

Comment Letter S1 – California Department of Fish and Wildlife
Heather Pert, Acting Environmental Program Manager



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 6, 2022
Sent via email

Christina Taylor
City of Beaumont
550 E. 6th Street
Beaumont, CA 92223

Subject: Draft Environmental Impact Report, Beaumont Summit Station Project,
State Clearinghouse No. 2021090378

Dear Ms. Taylor:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Draft Environmental Impact Report (DEIR) for the Beaumont Summit Specific Plan Project (Project), State Clearinghouse No. 2021090378, pursuant the California Environmental Quality Act (CEQA) statute and guidelines¹. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants, and their habitats. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code (Fish & G. Code).

S1-1

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

S1-2

CDFW may also act as a Responsible Agency regarding any discretionary actions under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381, such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code Sections 1600

¹CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

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et seq.), a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (Fish & G. Code Sections 2080 and 2080.1) and/or for administering the Natural Community Conservation Planning Program (NCCP). CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County MSHCP per Section 2800, et seq., of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit. CDFW is providing the following comments as they relate to the Project's consistency with the MSHCP and the CEQA.

PROJECT DESCRIPTION SUMMARY

Project Location

The proposed Project site is in the northwestern portion of the City of Beaumont, California. The Project site is approximately 191 acres located south of Cherry Valley Boulevard, north of Brookside Avenue, and east of Interstate 10 (I-10). All proposed changes associated with the Project are located within areas previously annexed to the City of Beaumont by Local Agency Formation Commission (LACCO). The following Assessor Parcel Numbers (APNs) are associated with the Project site: 407-230-22, -23, -24, -25, -26, -27, -28, 407-190-016, and 407-190-017. The Project is within the boundaries of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

Project Description

The proposed Project, a comprehensive amendment of the Sunny-Cal Specific Plan, includes a General Plan Amendment, Specific Plan Amendment, Tentative Parcel Map, Plot Plan Approval, and a Development Agreement. The Project site is divided into five parcels, with Parcels 1, 2, and 3 designated for e-commerce uses with supporting office. Parcel 4 would include the development of up to 150,000 square feet of commercial uses, including a four-story hotel, restaurant, and retail. Parcel 5, located in Planning Area 3 along the southern portion of the Project site, would remain as open space. The existing General Plan designation of Single Family Residential would be amended to Open Space in Parcel 5.

S1-3

COMMENTS AND RECOMMENDATIONS

CDFW's comments and recommendations on the DEIR are explained below.

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General Comments

MSHCP Implementation Concurrent with CEQA

The DEIR includes a Biological Resources and MSHCP Consistency Report that discusses, among other items, the Project's impacts to riparian/riverine areas and proposed mitigation to offset these impacts. However, the DEIR does not indicate if a Determination of Biologically Equivalent or Superior Preservation (DBESP) report will be sent to the Wildlife Agencies for review and response prior to the City's approval of the DBESP.

The City of Beaumont's Resolution No. 2004-58, which established procedures and requirements for implementation of the MSHCP, requires that upon the City's initiation of a project that is subject to CEQA, the City shall be required to comply with the procedures and requirements of the MSHCP. The proposed Project is a MSHCP Covered Activity and subject to MSHCP implementation procedures. Sections 6.1.2, 6.1.3, and 6.3.2 of the MSHCP require that if an avoidance alternative is not feasible and a practical alternative is instead selected, a DBESP shall be made by the Permittee and Wildlife Agencies shall be notified and be provided a 60-day review and response period prior to approval of the DBESP. The Wildlife Agencies request that the DEIR is revised to indicate that a DBESP will be sent to the Wildlife Agencies for a 60-day review and response period prior to the City approving the DBESP. Further, MSHCP implementation should be completed prior to adoption of the DEIR.

S1-4

CDFW requests the following mitigation measure, highlighted in bold, is added to the DEIR.

MM BIO-X:

The proposed Project is an MSHCP Covered Activity and subject to the MSHCP implementation procedures. Prior to adoption and approval of the DEIR, the City of Beaumont will ensure full implementation of the Western Riverside County Multiple Species Habitat Conservation Plan for the Project, which includes, but is not limited to, sending a Determination of Biologically Equivalent or Superior Preservation to the California Department of Fish and Wildlife and the US Fish and Wildlife Service for a 60-day review and response period prior to the City approving the DBESP and finalizing the DEIR.

S1-5

Mitigation Measures for Project Impacts to Biological Resources

On-site Avoided Riparian/Riverine Areas

The DEIR indicates that Planning Area 3, which includes approximately 6.07 acres of riparian/riverine areas, will be avoided by the Project and left as open space. However, Planning Area 3 is not proposed in the DEIR to be protected under any legal instrument

S1-6

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such as a conservation easement or deed restriction and therefore the area is subject to possible development in the future. MSHCP Section 6.1.2 requires that Permittees, through the CEQA process, ensure that project applicants develop project alternatives demonstrating efforts that first avoid, and then minimize direct and indirect effects to the wetlands. If an avoidance alternative is selected, measures shall be incorporated into the project design to ensure the long-term conservation of the areas to be avoided, and associated functions and values, through the use of deed restrictions, conservation easement, or other appropriate mechanism.

CDFW requests the following mitigation measure, highlighted in bold, is added to the DEIR.

MM BIO-Y:

Avoided riparian/riverine areas, and associated functions and values, will be conserved through the use of deed restrictions, conservation easement, or other appropriate mechanisms.

Mitigation for Impacts to Riparian/Riverine Areas

The DEIR also indicates that approximately 2.41 acres of riparian/riverine areas will be permanently impacted by the Project and that these impacts will be offset through the purchase of mitigation credits from Riverpark Mitigation Bank. The Biological Resources Assessment included with the DEIR indicates that Planning Area 3 contains riparian/riverine areas with native vegetation cover including mulefat scrub and documented observation of least Bell's vireo. Given the existing habitat value of onsite riparian/riverine areas and the potential to enhance the function of these onsite resources, the CDFW recommends that the City revise the Project's mitigation to identify the conservation and restoration of the riparian/riverine areas within Planning Area 3 as the preferred mitigation strategy. The conservation and restoration of riparian/riverine areas onsite would provide habitat value for local wildlife and benefit downstream riparian/riverine resources in San Timoteo Creek and the Santa Ana River. The conservation and restoration of riparian/riverine areas located within the proposed avoidance area onsite could provide mitigation that is biologically equivalent or superior to a Project strategy that avoids all impacts to riparian/riverine areas. The Riverpark Mitigation Bank is located in the San Jacinto River Watershed while Project impacts are located in the Santa Ana River Watershed. If mitigation credits were purchased at Riverpark Mitigation Bank as compensatory mitigating for the Project impacts, this mitigation strategy would result in a loss of riparian/riverine areas within the Santa Ana River watershed.

S1-7

CDFW recommends the following revisions to Mitigation Measure (MM) BIO-4. Requested additions are identified in bold and requested removals are identified in strikethrough.

MM BIO-4

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[...]

~~A minimum 1:1 mitigation ratio (0.25 acre USACE/0.25 acre RWQCB/2.41 acres CDFW) is typically required, though ratios may be higher. The MSHCP requires that mitigation for impacts to riparian/riverine areas that cannot be avoided is biologically equivalent or superior to a strategy that avoids all impacts to riparian/riverine areas. Compensatory mitigation to offset impacts to jurisdictional aquatic fish and wildlife resources may be implemented through onsite or offsite, permittee-responsible mitigation, in-lieu fee program or mitigation bank credit purchase (e.g., Riverpark Mitigation Bank), or a combination of these options depending on availability. The proposed compensatory mitigation strategy is the onsite conservation and restoration of riparian/riverine areas in the avoided, open-space areas within Planning Area 3. The proposed mitigation strategy is the purchase of 4.82 re-establishment and/or rehabilitation credits (2:1 mitigation ratio) from the Riverpark Mitigation Bank. The regulatory agencies will make the final determination of the final compensatory mitigation requirements during the permit evaluation process. Prior to issuance of a grading permit, the Project applicant will provide the City of Beaumont with purchase confirmation of completion of the appropriate regulatory permits.~~

S1-8

Protecting Burrowing Owls

The DEIR indicates that suitable burrowing owl habitat was found throughout the Project site, but focused burrowing owl surveys did not identify any burrowing owls using the site. MM BIO-2 indicates that pre-construction surveys would be completed, and any burrowing owls identified onsite would be relocated/excluded outside of the breeding season.

There is the potential for burrowing owls to start using burrows on the Project site prior to initiation of Project activities or during Project construction activities. Burrowing Owl Species Objective 6 in Section 9.2 of the MSHCP states that take of active nests will be avoided; therefore, appropriate avoidance and minimization measures need to be identified in the DEIR to protect burrowing owls during burrowing owl nesting season.

To help the Project avoid the take of active nests, CDFW requests the following revisions to MM BIO-2. Requested additions are identified in bold and requested removals are identified in ~~strikethrough~~.

S1-9

MM BIO-2

A qualified biologist will conduct a pre-construction presence/absence survey for burrowing owls between ~~within~~ 30 and 60 days prior to site disturbance. Additional pre-construction focused surveys for burrowing owls will be conducted within three days prior to site disturbance including vegetation clearing. If the pre-construction surveys confirm occupied burrowing owl

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habitat, or if burrowing owls are detected after the Project has started, then construction activities shall be halted immediately. If burrowing owls are documented on-site, CDFW will be notified within 48-hours of detection and the take of active nests will be avoided. To avoid take of active nests, a qualified biologist will develop a Burrowing Owl Plan that describes avoidance, relocation, monitoring, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The owls will be relocated/excluded from the site outside of the breeding season following accepted protocols, as specified in the MSHCP. The Burrowing Owl Plan will be reviewed by the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and the Western Riverside County Regional Conservation Authority.

Protecting nesting birds

MM BIO-3 in the DEIR relates to avoidance and minimization measures to protect of nesting birds. The measure identifies specific dates for the nesting bird season. CDFW staff have observed that changing climate conditions may result in the nesting bird season occurring earlier and later in the year than the date range identified in these mitigation measures. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. These regulations apply anytime nests or eggs exist on the Project site.

S1-10

To help the Project applicant avoid unlawfully taking nests and eggs, CDFW recommends that references to the date range of the nesting bird season are removed from MM BIO-3. CDFW requests the following revisions to MM BIO-3. Requested additions are identified in bold and requested removals are identified in strikethrough.

MM BIO-3

To ensure compliance with California Fish and Game Code sections 3503, 3503.5, and 3513 and to avoid potential impacts to nesting birds,
~~Vegetation clearing and ground-disturbing activities should shall be conducted outside of the bird nesting season (February 1 through August 31). If avoidance~~

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of the nesting season is not feasible, then a qualified biologist will conduct a nesting bird survey within three days prior to any disturbance of the site, including but not limited to vegetation clearing, disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species observed, and the buffer areas shall be avoided until the nests are no longer occupied, and the juvenile birds can survive independently from the nests. During construction activities, the qualified biologist shall continue biological monitoring activities at a frequency recommended by the qualified biologist using their best professional judgment. If nesting birds are detected, avoidance and minimization measures may be adjusted and construction activities stopped or redirected by the qualified biologist using their best professional judgement to avoid Take of nesting birds.

CDFW CONCLUSIONS AND FURTHER COORDINATION

CDFW appreciates the opportunity to comment on the Beaumont Summit Station Project to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. CDFW requests that the City of Beaumont address CDFW's comments and concerns prior to adoption of the EIR.

S1-11

Questions regarding this letter or further coordination should be directed to Jacob Skaggs at jacob.skaggs@wildlife.ca.gov.

Sincerely,

Officially signed by
Heather Pert
OP424600143441

Heather Pert
Acting Environmental Program Manager

cc:

Carly Beck, Acting Senior Environmental Scientist Supervisor
Inland Deserts Region

Office of Planning and Research, State Clearinghouse, Sacramento
Rollie White, U.S. Fish and Wildlife Service

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Responses to Comment Letter S1 – California Department of Fish and Wildlife
Heather Pert, Acting Environmental Program Manager

S1-1 Comment noted.

S1-2 Comment noted.

S1-3 Comment noted.

S1-4 Comment noted. A DBESP was prepared as part of the DEIR. Refer to **Appendix C3** of the DEIR. Additionally, the DEIR has been revised to include a mitigation measure for agency DBESP review and comment period. Refer to **Section 3.0, Errata**, of this FEIR.

S1-5 Refer to response to comment S1-4 above.

S1-6 Comment noted. The DEIR has been revised to include a new mitigation measure to include protection for Planning Area 3 under a legal instrument such as a conservation easement, deed restriction, or other appropriate mechanism. Refer to **Section 3.0, Errata**, of this FEIR.

S1-7 Comment noted. The DEIR has been revised to include a mitigation proposal that satisfies CDFW, RWQCB, and USACE's mitigation requirements. A pre-application meeting with the regulatory agencies will be requested to clarify potential compensatory mitigation opportunities. Refer to **Section 3.0, Errata**, of this FEIR.

S1-8 Refer to response to comment S1-7, above.

S1-9 The Biological Resources Assessment (**Appendix C1** of the DEIR) and EIR burrowing owl pre-construction mitigation measure have been revised per the commenter's request. Refer to **Section 3.0, Errata**, of this FEIR.

S1-10 The Biological Resources Assessment (**Appendix C1** of the DEIR) and EIR nesting bird mitigation measure have been revised per the commenter's request. Refer to **Section 3.0, Errata**, of this FEIR.

S1-11 Comment noted.

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Comment Letter R1 – Santa Ana Regional Water Quality Control Board

Terri S. Reeder, PG, CEG, CHG
Supervisor, Coastal Waters Planning and CEQA Section



Santa Ana Regional Water Quality Control Board

May 12, 2022

Christina Taylor
Community Development Director,
City of Beaumont
550 E. 6th Street
Beaumont, CA 92223

Email CTaylor@BeaumontCA.gov

**DRAFT ENVIRONMENTAL IMPACT REPORT, BEAUMONT SUMMIT STATION
SPECIFIC PLAN PROJECT, TRACT MAP NO. 36583, CITY OF BEAUMONT, SCH
NO. 2021090378**

Dear Ms. Taylor:

Staff of the Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) has reviewed the Draft Environmental Impact Report (DEIR) for the Beaumont Summit Station Specific Plan, Tract Map No. 36583 (Project). The Project is proposed for the former Sunny-Cal Egg Ranch site in Beaumont, located along the south side of Cherry Valley Boulevard and north of Brookside Avenue and Interstate 10 (I-10).

The Beaumont Summit Station Specific Plan for non-residential buildings would replace the current Sunny-Cal Egg Ranch Specific Plan (497 low-density residences on 158.6 acres). As proposed, three commercial buildings would be constructed on 145.4 acres of a larger rectangular 188-acre Project site that drains toward the west and southwest. Passive open space (31 ac) would be dedicated to protect a natural drainage flowing west along the south side of the site (a detention basin would be built between this southern drainage and the buildings). This southern drainage curves to the northwest. Three smaller drainages originate on the west side of the site and join the southern drainage offsite. West of the site, this consolidated drainage flows through culverts beneath Cherry Valley Boulevard and I-10. While this onsite/offsite drainage system is not heavily vegetated, six sensitive species have been observed in it (DEIR p.4.3-8), including the federally endangered Least Bell's vireo in 2021.

Santa Ana Water Board staff recommends that the DEIR incorporate the following comments in order for the Project to best protect water quality standards (numerical and narrative water quality objectives, designated beneficial uses, and the antidegradation policy), as defined in the Water Quality Control Plan for the Santa Ana River Basin (i.e., Basin Plan):

R1-1

R1-2

R1-3

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

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

Ms. Christina Taylor

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May 12, 2022

The western edge of the Project construction footprint would cover the heads of the three tributary drainages referenced above (DEIR p.3-17 and site exhibits). The Project would permanently impact 0.25 ac (3,072 linear feet) of non-wetland waters of the U.S. and state. We understand that the 0.25 ac of federal waters is jurisdictional to the U.S. Army Corps of Engineers (Jurisdictional Delineation Table 1-2) and subject to a Clean Water Act Section 404 Permit. These 0.25 ac of federal waters are included within permanent impacts to both 2.17 ac of vegetational streambed and 0.24 ac of riparian habitat that are jurisdictional to the California Department of Fish and Wildlife (CDFW) as a combined 2.41 acres of waters of the state. The Santa Ana Water Board also accepts jurisdiction for these 2.41 acres of waters of the state (not only for the federal waters). Any additional acreage receiving temporary impacts must be separately reported with mitigation.

R1-4

Compensatory mitigation for the 2.41 ac to be permanently lost is primarily proposed to be the purchase of rehabilitation credits at a 2:1 ratio. Therefore, the DEIR (Mitigation Measure BIO-4) proposes the purchase of 4.82 acres of credits along the San Jacinto River in the Riverbank mitigation bank.

R1-5

The Final EIR should note that on May 26, 2015, the Santa Ana Water Board issued to the previous site developer, CV Communities LLC, a Clean Water Act Section 401 Water Quality Standards Certification (Certification; File No. 332014-20) for the Sunny-Cal Egg Ranch Specific Plan, as a prerequisite to Nationwide Permits Nos. 29 and 43 (404 Permit issued by the U.S. Army Corps of Engineers). This current Specific Plan, and expired Certification with a five-year review period, has never been implemented. Therefore, a new application with filing fee and project fee must be submitted by the new applicant, following consultation with our staff.

R1-6

Our 2015 Certification permitted dredge and fill discharges to waters of the U.S. only (0.23 ac and 3,402 linear feet), with mitigation to be conducted at a 3:1 ratio. However, Santa Ana Water Board staff believe that the new permit should expand coverage to the above-referenced 2.41 acres of impacted state waters, stream-related habitat, and the added importance of sensitive species. Further, the original 3:1 ratio should be retained as more appropriate to this higher level of impacted resources. Permitting for the proposed impacts to 2.41 acres of both state and federal waters with a minimum mitigation of 7.23 ac (3 X 2.41 ac) will require the issuance of waste discharge requirements (WDRs) from our office, instead of a new Certification. The same application may be used for either WDRs or a Certification. Please direct the applicant to the Santa Ana Water Board's Certification link:
https://www.waterboards.ca.gov/santaana/water_issues/programs/401_Certification

R1-7

The Final EIR should consider that the impacted acreage of site drainages, and consequent application and mitigation fees, could be lessened through the Reduced Building Intensity Alternative (DEIR p. 1-5). This would constitute the Environmentally Superior Alternative under CEQA and we understand that it would shrink the Project's construction footprint by 15 percent. While the proposed Project footprint would have its western edge erase the "heads" of the three tributary drainages referenced above, we note that if more of the footprint could be withdrawn from those drainages and their

R1-8

Ms. Christina Taylor

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May 12, 2022

impacted hydrology, then less acreage would require mitigation. If possible, an agreement to plant and permanently preserve all remaining drainages south and west of the Project footprint could potentially provide the optimum mitigation in this case.

If you have any questions, please contact Glenn Robertson of our Coastal Waters Planning and CEQA Section at (951) 782-3259 and Glenn.Robertson@waterboards.ca.gov, or me at (951) 782-4995 and Temi.Reeder@waterboards.ca.gov

Sincerely,

Terri S. Reeder 
Water Board

Digitally signed by
Temi S. Reeder
Date: 2022.05.12
14:55:43 -0700

Temi S. Reeder, PG, CEG, CHG
Supervisor, Coastal Waters Planning and CEQA Section

U.S. Army Corps of Engineers, Los Angeles office – Stephen Estes
Stephen.M.Estes@usace.army.mil

California Department of Fish and Wildlife, Ontario – Breanna Machuca,
Breanna.Machuca@wildlife.ca.gov

U.S. Fish and Wildlife Service, Palm Springs – Karin Cleary-Rose
Karin.Cleary-Rose@fws.gov

Drive H: Grobertson/Data/CEQA/CEQA Responses/Riverside County/Beaumont/Summit Project, MND, former Sunny-Cal site, Tract 36583, Beaumont 3rd.doc

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Responses to Comment Letter R1 – Santa Ana Regional Water Quality Control Board

**Terri S. Reeder, PG, CEG, CHG Supervisor, Coastal Waters
Planning and CEQA Section**

R1-1 This comment acknowledges that the Regional Water Quality Control Board, (Santa Ana Water Board) has received the DEIR. The commentor also acknowledges the location of the Project.

R1-2 The commentor is describing the Project, as identified in the DEIR.

R1-3 Comment noted.

R1-4 Comment noted. In light of RWQCB's comments on the DEIR for this specific project and associated on-site aquatic resources, the pending RWQCB application and DEIR has been updated to reflect that the on-site jurisdiction for the RWQCB and CDFW are the same. Refer to **Section 3.0, Errata**, of this FEIR.

R1-5 Comment noted.

R1-6 Comment noted. The prior project 401 Certification was not implemented and has expired. A new application with filing fee and project fee will be submitted after a Consultation meeting with the Corps of Engineers. A new application will be submitted to the RWQCB.

R1-7 Comment noted. The Biological Resources Assessment (**Appendix C1**) and the DEIR has been revised to include a mitigation proposal that satisfies CDFW, RWQCB, and USACE's mitigation requirements. A pre-application meeting with the regulatory agencies will be requested to clarify potential compensatory mitigation opportunities. Refer to **Section 3.0, Errata**, of this FEIR.

R1-8 Refer to response to comment R1-7 above. Additionally, as identified on page 6-19 of the DEIR, under the Reduced Building Intensity Alternative, the construction footprint would be smaller due to the 15 percent reduction in e-commerce building space and associated amenities. This would result in a smaller area of disturbance, leading to a reduction in impact to floodplain and hydrological resources, and water quality due to reduced grading, excavation, or construction activities. As with the proposed Project, mitigation measures would not be required to reduce hydrology and water quality impacts to a level of less than significant. Lesser impacts would occur with implementation of the Alternative 2 due to the reduced footprint. Additionally, the DEIR also determined that the Reduced Building Intensity Alternative would also be the environmentally superior Alternative because it would reduce some of the potentially significant impacts of the proposed Project. However, while the Reduced Building Intensity Alternative is the environmentally superior Alternative, it is not capable of meeting all of the basic objectives of the Project.

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Comment Letter R2 – South Coast Air Quality Management District

Dung Nguyen

Christina Taylor

From: Dung Nguyen <dnguyen1@aqmd.gov>
Sent: Friday, May 13, 2022 11:12 AM
To: Christina Taylor
Cc: Lijin Sun
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

Hello Mrs. Taylor.

I have received the email with a OneDrive link and am going through the files to make sure everything works on my end. I will reach out if I encounter any issues. Thank you.

Regards,

Dung Nguyen (*She/Her/Hers*)
Air Quality Specialist, CEQA IGR
Planning, Rule Development & Area Sources
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
Please note South Coast AQMD is closed on Mondays.

From: Christina Taylor <Ctaylor@beaumontca.gov>
Sent: Friday, May 13, 2022 10:25 AM
To: Dung Nguyen <dnguyen1@aqmd.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

I just sent an email with a link. Please let me know if you receive it.

CHRISTINA TAYLOR
Community Development Director

City of Beaumont
550 E. 6th Street, Beaumont, Ca 92223
Desk (951) 572-3212
BeaumontCa.gov
[Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Dung Nguyen <dnguyen1@aqmd.gov>
Sent: Friday, May 13, 2022 8:22 AM
To: Christina Taylor <CTaylor@beaumontca.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

Hello Mrs. Taylor,

I will be calling you shortly to figure it out because I didn't have it.

Regards,



Dung Nguyen (She/Her/Hers)
Air Quality Specialist, CEQA IGR
Planning, Rule Development & Area Sources
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
Please note South Coast AQMD is closed on Mondays.

From: Christina Taylor <CTaylor@beaumontca.gov>
Sent: Friday, May 13, 2022 8:15 AM
To: Dung Nguyen <dnguyen1@aqmd.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: Re: Technical Data Request: Proposed Beaumont Summit Station Project

I attempted to share the information with you via email a couple days ago. Did you receive it?

CHRISTINA TAYLOR
Community Development Director
City of Beaumont
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BeaumontCa.gov
Facebook | Twitter | Instagram | YouTube

#ACITYELEVATED

From: Dung Nguyen <dnguyen1@aqmd.gov>
Sent: Friday, May 13, 2022 7:23:06 AM

To: Christina Taylor <ctaylor@beaumontca.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

Good Morning Mrs. Taylor,

Thanks for working on the fix. I'm in the process of reviewing the documents, so if you can, please have the data send over to me by today or Monday (5/16/2022).

Thank you, and I appreciate that.

Regards,

Dung Nguyen (She/Her/Hers)
Air Quality Specialist, CEQA IGR
Planning, Rule Development & Area Sources
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
Please note South Coast AQMD is closed on Mondays.

From: Christina Taylor <ctaylor@beaumontca.gov>
Sent: Wednesday, May 11, 2022 10:44 AM
To: Dung Nguyen <dnguyen1@aqmd.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

Good morning,

I am working on a fix. I should have those over to you shortly.

CHRISTINA TAYLOR
Community Development Director

City of Beaumont
550 E. 6th Street, Beaumont, Ca 92223
Desk (951) 572-3212
BeaumontCa.gov
[Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



#ACITYELEVATED

From: Dung Nguyen <dnguyen1@aqmd.gov>
Sent: Wednesday, May 11, 2022 8:57 AM
To: Christina Taylor <CTaylor@beaumontca.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

Good Morning Mrs. Taylor,

I would like to follow up with the technical data requested last week. Do you have any updates on how I can get access to the data or if you can share the data via different links? Thank you!

Regards,

Dung Nguyen (She/Her/Hers)
Air Quality Specialist, CEQA IGR
Planning, Rule Development & Area Sources
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
Please note South Coast AQMD is closed on Mondays.

From: Dung Nguyen
Sent: Friday, May 6, 2022 11:06 AM
To: Christina Taylor <CTaylor@beaumontca.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

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Cc: Lijin Sun <LSun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

Good morning,

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<https://kimley-horn.securevdr.com/d-2cb7045b343e4799>

<https://kimley-horn.securevdr.com/d-6f2bfd11404143a6>

Please let me know if you have any difficulty accessing this data.

Thank you.

CHRISTINA TAYLOR
Community Development Director
City of Beaumont
550 E. 6th Street, Beaumont, CA 92223
Desk (951) 572-3212 Fax (951) 769-8526
Beaumontca.gov

From: Dung Nguyen <dnguyen1@aqmd.gov>
Sent: Wednesday, May 4, 2022 9:42 AM
To: Christina Taylor <Ctaylor@beaumontca.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: Technical Data Request: Proposed Beaumont Summit Station Project

Dear Ms. Taylor,

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E-mail: dnguyen1@aqmd.gov
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Christina Taylor

From: Dung Nguyen <dnguyen1@aqmd.gov>
Sent: Friday, May 13, 2022 9:03 AM
To: Christina Taylor
Cc: Lijin Sun
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

Hello Mrs. Taylor,

Thank you for working on a fix. At this time, the only link I received was on May 6th asking for sign in (please see the below image). I also checked my junk box and didn't get any information you attempted to share with me.

Would it be possible for you to resend the sign-in information or provide the requested technical data using another method? Thank you.

Kimley»Horn

Kimley-Horn Sign In

Client/Guest Sign In

ShareFile is a safe, secure method for sharing files. Click Sign in below to access.

Email

Password

Sign In

Sign In

Remember Me

[Forgot Password?](#)

Regards,

Dung Nguyen (She/Her/Hers)
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Planning, Rule Development & Area Sources
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21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-3531
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From: Christina Taylor <Ctaylor@beaumontca.gov>
Sent: Friday, May 13, 2022 8:15 AM
To: Dung Nguyen <dnguyen1@aqmd.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: Re: Technical Data Request: Proposed Beaumont Summit Station Project

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BeaumontCa.gov
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#ACITYELEVATED

From: Dung Nguyen <dnguyen1@aqmd.gov>
Sent: Friday, May 13, 2022 7:23:05 AM
To: Christina Taylor <CTaylor@beaumontca.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

Good Morning Mrs. Taylor,

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Thank you, and I appreciate that.

Regards,

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Air Quality Specialist, CEQA IGR
Planning, Rule Development & Area Sources
South Coast Air Quality Management District
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Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
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From: Christina Taylor <CTaylor@beaumontca.gov>
Sent: Wednesday, May 11, 2022 10:44 AM
To: Dung Nguyen <dnguyen1@aqmd.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

Good morning,

I am working on a fix. I should have those over to you shortly.

CHRISTINA TAYLOR
Community Development Director

City of Beaumont

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To: Christina Taylor <Ctaylor@beaumontca.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

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Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
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From: Dung Nguyen
Sent: Friday, May 6, 2022 11:06 AM
To: Christina Taylor <Ctaylor@beaumontca.gov>
Cc: Lijin Sun <LSun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

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Desk (951) 572-3212 Fax (951) 769-8526
Beaumontca.gov

From: Dung Nguyen <dnguyen1@aqmd.gov>
Sent: Wednesday, May 4, 2022 9:42 AM
To: Christina Taylor <ctaylor@beaumontca.gov>
Cc: Lijin Sun <lSun@aqmd.gov>
Subject: Technical Data Request: Proposed Beaumont Summit Station Project

Dear Ms. Taylor,

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E-mail: dnguyen1@aqmd.gov
Please note South Coast AQMD is closed on Mondays.

Christina Taylor

From: WB-RBB-RWQCB8 <RWQCB8@waterboards.ca.gov>
Sent: Friday, May 13, 2022 8:39 AM
To: Christina Taylor
Cc: Stephan.M.Estes@usace.army.mil; Machuca, Breanna@Wildlife; Karin_Cleary-Rose@fws.gov
Subject: Beaumont Summit Station DEIR Letter, Santa Ana Water Board
Attachments: Beaumont_Summit_Station_DEIR_GSR.pdf

You have been designated to receive a copy of the attached document.

In an effort to improve efficiency the Santa Ana Regional Water Quality Control Board no longer mails paper copies to those designated to receive copies (cc's) of letters and other documents; these are transmitted through email only.

All large attachments and other documents (such as tentative and adopted orders), will be posted on our website and not attached to this e-mail notification. To access these documents, please see our website at <http://www.waterboards.ca.gov/santaana>.

Document(s) can be viewed using Adobe Acrobat Reader. The free reader can be downloaded from www.adobe.com or from our web site.

If you have any questions or have received this email in error, please reply to this email or contact us at the phone number below.

Thank you

=====

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501
Phone: 951-782-4130
FAX: 951-781-6288
Web: www.waterboards.ca.gov/santaana

Christina Taylor

From: Dung Nguyen <dnguyen1@aqmd.gov>
Sent: Friday, May 13, 2022 8:22 AM
To: Christina Taylor
Cc: Lijin Sun
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

Hello Mrs. Taylor,

I will be calling you shortly to figure it out because I didn't have it.

Regards,

Dung Nguyen (She/Her/Hers)
Air Quality Specialist, CEQA IGR
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To: Christina Taylor <Ctaylor@beaumontca.gov>
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Cc: Lijin Sun <L.Sun@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

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Kimley-Horn Sign In

Client/Guest Sign In

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[Email]

Password:

Sign In

Sign In

Remember me

[Forgot Password?](#)

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E-mail: dnguyen1@aqmd.gov
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Christina Taylor

From: Dung Nguyen <dnguyen1@sqmd.gov>
Sent: Friday, May 13, 2022 7:23 AM
To: Christina Taylor
Cc: Lijin Sun
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

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Sent: Wednesday, May 11, 2022 10:44 AM
To: Dung Nguyen <dnguyen1@sqmd.gov>
Cc: Lijin Sun <LSun@sqmd.gov>
Subject: RE: Technical Data Request: Proposed Beaumont Summit Station Project

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Community Development Director

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Sent: Wednesday, May 4, 2022 9:42 AM
To: Christina Taylor <ctaylor@beaumontca.gov>
Cc: Ujin Sun <U.Sun@aqmd.gov>
Subject: Technical Data Request: Proposed Beaumont Summit Station Project

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Responses to Comment Letter R2 – South Coast Air Quality Management District

Dung Nguyen

R2-1 Comment noted. The City sent the requested information to South Coast Air Quality Management District (SCAQMD) on May 5, 2022, and again on May 13, 2022 once the SCAQMD had trouble accessing the files. SCAQMD acknowledges the receipt of the information they requested.

This page intentionally left blank.

Comment Letter R3 – Riverside Transit Agency
Mauricio Alvarez, Planning Analyst

Christina Taylor

From: Mauricio Alvarez <malvarez@riversidetransit.com>
Sent: Friday, April 22, 2022 8:36 AM
To: Christina Taylor
Subject: Beaumont Summit Station

Good Morning Ms. Taylor,

Thank you for giving Riverside Transit Agency the opportunity to review this development. At this time, RTA has no [R3-1] comments to provide regarding the Beaumont Summit Station.

Thank you,

Mauricio Alvarez, MBA
Planning Analyst
Riverside Transit Agency
p: 951.565.5260 | e: malvarez@riversidetransit.com
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)
1825 Third Street, Riverside, CA 92507

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Responses to Comment Letter R3 – Riverside Transit Authority

Mauricio Alvarez, Planning Analyst

R3-1 Comment noted.

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Comment Letter L1 – County of Riverside, Department of Environmental Health
Kristine Kim, REHS



**County of Riverside
DEPARTMENT OF ENVIRONMENTAL HEALTH**

P.O. BOX 7909 • RIVERSIDE, CA 92513-7909
JEFF JOHNSON, DIRECTOR

5/4/22

City of Beaumont
ATTN: Christina Taylor
550 E. 6th Street
Beaumont CA 92223

**SUBJECT: DEPARTMENT OF ENVIRONMENTAL HEALTH REVIEW OF CITY
OF BEAUMONT SUMMIT STATION**

Dear Ms. Taylor

City of Beaumont Community Development Department is responsible for implementing the requirements of CEQA^[1] for planning projects within their jurisdiction. To ensure compliance with CEQA^[2], City of Beaumont Planners distribute projects to the appropriate Agencies/Departments for review by staff with the specific knowledge and experience to evaluate projects for compliance with State and Local laws/regulations specific to their department and areas of expertise.

Proper review of proposed projects by appropriate staff ensures compliance with state and local laws and regulations as well as provides protection for the citizens of Riverside County and the environment from potential adverse effects of a project.

For Department of Environmental Health (DEH) to conduct a review of projects, the following items will need to be addressed:

REVIEW FEES

Please refer to the attached "Environmental Health Review Fees" Tier chart for the appropriate fees. A minimum initial deposit will be required to conduct reviews. Additional fees may be

^[1] The California Environmental Quality Act (CEQA) CCR Title 14 15065 is a statute that requires state and local agencies to determine whether a project may have a significant effect on the environment.

^[2] A project is an activity which must receive some discretionary approval (meaning that the agency has the authority to deny the requested permit or approval) from a government agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

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L1-1

L1-2

L1-3

required depending on time spent on the project. These fees will need to be collected prior to this Department issuing a final project comments letter.

WATER AND WASTEWATER:

DEH will request information to evaluate a project's water source and method of sewage disposal. Information should be included in exhibits so that DEH can provide further comments as to what will be required for the project.

L1-4

ENVIRONMENTAL CLEANUPS PROGRAM (ECP)

ECP conducts environmental reviews on planning projects to ensure that existing site conditions will not negatively affect human health or the environment. The intent of the environmental reviews is to determine if there are potential sources of environmental and/or human exposures associated with the project, identify the significance of potential adverse effects from the contaminants, and evaluate the adequacy of mitigation measures for minimizing exposures and potential adverse effects from existing contamination and/or hazardous substance handling.

L1-5

HAZARDOUS MATERIALS MANAGEMENT BRANCH (HMMB)

HMMB will review projects to determine if hazardous materials are being handled and will provide further comments as part of the review process as it relates to the project.

L1-6

Should you have any questions regarding this letter, please contact me at (951) 955-8980.

Sincerely,
Kristine Kim, REHS
County of Riverside, Department of Environmental Health
Environmental Protection and Oversight Division
3880 North Lemon Street, Suite 200
Riverside, CA 92501



County of Riverside
DEPARTMENT OF ENVIRONMENTAL HEALTH

P.O. BOX 7909 • RIVERSIDE, CA 92513-7909
JEFF JOHNSON, DIRECTOR

Environmental Health Review Fees
(Planning Case Transmittals for Contracted Cities)

| DESCRIPTION | FEE |
|--|-----------|
| Tier 1 - Water and Sewer verification review • Will Serve Letter • Onsite Wastewater Treatment Systems • Advance Treatment Units • Solis Percolation Report • Issuance of a SAN 53 and/or Comments Letter • Wells • Review if a Phase I ESA is needed Average time 3 hours for review | \$573.00 |
| Tier 2 - Phase I Environmental Site Assessment (ESA) review or additional report reviews • Review of items aforementioned in Tier 1 Average time 7 hours for review | \$1337.00 |
| Tier 3 - Phase II Environmental Site Assessment (ESA) review and additional report reviews, • Review of items aforementioned in Tier 1 and Tier 2 Average time 10 hours for review | \$1910.00 |

L1-7

NOTES TO FEE SCHEDULE:

- The fees noted in the fee schedule are minimum fees to be paid at the time of application filing to cover the average Department cost of review. Should actual costs exceed the amount of the fee, the applicant will be billed for additional costs. Services are charged at a rate of \$191/hour.
- An hourly rate of \$191 shall be charged for other development-related fees which may be required, but are not necessarily limited to, well, and septic system fees.
- An application shall be filed with the Planning Department of the Contracted city prior to submitting any items listed above to this Department for Review. Please provide a copy of the Planning Case transmittal to this Department.

Rev 02/08/22

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Responses to Comment Letter L1 – County of Riverside, Department of Environmental Health
Kristine Kim, REHS

- L1-1** Comment noted.
- L1-2** Comment noted.
- L1-3** Comment noted. Should the Project be approved, the Applicant will be required to pay all applicable fees to the County of Riverside Department of Health.
- L1-4** Comment noted.
- L1-5** Comment noted.
- L1-6** Comment noted.
- L1-7** Comment noted. The City acknowledges the fees presented by the County of Riverside Department of Health.

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Comment Letter L2 – Beaumont Unified School District, Facilities & Planning Team
Diane Mendez

From: [Diane Mendez](#)
To: [Christina Taylor](#)
Subject: Fwd: Summit Station Specific Plan
Date: Thursday, April 21, 2022 12:23:05 PM
Attachments: [2022-04-21 EIR Response Request.pdf](#)

Not sure why this email is bouncing back as not deliverable. Please confirm receipt.

Thank you,
Diane Mende

----- Forwarded message -----
From: Diane Mendez <dmendez@beaumontusd.k12.ca.us>
Date: Thu, Apr 21, 2022 at 12:00 PM
Subject: Summit Station Specific Plan
To: <etaylor@beaumontca.gov>

The Beaumont Unified School District does not have an issue with the Summit Station Specific Plan EIR, notification attached, but would like to take this opportunity to remind the developer that the project is subject to school mitigation fees.

L2-1

The current fee for commercial/industrial projects is \$.66 per square foot. An increase has been approved by the Beaumont Unified School District Board of Trustees of \$.78 per square foot for commercial/industrial projects. The new fee will take effect June 13, 2022. These fees are subject to change annually, and the developer should verify the current rate at the District's website at https://www.beaumontusd.us/apps/pages/Developer_Fees.

L2-2

Thank you,
Diane Mendez

--
*Beaumont Unified School District
Facilities & Planning Team*

Diane M. Mendez - Facilities Coordinator

P.O. Box 187 - 350 Brookside Avenue
Beaumont, CA 92223-0187
Direct: (951) 797-5374
Fax: (951) 845-4561
Email: dmendez@beaumontusd.k12.ca.us

Mission Statement: The Beaumont Unified School District shall provide high-quality educational opportunities for all students in a safe and secure learning environment through a shared commitment among home, school, and community.

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Responses to Comment Letter L2 – County Beaumont Unified School District

Facilities & Planning Team

Diane Mendez

L2-1 Comment noted. As identified on page 7-4 of the DEIR, the Project Applicant would be required to pay school mitigation fees should the Project be approved. The Project applicant would be required to pay the District's current developer impact fees for commercial/industrial use in effect at the time of submitting the building permit application.

L2-2 Refer to response to comment L2-1.

This page intentionally left blank.

Comment Letter L3 – City of Calimesa

Kelly Lucia, M. URP., Planning Manager

Christina Taylor

From: Kelly Lucia <klucia@cityofcalimesa.net>
Sent: Monday, June 06, 2022 9:26 AM
To: Christina Taylor
Subject: Beaumont Summit Station - City of Calimesa Comments on Notice of Availability
Attachments: City of Calimesa_NOA Comment Letter_Beaumont Summit Station_6.6.2022.pdf

Good morning Christina,

Please find attached the City of Calimesa's comments on the Notice of Availability for the Beaumont Summit Station Draft EIR. A hard copy of the letter is also being sent to City Hall to your attention. We look forward to [L3-1] continue working with you on this project.

Thank you,



**Kelly Lucia, M. URP
Planning Manager**

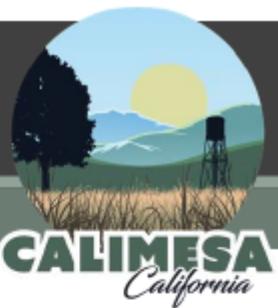
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klucia@cityofcalimesa.net

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June 6, 2022

City of Beaumont
Attn: Christina Taylor, Community Development Director
550 E. 6th Street
Beaumont, CA 92223

SUBJECT: CITY OF CALIMESA COMMENTS ON THE BEAUMONT SUMMIT STATION PROJECT – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT IN COMPLIANCE WITH TITLE 14, SECTION 15087 OF THE CALIFORNIA CODE OF REGULATIONS

Dear Ms. Taylor,

The City of Calimesa (City) has completed a review of the April 2022 Draft Environmental Impact Report (DEIR) for the Beaumont Summit Station Specific Plan Project. The intent of this review is to focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and the mitigation associated with those impacts.

L3-2

In 2016, the City of Calimesa entered into Settlement, Waiver and Release Agreement with the City of Beaumont, Sunny-Cal 1 Inv, LLC and CV Communities, LLC. In that Agreement, the developer of the property that is now proposed to be developed into the Beaumont Summit Station Specific Plan Project agreed to prepare or pay for plans, specifications and estimates ("PS&E") and right-of-way acquisition in the amount of not less than \$1 million for improvements to the Cherry Valley Boulevard/Interstate 10 Interchange. That prior developer also agreed to partially fund a traffic signal at the intersection of Desert Lawn Drive and Brookside Avenue. A more specific and thorough list of items to be funded with the \$1 million commitment from the developer was provided in a companion "Improvement and Credit Agreement for the Transportation Uniform Mitigation Fee Program" which was also entered into between the parties at the same time.

L3-3

The City of Calimesa expects the developer of the Beaumont Summit Station Specific Plan to work with the City of Calimesa to develop a new set of agreements to replace and supersede the agreements referenced above so as to ensure that important and necessary improvements to the Cherry Valley/I-10 Interchange are completed or appropriately funded by the developer of the Beaumont Summit Station Specific Plan Project. Only through the negotiation and execution of specific agreements with the City of Calimesa will the City of Calimesa have confidence that required mitigation and TUMF improvements for impacts in the City of Calimesa, and particularly to the Cherry Valley Boulevard/I-10 Interchange, will occur and be appropriately funded. Unless and until those agreements are executed, the City of Calimesa will continue to insist through the CEQA review and public hearing process that the impacts of the project in Calimesa be fully and completely mitigated.

L3-4

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Project Understanding

The 188-acre project site is the former Sunny-Cal Egg and Poultry Ranch located between Cherry Valley Boulevard and Brookside Avenue east of Interstate 10 (I-10) in the City of Beaumont, California. The site is east of the City of Calimesa. In 2007 the Sunny-Cal Specific Plan was approved by the City of Beaumont for the development of 560 single-family residences with supporting parks, open space and infrastructure on 200 acres. Due to litigation and other delays, the majority of the site was not annexed to the City of Beaumont until 2017. At this time the City of Beaumont is considering the Beaumont Summit Station Specific Plan and has issued a DEIR for this newly proposed project at the site. According to the DEIR, the 188-acre Beaumont Summit Station Specific Plan (project) would include 2,507,465 square feet (sf) of e-commerce uses, 50,000 sf of office space, 100,000 sf of hotel uses (220 rooms), 25,000 sf of retail, 25,000 sf of restaurant, 30.6 acres of open space, and 6.7 acres of roadway right of way.

L3-5

Transportation Comments

The following comments are based on review of the *Traffic Study for the Beaumont Summit Station Project* prepared by Kimley-Horn and Associates, Inc. (KHA) dated February 2022, and Section 4.15 Transportation, of the *Beaumont Summit Station Specific Plan Draft Environmental Impact Report* also prepared by KHA and dated April 2022.

L3-6

1. Project Description, page 1. The traffic study needs to include an analysis of all the proposed driveways, signalized and unsignalized, on Cherry Valley Boulevard to disclose any potential operational impacts to east-west traffic flow on Cherry Valley Boulevard. Per the Project Site Plan (Figure 2), four driveways are shown on Cherry Valley Boulevard, and no direct driveway to Parcel 4 (in Planning Area 2) is shown or noted. There is a 30-foot-wide driveway shown on Parcel 1 (in Planning Area 1), but it is not discussed and analyzed in the traffic study. Furthermore, while the site plan does not show a direct driveway to Parcel 4, Exhibit 3.0-7: Conceptual Circulation Plan in the DEIR, shows a fifth (vehicle) entry point from Cherry Valley Boulevard to Parcel 4. This driveway was also not discussed and analyzed in the traffic study.

L3-7

Furthermore, the TIA indicated two cumulative projects across Cherry Valley Boulevard from the project site: Borstein Property (209 single-family homes) and San Gorgonio Crossing (1,861,000 square feet (SF) of high-cube warehousing (HCW)). The project site plan does not show the proposed driveways and/or intersections from these projects, nor where they included in the 2024, 2027, and 2040 traffic analyses.

L3-8

2. Intersection Analysis – HCM Methodology, page 4: In addition to level of service (LOS) analyses, vehicular queueing impacts, specifically at the Interstate 10 (I-10)/Cherry Valley Boulevard and the project driveways, should be analyzed and disclosed in the traffic study. The proposed project would generate approximately 659 truck trips (1,977 PCE trips), 45 AM peak hour truck trips (135 PCE trips), and 53 PM peak hour truck trips (159 PCE trips) directly to the I-10/Cherry Valley Boulevard interchange. Based on the existing condition traffic analysis, both

↓

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eastbound and westbound ramp intersections at the interchange operate with LOS F conditions in during the AM and PM peak hours. Both off-ramps are single-lane ramps, and all of the roadway approaches at the closely spaced Cherry Valley Boulevard intersections at Roberts Road, eastbound ramps, westbound ramps, and Calimesa Boulevard are all single-lane approaches. Those conditions likely result in significant vehicular queueing on Cherry Valley Boulevard and the I-10 off-ramps and may also impact operations at the project driveways close-by.

In addition, the (Shopoff Realty) San Gorgonio Crossing project (1,861,000 SF of HCW) across the street from the proposed project has been conditioned (Condition of Approval 80.TRANS.12) to provide interim improvements at the I-10/Cherry Boulevard interchange and surrounding network which include traffic signals and additional turn/storage lanes. Similarly, the proposed Beaumont Summit Station project will also be required to construct any additional improvements as well as contribute their fair share to the interim improvements identified in Condition of Approval 80.TRANS.12, their fair share to the ultimate interchange improvements (Alternative 3, a Diverging Diamond Interchange), and all required TUMF fees. The determination of the extent of their fair share costs for interim and ultimate improvements at the interchange shall be coordinated with the City of Calimesa.

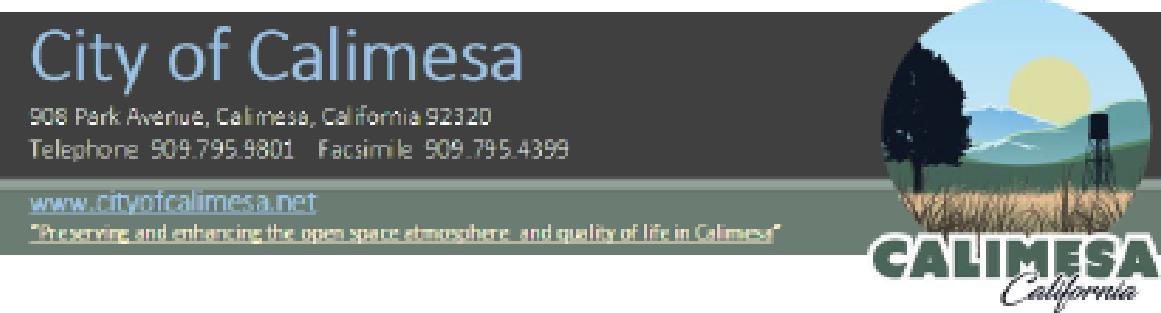
L3-9

3. The Draft EIR states on page 1-8 that the Project would result in significant cumulative transportation impacts but then proposes and imposes no mitigation measures to lessen or reduce that cumulative impact. The California Environmental Quality Act requires that the lead agency must seek to reduce or lessen identified impacts on the environment prior to overriding those impacts with findings of overriding consideration. There is no indication that any reduction or partial reduction of cumulative transportation impacts was attempted as there are no mitigation measures for any transportation impact from the Project. As such the Draft EIR fails to adequately mitigate impacts of the project on transportation systems, including but not limited to Cherry Valley Boulevard.

L3-10

4. On page 4.15-17, the Draft EIR states, in relevant part, "LOS at 19 intersection/driveways under seven scenarios was evaluated and found that under varying scenarios, various study intersections would operate at an unacceptable LOS and therefore not be compliance with [Beaumont GP] Policy 4.1.2. However, the recommended improvements below are proposed in order to bring the intersections to an acceptable LS: . . ." The document then goes on to mention addition of vehicular traffic lanes and other improvements to various intersections, including I-10 East Bound Ramps at Cherry Valley Boulevard, I-10 West Bound Ramps at Cherry Valley Boulevard and Calimesa Boulevard at Cherry Valley Boulevard. However, nowhere does the DEIR require any of these improvements to be made or that any fair share contributions to those intersection improvements be required. Instead, the EIR concludes that "no mitigation measures are required." (page 4-15-19).

L3-11



Without any of the improvements or required fair share payments being required as mitigation measures, the admitted significant impacts to these intersections will be unmitigated. In this way, the conclusion that no mitigation measures are required does not align with the admitted impacts to the intersections listed on pages 4.15-17 and 4.15-18. Unless and until all project impacts to those intersections are appropriately mitigated, the DEIR fails to comply with CEQA.

5. Existing Traffic Volumes, page 10: Existing PM peak hour traffic counts were not adjusted to account for traffic that would have been generated by closed schools and business during the COVID 19 pandemic. Therefore, the existing PM peak hour traffic volumes, which are also the basis of the 2024 and 2027 conditions, do not appropriately reflect existing non-pandemic conditions. Operational impacts during these conditions should be re-evaluated. Existing traffic counts at the study intersections are either historical counts from 2017 or new traffic counts collected in May 2021 while local schools and businesses were closed due to the COVID 19 pandemic. The traffic study indicated that the existing 2021 PM peak hour volumes were not adjusted since they were lower than the 2017 PM peak hour volumes. Regardless, the May 2021 volumes were collected while schools and businesses were closed, and do not reflect non-pandemic conditions (i.e., existing PM peak hour volumes are likely higher than analyzed).

L3-12

6. Figure 4 – Existing Traffic Volumes, page 11: Intersection 2, I-10 westbound ramps/Cherry Valley Boulevard, is missing the northbound (off-ramp) approach peak hour traffic volumes. Upon further investigation of the LOS worksheets in Appendix C, the northbound approach volumes were also not included in the LOS analysis. Therefore, delay and LOS values at this intersection are in error and the analyses should be corrected.

L3-13

7. Opening Year 2024 Cumulative Conditions, page 25: Provide substantial evidence for the use of 2.0% as the ambient annual growth factor. While 2.0% may be considered as a conservative assumption in built-out cities, new land use projects are continually constructed in the cities of Beaumont and Calimesa which may reflect a higher-than-usual annual ambient growth rate.

L3-14

8. Figure 15 – Horizon Year 2040 Traffic Volumes, page 42: Review of the AM peak hour traffic volumes in the eastbound direction at the I-10/Cherry Valley Boulevard interchange shows an increase of 100 vehicles per hour (vph) on the eastbound approach to the westbound ramp intersection. While it is anticipated that traffic volumes at the closely spaced ramp intersection may be slightly different due to rounding and the post-processing of modeled traffic volumes, a discrepancy of 100 vehicles per hour could significantly change the intersections' delay and LOS values. Therefore, the traffic volumes and LOS results at this interchange are in error and should be re-analyzed.

L3-15

However, it should be noted that the 2040 traffic analyses assume the geometrics of the current interchange configuration. The *Interstate 10 (I-10)/Cherry Valley Boulevard Interchange Project Initial Study with (Proposed) Mitigated Negative Declaration/Environmental Assessment* (Caltrans December 2021) indicates that the Preferred Alternative for the interchange is Build Alternative 3,



a Diverging Diamond Interchange (DDI). The 2040 traffic analyses in the traffic study do not reflect this interchange alternative and should be revised accordingly.

9. Recommended Improvements, page 47: The intersection improvements recommended at the intersections in order to be consistent with the City's LOS standards need to show when they are specifically needed (i.e., Opening Years 2024 and/or 2027, and/or Horizon Year 2040 conditions). Otherwise, it is inferred that the improvements are needed by project's Phase 1 opening year of 2024. Furthermore, the calculation of the project's fair-share percentages shown on Tables 13 (2024), 14 (2027), and 15 (2040) are not provided. As noted in this section of the traffic study: *"Recommended improvements may include a combination of fee payments to established programs, construction of specific improvements, payment of a fair-share contribution toward future improvements toward future improvements, or a combination of these approaches."*, the City of Calimesa requests that actual cost estimates (i.e., dollar amounts) be provided for the improvements at each intersection. The City of Calimesa further requests backup calculation sheets in an appendix documenting the calculation of the fair-share.

L3-16

10. I-10/Cherry Valley Boulevard Interchange, page 49: More detailed and specific information on the I-10/Cherry Valley Boulevard interchange project needs to be provided in order to understand the context of the needed improvements. This information should include the following: status of the interchange's environmental process; WRCOG's Transportation Uniform Mitigation Fee (TUMF) and other sources of funding; which listed improvements are covered under TUMF; etc. The language with respect to the I-10/Cherry Valley Boulevard Interchange states, *"the project proposes to contribute towards the planned improvements ... by a payment of TUMF fee and or fair share contribution"*. This information is insufficient to understand what the project intends to pay. It should be modified to eliminate the *"and or"* and simply state *"and"* such that the project will contribute TUMF fees and a fair share contribution to the interchange. The calculation of a fair share in excess of a TUMF contribution for funding components of the interchange not covered by TUMF should include the Interchange as a whole and not individual intersection locations. It should include all elements of the interchange as they are interdependent.

L3-17

More importantly, it is likely that the project would be developed before the interchange improvement project is completed. In that case, interim improvements such as temporary lanes and temporary traffic signal controls should be implemented to improve already LOS F existing peak hour conditions. As mentioned in Comment #2 above, the San Gorgonio Crossing project has been conditioned to provide interim improvements at the I-10/Cherry Boulevard interchange and surrounding network which include traffic signals and additional turn/storage lanes. Similarly, the proposed Beaumont Summit Station project will also be required to construct any additional improvements as well as contribute their fair share to the interim improvements identified in Condition of Approval 80.TRANS.12, their fair share to the ultimate interchange improvements (Alternative 3, a Diverging Diamond Interchange), and all required TUMF fees. The determination of the extent of their fair share costs for interim and ultimate improvements at the interchange shall be coordinated with the City of Calimesa.

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Furthermore, the traffic study only provided an assessment of LOS impacts at this interchange. Other operational effects that the project could exacerbate include vehicular queueing (refer to Comment #2 above), inadequate truck circulation, turn radii, and pavement thickness to accommodate the higher volume of heavy trucks introduced by the project. While it is assumed that the redesign of the interchange will incorporate these issues, truck circulation impacts, queuing, and operational deficiencies should be addressed in the interim condition, or the period between the opening year of the project and completion of the interchange project.

L3-18

Other Draft EIR Comments

The following additional comments are provided on the DEIR:

1. Executive Summary, page 1-6: The DEIR states "Impacts involving air quality, greenhouse gas emissions, and transportation were found to be significant and unavoidable." Please clarify whether cumulative noise impacts of the project are also significant and unavoidable. L3-19
2. Executive Summary, page 1-8 and Table 1-2: Similar to the above, please clarify in the introduction of Section 1.8 whether noise is also a significant and unavoidable cumulative project impact. L3-20
3. Introduction, page 2-1: Clarify whether the project site is 200 acres or if it is 188 acres. L3-21
4. Introduction, Section 2-1: Language is provided regarding subsequent and supplemental EIRs. Please clarify in Section 2.2 whether this document is intended to be a subsequent or supplemental EIR to the previously prepared EIR for the Sunny-Cal Specific Plan. If this is not a subsequent or supplemental document, it is suggested that the references and text provided for CEQA Statutes Section 21166 and CEQA Guidelines Section 15162 be removed to reduce confusion. L3-22
5. Introduction, Section 2.8: A list of documents incorporated by reference is provided. We recommend also providing information regarding the previous Sunny-Cal Specific Plan EIR. L3-23
6. Introduction, Section 2.8: This section refers to a draft 2020 General Plan EIR, but note that a final Elevate Beaumont 2040 General Plan Update has since been completed by the City of Beaumont. Please clarify which of these two documents is the applicable governing document for the proposed project. L3-24
7. Introduction, Section 2.8: This section references the 2019 Riverside County Climate Action Plan. The City of Beaumont also has an October 2015 Sustainable Beaumont: The L3-25



City's Roadmap to Greenhouse Gas Reductions. Please clarify whether both of these documents are being considered in the analysis, and if both are incorporated by reference.

8. Project Description, page 3-3: the DEIR states "The approval of the Project would replace the existing Sunny-Cal Specific Plan for the property to allow for..." Please describe what would occur with the 12 acres previously covered by the Sunny-Cal Specific Plan that are not proposed to be covered by the currently proposed Beaumont Summit Station Specific Plan. Specifically, would those 12 acres continue to be covered by the previously adopted Specific Plan and how would this proposed project physically coordinate with that adjacent development area that assumed access would be also provided through the proposed project site. Would this project necessitate changes to the planned development of that adjacent area?

L3-26

9. Project Description, Section 3.7: Please clarify if these project design features would be conditions of approval and/or how they would be enforced by the City of Beaumont.

L3-27

10. Project Description, Section 3.8: A few of these project objectives are very specific to the point that they may not help the lead agency develop a reasonable range of alternatives or assist with the preparation of findings and statement of overriding considerations. For example, objective 5 stating "Facilitate the development of underutilized land currently planned for residential uses" seemingly unnecessarily limits the potential site. In addition, providing the specific building size included in the project as an objective (objective 5) and buffers at specific roadways (objective 12) also seems too specific and restrictive. Consider revising objectives to capture the underlying purpose of the project without unnecessarily limiting potential project alternatives.

L3-28

11. Exhibit 3.0-1: The star placed on the map makes it difficult to see the project site location in relation to the City of Beaumont boundary. Suggest using symbology so that the reader can clearly see the location of the project within the City of Beaumont.

L3-29

12. Exhibit 3.0-4: This map is showing the 2007 Sunny-Cal Specific Plan and includes a "panhandle" call out and a note on the elimination of Planning Area 3, but the elimination of "panhandle" does not appear to be described in the text of the DEIR. Also provide an explanation regarding whether this area would continue to be subject to the Suny-Cal Specific Plan and why this area is no longer included with the remainder of the site. (Refer to comment 8 above as well.)

L3-30

13. Section 4.2, Air Quality, pages 4.2-37 to 4.2-38: Please clarify whether all the standard conditions identified throughout the DEIR will be a conditions of approval for the project. Please clarify if these assumptions were incorporated into the analysis as a part of the project and if the air quality emissions presented for the project include reductions per these standard conditions.

L3-31

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14. Section 4.2, Air Quality, Level of Significance: Please quantify the emissions generated by the project with the implementation of the mitigation measures MM AQ-1 to MM AQ-6 for each significant impact analysis scenario, so that the reader can understand how much reduction in significant reactive organic gasses and nitrogen oxides would result after the implementation of mitigation. If reductions are not quantifiable, please state this accordingly.

L3-32

15. Section 4.2 Air Quality: Refer to comments on the transportation information provided. If volumes require further updates based on comments, revisions to the air quality analysis may also be required.

L3-33

16. Section 4.3, Biological Resources, MM BIO-2: This measure should accurately reflect the MSHCP pre-construction requirement for burrowing owl. Note that owls cannot be relocated/excluded from a site without additional agency coordination. The appropriate measure is as follows, "Due to the presence of suitable habitat for BUOW, a pre-construction survey for BUOW in areas of suitable habitat shall be conducted not more than 30 days prior to the initiation of ground disturbing activities (including vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging, grading, etc.) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities.

L3-34

If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the project proponent will immediately inform the Regional Conservation Authority (RCA) and the Wildlife Agencies, and will need to coordinate further with RCA and the Wildlife Agencies, including the possibility of preparing a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure burrowing owl has not colonized the site since it was last disturbed. If burrowing owl is found, the same coordination described above will be necessary."

L3-35

17. Section 4.4, Cultural Resources, Page 4.4-16: The DEIR identified a potentially significant impact to unknown archaeological resources during grading and construction activities, and identified MM CUL-1 and MM CUL-2 to reduce this potential impact to below a level of significance. This mitigation strategy only identifies the need for archaeological monitoring during grading in native sediments and halting grading if a discovery is made to allow time for the qualified archaeologist to visit the site and to assess significance. However, no performance criteria are established in MM CUL-2 to identify how the resource would be evaluated for significance nor how a potential impact would be avoided in the event a significant resource was identified.

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It is recommended MM CUL-1 and MM CUL-2 be expanded to identify the criteria to be considered a "qualified" archaeologist and a "qualified archaeological monitor," the criteria to assess archaeological significance of a discovery, and the methods/ performance criteria to be used to address any identified significant archaeological resources in a manner to ensure impacts would be reduced to less than significant. Without adequate mitigation, potential archaeological impacts could remain significant and unavoidable.

18. Section 4.4, Cultural Resources, Page 4.4-16: The cultural section identifies that the record search has not been completed for the project. Such information is vital to assessing the potential for cultural resources on the site and off-site improvement areas, and potential project direct and cumulative impacts to cultural resources. This information is also typically vital for the tribal consultation required pursuant to Assembly Bill 52 and Senate Bill 18. Please explain whether tribal consultation has been closed or if consultation is still ongoing. Provide a complete Cultural Resources Assessment that includes and discusses the record search results.

L3-36

19. Section 4.6, Geology and Soils, page 4.6-4: The DEIR states "As shown in Figure 5.6-9, Paleontological Sensitivity, of the General Plan, the Project site is not shown to be located in a high, low, or low to no-paleontological sensitivity potential." Please describe the paleontological sensitivity of the site, consistent with the General Plan map. Figure 5.6 of the General Plan is identified as "Industrial Vacancy and Average Rent" and the information provided is unclear.

L3-37

20. Section 4.6, Geology and Soils, page 4.6-20: Please incorporate performance standards into MM GEO-1 to ensure implementation, including that proper enforcement will be provided by the City of Beaumont. For example, identify who would be responsible for implementing the Settlement Monitoring Program. Identify who would be responsible for determining if "additional subsurface exploration may be required to evaluate the geotechnical design considerations of the retaining wall and new slope configurations" and what the criteria would be to make such a determination.

L3-38

21. Section 4.7, Greenhouse Gas Emissions, pages 4.7-32, 4.7-40, and 4.7-53: The DEIR states "Project-related GHG emissions would exceed the City's 3,000 MTCO₂e per year threshold." The DEIR also states "the Project-related GHG emissions would exceed the SCAQMD's threshold of 10,000 MTCO₂eq..." The DEIR provides several mitigation measures (MM AQ-1 to MM AQ-6, MM GHG-1 to MM GHG-4) to reduce greenhouse gas (GHG) emissions, but the DEIR concludes that these measures are not feasible to reduce emissions to below a level of significance. The analysis concludes that additional mitigation is not feasible, and that carbon offsets are not a viable mitigation option. First, offsets are allowed under CEQA as explained in CEQA Guidelines Section 15126.4, Mitigation Measures Related to Greenhouse Gas Emissions (c). Second, the California Natural Resources Agency's Final Statement of Reasons For Regulatory Action for the CEQA Guidelines Amendments (2009) supports the use of GHG credits. Third, the California Air Resources Board's (CARB) 2017 Scoping Plan encourages the use of GHG credits as CEQA mitigation to ensure that development projects do their fair share to contribute toward the state's 2030 GHG target. Fourth, Assembly Bill (AB) 900 Environmental Leadership Projects have CEQA streamlining benefits if projects that met certain conditions including no net additional GHG

L3-39

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emissions. AB 900 projects require CARB certification of GHG reduction strategy and to date, many AB 900 projects have relied heavily on purchasing carbon offsets to achieve carbon neutrality. Lastly, the interpretation of Golden Door Properties, LLC V. County of San Diego (2020) 50 Cal. App. 5th 467 case is not accurate. Golden Door said, "*Our decision is not intended to be, and should not be construed as blanket prohibition on using carbon offsets—even those originating outside of California—to mitigate GHG emissions under CEQA.*" If the City of Beaumont, as lead agency under CEQA, would not like to use offsets as CEQA GHG mitigation as a policy decision, this should be stated as such, and an explanation to support its decision should be provided for the benefit of public and decision makers. Refer to Attachment A for additional information.

22. Section 4.7, Greenhouse Gas Emissions: As detailed in CEQA Guidelines Section 15126.4, an EIR shall describe feasible measures that could minimize significant adverse impacts. The DEIR needs to consider measures identified within the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Change Vulnerabilities, and Advancing Health and Equity¹ to reduce GHG impacts of the project.

L3-40

23. EIR Section 4.8, Hazards and Hazardous Materials, page 4.8-20 to 4.8-21: the DEIR states "historical USTs are considered evidence of a REC in connection with the site, resulting in a potentially significant impact." However, the DEIR later states in that same Impact 4.8-2 discussion "No mitigation measures are required." Revise the Impact 4.8-2 discussion accordingly.

L3-41

24. EIR Section 4.8-2, Hazards and Hazardous Materials, page 4.8-23: The DEIR identifies a potential issue with the former underground storage tanks (USTs) at the site and includes MM HAZ-1 to reduce the potential hazard to the public or the environment to below a level of significance. MM HAZ-1 states that the Applicant shall prepare a Soils Management Plan prior to the redevelopment of the site, but does not provide any performance standards or content requirements of this plan. This mitigation measure also does not provide mechanisms to ensure the plan is prepared and implemented appropriately, such as the requirement for the plan to be prepared prior to the issuance of grading permits, for proper review of the plan by regulating agencies, and verification that the plan was adequately implemented prior to the issuance of building permits. Revise this measure to ensure the mitigation would reduce the potential hazard impact to below a level of significance.

L3-42

25. EIR Section 4.8, Hazards and Hazardous Materials, page 4.8-25: The Draft EIR states "The incremental effects of the proposed Project related to hazards and hazardous materials, if any, are anticipated to be minimal, and any effects would be site-specific." Further describe how the conclusion was reached regarding the effects being only "site-specific."

L3-43

¹ Refer to https://www.caesmed.com/handbook/full_handbook.html

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26. Section 4.10, Land Use: Please provide additional information regarding the proposed project's consistency with the General Plan, including the goals and policies of each element. For example, address consistency of the proposed land use changes with the City of Beaumont General Plan, including the Housing Element. The site is designated for residential use, and the Housing Element assumes the site would provide 560 residential units to assist the City of Beaumont with meeting its Regional Housing Needs Assessment goals. The City of Beaumont General Plan identifies itself as "A City that preserves its existing residential neighborhoods and promotes development of new housing choices." However, this project is removing a substantial amount of planned housing. If the project would result in a conflict, then the analysis should determine if that conflict would lead to a significant environmental impact. For example, if the project does not provide housing as identified in the General Plan Housing Element, would the City of Beaumont require replacement housing?

L3-44

27. Section 4.11, Noise: Refer to comments on the transportation information provided. If volumes require further updates based on comments, revisions to the noise analysis may also be required.

L3-45

28. Section 4.12, Population and Housing, page 4.12-8: It is recommended that the Beaumont Housing Element discussion disclose that the current Beaumont Housing Element identifies 560 single-family residences will be provided at the project site.

L3-46

29. Section 4.12, Population and Housing, Impact 4.12-2: This analysis should disclose and address that the Housing Element assumed this site would be developed with 560 single-family homes, and address if the conversion of the land use to non-residential uses would result in the need for additional planned housing elsewhere. It is also noted that the DEIR refers to the 6th Cycle Housing Element dated 2021, but it appears there may be a more recent 2022 version.

L3-47

30. Section 4.15, Transportation, Regional Western Riverside Council of Governments (WRCOG) Transportation Uniform Mitigation Fee (TUMF), page 4.15-5: Refer to Transportation Comments section above, specifically Comment #9.

L3-48

31. Section 4.15, Transportation, Impact 4.15-1, page 4.15-17: Refer to Transportation Comments section above, specifically Comments #2 through #9.

L3-49

32. Section 4.15, Transportation, Site Access Improvements, page 4.15-19: Refer to Transportation Comments section above, specifically Comment #1.

L3-50

33. Section 4.15, Transportation, Transportation Demand Management Strategies, page 4.15-21: Include a specific reference to Air Quality Mitigation Measure MM AQ-3 in this section. MM AQ-3 indicates that the project will be required to prepare a Transportation Demand Management (TDM) Plan as a mitigation measure to address VMT and air quality impacts. Note that only a maximum of 10 percent VMT reduction is achievable with the TDM Plan. Therefore, with MM AQ-3 impacts to VMT would remain significant and unavoidable.

L3-51

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34. Section 4.16, Tribal Cultural Resources, page 4.16-11: As indicated in [Comment 18](#) above, please clarify if tribal consultation has concluded or if it is ongoing. In addition, describe the nature of the potentially significant tribal cultural resource impact in the DEIR. L3-52

35. Chapter 6.0, Alternatives: The fully analyzed alternatives presented in the DEIR consist of a No Project Alternative and a Reduced Building Intensity Alternative. The DEIR alternatives analysis ultimately identifies that the Reduced Building Intensity alternative "it is not capable of meeting all of the basic objectives of the Project." Per CEQA Guidelines Section 15126.6, "[a]n EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Explain why this Reduced Building Intensity Alternative would not meet the basic project objectives, as this alternative would meet the objectives presented in DEIR Section 6.2. Second, if this project does not meet the basic project objectives, then the DEIR only is providing a No Project alternative that is fully analyzed. It is recommended that additional alternatives be considered to reduce project impacts and ensure a reasonable range is provided. The project is resulting in significant and unmitigated impacts related to operational air emissions, greenhouse gas emissions, cumulative traffic noise, and vehicle miles travelled. Considering that many of the impacts appear to be related to vehicle emissions and travel, a project alternative that could reduce vehicle miles travelled and vehicle emissions should be considered to provide a meaningful range and evaluation of alternatives. Such an alternative may consist of a mixed use residential and commercial project. L3-53

Please note that a diligent effort has been made to provide comprehensive comments and corrections. Although the comments have been divided into sections, please ensure that all design/professional staff review all sections of the comments for areas that overlap with and may impact their scope of work. However, the City reserves the right to include additional comments as deemed necessary and appropriate throughout the review process. If you have any questions regarding this letter, or any of the required submittals or applications, please contact the Planning Department at 909-795-9801, ext. 229. L3-54

Sincerely,

Kelly Lucia, MURP, Planning Manager

Enclosures:

Attachment A – Carbon Offset Feasibility – Additional Information

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Responses to Comment Letter L3 – City of Calimesa

Kelly Lucia, M. URP., Planning Manager

L3-1 Comment noted.

L3-2 Comment noted.

L3-3 Comment noted.

L3-4 Comment noted. The Project Applicant has committed to work with the City of Calimesa on entering into an agreement for future improvements. Discussions have already begun with the City of Calimesa and the Project Applicant as of June 8, 2022.

L3-5 Comment noted. The commentor is restating the Project components as described in the DEIR.

L3-6 Comment noted.

L3-7 The three major driveways have been analyzed as a conservative approach. Minor access points were not analyzed. Reference to the fourth project driveway on Cherry Boulevard has been added to the Project Description section of the Traffic Study (Page 1). Refer to **Section 3.0, Errata**, of this FEIR.

L3-8 Refer to response to comment L3-7, above. The driveway analysis has been updated to reflect cumulative project volumes. Refer to **Section 3.0, Errata**, of this FEIR.

L3-9 The queueing results are provided in the Vistro worksheets in Appendix D of the Traffic Study. See **Table A** for a summary of the Interstate I-10 queueing results located in **Section 3.0, Errata**, of this FEIR. As shown in the table, the Project would not cause the deficiency and will pay its fair share fees and TUMF toward interim interchange improvements and ultimate interchange improvements, which will be coordinated with City of Calimesa.

Fair share fees and TUMF toward interim interchange improvements and ultimate interchange improvements are currently being coordinated with City of Calimesa.

L3-10 The DEIR and VMT analysis disclose the Project's VMT impacts, and feasible mitigation measures have been identified.

As shown on page 6 of the VMT memo (Dated February 1, 2022), the Project would provide transportation demand management (TDM)/VMT Mitigation Measures as noted below:

- Provide a transportation information center and on-site TDM coordinator to educate residents, employers, employees, and visitors of surrounding transportation options.
- Promote bicycling and walking through design features such as showers for employees, self-service bicycle repair area, etc. around the Project site.

- Each building shall provide secure bicycle storage space equivalent to two percent of the automobile parking spaces provided.
- Each building shall provide a minimum of two shower and changing facilities within 200 yards of a building entrance.
- Provide on-site car share amenities for employees who make only occasional use of a vehicle, as well as others who would like occasional access to a vehicle of a different type than they use day-to-day.
- Promote and support carpool/vanpool/rideshare use through parking incentives and administrative support, such as ride-matching service.
- Incorporate incentives for using alternative travel modes, such as preferential load/unload areas or convenient designated parking spaces for carpool/vanpool users.
- Provide meal options on-site or shuttles between the facility and nearby meal destinations.
- Each building shall provide preferred parking for electric, low-emitting and fuel-efficient vehicles equivalent to at least eight percent of the required number of parking spaces.

L3-11 Per CEQA Guidelines, Level of Service is not considered as a CEQA impact. Therefore, the analysis was done for General Plan consistency, and the Projects fair share toward these improvements will be conditions of approval and not mitigation measures.

L3-12 As stated on page 10 of the traffic study, existing PM peak hour counts were not adjusted as they were higher than the historical counts grown to 2021. As a conservative approach, the higher volumes were used.

L3-13 Figure 4 and the Existing Conditions analysis has been updated accordingly. Subsequent scenarios (Opening Year and Horizon Year) reflected the correct northbound approach peak hour volumes in the analysis at Intersection #2 (I-10 WB Ramps at Cherry Valley Boulevard).

L3-14 A 2.0% growth factor was agreed upon in the approved scoping agreement by the City of Beaumont prior to beginning the traffic analysis. Additionally, cumulative project traffic for nearby development projects were analyzed as well.

L3-15 The study intersections were studied as isolated intersections. Adding 100 trips to intersection #1 to balance the volumes with intersection #2 would not change the Level of Service value at intersection #1. The Vistro worksheet with this modification is provided as an attachment for reference.

Compared to the Interstate 10/Cherry Valley Boulevard Interchange Project Proposed Mitigated Negative Declaration analysis, the Beaumont Summit Station Project yielded comparable traffic volumes. The resulting Level of Service for Horizon Year 2045 was as follows:

- I-10 EB Ramps at Cherry Valley Blvd: AM – LOS C; PM – LOS B

- I-10 WB Ramps at Cherry Valley Blvd: AM – LOS B; PM – LOS A

L3-16 Comment noted; the Project Applicant is currently coordinating with City of Calimesa on fair-share costs.

L3-17 The recommended improvements for the interchange are consistent with the interim improvements in the San Gorgonio Crossing conditions of approval. The project team is coordinating with the City of Calimesa on a development agreement to determine fair-share costs and the Project's contribution towards the I-10/Cherry Valley interchange improvements.

L3-18 For the interim condition the Project will pay fair share toward the following improvements, which are consistent with the San Gorgonio Crossings improvements:

- #1 – I-10 EB Ramps at Cherry Valley Blvd
 - Install a traffic signal
 - Add a westbound left-turn lane
 - Add an eastbound right-turn lane
 - Add a southbound right-turn lane
- #2 – I-10 WB Ramps at Cherry Valley Blvd
 - Install a traffic signal
 - Add a northbound left-turn lane
 - Add an eastbound left-turn lane
 - Add a westbound right-turn lane

L3-19 As identified on page 4.11-33 of the DEIR, noise impacts would be less than significant with the exception of cumulative off-site traffic noise along Cherry Valley Boulevard (from Project access to Hannon Road, from Hannon Road to Union Street, and from Union Street to Nancy Avenue). Cumulative traffic noise impacts would occur primarily as a result of increased traffic on local roadways due to buildup of the proposed Project and other projects in the vicinity. Noise levels along the affected segments of Cherry Valley Boulevard would be Conditionally Acceptable. However, mitigation was determined to be infeasible to reduce mobile traffic noise to Normally Acceptable levels in accordance with the Land Use Compatibility standards.

L3-20 Refer to response to comment L3-19, above.

L3-21 The proposed Project is comprised of 188 acres. The previously approved Sunny-Cal Specific Plan Project encompassed 200 acres. Clarification to the acreage of the Project identified on page 2-1 of the DEIR has been clarified in **Section 3.0, Errata**, of this FEIR.

L3-22 The DEIR is considered a Project EIR, separate from any of the previously prepared CEQA documents for the Sunny-Cal Specific Plan Project. As identified on page 2-1 of the DEIR, this

EIR is intended to serve as the primary environmental document for all entitlements associated with the Project, including all discretionary approvals requested or required to implement the Project. The City, as Lead Agency, can approve subsequent actions without additional environmental documentation unless otherwise required by § 21166 of the CEQA Statutes and § 15162 of the CEQA Guidelines. The discussion of CEQA Statutes § 21166 and CEQA Guidelines § 15162 was included to discuss future tiering off the Project DEIR, and not for purposes of the DEIR tiering off the previously prepared Sunny-Cal Specific Plan EIR.

L3-23 Comment noted. The City respectfully disagrees, as the DEIR does not tier off the Sunny-Cal Specific Plan EIR nor does it utilize technical studies prepared as part of that EIR.

L3-24 Comment noted. Section 2 of the DEIR does in fact reference the Beaumont General Plan Update (Beaumont 2040 Plan) and corresponding EIR for the General Plan Update. The link in the DEIR also is correct and corresponds with the most recent Beaumont 2040 Plan and General Plan EIR

L3-25 The Sustainable Beaumont: The City's Roadmap to Greenhouse Gas Reductions was utilized in the preparation of the DEIR. Refer to page 4.7-24 for a discussion of this document and its incorporation into the DEIR.

L3-26 The proposed Project does not include entitlements, approvals, nor an environmental analysis of the 12 acres previously approved as part of the Sunny-Cal Specific Plan. The Project Applicant does not own nor control that portion of the previously approved Specific Plan. As such, the previously approved entitlements for that portion of the site would remain.

L3-27 The Project Design Features would be included as Conditions of Approval and would be enforced by the City of Beaumont.

L3-28 Comment noted. The Project Objectives were selected in accordance with CEQA Guidelines § 15124 (b). The Project implements the goals and policies of the City's General Plan, as amended; serves as an extension of the General Plan; and, can be used as both a policy and a regulatory document. The purpose of this Project is to implement the vision laid out in the Project objectives by providing development standards, and design guidelines to direct future development within the Project area.

L3-29 Comment noted. The DEIR contains multiple exhibits, along with a narrative description, that identifies the exact location of the proposed Project. In particular, **Exhibit 3.0-2** shows a clear depiction of the exact location of the Project site.

L3-30 Refer to response to comment L3-26, above. **Exhibit 3.0-4** of the DEIR clearly identifies that the panhandle piece of the Sunny-Cal Specific Plan is not included in the proposed Project.

L3-31 The Project Standard Conditions would be included as Conditions of Approval and would be enforced by the City of Beaumont.

L3-32 The commenter requests that the emissions reductions provided through implementation of mitigation measures **MM AQ-1** through **MM AQ-6** be quantified. As discussed in **Section 4.2** of the DEIR, **MM AQ-1** requires that off-road diesel-powered construction equipment greater than 50 horsepower meet California Air Resources Board Tier 4 Final off-road emissions standards. **MM AQ-2** requires the use of “super-compliant” low VOC paints that consist of no greater than 10 g/L of VOC. **Table 4.2-8** and **Table 4.2-9** show construction emissions prior to and after implementation of **MM AQ-1** and **MM AQ-2** for Phase 1 and Phase 2 construction, respectively. Therefore, the reduction provided by **MM AQ-1** and **MM AQ-2** have been quantified and presented in the DEIR.

MM AQ-3 requires the implementation of a Transportation Demand Management (TDM) program to reduce single-occupant vehicle trips. **Table 4.2-10** and **Table 4.2-11** show Phase 1 operational emission prior to and after implementation of **MM AQ-3**, respectively. Therefore, the reduction provided by **MM AQ-3** has been quantified and presented in the DEIR.

MM AQ-4 requires charging stations and infrastructure to support future electric vehicle demand to reduce mobile emissions. This measure would support the reduction of emissions in the long term. However, it would be speculative to determine how many gasoline- or diesel-powered vehicles would be replaced by electric vehicles as a result of implementation of **MM AQ-4**. **MM AQ-5** prohibits idling when engines are not in use. Similar to **MM AQ-4**, it would be speculative to determine what level of emissions reductions would be provided by **MM AQ-5**. Therefore, as a conservative measure, no emissions reduction credits were taken for either **MM AQ-4** or **MM AQ-5**.

MM AQ-6 incentivizes the use of cleaner operating trucks that would facilitate compliance with SCAQMD Rule 2035. As discussed in the DEIR, because the nature, timing, and extent of the incorporation of zero emission and near zero emission vehicles cannot be determined at this time, no emissions reduction credits from implementation of **MM AQ-6** were applied. because the Project is being built to specification and the future tenant(s) of the Project are unknown at the time of this writing. Accordingly, it is unknown if the ultimate tenant will operate its own fleet. Moreover, most warehouse operators have no control over the trucks entering and exiting their facilities. Consequently, it is infeasible to require trucks with particular emission profiles (e.g., ZE, NZE, or 2010+ model year trucks) to visit the Project. Additionally, while heavy duty ZE vehicles are available, they are not commercially available yet in great numbers in the classifications needed to serve the future users of this site. Also, refer to response to comment O3-73.

L3-33 The commenter states that revisions to the air quality analysis may be required based on comments to the transportation information. Trip generation and vehicle miles traveled (VMT) associated with the Project, which is required for the analysis of air quality impacts, would not be affected by the commenter’s comments on the transportation analysis. Therefore, no adjustment or revision to the air quality modeling is required.

L3-34 Refer to response to comment L3-34.

L3-35 Comment noted. Clarification has been added to **MM CUL-1** and **MM CUL-2** of the DEIR. Refer to **Section 3.0, Errata**, of this FEIR.

L3-36 PaleoWest is aware that an archaeological resource survey was completed on the Project area in 2013. The records search conducted for that effort did not identify any cultural resources within the Project area and no resources were documented during the survey effort; refer to **Appendix D** of the DEIR for additional information.

In compliance with PRC § 21080.3.1(b), formal notification has been provided to California Native American tribal representatives which may have interest in projects within the geographic area traditionally and culturally affiliated with the tribe. Native American groups may have knowledge about cultural resources in the area and may have concerns about adverse effects from development on tribal cultural resources (TCRs) as defined in PRC § 21074. The NAHC was contacted on April 28, 2021, for a review of the Sacred Land File (SLF) search.

The SLF search did not return any information of Native American cultural resources (e.g., traditional use or gathering area, place of religious or sacred activity, etc.) within the immediate vicinity of the Project APE. The NAHC responded on May 17, 2021, noting that the SLF returned negative results. However, NAHC noted that the absence of specific site information in the SLF does not indicate the absence of TCRs within the Project area of potential effect (APE). The NAHC requested 23 individuals representing 15 Native American tribal groups be contacted to elicit information regarding cultural resource issues related to the Project. Outreach letters to the 15 recommended tribal groups were sent on June 17, 2021. These letters were followed up by phone calls on July 2, 2021.

As of July 2021, the following five responses have been received:

- The Quechan Historic Preservation Department sent an email indicating the Tribe does not wish to comment on the Project and stating they defer to more local tribes.
- Mr. Ryan Nordness, Cultural Resource Analyst for the San Manuel Band of Mission Indians (SMBMI), stated that the Project area is not located within the Serrano ancestral territory. As such, the Tribe will not be requesting to receive consulting party status with the lead agency and do not wish to participate in scoping, development, or review of documents for the Project.
- The Rincon Band of Luiseno Indians responded by stating that the Project area is not within the Tribe's specific area of historic interest and as such, they do not have any information to provide and defer to a closer tribe to the Project area.
- Mr. Paul Macarro, Cultural Resources Coordinator for the Pechanga Band of Luiseno Indians, responded via phone call and stated that the Project area is outside of the Tribe's ancestral territory and therefore, the Tribe has no comment to provide for the Project.
- Mr. Mark Cochrane, Co-Chairperson for the Serrano Nation of Mission Indians, stated that he did not have any comments to provide for the Project but requested that the Serrano

Nation, either himself or Mr. Wayne Walker, be notified if any cultural material is encountered during construction.

Based on the lack of TCRs found during the site visit, the lack of TCRs noted by NAHC and the SLF search, and the lack of tribal interest for the APE from tribes, it is concluded that tribal consultation has officially concluded. Additionally, based on the aforementioned, the Project would not be developed in an area listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources, and nor is the Project site anticipated to contain a TCR.

L3-37 As described on page 4.6-23 of the DEIR, the surface and subsurface soils are comprised of cement/concrete, artificial fill, alluvium, and older alluvium. Older granitic and metamorphic bedrock that have a very low paleontological resource potential due to the heat and pressure of their formation. Due to the presence of older alluvium soils throughout the Project site, there is a high possibility of paleontological resources that may be disturbed during construction. Therefore, with implementation of **MM GEO-2** (Paleontological Construction Monitoring and Compliance Program), construction of the Project components would not destroy a unique paleontological resource or site or unique geologic feature, thereby reducing any potential impacts to a less than significant level.

L3-38 Comment noted. Clarification has been added to **MM GEO-1** of the DEIR. Refer to **Section 3.0, Errata**, of this FEIR.

L3-39 The commenter disagrees that the use of carbon offsets to mitigation GHG emission is not a viable option. It is acknowledged that the use of carbon offsets is allowable as CEQA mitigation. Purchased offset credits must be genuine, quantifiable, additional, and verifiable. Even offset credits purchased from CARB-approved offset project registries have been determined to not adequately assure that purchased offset credits accurately and reliably represent actual emissions reductions or cannot guarantee that such reductions are additional to any reduction that would occur under business-as-usual operations and reductions required by law. As discussed in **Section 4.7, Greenhouse Gas Emissions** of the DEIR, offsets purchased from CARB's approved offset project registries could be determined to not adequately assure that purchased offset credits accurately and reliably represent actual emissions reductions or cannot guarantee that such reductions are additional to any reduction that would occur under business-as-usual operations and reductions required by law. In addition, the City of Beaumont, the lead agency for the Project and the entity responsible for enforcing any mitigation measures incorporated into the Project to potentially reduce impacts, has no enforcement authority over offset credits that fund carbon reduction projects outside of the City. Many offset credits "sell" reductions in emissions generated outside of California, which may not be genuine or verifiable. Therefore, as a conservative measure, the use of carbon offsets has not been considered for the Project.

L3-40 The comment suggests that the DEIR consider measures identified within the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Change Vulnerabilities, and Advancing Health and

Equity (2021 CAPCOA Handbook) to reduce GHG emissions. As discussed in **Section 4.7** of the DEIR and shown in **Table 4.7-14**, all feasible mitigation and design features have been implemented, which includes all applicable measures recommended in the 2021 CAPCOA Handbook. Standard Condition SC GHG-2 requires that the Project be designed to have 15 percent of the roof area “solar ready” and mitigation measure **MM GHG-1** requires the installation of solar photovoltaic panels or other renewable energy generation on-site, consistent with measure E-9-A (Establish Onsite Renewable Energy Systems – Generic). Standard condition SC GHG-3 requires adherence to the City’s Water Efficient Landscape Requirements (Section 17.06.030 of the City’s Municipal Code), which is consistent with measure W-5 (Design Water Efficient Landscapes). Standard Condition SC GHG-4 requires the installation of water efficient fixtures, which is consistent with measure W-4 (Require Low-Flow Water Fixtures). Standard Condition SC GHG-8 requires the future installation of electric vehicle supply equipment, consistent with measure T-13 (Provide Electric Vehicle Charging Infrastructure). Mitigation measure **MM-GHG-4** requires the use of electrically powered landscaping equipment, consistent with measure LL-1 (Replace Gas Powered Landscape Equipment with Zero-Emission Landscape Equipment). Mitigation measure **MM AQ-3** requires the implementation of a transportation demand management program, consistent with trip reduction program measures. In addition, the Project would achieve Leadership in Energy and Environmental Design (LEED) certification and meet or exceed CALGreen Tier 2 standards in effect at the time of building permit applicable, as required by mitigation measure **MM GHG-2**.

As shown in **Table 4.7-14**, approximately 93 percent of opening year buildout emissions and approximately 98 percent of 2040 buildout emissions are from on-road mobile sources. The City does not have regulatory authority to control tailpipe emissions. The implementation of a TDM program and the installation of infrastructure for electric vehicle charging capabilities would reduce mobile emissions to the extent feasible. As demonstrated, the Project would implement all applicable on-site measures and would reduce GHG emissions to the extent feasible.

L3-41 As identified on page 4.8-22 of the DEIR, as part of the Phase I ESA research, VERTEX submitted a public records request to the County of Riverside Department of Environmental Health – Hazardous Materials Certified Unified Program Agency for the site parcels on March 12, 2021. The records provided indicate the following:

- One 10,000-gallon double walled steel UST
- One 1,000-gallon double-walled steel UST
- One 550- gallon double walled steel UST

The research revealed that these USTs were removed from the site in January 1994. Confirmation sampling indicated relatively low concentrations of petroleum hydrocarbons as diesel, as gasoline, benzene, toluene, ethylbenzene, and xylenes were detected below the USTs. On September 20, 1994, the County of Riverside Department of Environmental Health granted **“no further action”** for the removed USTs which included the following statement: “Additionally, be advised that changes in the present or proposed use of the site may require

further site characterization and mitigation activity. It is the property owner's responsibility to notify this agency of any changes in report content, future contamination findings, or site usage." Findings revealed that available materials did not indicate if excavated soil was disposed off-site or re-used to backfill the UST excavations. Based on this information and the conditions indicated in the "no further action letter," the former USTs represent a CREC in connection with the Project site. As such, no mitigation is required.

L3-42 Comment noted. Clarification has been added to **MM HAZ-1** of the DEIR. Refer to **Section 3.0, Errata**, of this FEIR.

L3-43 This conclusion was based on the fact that the Phase I ESA performed in conformance with the scope and limitations of ASTM E 1527-13, Standard Practice for ESAs concluded that no evidence of RECs, CREC or HRECs in connection with the site, except for the following:

- Based on the reported contamination and the conditions indicated in the no further action letter, the former USTs represent a CREC in connection with the site. However, **MM HAZ-1** is recommended.

The Project does not include any RECs and is not part of the Cortese List. Additionally, with implementation of **MM HAZ-1**, the Project create a less than significant impact regarding the creation of a significant hazard to the public or the environment. Refer to **Section 4.8, Hazards and Hazardous Materials**, for additional information.

L3-44 All applicable General Plan goals and policies are identified in each of the environmental resource sections of the DEIR.

On October 9, 2019, the California Legislature adopted Senate Bill 330 (SB330) which, among other things, adopted Government Code Section 66300, declared a housing crisis in the State of California and imposed certain requirements designed to streamline the construction of new housing, and prevent the loss of existing housing and land available for future residential use, unless replaced in other areas of the affected jurisdiction to ensure no net loss in residential capacity. SB330 became effective on January 1, 2020.

In compliance with SB330, City staff has adopted an amendment to the municipal code, adding Chapter 17.20 "No Net Loss Program" for SB 330. The provisions of Chapter 17.20 ensure that rezoning actions do not result in a net loss of residential capacity within the City of Beaumont. The No Net Loss Program (Program) creates a mechanism by which the City can approve a less intensive non-residential use and concurrently make available the residential capacity that would otherwise be lost through the proposed density bonus specified in the Program. The City's Planning Department will publish the number of available units on the City's website. The Program allows for developers of land currently zoned Traditional Neighborhood (TN), Residential Multiple-Family (MFR), Downtown Residential Multi-Family (DMF), Sixth Street Mixed Use Residential (SSMU-R) and Transit Oriented Development Overlay (TOD) to request a density bonus subject to the number of units available. In the Residential Traditional Neighborhood (RTN) zone a bonus of up to 10% may be requested. In the Residential Multiple-Family (MFR), Downtown Residential Multi-Family (DMF), Sixth Street Mixed Use Residential

(SSMU-R) or Transit Oriented Development Overlay (TOD) zones a bonus of up to 20% may be requested. If no units are available a density bonus pursuant to this provision may not be requested.

Under the existing Sunny-Cal Specific Plan, the Project site was proposed to accommodate 560 low density residential development units. In accordance with SB 330 and City Municipal Code Chapter 17.20, concurrent with approval of the Project entitlements and change from residential to non-residential (e-commerce, commercial and open space) uses, these 560 residential units that would otherwise be lost will instead be “banked” by the City and made available to applicants for future projects located within the TN, MFR, DMG, SSMU-R and TOD zones that are seeking, and eligible for, a density bonus as part of the No Net Loss Program. Therefore, the Project will be compliant with SB 330, and no further analysis is warranted.

L3-45 The commenter states that revisions to the noise analysis may be required based on comments to the transportation information.

L3-46 Refer to response to comment L3-44, above.

L3-47 Refer to response to comment L3-44, above.

L3-48 Refer to response to comment L3-27, above.

L3-49 Refer to responses to comments L3-20 through L3-27, above.

L3-50 Refer to responses to comments L3-12 through L3-20, above.

L3-51 The commenter notes that a maximum 10 percent VMT reduction is achievable with the TDM plan and that with implementation of **MM AQ-3**, impacts related to VMT would be significant and. As discussed in **Section 4.15** of the DEIR, the commenter is correct and transportation impacts related to VMT would remain significant and unavoidable even with implementation of **MM AQ-3**. The comment does not raise a specific issue with the adequacy of the DEIR or raise any other CEQA issue. Therefore, no further response is necessary.

L3-52 Refer to response to comment L3-36 above.

L3-53 Pursuant to PRC 21100 and in accordance with the guidance in CEQA Guidelines §15126.6, the City conducted an alternatives analysis that includes a range of reasonable alternatives that would feasibly attain most of the basic objectives of the Project consistent with CEQA §15124(b), while avoiding or lessening impacts. See DEIR Section 6 for a discussion of alternatives considered. The context of an environmentally superior alternative is based on the consideration of several factors including the reduction of environmental impacts to a less than significant level, the Project objectives, and an alternative’s ability to fulfill the objectives with minimal impacts to the existing site and surrounding environment. Specifically, Alternative 2 would not meet Objective #5.

L3-54 Comment noted.

L3-55 Refer to response to comment L3-39 regarding carbon offsets.

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Comment Letter T1 – Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Office
Arysa Gonzalez Romero, Cultural Resources Analyst

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-036-2021-004

May 20, 2022

[VIA EMAIL TO:CTaylor@beaumontca.gov]

City of Beaumont
Ms. Christina Taylor
550 East 6th Street
Beaumont, California 92223

Re: Beaumont Summit Station Draft EIR

Dear Ms. Christina Taylor,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Summit Station project. The project area is not located within the boundaries of the ACBCI Reservation. However, it is within the Tribe's Traditional Use Area. For this reason, the ACBCI THPO requests the following:

T1-1

*We concur with the agency's determination at this time. Please inform our office if there are changes to the scope of this project that may affect this determination.

T1-2

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)883-1327. You may also email me at ACBCI-THPO@aguacaliente.net.

T1-3

Cordially,

Arysa

Arysa Gonzalez Romero
Cultural Resources Analyst
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS

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***Responses to Comment Letter T1 – Agua Caliente Band of Cahuilla Indians, Tribal Historic
Preservation Office
Arysa Gonzalez Romero, Cultural Resources Analyst***

T1-1 Comment noted.

T1-2 Comment noted.

T1-3 Comment noted.

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