA.

C. The FEIR Still Fails to Analyze Impacts From Potential Cold Storage Uses

CARE CA commented that the DEIR failed to analyze major air quality, health risk, GHG, and noise impacts from cold storage uses. The FEIR argues that cold storage uses are not proposed by the Project and baselessly assumes that additional CEQA review would be required for more intense uses.²⁰ But as previously explained in CARE CA’s comments on the DEIR, the Project would permit cold storage uses without any additional CEQA review:

The court in *Maintain Our Desert Environment v. Town of Apple Valley* explained that “land use entitlements such as conditional use permits and development approvals run with the land and do not belong to the permittee.... had [the developer] developed the Project and then held it out for sale to any interested buyer, no additional CEQA review would have been necessary for the new owner so long as the use was consistent with that that had already been approved.”²¹ Here, even if the proposed warehouse space proposed is not currently envisioned as cold storage by Applicant, the Project approvals would allow this use. Specifically, the Project proposes rezoning the Project site to MS-IP (Manufacturing Services – Industrial Park Overlay).²² Section 17.30.020 of the Coachella Municipal Code identifies “ice and cold storage plant” as a permitted use in the Manufacturing Service zone. Therefore, the impacts of reasonably foreseeable cold storage uses must be analyzed in the DEIR.²³

¹⁹ FEIR, pg. 263.

²⁰ FEIR, pg. 263.

²¹ *Maintain Our Desert Environment v. Town of Apple Valley*, *supra*, 124 Cal.App.4th at 444.

²² DEIR, pg. 2.0-3.

²³ CARE CA DEIR Comments, pg. 13.

Accordingly, analysis of impacts from cold storage is not speculative, as claimed by the City.²⁴ In the California Attorney General's ("AG") guidance for warehouse projects, the AG recommends that, unless a developer adopts mitigation measures limiting cold storage impacts, the developer should record a covenant on the title of the underlying property to ensuring that the property cannot be used to provide refrigerated warehouse space.²⁵ The FEIR does not contain any mitigation measures limiting cold storage. The City should include such mitigation or title restrictions for this Project to address impacts associated with reasonably foreseeable cold storage uses and other more intensive warehousing uses.

D. The FEIR Fails Mitigate Potentially Significant Health Risk from Exposure to Valley Fever

In response to CARE CA's comments, the FEIR includes information regarding Valley Fever incidence rates in the Coachella Valley.²⁶ But the FEIR claims, without the support of substantial evidence, that impacts would be less than significant.

The FEIR claims that "the number of reported cases [in the Coachella Valley], on a year-by year basis is extremely low (approximately 10 -19 incidents per 100,000 population), as compared to the San Joaquin Valley where incidents are 75+ per 100,000."²⁷ But simply observing that rates in Coachella Valley are lower than another county does not constitute evidence that impacts would be less than significant. Rather, it demonstrates that Valley Fever is present in the Project area and may pose a significant risk of exposure to construction workers and local residents. Dr. Clark explains that "there is no established safe level of exposure to Valley Fever spores."²⁸ The Mayo Clinic confirms that "anyone who breaths in the spores that cause valley fever is at risk of infection," and neither the Air District nor the City provide any significance threshold for safe exposure to Valley Fever

²⁴ FEIR, pg. 263.

²⁵ *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022)*, pg. 9, available at <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf> ("Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.").

²⁶ FEIR, pg. 264.

²⁷ FEIR, pg. 264.

²⁸ Clark Comments, p. 2; SCAQMD CEQA Guidelines do not contain a significance threshold for Valley Fever exposure, below which exposure would be acceptable. The FEIR contains no significance threshold for Valley Fever exposure which would support a "safe" exposure level.

spores.²⁹ Therefore, construction workers, local residents, and other people in the vicinity of the Project site may be exposed to and infected by Valley Fever if *any* cocci spores are disturbed during Project construction.³⁰ By comparing only county-to-county incidence rates, the FEIR overlooks clear evidence that Project construction is likely to result in potentially significant health risks from Valley Fever exposure.

The FEIR claims that “unlike the Central Valley, where the incident rate is four times higher at 75+ per 100,000 persons and where the San Joaquin Valley Air Pollution District has developed guidelines for addressing Valley Fever, due to the low number of Valley Fever cases within the SCAQMD, the SCAQMD CEQA Guidelines do not recommend analyzing Valley Fever in CEQA documents.”³¹ This statement is misleading because there is no recommendation against analyzing Valley Fever in the SCAQMD Air Quality Analysis Guidance Handbook.³² The FEIR’s statement also ignores that Valley Fever rates are rising, indicating that rates may be greater by the time construction begins.³³ Thus, the FEIR should recognize that impacts are potentially significant.

The FEIR claims that the Project would comply with SCAQMD dust suppressant rules, and that “SCAQMD does provide the most stringent dust suppressant rules in the State, which is the primary means of transmission of Valley Fever.”³⁴ This argument fails because Valley Fever rates continue to increase in the SCAQMD jurisdiction despite implementation of standard dust control measures.³⁵ This statement appears to suggest that the Project is implementing the most stringent measures to reduce Valley Fever measures, but evidence in the record identifies feasible measures that would reduce incidence rates. Dr. Clark recommends feasible mitigation that reduce the Project’s impacts.³⁶

²⁹ *Id.*; see Mayo Clinic, Valley Fever Overview, available at <https://www.mayoclinic.org/diseases-conditions/valley-fever/symptoms-causes/syc-20378761>.

³⁰ Clark Comments, p. 2.

³¹ FEIR, pg. 326.

³² Available at <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

³³ Clark DEIR Comments, pg. 7.

³⁴ FEIR, pg. 326.

³⁵ OEHHA, Valley Fever Incidence Rates By County (October 17, 2025), <https://oehha.ca.gov/climate-change/epic-2022/impacts-human-health/valley-fever-0#:~:text=In%20California%2C%20the%20incidence%20of,Valley%20and%20the%20Central%20Coast..>

³⁶ Clark Comments, pg. 4-5.

E. The FEIR Still Fails to Acknowledge and Mitigate Significant VMT Impacts

1. The FEIR Still Piecemeals the VMT Analysis of the Project's Components

The FEIR finds that the Project's large warehouse component would result in a significant VMT impact, but other components would screen out of a VMT analysis. The FEIR reasons that Riverside County's VMT guidelines "recommend evaluation of each land use separately in case of a mixed-use project."³⁷ But as CARE CA previously commented, the City's use of this threshold is unsupported. First, the FEIR still does not present evidence demonstrating that County thresholds are appropriate for the City and that conditions in the City are consistent with those in the County. Second, the FEIR still does not demonstrate that it is reasonable to screen out the Project's "small warehouses" from a VMT analysis and treat them as separate uses than the Projects "large warehouses."³⁸ Instead, the FEIR continues to rely on an unsupported interpretation of the Project's industrial and commercial uses as "mixed-use" to screen out of VMT analysis, merely reiterating that "a mixed-use project is defined as one containing more than one land use type, which applies to this Project since it includes industrial, commercial and retail land uses."³⁹ The FEIR's approach would allow nearly any industrial park project to screen out of a VMT analysis. As a result, the FEIR's VMT analysis is still unsupported by substantial evidence. The FEIR must be revised to disclose the full impact of the Project.

2. The FEIR Still Fails to Implement Feasible VMT Mitigation

The FEIR finds that the Project's VMT impacts would be significant and unavoidable. Before an impact can be declared significant and unavoidable, the lead agency must first adopt all feasible mitigation to reduce impact to greatest extent feasible.⁴⁰ Mr. Marshall previously commented that a project can achieve an up to 20.4% reduction in employee commute VMT if a vanpool measure is compliant with the CAPCOA Handbook.⁴¹ To reduce the Project's significant VMT impact to the

³⁷ DEIR, pg. 4.17-30.

³⁸ FEIR, pg. 267.

³⁹ FEIR, pg. 267.

⁴⁰ Pub. Res. Code § 21081; 14 CCR §§ 15090, 15091; Covington v. GBUAPCD (2019) 43 Cal.App.5th 867, 879-883.

⁴¹ Marshall DEIR Comments, pg. 4.

greatest extent feasible, MM-GHG-1's vanpool measure must be revised to meet the Handbook's definition.⁴²

The FEIR fails to respond to this comment, in violation of CEQA's requirement that the lead agency respond to timely-submitted comments on a DEIR.⁴³ The FEIR must be revised to require all feasible VMT mitigation.

F. The FEIR Still Underestimates Air Quality Impacts

1. The FEIR's Air Quality Analysis Still Overstates Reductions from MM-GHG-1's Vanpooling Measure

Mr. Marshall demonstrated that the DEIR's air quality analysis erroneously assumed a 5% VMT reduction from implementation of MM-GHG-1's vanpooling measure, which the DEIR elsewhere stated would only result in a 1.6% VMT reduction.⁴⁴ Moreover, the DEIR applied this reduction to the entire Project instead of just the large warehouse component subject to MM-GHG-1.⁴⁵ The FEIR does not dispute this, instead claiming that CARE CA has not shown that the error would affect the overall significance conclusions.⁴⁶ This argument fails because the CEQA Guidelines provides that "evidence that is clearly erroneous or inaccurate" does not constitute substantial evidence.⁴⁷ Here, the assumptions in the FEIR's analysis are clearly erroneous. Thus, the FEIR is not supported by substantial evidence.

2. The FEIR Still Underestimates Emissions from Warehouse Truck Trips

CARE CA commented that the DEIR underestimated the Project's emissions of criteria air pollutants and GHGs by underestimating the length of trips generated by the Project's industrial uses (the DEIR assumed an average trip length of 8.62 miles).⁴⁸ Mr. Marshall explained that the default CalEEMod trip length does not reflect reasonably foreseeable distances travelled by trucks to and from this particular Project.⁴⁹

⁴² Marshall DEIR Comments, pg. 4.

⁴³ Cal. Code Regs. Tit. 14, § 15088.

⁴⁴ Marshall Comments, pg. 3.

⁴⁵ *Id.*

⁴⁶ FEIR, pg. 268.

⁴⁷ Cal. Code Regs. Tit. 14, § 15384.

⁴⁸ DEIR, pg. Appendix B, PDF pg. 76.

⁴⁹ Marshall Comments, pg. 3.

The FEIR still fails to provide any evidence that a default CalEEMod trip length is reflective of the instant Project. The FEIR argues that the trip length need not reflect trips to the Ports of Los Angeles and Long Beach because the proposed warehouses are small, but this argument still does not support reliance on default values.⁵⁰ Mr. Marshall explains that the default CalEEMod values are not reflective of local conditions.⁵¹ Thus, the FEIR remains unsupported by substantial evidence.

G. The FEIR Fails to Relocate the Fuel Center Away from Homes

CARE CA commented that the Project's site plan conflicted with General Plan Policy 11.3 by locating a fuel center/gas station across the street from a mobile home community, which would double the Project's health risk impacts at those receptors (increasing the cancer risk impact from 1.5 in one million to 3.3 in one million).⁵² Policy 11.3 prohibits "the siting of land uses that adversely impact existing sensitive receptors, including schools, childcare centers, senior housing, and subsidized affordable housing... The minimum distance separating these uses should be 500 feet."⁵³

In response, the FEIR argues that "the proposed gas station is not a land use that would adversely impact sensitive receptors" because "[t]he existing mobile home park is not one of listed sensitive receptors in General Plan Policy 11.3."⁵⁴ This argument lacks merit because Policy 11.3 does not specifically exclude other types of sensitive receptors. There is no evidence in the record suggesting that residents of the mobile home community are less susceptible to pollution than residents of subsidized affordable housing. Further, residences are identified as examples of sensitive receptors elsewhere in the General Plan.⁵⁵

To emphasize the health risk impacts of locating the fuel center close to the mobile home community, CARE CA explained that the Project would exceed SCAQMD's draft significance thresholds for pollution-burdened communities. In response, the FEIR inconsistently argues that (1) General Plan Policy 11.3 does not stipulate any quantitative metrics related to the evaluation of cancer risk, and (2) the proposed fueling station does not exceed existing SCAQMD thresholds, which "shall be used as the defining criteria for determining significance."⁵⁶

⁵⁰ FEIR, pg. 45, 268.

⁵¹ Marshall Comments, pg. 3.

⁵² DEIR, Appendix B, PDF, pg. 80; Clark DEIR Comments, pg. 24.

⁵³ DEIR, pg. 4.3-14.

⁵⁴ FEIR, pg. 269.

⁵⁵ General Plan Policies 6.6, 6.14.

⁵⁶ FEIR, pg. 269.

The FEIR's argument is unsupported by substantial evidence. Not only did CARE CA's prior comments demonstrate that the SCAQMD thresholds relied upon by the City are outdated,⁵⁷ locating TAC-emitting land uses near homes conflicts with guidance from several regulatory agencies. CARB calls for a 1,000-foot buffer between large industrial projects (such as a distribution center that accommodates more than 100 trucks per day) and residences.⁵⁸ This Project would locate an industrial park generating hundreds of daily diesel truck trips.⁵⁹ And CARB calls for a 300-foot buffer between residences and large gas stations.⁶⁰ Thus, the Project conflicts with Policy 11.3 by locating large TAC-emitting sources nearby residences. The site plan must be revised to reduce impacts, such as by relocating the proposed fuel center further from residences.

H. The FEIR Still Fails to Analyze and Mitigate Significant Cumulative Health Risk Impacts

1. The FEIR's Cumulative Air Emissions Analysis Still Does Not Comply with CEQA

The DEIR asserted that the Project's health risk impacts would not be cumulatively considerable because under 2003 SCAQMD guidance, impacts that fall below applicable project-level thresholds are not considered cumulatively-considerable.⁶¹ CARE CA demonstrated that this approach "improperly focused upon the individual project's relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have upon air quality."⁶²

CARE CA discussed the controlling authority of *Kings County Farm Bureau v. City of Hanford*. The FEIR attempts to distinguish *Kings County* by asserting that the court addressed a different issue (FEIR states: "the Court held that the

⁵⁷ See *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* (Updated September 2022), available at <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>; *People of the State of California v. City of Fontana*, Case No. CIVSB2121829, Petition for Writ of Mandate, available at https://climatecasechart.com/wp-content/uploads/case-documents/2021/20210723_docket-CIVSB2121829_petition-for-writ-of-mandate.pdf.

⁵⁸ CARB, Air Quality And Land Use Handbook: A Community Health Perspective (April 2005) pg. 4, available at https://ww2.arb.ca.gov/sites/default/files/2023-05/Land%20Use%20Handbook_0.pdf (

⁵⁹ Clark Comments, pg. 10 (991 4+-axle trucks, 219 3-axle trucks, and 132 2-axle trucks would be generated daily from the Industrial Park component).

⁶⁰ *Id.*

⁶¹ DEIR, pg. 4.3-19; 4.3-30.

⁶² *Kings County Farm Bureau v. City of Hanford* ("Kings County") (1990) 221 Cal. App. 3d 692, 721; see also *People of the State of California v. City of Fontana*, Case No. CIVSB2121829, Petition for Writ of Mandate.

City's EIR was deficient in accordance with the List approach because the record did not provide information regarding similar energy developments in the San Joaquin Valley air basin.”).⁶³ This interpretation is incorrect. Section B.3 of the *Kings County* decision (“Scope of Cumulative Impacts Analysis”) concerns the inadequate scope of the EIR’s cumulative impact analysis.. In *Kings County*, “Appellants contend[ed] under the theory advanced in the EIR whenever an agency determines impacts specific to a particular project are not significant, corresponding cumulative impacts cannot be considered significant because the ‘incremental effects’ of the individual project cannot be ‘considerable.’”⁶⁴ The Court agreed with Appellants on this issue.⁶⁵ The FEIR thus ignores relevant legal authority and continues to misstate CEQA’s standards for the cumulative impacts analysis.

The FEIR also appears to argue, without support, that cumulative effects would be unlikely because “DPM emissions disperse rapidly and cumulative projects would need to be within approximately 2,000 feet of the Project site to provide any quantifiable increase to cancer risk rates.”⁶⁶ This argument fails because the Project’s emissions would combine with mobile sources travelling along roadways near the Project site. Dr. Clark calculated that existing projects within 5 kilometers (km) of the Project site generate 4,000 daily truck trips, producing 5.5 lbs of diesel particulate matter (DPM) per day and 623 lbs of oxides of nitrogen (NO_x) per day.⁶⁷ The combined effects of these emissions must be analyzed and mitigated.

The FEIR next argues that the Project would not result in cumulatively significant impacts because “the largest warehouse in the proposed Project is 48,800 square feet, which would be considered a small warehouse in Southern California.”⁶⁸ This argument fails because the Project proposes a total of 329,100 sf of warehouse uses.⁶⁹ And the FEIR’s focus on the size of the proposed warehouses ignores the actual source of the Project’s emissions: its mobile sources. 991 4+-axle trucks, 219 3-axle trucks, and 132 2-axle trucks would be generated daily from the Industrial Park component.⁷⁰ Emissions from these mobile sources would combine with emissions of other mobile sources to result in a cumulative impact. This impact must be analyzed and mitigated.

⁶³ FEIR, pg. 270.

⁶⁴ *Kings County, supra*, at 720

⁶⁵ *Id.* at 721 (“We agree with the foregoing assessment of a cumulative impacts analysis”)

⁶⁶ FEIR, pg. 270.

⁶⁷ Clark DEIR Comments, pg. 19.

⁶⁸ FEIR, pg. 270.

⁶⁹ FEIR, pg. ES-1; Clark Comments, pg. 10.

⁷⁰ Clark Comments, pg. 10.

To demonstrate that the 2003 SCAQMD thresholds relied upon by the City are outdated, CARE CA's prior comments discussed SCAQMD's draft thresholds.⁷¹ The documents prepared by the SCAQMD Working Group explain that "[o]ur current policy recommends using the same significance thresholds for project-level and cumulative-level impacts, which may underestimate a project's cumulative impact... A project's incremental effect on the environment, though individually limited, may be cumulatively considerable."⁷² The FEIR responds that "[t]he threshold changes the commenter cites are being discussed as new regulations for large warehouses that are over 100,000 square feet, which would not apply to the proposed Project."⁷³ This statement is erroneous and unsupported, as there is no direct or indirect reference to "warehouses over 100,000 square feet" in the draft thresholds.⁷⁴

The FEIR further argues that because SCAQMD's draft thresholds have yet to be adopted, they are speculative and do not constitute substantial evidence.⁷⁵ Section 15384 of the CEQA Guidelines provides that "[s]ubstantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."⁷⁶ The SCAQMD Working Group documents contain expert opinion supported by facts showing that the 2003 SCAQMD thresholds do not reflect cumulative effects.⁷⁷ The Working Group documents identify several scenarios in which an industrial project may not exceed project-level thresholds but would result in a cumulatively considerable impact.⁷⁸ SCAQMD staff have referenced the Working Group documents in comment letters discouraging sole reliance on the 2003 thresholds.⁷⁹ This constitutes substantial evidence showing that the City's reliance on the 2003 SCAQMD thresholds is unsupported.

⁷¹ SCAQMD, Working Group Meeting #6, Cumulative Impacts from Air Toxics for CEQA Projects, November 6, 2024, https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13.

⁷² *Id.* at 5.

⁷³ FEIR, pg. 270.

⁷⁴ SCAQMD, Working Group Meeting #6, Cumulative Impacts from Air Toxics for CEQA Projects, November 6, 2024, pg. 21.

⁷⁵ FEIR, pg. 271.

⁷⁶ Cal. Code Regs. Tit. 14, § 15384(b).

⁷⁷ https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-1-presentation_02172022_final.pdf?sfvrsn=554ea861_6.

⁷⁸ *Id.*

⁷⁹ See SCAQMD, Comments on Draft Environmental Impact Report (DEIR) for the Proposed DJT4 Parcel Delivery Facility Project (Proposed Project) (SCH No. 2023070241) (December 20, 2024), available at https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/december-2024/orc241106-09-deir-djt4-parcel-delivery-facility-project.pdf?sfvrsn=8acd8361_8; SCAQMD, Comments on Notice of Availability of Draft Environmental Impact (EIR) Report for the Northwest Corner of Telegraph and Santa Fe Springs Project (Proposed Project) (SCH: 2024050495) (January

In sum, the FEIR's analysis of cumulative impacts still violates CEQA.

2. The Project's Health Impacts Would be Cumulatively Considerable Under the Draft SCAQMD Thresholds

The Project's health risk impacts would exceed SCAQMD's draft cumulative impacts significant thresholds. The draft SCAQMD protocols lower the cancer risk significance threshold to one in one million because of the area's MATES excess cancer risk, number of daily heavy-duty truck trips, and designation as a AB 617 community.⁸⁰ The Project's cancer risk of 3.3 per million would exceed this threshold. The FEIR must identify the impact as significant and adopt mitigation.

I. The FEIR Still Fails to Address Significant Noise Impacts

1. The FEIR Fails to Mitigate Significant Construction Noise Impacts

The DEIR estimates that the Project's construction would result in construction noise levels of 86 to 89 dBA at the nearest residences.⁸¹ CARE CA demonstrated that these noise impacts would be significant because they would result in a 30 dBA noise increase over ambient levels.⁸² A 30 dBA increase would subjectively sound 8 times louder than ambient levels.⁸³

The City claims that these impacts would be mitigated by MM-NOI-1, which requires that construction equipment use mufflers that reduce engine noise by 10 dBA, and that construction equipment be staged as far as possible from nearby noise-sensitive land uses, located near the northern boundary of the Project site.⁸⁴ CARE CA commented that the noise reductions claimed by this measure are not supported by substantial evidence. Ms. Toncheva explains that the City cannot claim a 10 dBA reduction for mufflers because the reference noise levels already include use of mufflers, and mufflers would only address engine noise.⁸⁵ Thus, the

10, 2025), available at <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2025/january-2025/lac241204-02-draft-eir-for-the-northwest-corner-of-telegraph-and-santa-fe-springs-project.pdf>.

⁸⁰ SCAQMD, Working Group Meeting #6, Cumulative Impacts from Air Toxics for CEQA Projects, November 6, 2024.

⁸¹ DEIR, pg. 4.13-19.

⁸² DEIR, pg. 4.13-4, Table 4.13-2; 4.13-19.

⁸³ <https://www.merckmanuals.com/home/multimedia/table/measurement-of-loudness> (30 dB is 1,000 times the intensity of 0 dB and seems 8 times as loud.).

⁸⁴ DEIR, pg. ES-18.

⁸⁵ Toncheva Comments, pg. 2.

Project's significant construction impacts remain unmitigated. The City must require acoustic barriers during construction as mitigation.⁸⁶

2. The FEIR Still Fails to Adequately Analyze Noise from Nighttime Operations

The FEIR's analysis of nighttime noise impacts only includes noise from the gas station minimart (anticipated to operate until midnight) and the proposed substation (anticipated to operate 24 hours per day).⁸⁷ The FEIR argues that the Project's other uses would only operate from 7:00 am to 9:00 pm.⁸⁸ CARE CA previously explained that this assumption is unsupported because there is no condition of approval or mitigation measure limiting hours of operation. The FEIR responds that nighttime operations are speculative, so need not address CARE CA's comments on this issue.⁸⁹ But it is the FEIR's assumption that requires speculation, as there is no evidence that operations would be limited to 7:00 am to 9:00 pm. The FEIR's analysis of nighttime noise impacts remains incomplete and unsupported by substantial evidence.

Nighttime noise impacts would be significant. As CARE CA previously explained, the FEIR calculates that nighttime operational noise impacts would be 44 dBA, barely below the 45 dBA threshold.⁹⁰ When noise from increased nighttime operations is considered, the 45 dBA significance threshold would likely be exceeded.⁹¹ The FEIR must be revised to disclose and mitigate this significant impact.

J. The Statement of Overriding Consideration Must Consider Whether the Project Provides Employment Opportunities for Highly Trained Workers

The City concludes in the FEIR that the Project will have significant and unavoidable environmental impacts, and includes a statement of overriding considerations finding that the Project's overriding benefits outweigh its environmental harm.⁹² The City's statement of overriding considerations is not supported by substantial evidence.

⁸⁶ Toncheva Comments, pg. 2.

⁸⁷ DEIR, pg. 4.13-17.

⁸⁸ DEIR, pg. 4.13-17; 4.13-21; Appendix H, pg. 19.

⁸⁹ FEIR, pg. 275.

⁹⁰ DEIR, pg. 4.13-21.

⁹¹ Toncheva DEIR Comments, pg.5.

⁹² CEQA Guidelines, § 15043.

An agency's determination that a project's benefits outweigh its significant, unavoidable impacts "lies at the core of the lead agency's discretionary responsibility under CEQA."⁹³ The City must set forth the reasons for its action, pointing to supporting substantial evidence in the administrative record.⁹⁴ This requirement reflects the policy that public agencies must weigh a project's benefits against its unavoidable environmental impacts, and may find the adverse impacts acceptable only if the benefits outweigh the impacts.⁹⁵ Importantly, a statement of overriding considerations is legally inadequate if it fails to accurately characterize the relative harms and benefits of a project.⁹⁶

In this case, the City must find that the Project's significant, unavoidable impacts are outweighed by the Project's benefits to the community. CEQA specifically references employment opportunities for highly trained workers as a factor to be considered in making the determination of overriding benefits.⁹⁷ Currently, there is not substantial evidence in the record showing that the Project's significant, unavoidable impacts are outweighed by benefits to the community. The Applicant has not made any commitments to employ graduates of state approved apprenticeship programs or taken other steps to ensure employment of highly trained and skilled craft workers on Project construction. Therefore, the City would not fulfill its obligations under CEQA if it adopted a statement of overriding considerations and approved the Project.

We urge the City to prepare and circulate a revised EIR which identifies the Project's potentially significant impacts, requires all feasible mitigation measures and analyzes all feasible alternatives to reduce impacts to a less than significant level. We urge the City's Statement of Overriding Considerations to be revised to consider whether the Project will result in employment opportunities for highly trained workers.

⁹³ *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.

⁹⁴ Pub. Resources Code, § 21081, subd. (b); CEQA Guidelines, § 15093, subds. (a) and (b); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357.

⁹⁵ Pub. Resources Code, § 21081(b); CEQA Guidelines, § 15093, subds. (a) and (b)

⁹⁶ *Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.

⁹⁷ Pub. Resources Code, § 21081, subds. (a)(3) and (b).er

III. THE CITY LACKS SUBSTANTIAL EVIDENCE TO APPROVE THE ENTITLEMENTS

A. The City Lacks Substantial Evidence to Approve Conditional Use Permit 326

Proposed CUP 326 would allow a convenience store and gas station to occur at the south end of the Project site.⁹⁸ The Staff Report claims that the “proposed use will not be in conflict with, but will be in harmony with and in accordance with the objectives of the general plan.”⁹⁹ The Staff Report reasons that these uses are consistent with the industrial uses of the site. But the Staff Report does not address the incompatibility with the rural residential community next to the Project site.

As discussed above, Policy 11.3 prohibits “the siting of land uses that adversely impact existing sensitive receptors, including schools, childcare centers, senior housing, and subsidized affordable housing... The minimum distance separating these uses should be 500 feet.”¹⁰⁰ The Project’s site plan conflicts with General Plan Policy 11.3 by locating a gas station across the street from a mobile home community, which would double the Project’s health risk impacts at those receptors.¹⁰¹

For the same reason, the City cannot find that “[w]here the proposed use may be potentially hazardous or disturbing to existing or reasonably expected neighboring uses, it must be justified by the common public interest as a benefit to the community as a whole.”¹⁰² The proposed gas station would be hazardous because it would increase cancer risk at the neighboring residences. The gas station must be relocated at least 500 feet from the residences.

In sum, the City lacks substantial evidence to make the approval findings.

B. The City Lacks Substantial Evidence to Approve Conditional Use Permit 324

CUP 324 would allow for the development of cannabis-related businesses within the site. The Staff Report claims that the “proposed use will not be in conflict

⁹⁸ Staff Report, pg. 14.

⁹⁹ *Id.*

¹⁰⁰ DEIR, pg. 4.3-14.

¹⁰¹ DEIR, Appendix B, PDF, pg. 80; Clark DEIR Comments, pg. 24 (showing that cancer risk would increase from 1.5 in one million to 3.3 in one million).

¹⁰² Staff Report, pg. 15.

with, but will be in harmony with and in accordance with the objectives of the general plan,” reasoning that “Project location is isolated from residential neighborhoods, and surrounded by the SR 86, CVSC and Airport Boulevard, providing separation and distance from residential neighborhoods, as directed in General Plan Land Use policies 7.3 and 7.4.”¹⁰³ This claim is unsupported by substantial evidence, as the Project is located across the street from a rural residential neighborhood. The Project would conflict with General Plan Land Use policies 7.3 and 7.4 by locating industrial uses near residences.

The Staff Report claims that “[t]he proposed use will be located, designed, constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and shall not change the essential character of the same area.”¹⁰⁴ But this claim is unsupported, as the industrial uses proposed by the Project are incompatible with the residences across the street. The Project will result in air quality, transportation, and noise impacts adversely affecting these residents.

Thus, the City lacks substantial evidence to make the findings above.

C. Approval of the Tentative Parcel Map Would Be Unsupported by the Record

The Subdivision Map Act provides guidance as to the findings that the agency must make when approving a tentative map, and requires agencies to deny map approval if the project would result in significant environmental or public health impacts. Government Code, section 66474, provides:

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.

¹⁰³ Staff Report, pg. 11.

¹⁰⁴ Staff Report, pg. 12.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Here, approval of the vesting tentative tract maps would place the community in a condition dangerous to its health and safety. Emissions from the Project's construction and operational phases would emit TACs resulting in potentially significant cancer risks. The Project may result in significant and unmitigated noise impacts from construction activities and operations. The Planning Commission therefore lacks substantial evidence to make the necessary findings. The City must correct the errors in the EIR and adopt adequate mitigation measures to reduce impacts to less than significant levels before the City can approve the Tentative Parcel Map.

D. The City Lacks Substantial Evidence to Approve Architectural Review 20-04

To approve the Project's Architectural Review, the Planning Commission must make the following findings for the Architectural Review:

1. The proposed project is consistent with the general plan;
2. The proposed project complies with zoning regulations;
3. The proposed project is consistent with the city's design guidelines;

4. The proposed development will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity;
5. The proposed project is located, designed, constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and shall not change the essential character of the same area.¹⁰⁵

The Staff Report fails to include substantial evidence necessary to make these findings. The Staff Report completely fails to discuss the Project's air quality, health risk, and noise impacts on the neighboring residences. As shown herein, these impacts would be significant. Thus, as discussed above, the proposed development would be detrimental to the public health, safety, or welfare and would be incompatible with the General Plan.

E. The City Lacks Substantial Evidence to Approve the Development Agreement

Section 17.100.060 of the Municipal Code provides that the Planning Commission must find whether the Development Agreement is:

- A. Is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;
- B. Is compatible with the uses authorized in and the regulations prescribed for the land use district in which the real property is located;
- C. Is in conformity with the public necessity, public convenience, general welfare and good land use practices;
- D. Will be detrimental to the health, safety and general welfare;
- E. Will adversely affect the orderly development of property or the preservation of property values;
- F. Will have a positive fiscal impact on the city.

Here, the Project would result in significant and yet unmitigated public health and environmental impacts. The Planning Commission therefore lacks substantial evidence to make findings A, C, D, and E above.

Government Code § 65867.5 similarly provides that “[a] development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.” CARE CA’s comments demonstrate that the Project would conflict

¹⁰⁵ Coachella Municipal Guidelines Chapter 16.12.

with several General Plan policies.¹⁰⁶ The City must correct the errors in the EIR and adopt adequate mitigation measures to reduce impacts to less than significant levels before the City can approve the development agreement.

The Development Agreement states the Project would provide community benefits including a new substation, road improvements, fuel station, convenience store, restaurant, and billboard.¹⁰⁷ These benefits are illusory. The Development Agreement states that the substation would provide additional capacity to serve future development within the City, but there is no binding requirement specifying how much excess capacity, if any, the Applicant must provide as a community benefit. The other benefits listed in the Development Agreement are merely Project components that are needed for operation of the Project; the City must require additional community benefits, such as work employment opportunities for highly trained workers.

IV. CONCLUSION

As is explained herein, the FEIR's analyses remain substantially inaccurate and incomplete, failing to comply with the requirements of CEQA. As a result, the FEIR still fails to adequately disclose and mitigate the Project's significant impacts. As a consequence of these impacts, the City cannot make the requisite findings under CEQA to certify the FEIR or under the City of Coachella Municipal Code to approve the Project's entitlements.

CARE CA urges the Commission to continue the hearing and require the City revise and recirculate the EIR before any further action is taken on the Project.

Sincerely,



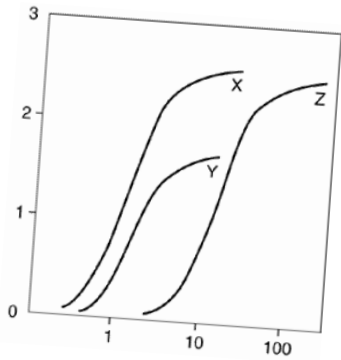
Aidan P. Marshall

Attachments
APM:acp

¹⁰⁶ General Plan Land Use Policies 7.3, 7.4, Sustainability and Natural Resources Policy 11.3

¹⁰⁷ Development Agreement, pg. 21-22.

EXHIBIT A



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March 30, 2026

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Attn: Mr. Aidan Marshall

Subject: Comment Letter on Final Environmental Impact Report (FEIR) Coachella Airport Business Park Development, City of Coachella, Riverside County, California, State Clearinghouse Number (SCH No. 2023040106)

Dear Mr. Marshall:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the March 2026 City of Coachella (City) FEIR for the above-referenced project, including the January 6, 2026 Responses To Air, GHG and HRA Public Comments from Vista Environmental.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

As noted in my previous comments on the Draft Environmental Impact Report (DEIR), the proposed project would result in the emission of criteria pollutants (ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulates less than 10 and 2.5 microns in diameter (PM₁₀ and PM_{2.5}), and toxic air contaminants (TACs), such as diesel particulate matter, during the construction phase and operational phase of the Project. The FEIR's conclusion that the emissions will not result in significant impacts is not supported by the information within the FEIR.

Specific Comments

1. Response To Comments 16-2/16-14 From Vista Environmental: The FEIR Fails To Address The Potentially Significant Health Impacts From Exposure to Valley Fever Spores Present In The Soils Of Riverside County.

The response from Vista claims that “CEQA Guidelines do not recommend analyzing Valley Fever in CEQA documents. However, the SCAQMD does provide the most stringent dust suppressant rules in the State, which is the primary means of transmission of Valley Fever. For these reasons, Valley Fever is not likely to be transmitted from construction activities associated with the proposed project.”¹

Valley Fever continues to be on the rise in Riverside County and in Coachella in particular. In 2024, for example, fourteen people became infected with Valley Fever while at the Coachella Music Festival, “highlighting the fungus’ growing threat.”² The City’s response fails to address the threshold health risk issue related to Valley Fever which we identified, which is that construction workers, local residents, and other people in the vicinity of the Project site may be exposed to and infected by Valley Fever if **any** cocci spores are disturbed during Project construction. There is evidence before the City that Valley Fever spores exist in Riverside County soils,³ may be released during the Project’s soil disturbing activities (i.e. Project construction),⁴ and there is no established safe level of exposure to Valley Fever spores.⁵ The Mayo Clinic confirms that “anyone who breaths in the spores that cause valley fever is at risk of infection,” and neither the Air District nor the City provide any significance threshold for safe exposure to Valley Fever spores.⁶ There is therefore a significant risk that people

¹ DEIR. Pg ES-2

² <https://www.nbcnews.com/health/health-news/valley-fever-california-music-festival-fungus-rcna165388>

³ Clark. 2025. Comment Letter On DEIR.

⁴ Ibid.

⁵ SCAQMD CEQA Guidelines do not contain a significance threshold for Valley Fever exposure, below which exposure would be acceptable. The FEIR contains no significance threshold for Valley Fever exposure which would support a “safe” exposure level.

⁶ *Id.*; see Mayo Clinic, Valley Fever Overview, available at <https://www.mayoclinic.org/diseases-conditions/valley-fever/symptoms-causes/syc-20378761>.

on or near the Project site may be exposed to Valley Fever spores during Project construction, which will disturb soils on 40 acres in an area with known presence of Valley Fever.

This is a significant health risk that is specific to the Project regardless of whether Countywide incidence rates have increased or decreased. Incidence rates are not zero, leaving a likelihood of Valley Fever exposure which may lead to significant health effects for all exposed individuals. The FEIR does not disclose this potentially significant impact.

Moreover, the County Public Health summaries of Coccidioidomycosis⁷ (Valley Fever) state that “Outbreaks of Valley Fever do occasionally occur, particularly *after events that disturb large amounts of soil. Past outbreaks have occurred among military trainees, archeological workers, and in people exposed to earthquakes and dust storms.* There have been several outbreaks of Valley Fever in California in recent years.”

In a 2004 paper regarding the fate of viruses and bacteria, including spores, in the air, Utrup and Frey⁸ noted that smaller particles like spores require significantly longer to settle out of air. For particles 10 μm in diameter the settling time is measured in minutes. For particles less than 10 μm in diameter, the settling time is measured in hours. This would allow the spores to travel significantly longer distances impacting receptors at greater distances.

Particle settling time in still air	
Particle size (μm)	Time required to settle 8 ft
100	8 secs
10	13 mins
1	19 hrs
0.1	79 days
0.01	Infinite

Characteristics of Aerosols and Particle Settling Time in Still Air

⁷ San Bernardino County Public Health Environmental Health Services. 2017. <https://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/EHSDocuments/Coccidioidomycosis.pdf>

⁸ Utrup, L. and A. Frey. 2004. Fate of Bioterrorism-Relevant Viruses and Bacteria, Including Spores, Aerosolized into an Indoor Air Environment. *Experimental Biology and Medicine* 229(4):345-50

Clearly, based on the particle size and settling rate, Valley Fever spores are capable of travel many miles following their disturbance in soils.

Windblown dust from Project-disturbed soils is a particular concern at this site due to desert winds, which occur in the area. Desert winds can raise significant amounts of dust, even when conventional dust control methods are used, often prompting alerts from air pollution control districts. If these winds occurred during grading, cut and fill, or soil movement, or from bare graded soil surfaces (even if periodically wetted), significant amounts of PM₁₀, PM_{2.5}, and associated Valley Fever spores as well as silica dust would be released. In Coachella, California, wind gusts can vary significantly from the average wind speed (8 to 11 miles per hour), with gusts often exceeding 49 miles per hour⁹

The impact of VF impacted soils is not fully mitigated. The City's own evidence demonstrates that the FEIR's proposed dust mitigation will not control 100% of fugitive dust. My comments on the DEIR further explained that standard dust control measures, like those required for the Project, are inadequate to control the very small cocci spores, approximately 0.002–0.005 millimeters ("mm") in size, and that the spores may remain airborne longer, potentially exposing large non-Project-related populations.^{10,11} The City ignores this evidence and continues to rely on standard dust control to assume that the health risk is less than significant.

Based on the Mitigation Measures outlined in the CalEEMOD model (utilized in the DEIR) watering exposed areas three times a day would reduce PM₁₀ and PM_{2.5} emissions by 74 percent (74%). The conventional dust control measures primarily focus on visible dust or larger dust particles—the PM₁₀ fraction—and fail to address the very fine particles that transport Valley Fever spores, which are approximately 5 times smaller than typical PM₁₀ particles and remain airborne much longer.¹² These fine particles, when disturbed by soil-disturbing activities, spread widely beyond site, posing a significant risk to both onsite workers and nearby communities.

Since there is no safe exposure limit or *cocci* concentration in air, and to ensure the protection

⁹ Climate.gov. 2026. Average Wind Speeds

¹⁰ Clark 2025 Comments, citing Schmelzer and Tabershaw, 1968, p. 110; Pappagianis and Einstein, 1978

¹¹ Clark 2025 Comments, citing Pappagianis and Einstein, 1978, p. 527 ("The northern areas were not directly affected by the ground level windstorm that had struck Kern County but the dust was lifted to several thousand feet elevation and, borne on high currents, the soil and arthrospores along with some moisture were gently deposited on sidewalks and automobiles as 'a mud storm' that vexed the residents of much of California." The storm originating in Kern County, for example, had major impacts in the San Francisco Bay Area and Sacramento).

¹² See, e.g., Cummings and others, 2010, p. 509; Schneider et al., 1997, p. 908 ("Primary prevention strategies (e.g., dust-control measures) for coccidioidomycosis in endemic areas have limited effectiveness.").

of workers or residents, the City is obligated to disclose the potentially significant health risk from Valley Fever exposure and incorporate more stringent mitigation measures to further reduce dust generation and dispersion of airborne cocci spores. As I have previously demonstrated, the City must require active monitoring of dust particle measurements onsite and offsite during soil disturbance activities. This system should require that additional dust suppression (e.g., additional watering of soils (4 times per day)), applying chemical stabilizers at least 24-hours prior to high wind events, etc...) should be initiated when dust measurements at the downwind locations exceed the measure of the upwind locations. This active suppression system would require that the Proponent continually measure onsite during any soil disturbance activities as a health protective measure.

2. Response To Comment 16-19: The FEIR Severely Underestimates The Average Truck Trip Length By Relying On An Average Value Of 8.6 Mile-Length Trips In The Air Quality Analysis.

In response to comments on the underreporting of truck trip distances, Vista Environmental states for the City:

The trip distances in the CalEEMod model vary for each region of the State and are based on empirical evidence provide in the CalEEMod User Guide and the use of the default trip distances in CalEEMod meets the CEQA requirement of providing substantial evidence of the analysis. The largest warehouse would be 48,800 square feet, which would be considered a small warehouse in Southern California and no warehouses would be designed to be high-cube warehouses, which are the warehouses specifically designed to receive cargo containers. For these reasons, a truck trip directly from the Ports to the project site would likely rarely happen and the default truck trip distances provides a reasonable estimate of the truck trip distances that would occur during operation of the proposed project.

This answer assumes a rare event (driving to the Ports) in a region in which the majority of trucking trips are associated with the Ports. As I pointed out previously, the Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day. A study by the National Center

for Sustainable Transportation (NCST)¹³ on Southern California Warehouse and Distribution Center Facilities noted that “Among the six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) that comprise the SCAG region, Los Angeles (31.2%), Riverside (21.2%) and San Bernardino (30.2%) account for the largest share of total miles of primary freight network (SCAG, 2016)... *56% of the facilities receive goods from the Port of Los Angeles and Long Beach, and around 50% deliver to Southern California warehouses, retail stores or manufacturing plants.*” (Emphasis added). Clearly the NCST report validates that the majority of facilities in the SCAG region receive goods from the Ports of Los Angeles and Long Beach. Given the importance of the Ports for trucking in Southern California, it is clear that the City must revise the FEIR’s air quality analysis to accurately calculate emissions using fact-based, reasonably foreseeable truck trip lengths.

3. Response to Comment 16-11: The CalEEMod Analysis For The Operational Phase Does Not Include Fire Pumps And Back-Up Generators.

The response from the City that since the Project will not include the use of cold storage there is not a need for permanently installed emergency backup generators is not necessary. Additionally, the City claims that “the use of any emergency backup generator would be covered by Mitigation Measure GHG-1, which requires the Project to be designed to generate a minimum of 50% of the power onsite from renewable sources, which would include the use of solar generation and battery storage systems. In addition, the proposed warehouses are not being designed for cold storage or for 24-hour operations. As a result, the installation of back-up emergency generators are not anticipated to be required for this Project.”

This answer creates a new issue, the reliability of battery energy storage systems (BESS). The FEIR fails to include an analysis of the battery energy storage system (BESS) that would be necessary for energy to be stored at the Project Site. The National Fire Protection Association (NFPA)¹⁴ has identified a number of risks associated with BESS that were not addressed in the FEIR and must be addressed in a revised FEIR. Those risks include:

¹³ NCST. 2017. Warehousing and Distribution Center Facilities in Southern California: The Use of the Commodity Flow Survey Data to Identify Logistics Sprawl and Freight Generation Patterns: A Research Report from the National Center for Sustainable Transportation. Prepared by Miguel Jaller and Leticia Pineda. Dated July 2017. Pg. 6-7

¹⁴ NFPA, Energy Storage Systems Safety Fact Sheet, June 2020.

- Thermal runaway (rapid uncontrolled release of heat energy, resulting in fire or explosion);
- Shock hazard from stranded energy;
- Release of toxic and flammable gases;
- Deep-seated fires within metal or plastic casing, blocking firefighting agents;
- Mechanical abuse;
- Thermal abuse from exposure to external heat source;
- Electrical abuse from overcharging; and
- Environmental impacts including rodent damage to wiring, extreme heat, and floods.

The FEIR does not disclose the type of lithium-ion battery or battery chemistry, both of which are critically important for worker safety and on-site and off-site impacts in the event of an accident. The FEIR does not contain a Material Safety Data Sheet (MSDS) for the batteries nor does it otherwise disclose the batteries' chemical composition, a necessary step for assessing the fire, explosion, health, and other risks of the battery storage facility.

The most frequently used storage batteries for BESS are lithium ion batteries. Lithium ion batteries may be utilized onsite. The chemical composition of the lithium-ion batteries based on current lithium-ion technology includes cobalt oxide; manganese dioxide; nickel oxide; carbon; unidentified electrolyte; polyvinylidene fluoride; aluminum foil; copper foil; aluminum; and inert materials.¹⁵ The presence of these toxic metals at the Project Site are not considered in the MND.

Further, accidents during handling and transportation of lithium ion batteries could result in injuries to and deaths of workers, motorists, and nearby residents. Lithium-ion batteries are sensitive to damage, especially during handling and transport.¹⁶ They are also sensitive to high ambient temperatures,¹⁷ which occur in Riverside County where the Project will be located. It is well known that battery accidents occur during handling, loading, and

¹⁵ Imperial County Planning and Development Services, Draft Supplemental Environmental Impact Report. Prepared by Burns McDonnell, July 15, 2019, pdf 78, Sec. 2.6.3.9; <http://www.icpds.com/?pid=6973>.

¹⁶ Kjell-Arne Jonsson, The Dangerous Consequences of Taking Shortcuts When Shipping Lithium Ion Batteries, March 9, 2018; <http://info.nefab.com/lib-blog/lithium-ion-batteries-shipping-shortcuts>.

¹⁷ Allianz Risk Consulting, Lithium-Ion Batteries, Risk Bulletin, 2017; <https://www.agcs.allianz.com/content/dam/onemarketing/agcs/agcs/pdfs-risk-advisory/riskbulletins/ARC-Lithium-Ion-Batteries.pdf>.

unloading in warehouses and during transportation.¹⁸ The FEIR fails to discuss the risk of accidents during battery storage, handling, and transportation to the site and thus fails as an informational document under CEQA.

A well-documented history of fires of existing battery storage facilities demonstrates the severe risk that lithium-ion battery fires pose. Fires have occurred at many battery storage facilities around the world, including in the European Union (e.g., Belgium).^{19,20} Fires have also occurred at 23 battery storage facilities in South Korea, caused by faulty temperature control, negligence during construction, operational negligence, failure to separate the PCS system and batteries, faulty battery management, system control, or battery protection systems.²¹

It must be noted that fires have not been limited to sites overseas. Several battery fires have occurred in Hawaii²² and Arizona.²³ These fires resulted in significant impacts that are not addressed in the MND, including significant worker and public health impacts from hazardous air pollutants (HAPs) and damage to the adjacent facilities. First responders and firefighters are a significant at-risk population when batteries rupture after exposure to extreme heat/fire, leaking corrosive materials, and/or emit toxic fumes, regardless of the specific battery technology. Burning batteries may emit acrid smoke, irritating fumes, and toxic fumes of fluoride, resulting in acute and chronic health effects in responding firefighters (and any nearby workers and residents). Acute health hazards include chemical inhalation burns and damage

¹⁸ FAA Office of Security and Hazardous Materials Safety, Lithium Batteries & Lithium Battery-Powered Devices, August 1, 2019; https://www.faa.gov/hazmat/resources/lithium_batteries/media/Battery_incident_chart.pdf.

¹⁹ Jason Deign, Engie Investigates Source of Belgian Battery Blaze, December 18, 2017; <https://www.greentechmedia.com/articles/read/engie-investigates-source-of-belgian-battery-blaze#gs.y25569>.

²⁰ Patrice Nigon and others, Battery Storage, IMIA Working Group Paper 112 (19), pdf 55, 58; <https://www.imia.com/wp-content/uploads/2020/01/IMIA-WGP-112-19-Battery-Storage.pdf>.

²¹ Andy Colthorpe, Korea's ESS Fires: Batteries Not to Blame But Industry Takes Hit Anyway, *PV Tech*, June 19, 2019; <https://www.energy-storage.news/news/koreas-ess-fires-batteries-not-to-blame-but-industry-takes-hit-anyway>.

²² Two fires occurred at First Wind's 30 MW Kahuku project in Hawaii in 2012. The first fire broke out in March 2011. The second fire, on August 3, 2012.

²³ On April 19, 2019, in Surprise, Arizona at the APS McMicken Energy Storage Facility, equipped with two 2-MW AES Advancion battery arrays. An explosion in the McMicken battery system led to a fire.

to lungs, eyes, and skin. Cobalt, present in lithium-ion batteries, is a suspected human carcinogen.²⁴

The following mitigation measures should be incorporated into the Project in order to minimize the risk of battery fires:

- Adequate separation of battery containers and other major equipment;
- Concrete fire walls between containers (not disclosed in the MND);
- Use of noncombustible materials within the insulation of battery containers and the ventilation and suppression systems;
- An adequate on-site water supply for firefighting;
- Fire brigade site visits to identify and plan to prevent any ignition scenarios and thermal runaway;
- Remote and continuous on-line monitoring and early detection sensors;
- Venting to avoid the buildup of gas; and
- Automatic fire suppression system in compliance with NFPA 855.

The FEIR fails to consider the battery composition and the hazards from the rupture of the batteries in its analysis of the Project. The City must prepare a revised FEIR for the Project to address these significant impacts.

The City must provide the supporting documentation regarding the stationary sources in a revised DEIR.

4. Response To Comments 16-23/16-24: The FEIR Fails To Analyze The Project's Health Impacts from Diesel Particulate Matter Emissions Consistent With The Latest SCAQMD Working Group Guidance On The Aggregation Of Warehouses

The City's response that the SCAQMD's Working Group Guidance is not appropriate for the Project since none of the warehouses is larger than 100,000 square feet. This is a misread of the Guidance, since the Project is described in the DEIR as developing a total of 329,100 square feet of warehouses. The focus of the Guidance is on the additional burden placed on communities by warehouses of many sizes. The metrics which have the greatest impact in the analysis is whether the Project is in an AB 617 area (Coachella is a AB-617 community) and the number of trucks associated

²⁴ Honeywell, Material Safety Data Sheet, Lithium-Ion Battery;
<https://honeywellaidc.force.com/supportppr/s/article/Lithium-ION-battery-specifications-MSDS-shipping-LI-ION-batteries>.

with the facility that increase traffic. The transportation study in the DEIR demonstrates that the project is expected to generate well over 951 truck trips a day on Airport Boulevard.²⁵ 991 4+-axle trucks, 219 3-axle trucks, and 132 2-axle trucks would be generated daily from the Industrial Park component. This will lower the Cancer Risk Threshold from 5 in one million to 3 in one million. Since the community impacted meets the AB 617 definition, the Cancer Risk Threshold from 3 in one million to 1 in one million. While this is inconvenient for the Project Proponent, it is clear that the City must re-evaluate the health risks against this lower health risk threshold in a revised FEIR.

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project will result in significant impacts if allowed to proceed.

Sincerely,

A handwritten signature in black ink, appearing to read "J. J. Coen". The signature is written in a cursive, flowing style with a horizontal line extending to the left from the first letter.

²⁵ DEIR, Coachella Airport Business Park Traffic Impact Analysis, pg. 5.

EXHIBIT B



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Norman Marshall, President
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April 1, 2026

Aidan P. Marshall
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: Coachella Airport Business Park

Dear Mr. Marshall,

In August 2025, I reviewed the vehicle miles traveled (VMT) impacts of the City of Coachella Draft Environmental Impact Report ("DEIR") dated July 2025 for the proposed Coachella Airport Business Park Development (SCH No. 2023040106).

I made the following findings:

- 1) The project would result in a significant VMT impact.
- 2) The significant VMT impact is only partially mitigated, and the proposed mitigation is not as strong as the CAPCOA vanpool measure referenced in the DEIR and used to estimate the VMT reduction. The full CAPCOA vanpool measure should be required.
- 3) The DEIR air quality analysis overestimates reductions from VMT mitigation and should be redone.
- 4) The DEIR air quality analysis underestimates truck trip lengths and should be redone to calculate emissions based on accurate trip lengths.
- 5) SR 86 to the north of the project already carries a high truck volume that creates a significant cancer risk. This project is estimated to add another 470 truck trips per day to this section of SR 86. An air toxics analysis should be done.

Now I also have reviewed the responses to these comments in the Final Environmental Impact Report ("FEIR") for the proposed Coachella Airport Business Park Development (SCH No. 2023040106) dated March 2026. I comment on these responses in the sections below.

The Project Would Result in a Significant Undisclosed VMT Impact

The FEIR states that the project would result in a significant VMT impact (DEIR, p. 4.17-31) but that this impact is limited to the large warehouse use. In my August 2025 comments, I explained that all of the non-retail uses would result in significant VMT impacts – not just the warehouse – and the approach used in the DEIR of analyzing these uses separately as part of “mixed-use” development was inappropriate. The FEIR failed to correct this error.

The FEIR continues to assert:

The project includes multiple non-residential land uses which is considered as a mixed-use project. (FEIR, p 265)

This interpretation is unsupported and contrary to the generally accepted usage of “mixed use,” as I documented in my August 2025 comments. My comments explained that the label “mixed-use” is generally applied to walkable, relatively dense mixes of residential with retail and other services.¹ The City’s General Plan Land Use Element similarly describes “mixed-use” area as a mix of residential, retail and commercial, not industrial. For example, the General Plan references “mixed-use” as part of Subarea 2 (Downtown),² Subarea 4 (Harrison Street Corridor – a “pedestrian-oriented mixed-use corridor with a diverse mix of retail, commercial and residential uses),³ Subarea 9 (Central Coachella Neighborhoods),⁴ Subarea 10 (North Employment District – “multi-family residential is also found on the south of the area, in a mixed-use configuration that supports the Downtown Expansion Subarea with nearby residents”),⁵ Subarea 14 (La Entrada – “Regional Commercial and Mixed-Use Development will be located in the western portion...The subarea will contain a diversity of residential neighborhoods”).⁶ By contrast, Subarea 8, where the Project is located, is designated as an “an employment district that contains a variety of industrial and office use” which “prohibit[s] the conversion of this subarea to residential development”.⁷ On this point, my August 2025 comments explained:

This project is not really mixed use, and none of the industrial uses are properly screened from VMT analysis. Even if the definition of “mixed-use” is stretched to cover a project that has no residential use, and is primarily industrial, there is no justification for counting the smaller warehouses in the project as separate small uses that are screened

¹ <https://www.epa.gov/smartgrowth/mixed-use-trip-generation-model> (“Neighborhoods that mix land uses and make walking safe and convenient allow residents and workers to drive significantly less, thereby reducing traffic and realizing other benefits. To help give communities better tools to analyze new development, EPA, in cooperation with the Institute of Transportation Engineers (ITE), worked with leading researchers and practitioners to develop new data and methods to estimate the trip-generation impacts of mixed-use developments.”).

² General Plan, Land Use (LU) Element p. 04-68, available at <https://www.coachella.org/home/showpublisheddocument/9429/638402981406830000>.

³ General Plan, LU, p. 04-70.

⁴ General Plan, LU, p. 04-75.

⁵ General Plan, LU, p. 04-76.

⁶ General Plan, LU, p. 04-81.

⁷ General Plan, LU, p. 04-74.

from VMT analysis. Only the retail uses are properly screened from VMT analysis, because they are small and locally-serving.

The DEIR estimates that the significant VMT finding applies to only 285 of the estimated 741 employees in the large warehouse category. If this is corrected to include all employees except the retail employees, the significant VMT finding applies to 689 of the estimated 741 employees.

The FEIR continues to rely on the same erroneous interpretation of “mixed-use” development and the County Guidelines. The City’s decision to ignore the VMT impacts from the Project’s retail and commercial uses, and focus solely on warehouse VMT, results in significant underestimated (and unmitigated) VMT impacts.

The Significant VMT Impact is Only Partially Mitigated

The DEIR acknowledged that the mitigation proposed in the DEIR only partially mitigated the significant VMT impacts based on a potential 3.55% percent reduction. (DEIR, p. 4-17-33) The FEIR discusses various possible reduction estimates and concludes that the reduction would only be 1.6%. (FEIR p. 267) This is inadequate mitigation. As explained in my August 2025 comments, additional mitigation is available:

The Handbook⁸ states that up to 20.4% reduction is possible with vanpooling when the employer covers “... the capital costs of vehicle acquisition and the labor costs of drivers, either through incentives to current employees or the hiring of dedicated drivers.” (Handbook, p. 104) The Handbook definition requires substantial payments by employers above wages; but the DEIR condition requires no additional payments, and only paperwork to make the employee costs pre-tax. Therefore, the Handbook formula is not applicable to the DEIR condition.

To achieve the maximum possible VMT reduction, the DEIR vanpool condition should be rewritten to match the Handbook definition.

The FEIR does not include any evidence that this measure would be infeasible for the Project.

The FEIR’s Air Quality Analysis Overestimates VMT Mitigation

In my August 2025 comments, I noted that the DEIR air quality analysis assigned a 5% VMT reduction from mitigation and applied it to the entire project (DEIR Appendix B, PDF p. 113, 186-187), and that this is inconsistent with the 3.55% reduction that applied only to the large warehouse. As noted above, the FEIR has substituted an estimate of only a 1.6% VMT reduction, again applied only to the large warehouse. Therefore, the discrepancy in the air quality analysis is even greater than I stated in my August 2025 comments. Nevertheless, the FEIR has not corrected this deficiency. Instead, it argues that correcting this deficiency would not result in significant air quality impacts. (FEIR, p. 268). The FEIR insists on relying on an inaccurate analysis. To the contrary, the air quality analysis should be redone so that the VMT mitigation assumptions are consistent.

⁸ Air Pollution Control Officers Association (“CAPCOA”) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (2021).

The FEIR Underestimates Truck Trip Lengths in the Air Quality Analysis

The FEIR's air quality analysis applies CalEEMod default trip lengths with an average trip length of 8.62 miles for the industrial uses. (DEIR Appendix B, PDF p. 186-187) As referenced in my August 2025 comments, the South Coast Air Quality Management District (SCAQMD) recommends that large truck trip lengths should be set to the distance from the Ports of Long Beach and Los Angeles.

The FEIR argues that CalEEMod default trip distances are appropriate because they "... vary for each region of the State and are based on empirical evidence provided in the CalEEMod User Guide." (FEIR p. 42) In the CalEEMod documentation, the source for these trip distances is "California MP/RTPA. 2021. Excel database of travel demand model data." These numbers are not data, they are numbers extracted from models and entered into CalEEMod. Many of these regional models do not model trucks well, and the distances applied do not differentiate between truck trips and other trips. Therefore, they are not truck trip distances supported by "empirical evidence as claimed in the FEIR.

The Project site is about 150 miles from the Ports of Los Angeles and Long Beach and the SCAQMD recommended heavy truck trip length is 150 miles. The air quality analysis should be redone to account for longer truck trip lengths.

An Air Toxics Analysis Should Be Done

SCAQMD prepared draft significant thresholds for that address cumulative health risk impacts from warehouse and industrial projects.⁹ This project would contribute to an existing pollution burden by increasing truck traffic. The DEIR estimates that the project will generate 1,342 truck trips per day (DEIR Appendix I, Table 1-4, p. 5). The DEIR further estimates that 35% of daily trips will travel on SR 86 to the north of Airport Boulevard (DEIR Appendix I, Figure 1-2, PDF p. 20). Therefore, the project is estimated to add 470 truck trips per day to SR 86 north of Airport Boulevard and exacerbate the existing cancer risk problem.

The FEIR argues that the draft SCAQMD protocols are inapplicable:

... the draft SCAQMD protocols are for warehouses that are over 100,000 square feet, which would not apply to the proposed Project. Therefore, the working group thresholds that have not yet been adopted by the SCAQMD are not applicable to the proposed Project. (FEIR, p. 274)

This assertion is false. The FEIR states that the project includes:

Phase I

- Large Warehouse – 110,900 square feet (sf)
- Small Warehouse – 24,000 sf
- Small Business – 31,500 sf
- Personal Vehicle Storage Facilities – 38,400 sf
- Self-storage – 67,300 sf
- Fast Food Restaurant with Drive Through – 4,650 sf

⁹ https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13, November 6, 2024.

- Service Station with Convenience Store – 10 vehicle fueling positions and 4,000 sf Convenience Store

Phase II

- Large Warehouse – 48,800 sf
- Small Warehouse – 52,800 sf
- Small Business – 22,500 sf
- Personal Vehicle Storage Facilities – 38,400 sf

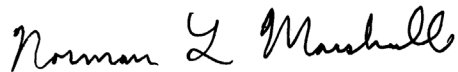
Phase III

- Large Warehouse – 73,400 sf
- Small Warehouse – 19,200 sf
- Small Business – 27,000 sf
- Self-storage – 61,300 sf (DEIR, p. 4.17-5)

The first entry in the list is a warehouse greater than 100,000 sq. ft., and the DEIR VMT analysis considers all three “large warehouse” entries as a single 233,100 sq. ft. warehouse. (DEIR, p. 4.17-30) Therefore, the FEIR excerpt reproduced above is clearly wrong. The entire project includes six warehouse phases totaling 307,500 sq. ft. that should be analyzed together because splitting up the warehouse space does not reduce the impacts.

The FEIR’s claim that the draft protocols are inapplicable is thus unsupported.

Sincerely,

A handwritten signature in black ink that reads "Norman L. Marshall". The signature is written in a cursive, flowing style.

Norman L. Marshall

EXHIBIT C

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WILSON
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3/31/2026

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**Re: Response to Comments on Noise Study
Coachella Airport Business Park Project
RWDI Reference No. 2601901_01**

Dear Aidan P. Marshall,

Wilson Ihrig has reviewed the Response to Noise Related Public Comments (RTC) prepared by AMBIENT Air Quality & Noise Consulting, dated October 21, 2025. The RTS is largely unresponsive and does not address potentially significant operational and construction impacts.

POTENTIALLY SIGNIFICANT CONSTRUCTION IMPACTS – RTC 16.4, 16.25, 16.26, 16.27

The RTC is unresponsive to our previous comments about inadequate construction noise criteria. The DEIR shows predicted construction noise levels without mitigation as high as 89 dBA and fails to provide increase-based criteria for construction. These levels are up to 30 dB above the measured ambient during construction hours. The RTC incorrectly claims that such increases would only be of concern during evening and nighttime hours. CEQA requires evaluating “generation of a substantial temporary or permanent increase in ambient noise levels” [DEIR p. 4.13-15] and the FTA Manual states that “project construction noise criteria should account for the existing noise environment” [FTA, p. 179]. Neither specifies only nighttime hours.

The RTC incorrectly claims that Figure 3-6 does not pertain to construction activities because they are “short term.” The RTC goes on to compare construction activity to noise from leaf blowers and garbage collection, activities that occur for brief periods of time and not on a daily basis. This comparison is not appropriate. As shown in the DEIR, the City of Coachella Municipal Code allows construction between 6 a.m. and 5:30 p.m. on weekdays (11.5 hours per day) and 8 a.m.-5 p.m. on weekends (9 hours per day) [DEIR, p. 4.13-15]. The air quality analysis assumed 9 hours of operation per day for 3.2 years [DEIR, p. 4.3-16]. Construction levels of 89 dBA for 9 hours a day would raise the measured Ldn from 70 dBA to 85dBA. The FEIR does not address why such an increase in ambient levels would be acceptable.

The RTC is unresponsive to our previous comments regarding the inadequate construction noise mitigation measures. The RTC claims that the RCNM levels used in the DEIR analysis were based on construction equipment measurements in the 70s and 90s and that modern equipment with mufflers would be 10 dB quieter. Firstly, the equipment reference levels in the original RCNM are mostly from the late 90s and 2000s, not the 1970s. The current RCNM 2.0 has updated these libraries with more recent measurements, based on a 2018 NCHRP report. While some equipment levels are up to 10 dB quieter, many are the same or even louder. And, as previously stated, the assumption that mufflers were not used in the 2000s is incorrect and they only reduce engine noise, not other construction activities. Finally, the RTC does not address the lack of noise barriers in Mitigation Measure Noise-1, which would reduce levels of all equipment, as long as they properly block line of sight, by 8-10 dB.



POTENTIALLY SIGNIFICANT OPERATIONAL IMPACTS – RTC 16.28, 16.29, 16.30

The RTC claims that the warehouse isn't designed for 24 hour operation because it is not a large cube-storage. This contradicts the DEIR which clearly states that the air quality analysis assumed 24 hour operations [DEIR p. 4.3-16]. The RTC does not address this discrepancy in the air and noise analysis.

Further, the RTC claims, without evidence, that a single-event analysis is inappropriate for slow truck activity on site. The RTC points to lower speeds of trucks entering the site, which is already addressed in our previous letter. The response does not address the impact nighttime truck activity on site would have on local residences.

Mitigation measures could include operational conditions such as prohibiting line-haul trucks during nighttime hours, or routing nighttime line-haul trucks away from residential areas, or off-site mitigation in the form of new windows and mechanical ventilation for bedrooms affected by the nighttime line-haul operations.

Please feel free to contact me with any questions on this information.

Yours truly,

Wilson Ihrig / RWDI

Ani Toncheva
Senior Acoustician



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Via Email

March 31, 2026

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Oscar Fonseca, Vice Chair
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**Re: Comment on Final Environmental Impact Report, Coachella Airport
Business Park (SCH 2023040106) April 1, 2026, Planning Commission
Agenda Item 3**

Dear Chair Murillo, Vice Chair Fonseca, Honorable Commissioners, Ms. Criste, and Ms. Sepeda:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Final Environmental Impact Report ("FEIR") prepared for the Coachella Airport Business Park (SCH No. 2023040106), which proposes the development of a mixed-use business park with 624,500 square feet for industrial uses located at the northwest corner of the intersection of State Route 86 and Airport Boulevard (APNs 763-330-013, -018, and -029) in the City of Coachella ("Project"), which is scheduled to be heard by the Planning Commission on April 1, 2026 as Agenda Item 3.

SAFER is concerned that the FEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's significant and unavoidable VMT impact. SAFER requests that the Development Services Department address these

March 31, 2026

Comment on Final Environmental Impact Report, Coachella Airport Business Park (SCH 2023040106)

Page 2 of 2

shortcomings in a revised environmental impact report (“REIR”) and recirculate the REIR prior to considering approvals for the Project.

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

Sincerely,

A handwritten signature in blue ink that reads "Brian B. Flynn". The signature is written in a cursive, flowing style.

Brian B. Flynn
Lozeau Drury LLP