

Impact/Issue	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring Timing Frequency	Action Indicating Compliance	Monitoring Agency	Initiate	Date	Remarks
<p>Result in a cumulative considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)</p>	<p>Applicable PVCCSP EIR Mitigation Measures</p> <p>MM Air 11, MM Air 12, MM Air 13, MM Air 14, MM Air 18 above</p> <p>Additional Project-Level Mitigation Measures</p> <p>MM AQ 1 above</p>		<p>and project construction documents</p>				
<p>Expose sensitive receptors to substantial pollutant concentration</p>	<p>Applicable PVCCSP EIR Mitigation Measures</p> <p>MM Air 2, MM Air 3, MM Air 4, MM Air 5, MM Air 6, MM Air 7, and MM Air 9 above</p>						
<p>Special Resources</p> <p>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service</p>	<p>Applicable PVCCSP EIR Mitigation Measures</p> <p>MM Bio 1: In order to avoid violation of the MBTA and the California Fish and Game Code, site-preparation activities (removal of trees and vegetation) for all PVCC implementing development and infrastructure projects shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species</p> <p>If site-preparation activities for an implementing project are proposed during the nesting/breeding season (February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits for such project, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. If active nests are not located within the implementing project site and a buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre-activity field survey, no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active</p>	<p>This PVCCSP EIR mitigation measure is superseded and replaced by Project-level mitigation measure MM BIO 2 below.</p>	<p>See Project-level mitigation measure MM BIO 2, below</p>	<p>See Project-level mitigation measure MM BIO 2, below</p>	<p>See Project-level mitigation measure MM BIO 2, below</p>	<p>See Project-level mitigation measure MM BIO 2, below</p>	<p>City of Perris Planning Division</p>
	<p>MM Bio 2: Project-specific habitat assessments and focused surveys for burrowing owls would be conducted for implementing development or infrastructure projects within burrowing owl survey areas. A pre-construction survey for resident burrowing owls would also be conducted by a qualified biologist within 30 days prior to commencement of grading and construction</p>	<p>Prior to issuance of grading permits</p>	<p>Focused survey report results following MM BIO 1 below should be followed and submitted to City of Perris</p>				

Project Description	Applicable PVCC/PIER Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing/Frequency	Action Indicating Compliance	Monitoring Agency	Initialed	Date	Remarks
	<p>activities within those portions of implementing project sites containing suitable burrowing owl habitat and for those properties within an implementing project site where the biologist could not gain access. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey and any relocation activity would be conducted in accordance with the current Burrowing Owl Instruction for the Western Riverside MSHCP.</p> <p>If active nests are identified on an implementing project site during the pre-construction survey, the nests shall be avoided or the owls actively or passively relocated. To adequately avoid active nests, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31), and 160 feet during the non-breeding season.</p> <p>If burrowing owls occupy any implementing project site and cannot be avoided active or passive relocation shall be used to exclude owls from their burrows, as agreed to by the City of Perris Planning Department and the CDFG. Relocation shall be conducted outside the breeding season or once the young are able to leave the nest and fly. Passive relocation is the exclusion of owls from their burrows (outside the breeding season or once the young are able to leave the nest and fly) by installing one-way doors in burrow entrances. These one-way doors allow the owl to exit the burrow, but not enter it. These doors shall be left in place 48 hours to ensure owls have left the burrow. Artificial burrows shall be provided nearby. The implementing project area shall be monitored daily for one week to confirm owl use of burrows before excavating burrows in the impact area. Burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible pipe shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. The CDFG shall be consulted prior to any active relocation to determine acceptable receiving sites available where this species has a greater chance of successful long-term relocation. If avoidance is infeasible, then a DBESP would be required, including associated relocation of burrowing owls. If conservation is not required, then owl relocation would still be required following accepted protocols. Take of active nests would be avoided.</p>		Development Services Department				
	<p>MM Bio 6: Within areas of suitable habitat associated with the Narrow Endemic Plant Species Survey Area (NEPSSA) and Criteria Area Plant Species Survey Area (CAPSSA), focused plant surveys will be required for implementing projects. The MSHCP requires at least 90 percent avoidance of areas providing long-term conservation value for the NEPSSA and CAPSSA target species, if avoidance is not feasible, then such implementing projects will require the approval of a DBESP including appropriate mitigation.</p>	Prior to issuance of grading permits	Developed portion of the site is located in a NEPSSA, focused surveys are not necessary if suitable habitat is not present	City of Perris Planning Division			

Impact/Tree No.	Applicable PNO/SP/EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Firming Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance	
					Initials	Date
Additional Project-Level Mitigation Measures						
	<p>MM BIO 1: A 30-day burrowing owl preconstruction survey will be conducted immediately prior to the initiation of ground-disturbing construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP. The survey will be conducted in compliance with both MSHCP and CDFW guidelines (MSHCP 2006, CDFW 2012). A report of the findings prepared by a qualified biologist shall be submitted to the City of Perris prior to any permit or approval for ground disturbing activities.</p> <p>If burrowing owls are detected onsite during the 30-day preconstruction survey, the Project Applicant shall consult with the Western Riverside County Regional Conservation Authority (RCA) and Wildlife Agencies to develop a burrowing owl mitigation plan. If it is determined that the owls are to be relocated, such relocation shall be in conjunction with an approved Relocation Plan, and review, approval, and coordination with the RCA and Wildlife Agencies, including State banding permit office and Federal MBTA office, who will also determine the relocation area for individual owls.</p>	Prior to issuance of grading permits	Focused survey reports shall be submitted for approval of the City of Perris. If relocation plan is required, this should be submitted to the City of Perris Planning Division and the Regional Conservation Authority (RCA). The RCA will approve the relocation plan.	City of Perris Planning Division and Riverside Conservation Authority (if relocation required)		
	<p>MM BIO 2: To avoid impacts to nesting birds protected by the Migratory Bird Treaty Act, the removal of trees and vegetation shall be prohibited during the migratory bird nesting season (February 1 through September 15), unless a migratory bird nesting survey is completed in accordance with the following requirements:</p> <p>a) A migratory nesting bird survey of all trees to be removed shall be conducted by a qualified biologist within three (3) days prior to initiating tree removal or vegetation clearing within 500 feet of a mature tree.</p> <p>b) A copy of the migratory nesting bird survey results report shall be provided to the City of Perris Planning Division. If the survey identifies the presence of active nests, then the qualified biologist shall provide the City Planning Division with a copy of maps showing the location of all nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the City Planning Division and shall be no less than a 300-foot radius around the nest for non-raptors and a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City Planning Division verify that the nests are no longer occupied and the juvenile birds can survive independently from the nests.</p>	Mitigation measure required only if ground disturbance to take place between February 1 and September 15 No more than 30 days prior to issuance of a grading permit	Pre-activity field survey report and nest verification provided to City of Perris Development Department Planning Division	City of Perris Planning Division		

Impact/Issue/ID	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance
				Initials	Date
					Remarks
<p>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan</p>	<p>Applicable PVCCSP EIR Mitigation Measures</p> <p>MM Bio 1, MM Bio 2, and MM Bio 6 above</p> <p>Additional Project-Level Mitigation Measures</p> <p>MM BIO 1 above</p>				
<p>Cultural Resources/ Tribal Cultural Resources</p>	<p>Applicable PVCCSP EIR Mitigation Measures</p> <p>MM CULT 1: Prior to the consideration by the City of Perris of implementing development or infrastructure projects for properties that are vacant, undeveloped, or considered to be sensitive for cultural resources by the City of Perris Planning Division, a Phase I Cultural Resources Study of the subject property prepared in accordance with the protocol of the City of Perris by a professional archaeologist shall be submitted to the City of Perris Planning Division for review and approval. The Phase I Cultural Resources Study shall determine whether the subject implementing development would potentially cause a substantial adverse change to any significant paleontological, archaeological, or historic resources. The Phase I Cultural Resources Study shall be prepared to meet the standards established by Riverside County and shall, at a minimum, include the results of the following</p> <ol style="list-style-type: none"> 1. Records searches at the Eastern Information Center (EIC), the National or State Registry of Historic Places and any appropriate public, private, and tribal archives 2. Sacred Lands File record search with the NAHC followed by project scoping with tribes recommended by the NAHC 3. Field survey of the implementing development or infrastructure project site <p>The proponents of the subject implementing development projects and the professional archaeologists are also encouraged to contact the local Native American tribes (as identified by the California Native Heritage Commission and the City of Perris) to obtain input regarding the potential for Native American resources to occur at the project site</p> <p>Measures shall be identified to mitigate the known and potential significant effects of the implementing development or infrastructure project, if any. Mitigation for historic resources shall be considered in the following order of preference</p> <ol style="list-style-type: none"> 1. Avoidance 2. Changes to the structure provided pursuant to the Secretary of Interior's Standards 	<p>Prior to the consideration by the City of Perris of implementing development</p>	<p>Cultural Resource Study has been approved by the City of Perris</p>	<p>City of Perris Planning Division</p>	

Impact Threshold	Applicable POC/SP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Responsible Agency	Verification of Compliance Initials	Date	Remarks
	<p>3. Relocation of the structure</p> <p>4. Recordation of the structure to Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standard if demolition is allowed. Avoidance is the preferred treatment for known significant prehistoric and historical archaeological sites, and sites containing Native American human remains. Where feasible, plans for implementing projects shall be developed to avoid known significant archaeological resources and sites containing human remains. Where avoidance of construction impacts is possible, the implementing projects shall be designed and landscaped in a manner, which would ensure that indirect impacts from increased public availability to these sites are avoided. Where avoidance is selected, archaeological resource sites and sites containing Native American human remains shall be placed within permanent conservation easements or dedicated open space areas.</p> <p>The Phase I Cultural Resources Study submitted for each implementing development or infrastructure project shall have been completed no more than three (3) years prior to the submittal of the application for the subject implementing development project or the start of construction of an implementing infrastructure project.</p>						
	<p>Additional Project Mitigation Measures</p> <p>MM CR 1: The Project developer shall retain a professional archaeologist prior to the issuance of grading permits. The task of the archaeologist that meets the Secretary of the Interior's Professional Qualification Standards for Archaeology (U.S. Department of Interior, 2012) including an advanced degree in anthropology, archaeology, or a related field, and the local experience necessary to evaluate the specific Project, and as approved by the City of Perris prior to issuance of grading permits. The professional archaeologist must also meet the minimum criteria for recognition by the Register for Professional Archaeologists (RPA) although membership is not required. The task of the archaeologist shall be to monitor the initial ground-altering activities at the subject site and off-site Project improvement areas for the unearthing of previously unknown archaeological and/or cultural resources. Selection of the archaeologist shall be subject to the approval of the City of Perris Director of Development Services and no grading activities shall occur at the site or within the off-site Project improvement areas until the archaeologist has been approved by the City.</p> <p>The archaeological monitor shall be responsible for maintaining daily field notes and a photographic record, and for reporting all finds to the developer and the City of Perris in a timely manner. The archaeologist shall be equipped to record and when necessary, recover cultural resources that may be unearthed during grading activities. The archaeologist shall be empowered to temporarily halt or</p>	<p>Prior to issuance of a grading permit and during subsurface excavation</p>	<p>Confirmation of professional archaeologist retention/on-going monitoring/submital of Report of Findings and curate discovered resources, if applicable</p>	<p>City of Perris Planning Division</p>			

Impact/Threshold	Applicable Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing/Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance Initials Date Remarks
	<p>divert grading equipment to allow recording and removal of the unearthed resources.</p> <p>In the event that archaeological resources are discovered at the Project site or within the off-site project improvement areas, the handling of the discovered resources will differ. However, it is understood that all artifacts with the exception of human remains and related grave goods or sacred/ceremonial objects belong to the property owner. All artifacts discovered at the development site shall be inventoried and analyzed by the professional archaeologist. If any artifacts of Native American origin are discovered, all activities in the immediate vicinity of the find (within a 100-foot radius) shall stop and the project proponent and project archaeologist shall notify the City of Perris Planning Division, the Pechanga Band of Luiseno Indians, the Soboba Band of Luiseno Indians, and any other tribes identified by the Native American Heritage Commission (NAHC) as being affiliated with the area tribes. All items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling, if the Project developer, Project archaeologist, and Native American observer cannot agree on the significance of, avoidance of, or mitigation for such resources, these issues shall be presented to the Planning Manager for determination. The Planning Manager shall make the determination based on the information submitted by the Native American observer, the religious beliefs, customs and practices of the Native American observer's tribe and the provisions of the California Environmental Quality Act regarding tribal cultural and archaeological resources. Notwithstanding any other rights available under law, the decision of the Planning Manager shall be appealable to the Planning Commission and/or City Council.</p> <p>Consistent with California Public Records Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Status of 2014) avoidance shall be the preferred method of preservation for tribal cultural resources and archaeological resources. Native American artifacts that are relocated/reburied at the Project site would be subject to a fully executed relocation/reburial agreement with the tribe or band of the Native American observer. This shall include measures and provisions to protect the reburial area from any future impacts. Relocation/reburial shall not occur until all cataloging and basic recordation have been completed. Native American artifacts that cannot be avoided or relocated at the Project site shall be prepared in a manner for curation at an accredited curation facility in Riverside County that meets federal standards per 36 CFR Part 79 and makes the artifacts available to other archaeologists/researchers for further study such as University of California, Riverside Archaeological Research Unit (UCR-ARU) or the Western Center for Archaeology and Paleontology. The archaeological consultant shall deliver the Native American artifacts, including title, to the accredited curation facility within a reasonable amount of time along with the fees necessary for permanent curation.</p>				

Impact/Threshold	Applicable BVOC/SEIR Mitigation Measures and Additional Project Level Mitigation Measures	Monitoring Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance Initials	Date	Remarks
<p>Non-Native American artifacts shall be inventoried, assessed, and analyzed for cultural affiliation, personal affiliation (prior ownership), function, and temporal placement. Subsequent to analysis and reporting, these artifacts will be subjected to curation or returned to the property owner, as deemed appropriate.</p> <p>Once grading activities have ceased or the archaeologist, in consultation with the designated Native American observer, determines that monitoring is no longer necessary, monitoring activities can be discontinued following notification to the City of Perris Planning Division</p> <p>A report of findings, including an itemized inventory of recovered artifacts, shall be prepared upon completion of the steps outlined above. The Project archaeologist shall prepare a final archaeological report within sixty (60) days of completion of the Project. The report shall follow Archaeological Resource Management Reports (ARMR) Guidelines and City of Perris requirements and shall include at a minimum, a discussion of the monitoring methods and techniques used, the results of the monitoring program, including any artifacts recovered; an inventory of any resources recovered; final disposition of the resources; and, any additional recommendations. A final copy shall be submitted to the City of Perris, Project Applicant, the Eastern Information Center (EIC), and Pechanga Band of Luiseno Indians, the Soboba Band of Luiseno Indians, and the tribe or band of the Native American Observer.</p> <p>The report shall include a discussion of the significance of all recovered artifacts. The report shall provide evidence that any Native American and Non-Native American archaeological resources recovered during project development have been avoided, reburied, or curated at an accredited curation facility. A copy of the report shall also be filed with the Eastern Information Center (EIC) and submitted to the Pechanga Band of Luiseno Indians and the Soboba Band of Luiseno Indians.</p>							
	<p>MM CR 4: At least thirty (30) days prior to the first of either: seeking a grading permit or starting any operations that will have an effect of ground disturbance, the Project Applicant shall contact the Pechanga Tribe to notify the Tribe of its intent to pull permits for the proposed grading and excavation, or to start any ground disturbing activities and to coordinate with the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement ("Agreement"). The Agreement shall address the treatment of known cultural resources, the treatment and final disposition of any tribal cultural resources, sacred sites, human remains or archaeological resources inadvertently discovered on the Project site, Project grading, ground disturbance and development scheduling, the designation responsibilities, and participation of professional Pechanga Tribal Monitor(s) during grading, excavation and ground disturbing activities; and, compensation</p>	<p>Prior to issuance of a grading permit and during subsurface excavation</p>	<p>Confirmation of professional archeologist retention/ongoing monitoring/submital of Report of Findings and curate discovered resources, if applicable</p>	<p>City of Perris Planning Division</p>			

Impact/Threshold	Applicable PMOC/SEIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring Timing/Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance	Remarks
	<p>for the Pechanga Tribal Monitors, including overtime, weekend rates, and mileage reimbursements.</p> <p>The Tribal Monitor(s) shall have similar authority to the archeological monitors including the authority to stop and redirect grading in the immediate area of a find in order to evaluate the find and determine the appropriate next steps in consultation with the Project archeologist. Such evaluation shall include culturally appropriate temporary and permanent treatment pursuant to the Agreement, which may include avoidance of cultural and archeological resources, in-place disturbance for preservation in perpetuity. The rebursal of any cultural resources shall occur in a location agreed to by the landowner and the Pechanga Tribal Monitor(s). The details of which shall be addressed in the Agreement. Treatment may also include curation of the cultural resources at the Pechanga Tribe's curation facility.</p>					
<p>The project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature</p>	<p>Additional Project-Level Mitigation Measures</p> <p>MM CR 2: Prior to the issuance of grading permits, the project applicant shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision of a qualified professional paleontologist (or his or her paleontological monitor representative) during on-site and off-site subsurface excavation that exceeds three (3) feet in depth. Selection of the paleontologist shall be subject to the approval of the City of Perris Planning Manager and no grading activities shall occur at the site until the paleontologist has been approved by the City.</p> <p>Monitoring should be restricted to undisturbed subsurface areas of older alluvium which might be present below the surface. The paleontologist shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays. The paleontologist shall also remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.</p> <p>Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated and placed into an accredited repository (such as the Western Science Center or the Riverside Metropolitan Museum) with permanent curation and retrievable storage.</p> <p>A report of findings, including an itemized inventory of recovered specimens shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all recovered specimens. The report</p>	<p>Prior to issuance of a grading permit</p>	<p>Confirmation of professional paleontologist retention Submittal of letter documenting procedures for periodic monitoring</p>	<p>City of Perris Planning Division</p>		

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
Disturb any human remains, including those interred outside of formal cemeteries.	<p>and inventory, when submitted to the City of Perris Planning Division, will signify completion of the program to mitigate impacts to paleontological resources.</p> <p>Applicable PVCCSP EIR Mitigation Measures</p> <p>MM Cult 6: In the event that human remains (or remains that may be human) are discovered at the implementing development project site during grading or earthmoving, the construction contractors shall immediately stop all activities in the immediate area of the find. The project proponent shall then inform the Riverside County Coroner and the City of Perris Planning Division and the coroner would be permitted to examine the remains.</p> <p>If the coroner determines that the remains are of Native American origin, the coroner would notify the NAHC and the Commission would identify the "Most Likely Descendant" (MLD). Despite the affiliation of any Native American representatives at the site, the Commission's identification of the MLD would stand. The MLD shall be granted access to inspect the site of the discovery of the Native American human remains and may recommend to the project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains would be determined in consultation with the City of Perris, the project proponent, and the MLD. The City of Perris would be responsible for the final decision, based upon input from the various stakeholders.</p> <p>If the human remains are determined to be other than Native American in origin, but still of archaeological value, the remains would be recovered for analysis and subject to curation or reburial at the expense of the project proponent. If deemed appropriate, the remains would be recovered by the coroner and handled through the Coroner's Office.</p> <p>Coordination with the Coroner's Office would be through the City of Perris and in consultation with the various stakeholders.</p> <p>The specific locations of Native American burials and reburials would be proprietary and not disclosed to the general public. The locations would be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings shall be filed with the Eastern Information Center (EIC).</p>	During construction activities	Confirmation of coroner and NAHC contact and submittal of Report of Findings if applicable	City of Perris Planning Division			
Additional Project-Level Mitigation Measures							
	MM CR 3: In the event that human remains (or remains that may be human) are discovered at the Project site during grading or earthmoving, the construction	During construction activities	Confirmation of coroner and NAHC contact and	City of Perris Planning Division			

Impact Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance Initials	Verification of Compliance Date	Remarks
	<p>contractors, Project archaeologist, and/or designated Native American observer shall immediately stop all activities within 100 feet of the find. The Project proponent shall then inform the Riverside County Coroner and the City of Perris Planning Division immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050 5(b).</p> <p>If the coroner determines that the remains are of Native American origin, the coroner would notify the Native American Heritage Commission (NAHC), which will identify the "Most Likely Descendent" (MLD). Despite the affiliation with any Native American representatives at the site, the NAHC's identification of the MLD will stand. The MLD shall be granted access to inspect the site of the discovery of Native American human remains and may recommend to the Project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains will be determined in consultation between the Project proponent and the MLD. In the event that the Project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code §§ 5097 98(e) and 5097 94(k)).</p> <p>The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the Eastern Information Center (EIC).</p>		<p>submission of Report of Findings, if applicable</p>				
Greenhouse Gas Emission	<p>Applicable PVCCSP EIR Mitigation Measures</p>						
Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<p>MM Air 2, MM Air 4, MM Air 5, MM Air 6, MM Air 7, MM Air 11, MM Air 12, MM Air 13, MM Air 14, MM Air 18, MM Air 19, and MM Air 20 above</p>						
Hydrology and Water Quality	<p>Additional Project-Level Mitigation Measures</p>						

* The "Most Likely Descendent" (MLD) is a reference used by the California Native American Heritage Commission to identify the individual or population most likely associated with any human remains that may be identified within a given project area. Under California Public Resources Code, Section 5097 98, the Native American Heritage Commission has the authority to name the MLD for any specific project and this identification is based on a report of Native American remains through the County Coroner's office. The City of Perris will recognize any MLD identified by the Native American Heritage Commission without giving preference to any particular population. In cases where the Native American Heritage Commission is not tasked with the identification of a Native American representative, the City of Perris reserves the right to make an independent decision based upon the nature of the proposed project.

Impact/Threshold	Applicable FVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Verification of Compliance	
				Monitoring Agency	Initials Date Remarks
Place within a 100-year flood hazard area structures which would impede or redirect flood flows	MM HYD 1: Prior to issuance of any grading permit, the applicant shall provide evidence to the City of Perris that a Conditional Letter of Map Revision (CLOMR) has been received from FEMA acknowledging that the proposed improvements remove the subject area from the flood plain	Prior to issuance of a grading permit	Conditional Letter of Map Revisions (CLOMR) from FEMA acknowledging proposed improvements remove the subject area from the flood plain	City of Perris Planning Division City of Perris Engineer	
Land Use					
Will the Project conflict with any applicable habitat conservation plan or natural community conservation plan	Applicable FVCCSP EIR Mitigation Measures MM Bio 1, MM Bio 2, and MM Bio 5 above Additional Project-Level Mitigation Measures MM BIO 1 above				
Noise					
A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project	MM Noise 1: During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile, shall be equipped with property operating and maintained mufflers consistent with manufacturer's standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site MM Noise 2: During construction, stationary construction equipment, stockpiling and vehicle staging areas will be placed a minimum of 446 feet away from the closest sensitive receptor MM Noise 3: No combustion-powered equipment, such as pumps or generators, shall be allowed to operate within 446 feet of any occupied residence unless the equipment is surrounded by a noise protection barrier MM Noise 4: Construction contractors of implementing development projects shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings	During Construction During Construction During Construction	Verification by City of incorporation of requirement in the Contractor Specifications Periodic Monitoring Reports Verification by City of incorporation of requirement in the Contractor Specifications Periodic Monitoring Reports Verification by City of incorporation of requirement in the Contractor Specifications Periodic Monitoring Reports	City of Perris Building Division City of Perris Building Division City of Perris Building Division	

Impact/Threshold	Applicable PVCCSP EIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Verification of Compliance	
				Monitoring Agency	Initials Date Remarks
<p>Transportation and Traffic</p> <p>Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit</p>	<p>Applicable PVCCSP EIR Mitigation Measures</p> <p>MM Trans 1: Future implementing development projects shall construct on-site roadway improvements pursuant to the general alignments and right-of-way sections set forth in the PVCC Circulation Plan, except where said improvements have previously been constructed</p> <p>MM Trans 2: Sight distance at the project entrance roadway of each implementing development project shall be reviewed with respect to standard City of Perris sight distance standards at the time of preparation of final grading, landscape and street improvement plans</p> <p>MM Trans 3: Each implementing development project shall participate in the phased construction of off-site traffic signals through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees which include TUMF (Transportation Uniform Mitigation Fee), DIF (Development Impact Fee) and the NPRBDD (North Perris Road and Bridge Benefit District). The fees shall be collected and utilized as needed by the City of Perris to construct the improvements necessary to maintain the required LOS and build or improve roads to their build-out level.</p> <p>MM Trans 4: Prior to the approval of individual implementing development projects, the Riverside Transit Agency (RTA) shall be contacted to determine if the RTA has plans for the future provision of bus routing in the project area that would require bus stops at the project access points. If the RTA has future plans for the establishment of a bus route that would serve the project area, road improvements adjacent to the project site shall be designed to accommodate future bus turnouts at locations established through consultation with the RTA. RTA shall be responsible for the construction and maintenance of the bus stop facilities. The area set aside for bus turnouts shall conform to RTA design standards, including the design of the contact between sidewalk and curb and gutter at bus stops and the use of ADA-compliant paths to the major building entrances in the project.</p> <p>MM Trans 5: Bike racks shall be installed in all parking lots in compliance with City of Perris standards.</p> <p>MM Trans 7: Implementing project-level traffic impact studies shall be required for all subsequent implementing development proposals within the boundaries of</p>	<p>Periodic Monitoring Reports</p> <p>Project design approval</p> <p>Project design approval</p> <p>Prior to occupancy</p> <p>Project design approval</p> <p>Project design approval</p> <p>Project design approval</p>	<p>Site Plans</p> <p>Site Plans</p> <p>Receipt of payment</p> <p>Site Plans</p> <p>Site Plans</p> <p>Site Plans</p> <p>Site Plans</p>	<p>City of Perris Engineer</p> <p>City of Perris Engineer</p> <p>City of Perris Engineer</p> <p>City of Perris Engineer</p> <p>City of Perris Engineer</p> <p>City of Perris Engineer</p> <p>City of Perris Engineer</p>	<p>Initials</p> <p>Date</p> <p>Remarks</p>

Impact Threshold	Applicable PVCCSP FIR Mitigation Measures and Additional Project-Level Mitigation Measures	Monitoring/Timing Frequency	Action Indicating Compliance	Verification of Compliance	
				Initials	Date
	<p>the PVCC as approved by the City of Perris Engineering Department. These subsequent traffic studies shall identify specific project impacts and needed roadway improvements to be constructed in conjunction with each implementing development project. All intersection spacing for individual tracts or maps shall conform to the minimum City intersection spacing standards. All turn pocket lengths shall conform at least to the minimum City turn pocket length standards. If any of the proposed improvements are found to be infeasible, the implementing development project applicant would be required to provide alternative feasible improvements to achieve levels of service satisfactory to the City.</p>				
	<p>MM TRANS 8: Proposed mitigation measures resulting from project-level traffic impact studies shall be coordinated with the NPRBDD to ensure that they are in conformance with the ultimate improvements planned by the NPRBDD. The applicant shall be eligible to receive proportional credits against the NPRBDD for construction of project-level mitigation that is included in the NPRBDD.</p>	Project design approval	Site Plans	City of Perris Engineer	
Additional Project-Level Mitigation Measures					
	<p>MM TRANS 1: Project truck traffic shall be prohibited from using Ramona Expressway. Truck traffic shall be restricted to Lake Harley Knox Boulevard as the one and only truck route.</p>	Prior to occupancy	Site inspection City acceptance of constructed roadways	City of Perris Engineer	
	<p>MM TRANS 2: The Project shall participate in the phased construction of off-site traffic signals through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees which include TUMF (Transportation Uniform Mitigation Fee), DIF (Development Impact Fee) and the NPRBDD (North Perris Road and Bridge Benefit District). The fees shall be collected and utilized as needed by the City of Perris to construct the improvements necessary to maintain the required level of service and build or improve roads to their build-out level (PVCCSP MM TRANS 3).</p>	Prior to occupancy	Receipt of payment	City of Perris Engineer	
	<p>MM TRANS 3: Sight distance at the Project entrance roadway of the proposed Project shall be reviewed with respect to standard City of Perris sight distance standards at the time of preparation of final grading, landscape and street improvement plans (Modification of PVCCSP MM TRANS 2.)</p>	Project design approval	Site plans	City of Perris Engineer	
	<p>MM TRANS 4: Signing/stripping should be implemented in conjunction with detailed construction plans for the Project site in accordance with the conceptual striping plan for DPR-17-00002 as shown in Appendix F of the TIA</p>	Project design approval	Site plans	City of Perris Engineer	

RESOLUTION NUMBER 18-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE #2017081059), ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS AND MAKE FINDINGS IN SUPPORT THEREOF, AND APPROVE SPECIFIC PLAN AMENDMENT 17-05074, TENTATIVE PARCEL MAP 17-05060 (TPM 37304), AND DEVELOPMENT PLAN REVIEW 17-00002 TO FACILITATE CONSTRUCTION OF A 1,189,860 SQUARE FOOT INDUSTRIAL BUILDING ON 55 ACRES LOCATED ON PERRIS BOULEVARD BETWEEN MARKHAM STREET AND PERRY STREET, SUBJECT TO THE CONDITIONS OF APPROVAL AND FINDINGS CONTAINED HEREIN.

WHEREAS, a Development Plan Review application (DPR 17-00002) was submitted for consideration of architectural design and site layout; and

WHEREAS, a Tentative Parcel Map application was submitted to consolidate 14 parcels and vacate all or parts of three unimproved streets included in the property; and

WHEREAS, A Specific Plan Amendment application was submitted to enable the development consisting of an amendment to change the land use designation of 35 acres from Business Professional Office to Light Industrial; and

WHEREAS, the proposed Specific Plan Amendment will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinance; and

WHEREAS, during review of the project it was deemed an Environmental Impact Report (EIR/State Clearinghouse No. 2017081059) was required to assess environmental impacts associated with the project; and

WHEREAS, pursuant to CEQA and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 *et seq.*), the City is the lead agency for the Project, as it is the public agency with general governmental powers over the Project; and

WHEREAS, the City, as lead agency, determined that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze all potentially significant adverse environmental impacts of the Project; and

WHEREAS, a scoping meeting was conducted for the proposed project on September 20, 2017 by the Planning Commission to hear from both public agencies and the public on the potential environmental impacts, site planning and building architecture; and

EXHIBIT - H

WHEREAS, between January 31, 2018 and March 16, 2018, the Draft Environmental Impact Report (DEIR) was made available for public review and comment during a state-mandated 45-day public review period; and

WHEREAS, on April 27, 2018, the Final EIR was distributed to those agencies and persons that commented in writing on the Draft EIR; and

WHEREAS, on May 9, 2018, the Planning Commission conducted a duly noticed special public hearing on the project, and at the meeting recommended approval of the project after considering public testimony and materials in the staff report and accompanying documents for the Statement of Overriding Consideration of Environmental Impact, the Environmental Impact Report (State Clearinghouse No. 2017081059), Specific Plan Amendment 17-05074, Tentative Parcel Map 17-05060 (TPM 37304) and Development Plan Review 17-00002; and

WHEREAS, an Environmental Impact Report was prepared in accordance with Sections 21000 through 21177 of the California Public Resources Code and Sections 15000 through 15387 of the California Code of Regulations (*CEQA Guidelines*); and

WHEREAS, the EIR identified air quality, greenhouse gas and traffic impacts that would result in environmental impacts for which mitigation measures are not available to reduce impacts below levels of significance and a Statement of Overriding Consideration of Environmental Impact must be adopted prior to approval by the City Council; and

WHEREAS, the EIR identified all other potential environmental impacts as either not an impact, a less than significant impact, or a less than significant impact with mitigation and a Mitigation Monitoring Program has been prepared for those potential impacts requiring mitigation, which is part of the Final EIR; and

WHEREAS, Section 66411 of the California Government Code (Subdivision Map Act) vests in the legislative bodies of local agencies the regulation and control of the design and improvement of subdivisions; and

WHEREAS, Title 18 of the City of Perris Municipal Code (Subdivisions) implements the state Subdivision Map Act and authorizes the Planning Commission to act as an advisory agency to the City Council and authorizes the City Council to take action on a subdivision/parcel map; and

WHEREAS, Chapter 19.54 of the City of Perris Municipal Code (Zoning Code, Authority and Review Procedures) authorizes the City to approve, conditionally approve, or deny requests for a Development Plan Review, Street Vacation, Specific Plan Amendment and Tentative Parcel Map; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Perris, as follows:

Section 1. The above recitals are all true and correct.

Section 2. The Planning Commission further finds and determines that the City has complied with the California Environmental Quality Act and their determination reflects the independent judgment of the City.

Section 3. The Planning Commission hereby recommends that the City Council certify the Environmental Impact Report (*State Clearinghouse No. #2017081059*) finding that:

(a) The City has complied with the California Environmental Quality Act (CEQA) and the EIR is an accurate and objective statement that fully complies with CEQA and CEQA Guidelines; and

(b) No evidence of new significant impacts as defined by CEQA Guidelines Section 15088.5, has been received by the City after circulation of the Draft EIR which would require recirculation; and

(c) The EIR has identified and discussed significant impact to air quality (long-term NOx emission impacts), greenhouse gas emissions, and traffic (I-215 freeway segments in Year 2040 condition), which may occur as a result of the Project, and which require mitigation but cannot be mitigated to less than significant levels, thereby requiring adoption of a Statement of Overriding Considerations as set forth in this Resolution; and

(d) The EIR has identified and discussed significant environmental impacts which may occur as a result of the Project and which require mitigation, and can be mitigated to less than significant levels (except for unavoidable significant impacts as discussed in section 3, above); and

(e) Environmental, economic, social and other considerations and benefits derived from the project override and make infeasible any alternatives or further Mitigation Measures beyond those incorporated into the project; and

Section 4. The Planning Commission hereby recommends that the City Council adopt a Statement of Overriding Considerations of Environmental Impact finding that:

(a) Pursuant to CEQA Guidelines Section 15093, the City has balanced the benefits of the project against any unavoidable environmental impacts in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental impacts, those impacts may be considered "acceptable"; and

(b) The City has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the project; and

(c) To the extent any Mitigation Measure recommended in the EIR or project conditions of approval could not be incorporated, such Mitigation Measure is infeasible because it will impose restrictions on the project that will prohibit the realization of specific economic, social and other benefits that the City finds outweigh the unmitigated impacts; and

(d) Except for the project, all other alternatives set forth in the EIR are infeasible because they will prohibit the realization of project objectives and/or specific economic, social and other benefits that the City finds outweigh any environmental benefits of the alternatives; and

(e) Having reduced the adverse significant environmental effects of the project to the extent feasible by adopting the proposed Mitigation Measures, having considered the entire administrative record on the project, and having weighed the benefits of the project against its unavoidable adverse impacts after mitigation, the City has determined that each of the following social, economic and environmental benefits of the project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the Findings of Fact and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

(f) The foregoing benefits provided to the public through approval and implementation of the project outweigh the identified significant adverse environmental impacts of the Project, which cannot be mitigated; and

(g) Each of the project benefits separately and individually outweighs the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

Section 5. The Planning Commission hereby recommends the City Council review and approve the Environmental Impact Report 17-05100 for Specific Plan Amendment 17-05074, Tentative Parcel Map 37304 (TPM 17-5060) and Development Plan Review 17-00002, to facilitate the construction of a 1,189,860 square foot warehouse building, subject to the conditions of approval and finding that:

Specific Plan Amendment 17-05074

1. *The Specific Plan is consistent with the General Plan Land Use Map and applicable General Plan objectives, policies, and programs.*

The PVCCSP sets specific goals to achieving the vision established by the Perris General Plan Policy III.A which states, "Commerce and industry to provide jobs for residents at all economic levels" with Policy III.A adding: "Accommodate diversity in the local economy". The proposed Light Industrial land use and operation will help to insure that adequate jobs are available at all skill levels of employment in the City of Perris. The pay for warehouse jobs ranges from minimum wage to above \$50 per hour. Warehouse jobs are available to City of Perris residents at any time, and public transportation is also available. Employees living close to the Project have the option to bicycle to work, and bicycle racks are a mandatory requirement for the Project.

2. *The Specific Plan Amendment provides adequate text and diagrams to address the following issues in detail:*

- a. *The distribution, location, and extent of the uses of land, including open space, within the area covered by the Plan.*

The proposed Specific Plan Amendment is a logical extension of the existing Light Industrial zoning pattern to the east and west, which are developed with similar warehouse facilities. To the west is the 700,000 square foot Ross distribution center, at the southwest corner of Perris Blvd. and Markham Street, completed in 2013. To the east is the 460,000 square foot Markham East cross-dock warehouse, currently under construction at the southwest corner of Markham Street and Redlands Avenue. The provision for open space is not applicable to industrial or business park development, and there is no land set aside for parks in the PVCCSP. However, park fees have been adopted for industrial development, and will be collected at issuance of building permits for an industrial project in the PVCCSP to pay for renovation and expansion of parks that, through their attraction of workers, may indirectly contribute to population growth in the City and necessitate additional park construction.

- b. *The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the Plan area and needed to support the land uses described in the Plan.*

The Specific Plan contains an Infrastructure Plan for major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities. The Infrastructure Plan identifies necessary improvements for development. Since Light Industrial is a less intense use than Business Professional Office, the infrastructure plan is designed to accommodate the proposed land use change.

The PVCCSP Amendments will modify Figure 2.0-1 Specific Plan Land Use Designation, and Table 2.0-1, Land Use Comparison to reflect a change in land use designation of 35 acres from Business Professional Office (BPO) to Light Industrial (LI) for the properties bound by Perry Street to the south, Perris Boulevard to the west, and Markham Street to the north. In addition, all appropriate exhibits will be updated to reflect the vacation of three unimproved paper streets on the property: Goldenview Drive, Johnson Avenue, and Via Verona Street between Markham Street to the north and Perry Street to the south.

- c. *Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.*

The Specific Plan contains standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources. An Environmental Impact Report with a Mitigation, Monitoring and Reporting Plan (MMRP) was prepared for the Project and adequately provides for the conservation, development, and utilization of natural resources,

as applicable, and the proposed Specific Plan Amendment is subject to compliance with these requirements.

- d. *A program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out the provisions contained in paragraphs a, b, and c above.*

Development under the proposed land use change will require implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out the provisions contained in paragraphs a, b, and c above.

Tentative Parcel Map 37304 (TPM 17-05060)

1. *The proposed map is consistent with applicable general and specific plans.*

The proposed tentative parcel map has been review by the City Engineer's Department and the Planning Department to insure compliance with the city codes and all other applicable regulations, subject to the land use change proposed by SPA 17-05074 that would amend the PVCCSP by changing 35 of the 55-acre site from Business Professional Office to Light Industrial to build the large warehouse project. The proposed map would consolidate fourteen smaller parcels into one parcel and three lettered lots, and vacate all or portions of the rights-of-way of three unimproved streets on the property. All necessary, roadway improvements adjacent to the property will be constructed along with payment of development impact fees are required for the project to support the extension of utility infrastructure, builds roads, and improve the freeway interchanges at Harley Knox Blvd and Ramona Expressway

2. *That the site is physically suitable for the type and density of the proposed development.*

The 55-acre map site is relatively flat, with a gentle regional slope downwards to the east-southeast, and is situated at an elevation approximately 1,450 feet above mean sea level. The proposed change to the PVCCSP land use designation from Business Professional Office to Light Industrial would reduce the overall density and intensity of the use on the Project site.

The 2014 March ARB/Inland Port Airport Land Use Airport Overlay Plan (ALUCP) provides guidelines that are intended to protect flight paths and minimize impacts to residents and employees within the subject area. PVCCSP Chapter 12, Airport Overlay Zones, indicates the project site is located within Zone D, which is a Flight Corridor Zone subject to occasional disruptive noise incidents. The project required a hearing before the Riverside County Airport Land Use Commission (ALUC) to determine its consistency with the ALUCP. On April 12, 2018, ALUC determined the Project was consistent with the 2014 March ARB/Inland Port ALUCP, and requested standard conditions be applied to the project. The applicant agrees to all the

conditions recommended by the Airport Land Use Commission, which are found in the Planning Conditions of Approval.

3. *That the design of the map or the type of improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.*

Pursuant to the California Environmental Quality Act and the Guidelines for Implementation of the California Environmental Quality Act, an EIR was prepared for the Project that determined that less than significant impacts to wildlife and their habitat would occur as a result of the Project with implementation of the MMRP. The map site consists of vacant land consisting of mixed tilled soils and overgrown vegetation. The Project site is within the Mead Valley Area Plan of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) adopted by the City of Perris. Vegetation types at the Project site consist primarily of ruderal and disturbed vegetation. The site generally provides low quality habitat for wildlife and no sensitive wildlife species were documented at the Project site. The Project site is not located within any designated MSHCP "Criteria Area" cells, and it is not within a "Core" or "Linkage" area. No Riparian/Riverine areas or vernal pools are located within or adjacent to the Project site or off-site impact areas.

4. *That the design of the map or the type of improvements will not cause serious public health problems.*

The Project EIR determined that less than significant impacts to people would occur as a result of the project, except for certain identified environmental impacts that will result from the construction and operation of the proposed Project, even with implementation of mitigation measures, as follows:

- Air Quality – Long-term NO_x emission in excess of SCAQMD's regional significance threshold.
- GHG Emissions – GHG Emissions in excess of SCAQMD's recommended screening thresholds of 10,000 MTCO_{2e}/yr.
- Traffic – Exceeding a level of service on freeway segments on I-215 in the Year 2040 condition.

These impacts are considered significant and unavoidable, and require the adoption of a Statement of Overriding Considerations if the project is to be approved. The Findings of Fact and the Statement of Overriding Considerations are included as an attachment in Resolution 18-10. This statement compares the benefits of the project with the unavoidable effects and finds the unmitigated impacts to be acceptable in view of the overriding considerations.

Potential impacts related to all other topics analyzed in the EIR were found to be less than significant, or less than significant with the proposed mitigation measures incorporated. The EIR prepared for the PVCCSP prior to its adoption in 2012 includes various mitigation measures to ensure that Projects located within the PVCCSP planning area identify air quality impacts from construction and operation

and mitigate any potential impacts appropriately. Project-specific and relevant mitigation measures from the PVCCSP EIR and as recommended by responding agencies to the City's request for comments during stages of the EIR preparation were applied to the Project by the MMRP to address both potential regional and local air quality impacts.

Development Plan Review 17-00002

1. *The location, size, design, density and intensity of the proposed development and improvements are consistent with the City's General Plan, any applicable Specific Plans, the purposes and provisions of this Title, the purposes of the Zone in which the site is located, and the development policies and standards of the City.*

The proposed site development was reviewed by City staff and determined to be in compliance with all applicable provisions of the General Plan, Perris Valley Commerce Center Specific Plan (PVCCSP), and the Zoning Code. The development standards for Light Industrial development including use, setbacks, height of buildings, lot coverage, architecture, lighting and landscaping are provided by the PVCCSP, with parking regulations contained in Chapter 19.69 of the Zoning Code. Staff determined the proposed project meets or exceeds all development standards of the Specific Plan for Light Industrial land use. In addition, the project has been deemed consistent with the 2014 March ARB/Inland Port Airport Land Use Compatibility Plan, and is consistent with the requirements of the Multiple Species Habitat Conservation Plan (MSHCP). The project has been conditioned as necessary to ensure compliance with all PVCCSP and Zoning regulations.

2. *The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of development proposed.*

See Finding No. 2 under Tentative Parcel Map 37304.

3. *The proposed development and the conditions under which it would be operated or maintained is compatible with abutting properties and will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The proposed Duke Warehouse at Perris Blvd. and Markham Street Project and its operations is compatible with abutting properties, and will not be detrimental to the public health, safety or welfare. The adjacent use to the east is also a distribution warehouse facility, and across Perris Blvd. to the west, is the Ross Distribution Center. These are appropriate uses within the Light Industrial Zone. To the north is vacant land designated as Business Park and Light Industrial, and to the south, the land is designated as Commercial.

The Project is subject to approval of Specific Plan Amendment by the City Council to change the zone of 35 acres of land from Business Professional Office (BPO) to Light

Industrial (LI). The proposed project meets or exceeds all development standards of the Specific Plan for Light Industrial land use, and almost all of the development standards for the BPO designation. Other than lot size and lot dimensions, the most significant difference between BPO and LI zoning under the PVCCSP is the front building setback (reduced by five feet for arterial and local streets) and side yard setback adjoining residential development, and onsite landscaping coverage. The location of the Project on both Perris Blvd and Markham Street require compliance with the Visual Corridor requirements of the PVCCSP, so enhanced architecture, site design, and landscaping have been provided for the project. The building architecture has been significantly upgraded to look more "Business Park". The landscaping surrounding the site is lush, and truck courts are completely hidden by screen walls. The proposed Project is a step up from typical LI development and will provide a visual transition from commercial uses to the south and future BPO development to the north along Perris Blvd.

Although the use as a large warehouse building is not permitted in BPO zoning, the intensity of the proposed use is less than it would be with business park development. In a business park scenario, there would be significantly more passenger car activity at the site, and more parking area would be needed to accommodate passenger vehicle parking on the site; for a warehouse, the traffic impacts are from trucks, and trucks are required to avoid the commercial areas south from the site on Perris Blvd. and are directed west and north along PVCCSP industrial corridors to Harley Knox Blvd. and the I-215 Freeway. Furthermore, the mitigation measures provided with the EIR prepared for the Project will ensure the Project will not be detrimental to the public health, safety or welfare.

4. *The architecture proposed is compatible with community standards and protects the character of adjacent development.*

As stated above, the proposed architecture exceeds PVCCSP design standards for Light Industrial development, and thereby protects the character of adjacent development, including future commercial development to the south. The Project is adjacent to similar development to the west and east, and the location of the Project requires compliance with the Visual Corridor requirements of the PVCCSP. Enhanced architecture, site design, and landscaping have been provided for the project to ensure that it resembles the transitional zoning of BPO for better integration with the variety of uses found along Perris Blvd. The proposed architecture exceeds the design standard for LI development by providing more window glazing, better design elements, significant articulation of the building facade and the roofline. The building design features symmetry and balance with enhanced architectural treatments at the corners and intermittently along the façade. The proposed color palette and materials feature sophisticated and complex color tones ranging from creamy beige to darker, subtle taupe tones accented by rich mahogany red tones. High quality materials that include smooth travertine tile and natural rough-hewn ledgerstone veneer create a focal point at the center of the building. The use of bronze, non-reflective glazing is consistent with business office design and used at the office corners facing Perris Blvd.

5. *The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.*

The PVCCSP requires landscaping to be provided at a minimum rate of 12% for the Light Industrial zone and 15% for the Business Professional Office zone. The proposed Specific Plan Amendment would change the entire site to Light Industrial zoning. The conceptual landscape plan proposes a total of 306,352 square feet of onsite landscaping for the Project, which is 12.9% of the overall site area. Along the street frontage of the project, enhanced landscaping with three layers of trees are proposed along Perris Blvd. and Markham Street, in compliance with their PVCCSP designation as visual corridors. Perry Street will feature eighty (80) 24-inch box London plane trees spaced approximately 20 feet apart. Emphasis has been placed on enhanced landscaping at all project entries to promote a business park feel. Multi-level landscape materials and three-foot landscaped berms on Perris Blvd. and Markham Street will enhance the public view of the site from Perris Blvd. and the highly visible corners at Perry Street and Markham Street. The right of way landscaping also features large attractive street trees spaced 30 feet apart or less. The abundance of landscaping on and offsite provides the public with a rich streetscape.

6. *The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.*

The City of Perris standard project review practices, compliance with state and local best planning practices, and preparation of the EIR, the safeguards necessary to protect the public health, safety and general welfare have been provided for the proposed project.

Section 6. The Planning Commission declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

Section 7. The Chairperson shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 9th day of May, 2018.

CHAIRPERSON, PLANNING COMMISSION

ATTEST:

Secretary, Planning Commission

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Kenneth Phung, SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number 18-10 was duly adopted by the Planning Commission of the City of Perris at a special meeting of said Planning Commission on the 9th day of May 2018, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Secretary, Planning Commission

Attachments: Statement of Overriding Consideration, and Statement of Facts and Findings
Conditions of Approval (Planning, City Engineer, Fire Safety)

Facts, Findings and Statement of Overriding
Considerations Regarding the Environmental Effects
from the Environmental Impact Report for the
*Duke Warehouse at Perris Boulevard
and Markham Street Project*
State Clearinghouse No. 2017081059

EXHIBIT - I

Facts, Findings and Statement of Overriding Considerations
Regarding the Environmental Effects from the Approval of the Duke
Warehouse at Perris Boulevard and Markham Street Project
State Clearinghouse No. 2017081059

1.0 STATEMENT OF FACTS AND FINDINGS

1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that will generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant environmental impacts as identified in the Environmental Impact Report (EIR); presents facts supporting the conclusions reached in the analysis; makes one or more of three findings for each impact; and explains the reasoning behind the agency's findings. The EIR was prepared by the City acting as lead agency pursuant to CEQA. Hereafter, the Initial Study/Notice of Preparation, Notice of Availability/Notice of Completion, Draft EIR (DEIR), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the DEIR, and the Mitigation Monitoring and Report Program will be referred to collectively herein as the "EIR". The following Statement of Facts and Findings has been prepared in accordance with the State CEQA Guidelines (14 California Code of Regulations, Section 15091), and *California Public Resources Code*, Section 21081 (collectively, CEQA). Section 15091 of the State CEQA Guidelines provides that:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Section 15093 of the State CEQA Guidelines further provides:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Statement of Overriding Considerations is the second set of findings. Where a project will cause unavoidable significant environmental impacts, the Lead Agency may still approve a project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.

The City of Perris (City), serving as the CEQA Lead Agency, finds and declares that the proposed Duke Warehouse at Perris Boulevard and Markham Street EIR (State Clearinghouse No. 2017081059) has been completed in compliance with CEQA and the State CEQA Guidelines. The City finds and certifies that the EIR was reviewed and that information contained in the EIR was considered prior to approving the proposed Duke Warehouse at Perris Boulevard and Markham Street Project, herein referred to as the "Project".

Having received, reviewed and considered the EIR for the Project, as well as all other information in the record of proceedings on this matter, the Facts, Findings and Statement of Overriding Considerations included in this document are hereby adopted by the City in its capacity as the CEQA Lead Agency.

Based upon its review of the EIR, the City finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed project; represents the independent judgment of the City; and sets forth an adequate range of alternatives to this project.

As further described in the Final EIR document, the Final EIR is composed of the following elements:

- Duke Warehouse at Perris Boulevard and Markham Street DEIR;
- Comment Letters Received and Responses to Comments;
- Corrections and Changes from the DEIR to the Final EIR; and
- Mitigation Monitoring and Reporting Program.

1.2 CUSTODIAN AND LOCATION OF RECORDS

The documents and other materials that constitute the administrative record for the City's approval of the EIR and actions related to the project are located at the City of Perris Development Services Department, 135 North "D" Street, Perris, California 92570. The City of Perris is the custodian of the project's Administrative Record. Copies of the documents and other materials that constitute the record of proceedings are, at all relevant times have been, and will be available upon request directed to the City's Development Services Department.

2.0 PROJECT SUMMARY

2.1 INTRODUCTION

The proposed Project is intended to implement the land use plans adopted by the City Council in January 2012 with the Perris Valley Commerce Center Specific Plan (PVCCSP) (Ordinance No. 1284). The PVCCSP is a comprehensive planning effort undertaken by the City to redesignate a

large portion of the northern part of the City with job-creating land uses. The City has long suffered from a poor jobs-housing balance (meaning most City residents commute to Los Angeles or Orange Counties for employment) and one of the goals of the PVCCSP is to implement job-creating land uses to help alleviate the jobs-housing imbalance in the City. To this end, the PVCCSP designates a large portion of the City with broad categories of compatible commercial and industrial uses. The Project site is within the PVCCSP area. A portion of the Project site is designated Business Professional Office (BPO), while the remainder of the Project site is designated Light Industrial (LI). The BPO designation provides for uses associated with business, professional or administrative services located in areas of high visibility from major roadways with convenient access for automobiles and public transit service. Small-scale warehousing and light manufacturing are also allowed. The LI designation provides for light industrial uses and related activities including manufacturing, research, warehouse and distribution, assembly of non-hazardous materials and retail related to manufacturing.

Although warehouse and distribution uses are identified as an accessory use in the BPO land use designation, the Project proposes to amend the PVCCSP to change the BPO designation portion of the Project site to LI. The Specific Plan Amendment would clarify the Project's consistency with the PVCCSP and facilitate one of the project's primary purposes, which is to implement the previous policy decision made by the City Council when it adopted the PVCCSP. Overall, the proposed Project is consistent with the land use and growth assumptions anticipated in the PVCCSP for the Project site.

The environmental impacts resulting from implementation of allowed development under the PVCCSP, including the proposed Project, have been evaluated in the *Perris Valley Commerce Center Specific Plan Final Environmental Impact Report* (PVCCSP EIR, SCH No. 2009081086), which was certified by the City of Perris in January 2012. The PVCCSP EIR is a program EIR and was prepared in accordance with CEQA and the State CEQA Guidelines. Project-specific evaluation in a later-tier environmental document for individual development projects within the PVCCSP area was anticipated. As stated in Section 15158(d)(3) of the State CEQA Guidelines, "The program EIR can focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before." As such, the environmental analysis for the proposed project presented in the EIR is based on, or "tiered" from, the analysis presented in the PVCCSP EIR, when applicable, and the PVCCSP EIR is incorporated by reference.

An Initial Study was prepared for the proposed Project (1) to identify environmental issues/impacts that were adequately addressed by the PVCCSP EIR or would have no impact or a less than significant impact with implementation of PVCCSP EIR mitigation measures and, therefore, require no further evaluation in the project-level EIR, and (2) to identify those issues requiring additional project-level impact analysis. The Initial Study is included in Appendix A of the DEIR. The environmental analysis conclusions of the Initial Study and the DEIR for the proposed project are addressed in these Facts, Findings and Statement of Overriding Considerations.

2.2 PROJECT DESCRIPTION

The Project is located at the southeastern corner of Markham Street and Perris Boulevard in the City of Perris, Riverside County, California. The Project is generally located in the northern

portion of the City. The Project site encompasses approximately 55 gross acres. The Project site is currently unimproved vacant land.

The area around the Project site is currently dominated by logistics center warehouses, with a mixture of industrial warehousing and vacant land to the north, vacant land to the south, vacant land and warehouse uses to the east across Redlands Avenue and warehouse uses to the west across Perris Boulevard. Access to the site will be available from Markham Street, Perris Boulevard and Perry Street. The Project site is located approximately one-quarter mile north from Ramona Expressway, and just over one mile east from Interstate 215 (I-215).

The Project consists of the construction of a 1,189,860 square foot high-cube/warehouse distribution center including 20,000 square feet for supporting office uses (5,000 square feet at each corner of the building). The warehouse building will feature 92 dock doors on the north side of the building and 93 dock doors on the south side, which will accommodate cross-dock operations. The Project site will also provide 498 automobile parking stalls, 12 American Disabilities Act-compliant (ADA) handicapped parking stalls, and 304 trailer parking stalls. The site will provide 13 percent coverage for landscaping, which is included along Perris Boulevard, Markham Street and Perry Street, shade trees in the passenger vehicle parking areas and along the western (Perris Boulevard) elevation.

The building design is modern industrial and includes concrete tilt-up wall construction with metal cap and window glazing. The building is proposed to be painted in varying hues of gray and tan and will include decorative elements of Coronado Stone Veneer, Clear Anodized Mullions and metal canopies. The west elevation, which faces Perris Boulevard, incorporates articulation and landscaping to mimic a professional office building. A 14 foot pilaster wall is proposed for the south side of the Project, north of the perimeter landscaping to screen the view of the truck parking areas and loading bays from Perry Street.

2.3 PROJECT GOALS AND OBJECTIVES

Per Section 15124 (b) of the CEQA Guidelines, an EIR needs to include a statement of the objectives of a project which help the City develop a reasonable range of alternatives. The Objectives need to outline the general purpose of the Project. The purpose of the proposed Project is to construct and operate a warehouse and distribution facility. The Project Objectives are as follows:

- Develop and operate a logistics center that takes advantage of existing City infrastructure and is adjacent to similar industrial logistics and distribution center uses.
- Develop and operate a logistics center that is in close proximity to March Inland Port, Interstate 215/State Route 60 and Interstate 10, to support the distribution of goods throughout the region and that also limits traffic truck disruption to residential areas within the City and neighboring jurisdictions.

- Develop and operate a logistics center that takes advantage of visibility from Perris Boulevard that will attract quality tenants and will be competitive with other similar facilities in the region.
- Maximize efficient goods movement throughout the region by locating a logistics center in close proximity to the Ports of Los Angeles and Long Beach, enabling trucks servicing the site to achieve a minimum of two roundtrips per day.
- Develop and operate a logistics center that meets industry standards for operational design criteria.
- Implement the Perris Valley Commerce Center Specific Plan through development of a land use allowed by the Industrial land use designation and consistent with the development standards and criteria relevant to the site and proposed use.
- Positively contribute to the economy of the City through new capital investment, creation of new employment opportunities, including opportunities for highly trained workers, and expansion of the tax base.

2.4 REQUIRED DISCRETIONARY ACTIONS AND PERMITS

The EIR serves as an informational document for use by public agencies, the general public, and decision makers. The EIR discusses the impacts of development pursuant to the proposed Project and related components and analyzes project alternatives. The EIR will be used by the City of Perris and responsible agencies in assessing impacts of the proposed Project.

The following approvals and permits are required from the City of Perris to implement the proposed Project:

- Certification of an EIR with the determination that the EIR has been prepared in compliance with the requirements of CEQA;
- Specific Plan Amendment (Case No. 17-05074) to (i) change the land use designation of the approximately 35 acres in the western portion of the site which are currently designated Business Professional Office to Light Industrial and (ii) amend the Circulation Plan to remove Goldenview Drive, Johnson Avenue, and Via Verona Street;
- Tentative Parcel Map (TPM) 37304 (Case No. 17-05060) to merge fourteen existing parcels into one parcel and three lettered lots and vacate all or portions of the rights-of-way of three unimproved streets (Golden View Drive, Johnson Avenue, and Via Verona Street); and
- Development Plan Review (DPR) 17-00002 to allow the development of the 54.7-acre site with a 1,189,860-square-foot building including a 1,169,860-square-foot warehouse distribution facility and 20,000 square feet for supporting offices.

Approvals and permits that may be required by other agencies include:

- A National Pollutant Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board (RWQCB) to ensure that construction site drainage velocities are equal to or less than the pre-construction conditions and downstream water quality is not worsened; and
- Approval of water and sewer improvement plans by the Eastern Municipal Water District (EMWD).

2.5 OTHER CEQA DOCUMENTS REFERENCED

Under Section 15150 of the State CEQA Guidelines, an EIR may incorporate by reference all or portions of another document that are a matter of public record or are generally available to the public. The previously prepared EIRs and environmental analyses listed below were relied upon or consulted in the preparation of the project's EIR and were incorporated by reference:

- *Perris Comprehensive General Plan 2030*, originally approved on April 26, 2005.
- *Perris General Plan 2030 Draft Environmental Impact Report* (SCH No. 2004031135), certified April 26, 2005.
- *Perris Valley Commerce Center Specific Plan*, adopted January 10, 2012.
- *Perris Valley Commerce Center Final Environmental Impact Report* (SCH No. 2009081086), certified January 10, 2012.

3.0 ENVIRONMENTAL REVIEW/PUBLIC PARTICIPATION

The City conducted an extensive review of this Project which included a DEIR and a Final EIR, including related technical reports; along with a public review and comment period. The following is a summary of the City's environmental review of this Project:

- On August 28, 2017, the City circulated a Notice of Preparation (NOP) identifying the environmental issues to be analyzed in the Project's EIR to the State Clearinghouse, responsible agencies, and other interested parties.
- The NOP public review period ran for 30 days. Written comments on the NOP were received from 11 public agencies and two private individuals/unions. The scope of the issues identified in the comments expressing concern included potential impacts associated with: aesthetics, air quality, hydrology (drainage) and water quality, land use and planning and transportation and traffic.
- On September 20, 2017, the City conducted a scoping meeting, pursuant to CEQA Guidelines Section 15082(c)(1).

- The Notice of Availability (NOA) and DEIR were circulated for public review and a Notice of Completion (NOC) was filed with the State Clearinghouse on January 31, 2018 to start the 45-day review period.
- The City received a total of seven comment letters from public agencies, four comment letters from Indian Tribes and one comment letter from a private individual. The City prepared specific responses to all comments. The responses to comments are in Section 2.0 of the Final EIR.
- On _____, in accordance with *Public Resources Code* Section 21092.5, the City provided written proposed responses to public agencies that commented on the DEIR.
- On _____, notice of the Planning Commission hearing to consider the project was provided in the following newspapers of general and/or regional circulation: *The Perris Progress*.
- On _____, the Planning Commission conducted a public hearing to consider the Project. The Commission, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, the Planning Commission recommended that the City Council certify the EIR, adopt these Findings and the Statement of Overriding Considerations, and to take action to approve the Project as recommended by the Staff Report.

4.0 INDEPENDENT JUDGMENT AND FINDING

Albert A. Webb Associates was retained by the applicant to prepare the EIR. Albert A. Webb Associates prepared the EIR under the supervision, direction and review of the City planning staff.

Finding: The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

4.1 GENERAL FINDING ON MITIGATION MEASURES

In preparing the Discretionary Actions and Permits for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Discretionary Actions and Permits do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Discretionary Actions and Permits are intended to be identical or substantially similar to the recommended mitigation measure. Any

minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this Council's intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Discretionary Actions and Permits or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Discretionary Actions and Permits repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

As discussed in more detail below, these Facts, Findings and Statement of Overriding Considerations are intended to meet the requirements of CEQA Guidelines Sections 15091 and 15093. City staff reports, the EIR, written and oral testimony at public meetings or hearings, these Facts, Findings and Statement of Overriding Considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

Detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 5.0 of the DEIR and Section 3.0 of the Final EIR. Responses to comments from the public and from other government agencies on the EIR are provided in Section 2.0 of the Final EIR.

The EIR evaluated ten major environmental categories for potential impacts including Air Quality, Biological Resources, Cultural Resources/Tribal Cultural Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation and Traffic, Utilities and Service Systems, and Energy Conservation. Both Project-specific and cumulative impacts were evaluated. Of these ten major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in 5.1 below can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section 5.2, overriding considerations exist which make these potential impacts acceptable to this Council.

5.1 POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE WITH MITIGATION MEASURES

Public Resources Code Section 21081 and CEQA Guidelines Section 15091(a)(1) states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes the following finding:

Changes or alterations have been required in, or incorporated into, the Project which mitigate or

avoid the significant effects on the environment.

The following issues from the environmental categories analyzed in the EIR, including Aesthetics, Biological Resources, Cultural Resources/Tribal Cultural Resources, Hydrology and Water Quality, and Noise were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 and CEQA Guidelines Section 15091(a)(1) that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the Mitigation Monitoring and Reporting Program adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

Each mitigation measure discussed in this Section of the findings has a letter and number code correlating it with the environmental category used in the Mitigation Monitoring and Reporting Program Plan, in the EIR and those mitigation measures incorporated from the PVCCSP EIR.

5.1.1 Aesthetics

Potential Significant Impact: The EIR evaluated and concluded that the Project could create a source of substantial light or glare during construction which would adversely affect day or nighttime views.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure MM AES 1. The Mitigation Measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 5.1 of the DEIR. The following Mitigation Measures will mitigate impacts related aesthetics from lighting and glare to below a level of significance:

MM AES 1: Prior to issuance of grading permits, the Project developer shall provide evidence to the City that any temporary nighttime lighting installed for security purposes shall be downward facing and hooded or shielded to prevent security light spillage outside of the staging area or direct broadcast of security light into the sky.

Facts in Support of the Finding: Among other facts, the EIR recommends Mitigation Measure MM AES 1 to reduce this potentially significant impact to a less than significant level. During Project construction, nighttime lighting may be used within the construction staging areas to provide security for construction equipment. Due to the distance between the construction area and motorists on adjacent roadways, such security lights may cause a significant impact in the form of glare to motorists. Mitigation measure MM AES 1 will ensure that any temporary nighttime lighting will be appropriately placed to minimize spillage outside of the staging area. (DEIR, pg. 4-1) Accordingly, implementation of this mitigation measure would reduce the Project's impact from nighttime lighting and glare to less than significant.

5.1.2 Biological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S Fish and Wildlife Service.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures MM BIO 1 and MM BIO 2, along with PVCCSP MM Bio 1, MM Bio 2 and MM Bio 6. The Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 5.2 of the DEIR. The following Mitigation Measures will mitigate impacts, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S Fish and Wildlife Service.

MM BIO 1: Focused MSHCP burrowing owl surveys will be conducted to determine the presence, absence and status within and adjacent to the Project site. A report of the findings prepared by a qualified biologist shall be submitted to the City of Perris for review and approval.

A 30-day burrowing owl preconstruction survey will be conducted immediately prior to the initiation of ground-disturbing construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP. The survey will be conducted in compliance with both MSHCP and CDFW guidelines (MSHCP 2006, CDFW 2012). A report of the findings prepared by a qualified biologist shall be submitted to the City of Perris prior to any permit or approval for ground disturbing activities.

If burrowing owls are detected onsite during the 30-day preconstruction survey, during the breeding season (February 1st to August 31st) then construction activities shall be limited to beyond 300 feet of the active burrows until a qualified biologist has confirmed that nesting efforts are completed or not initiated. In addition to monitoring breeding activity, if construction is proposed to be initiated during the breeding season or active relocation is proposed, a burrowing owl mitigation plan will be developed based on the County of Riverside Environmental Programs Division, CDFW and USFWS requirements for the relocation of individuals to the Lake Mathews Preserve.

MM BIO 2: To avoid impacts to nesting birds protected by the Migratory Bird Treaty Act, the removal of trees shall be prohibited during the migratory bird nesting season (February 1 through September 15), unless a migratory bird nesting survey is completed in accordance with the following requirements:

- a) *A migratory nesting bird survey of all trees to be removed shall be conducted by a qualified biologist within three (3) days prior to initiating tree removal or vegetation clearing within 500 feet of a mature tree.*
- b) *A copy of the migratory nesting bird survey results report shall be provided to the City of Perris Planning Division. If the survey identifies the presence of active nests, then the qualified biologist shall provide the City Planning Division with a copy of maps showing the location of all nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be subject to review and approval by the City Planning Division and shall be no less than a 300-foot radius around the nest for non-raptors and a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and City Planning Division verify that the nests are no longer occupied and the juvenile birds can survive independently from the nests.*

MM Bio 1: In order to avoid violation of the MBTA and the California Fish and Game Code, site- preparation activities (removal of trees and vegetation) for all PVCC implementing development and infrastructure projects shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species.

If site-preparation activities for an implementing project are proposed during the nesting/breeding season (February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits for such project, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. If active nests are not located within the implementing project site and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre- activity field survey, no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active.

MM Bio 2: Project-specific habitat assessments and focused surveys for burrowing owls would be conducted for implementing development or infrastructure projects within burrowing owl survey areas. A pre-construction survey for resident burrowing owls would also be conducted by a qualified biologist within 30 days prior to commencement of grading and construction activities within those portions of implementing project sites containing suitable burrowing owl habitat and for those properties within an implementing project site where the biologist could not

gain access. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey and any relocation activity would be conducted in accordance with the current Burrowing Owl Instruction for the Western Riverside MSHCP.

If active nests are identified on an implementing project site during the pre-construction survey, the nests shall be avoided or the owls actively or passively relocated. To adequately avoid active nests, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31), and 160 feet during the non-breeding season.

If burrowing owls occupy any implementing project site and cannot be avoided, active or passive relocation shall be used to exclude owls from their burrows, as agreed to by the City of Perris Planning Department and the CDFG. Relocation shall be conducted outside the breeding season or once the young are able to leave the nest and fly. Passive relocation is the exclusion of owls from their burrows (outside the breeding season or once the young are able to leave the nest and fly) by installing one-way doors in burrow entrances. These one-way doors allow the owl to exit the burrow, but not enter it. These doors shall be left in place 48 hours to ensure owls have left the burrow. Artificial burrows shall be provided nearby. The implementing project area shall be monitored daily for one week to confirm owl use of burrows before excavating burrows in the impact area. Burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible pipe shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. The CDFG shall be consulted prior to any active relocation to determine acceptable receiving sites available where this species has a greater chance of successful long-term relocation. If avoidance is infeasible, then a DBESP would be required, including associated relocation of burrowing owls. If conservation is not required, then owl relocation would still be required following accepted protocols. Take of active nests would be avoided, so it is strongly recommended that any relocation occur outside of the nesting season.

MM Bio 6: Within areas of suitable habitat associated with the Narrow Endemic Plant Species Survey Area (NEPSSA) and Criteria Area Plant Species Survey Area (CAPSSA), focused plant surveys will be required for implementing projects. The MSHCP requires at least 90 percent avoidance of areas providing long-term conservation value for the NEPSSA and CAPSSA target species. If avoidance is not feasible, then such implementing projects will require the approval of a DBESP including appropriate mitigation.

Facts in Support of the Finding: Among other facts, the EIR recommends Mitigation Measures MM BIO 1 and MM BIO 2, along with PVCCSP MM Bio 1, MM Bio 2 and MM Bio 6 to reduce this potentially significant impact to a less than significant level. No candidate, sensitive, or special status species were documented onsite during the site visit conducted by Cadre in March 2017. Further, the MSHCP has determined that all of the sensitive species potentially occurring onsite have been adequately covered. A majority of the Project site occurs within a MSHCP Survey Area for burrowing owl and within a predetermined survey area for fourteen Narrow Endemic or Criteria Plant Species. (DEIR pg. 5.2-10).

Since suitable habitat was identified on-site for the MSHCP plant species, four separate sensitive plant surveys were conducted by Cadre between March and May 2017 (March 9, April 18, May 8, and May 16) in order to determine the presence or absence for the plant species on- the Project site. The Project surveys were coordinated with the blooming periods of several reference populations to establish whether or not the following species germinated, bloomed, and/or were identifiable during the 2017 Project-site focused survey program.

No state or federally listed threatened or endangered plant species and none of the Criteria Area or Narrow Endemic target plants were detected on or adjacent to the Project site. In addition, no other special-status plants of interest to the California Native Plant Society (CNPS) were detected on or adjacent to the Project site during the 2017 focused survey program. Completion of the surveys for Narrow Endemic and Criteria Area Plant Species satisfies PVCCSP EIR mitigation measure MM Bio 6. (*Id.*)

Focused MSHCP burrowing owl surveys were conducted by Cadre in April 2017 (April 12, 20, 24 and 26) to determine the presence, absence, and status of the species within and adjacent to the Project site pursuant to MSHCP burrowing owl survey protocol and mitigation contained in the PVCCSP EIR. Suitable burrowing owl burrows potentially used for refugia and/or nesting include foraging habitat were documented in the northwestern corner of the Project site, partially within the MSHCP Survey Area. According to the MSHCP guidelines, if suitable habitat is present, the biologist should also walk the perimeter of the property, which consists of a 150-meter (approximately 500-foot) buffer zone around the Project site boundary. If permission to access the buffer area cannot be obtained, the biologist shall visually inspect adjacent habitats with binoculars. Results from the habitat assessment indicate that suitable resources for burrowing owl are present throughout the disturbed regions of the Project site including adjacent habitats. (DEIR pg. 5.2-12)

No burrowing owl or characteristic sign were detected within or immediately adjacent to the Project site during the 2017 survey effort. Nonetheless, pursuant to mitigation measure MM BIO 1, a 30-day preconstruction survey will be conducted immediately prior to the initiation of construction to ensure protection for this species which may colonize the site in the future and compliance with the conservation goals outlined in the MSHCP. If burrowing owls are detected onsite during the 30-day preconstruction survey, a burrowing owl mitigation plan will be developed for relocation. (*Id.*)

Additionally, the non-native vegetation at the Project site may support nests utilized by birds protected under the MBTA or the California Fish and Game Code, as discussed under Section 5.2.3 – Related Regulations. Thus, because all migratory non-game native birds are protected from “take” under the MBTA, the potential exists for construction-related disturbance to nested birds covered under the MBTA. Impacts can be minimized or eliminated by avoiding potential impacts to nesting sites at the Project site during construction pursuant to mitigation measure MM Bio 1 contained in the PVCCSP EIR. CDFW generally recommends avoidance buffers of approximately 500 feet for birds of prey, and 100 to 300 feet for songbirds. Therefore, mitigation measure MM BIO 2 will be implemented requiring construction activities to be scheduled outside of the breeding season of MBTA-covered bird species to the greatest extent feasible and monitoring prior to ground disturbance activities at the site by a qualified biologist if construction is scheduled within

the breeding season. (*Id.*)

Accordingly, implementation of these mitigation measures would reduce the Project's impact either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S Fish and Wildlife Service to less than significant.

Potential Significant Impact: The EIR evaluated and concluded that the Project could conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures MM BIO 1. The Mitigation Measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 5.2 of the DEIR. The following Mitigation Measures will mitigate impacts the could conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.

See MM BIO 1 above.

Facts in Support of the Finding: Among other facts, the EIR recommends Mitigation Measures MM BIO 1 to reduce this potentially significant impact to a less than significant level. The proposed Project site is located within the geographic area covered by the Riverside County Multi Specific Habitat Conservation Plan (MSHCP). The Project site is located within the Mead Valley Area Plan of the MSHCP; however, it is not located within the MSHCP Criteria Area. In accordance with the MSHCP, the proposed Project was also reviewed for consistency with the MSHCP Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool), Section 6.1.3 (Protection of Narrow Endemic Plant Species), Section 6.1.4 (Guidelines Pertaining to the Urban/Wildlands Interface), Section 6.3.2 (Additional Survey Needs and Procedures), and Section 6.4 (Fuels Management). The proposed Project is consistent with MSHCP Section 6.1.2, Section 6.1.3, Section 6.1.4, and Section 6.4. With implementation of mitigation measure MM BIO 1 to reduce impacts to burrowing owls to less than significant, the proposed Project will be consistent with MSHCP Section 6.3.2. (DEIR, pgs. 5.2-14 to 5.2-16)

The Project site is also located within the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP), which establishes a mechanism for the long-term conservation of the species. Potential impacts to the SKR are mitigated on a regional basis through compliance with the SKR HCP. The Project site is located within the Fee Area boundary of the SKR HCP and the Project applicant will pay all applicable fees pursuant to County Ordinance 663.10 to mitigate potential impacts to this species.

Accordingly, payment of the fee and implementation of this mitigation measure would reduce the Project's conflict with the provisions of an adopted Habitat Conservation Plan, Natural

Conservation Community Plan, or other approved local, regional, or state conservation plan to less than significant.

5.1.3 Cultural Resources/Tribal Cultural Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could impact all issue areas involving Cultural Resources/Tribal Cultural Resources.

Findings: Potential impacts of the Project on cultural resources and tribal cultural resources are discussed in Section 5.3 of the DEIR. Based on the entire record before us, this Council finds there is the potential for discovery of archeological resources, paleontological resources and human remains. Impacts could be significant without mitigation. Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures MM CR 1 to MM CR 3, along with PVCCSP MM Cult 1 and MM Cult 6. The Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 5.3 of the DEIR. The following Mitigation Measures will mitigate impacts related to cultural resources and tribal cultural resources to below a level of significance:

MM CR 1: The Project developer shall retain a professional archaeologist prior to the issuance of grading permits. The task of the archaeologist that meets the Secretary of the Interior's Professional Qualification Standards for Archaeology (U.S. Department of Interior, 2012) and as approved by the City of Perris shall be to monitor the initial ground-altering activities at the subject site and off-site Project improvement areas for the unearthing of previously unknown archaeological and/or cultural resources. Selection of the archaeologist shall be subject to the approval of the City of Perris Director of Development Services and no grading activities shall occur at the site or within the off-site Project improvement areas until the archaeologist has been approved by the City.

The archaeological monitor shall be responsible for maintaining daily field notes and a photographic record, and for reporting all finds to the developer and the City of Perris in a timely manner. The archaeologist shall be equipped to record and when necessary, recover cultural resources that may be unearthed during grading activities. The archaeologist shall be empowered to temporarily halt or divert grading equipment to allow recording and removal of the unearthed resources.

In the event that archaeological resources are discovered at the Project site or within the off-site project improvement areas, the handling of the discovered resources will differ. Consistent with California Public Records Code Section 21083.2(b.) and Assembly Bill 52 (Chapter 532, Statutes of 2014) avoidance shall be the preferred method of preservation for tribal cultural resources and archaeological resources. If the Project Applicant, Project archaeologist and Pechanga Tribe cannot agree on the significance of avoidance of, or mitigation for such resources, these issues shall be presented to the Planning Director for determination. The Planning Director shall make the determination based on the information submitted by the Pechanga Tribe, the religious beliefs, customs, and practices of the Pechanga Tribe, and the provisions of the California Environmental

Quality Act regarding tribal cultural and archaeological resources. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council. It is understood that all artifacts with the exception of human remains and related grave goods or sacred/ceremonial objects belong to the property owner. All artifacts discovered at the development site shall be inventoried and analyzed by the professional archaeologist. If any artifacts of Native American origin are discovered, all activities in the immediate vicinity of the find (within a 100-foot radius) shall stop and the project proponent and project archaeologist shall notify the City of Perris Planning Division, the Pechanga Band of Luiseño Indians, the

Soboba Band of Luiseño Indians, and any other tribes identified by the Native American Heritage Commission (NAHC) as being affiliated with the area tribes. All items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling.

Native American artifacts that are relocated/reburied at the Project site would be subject to a fully executed relocation/reburial agreement with the monitoring tribes or bands. This shall include measures and provisions to protect the reburial area from any future impacts. Relocation/reburial shall not occur until all cataloging and basic recordation have been completed. Native American artifacts that cannot be avoided or relocated at the Project site shall be prepared in a manner for curation at an accredited curation facility in Riverside County that meets federal standards per 36 CFR Part 79 and makes the artifacts available to other archaeologists/researchers for further study such as University of California, Riverside Archaeological Research Unit (UCR-ARU) or the Western Center for Archaeology and Paleontology. The archaeological consultant shall deliver the Native American artifacts, including title, to the accredited curation facility within a reasonable amount of time along with the fees necessary for permanent curation.

Non-Native American artifacts shall be inventoried, assessed, and analyzed for cultural affiliation, personal affiliation (prior ownership), function, and temporal placement. Subsequent to analysis and reporting, these artifacts will be subjected to curation or returned to the property owner, as deemed appropriate.

Once grading activities have ceased or the archaeologist, in consultation with the designated Native American observer, determines that monitoring is no longer necessary, monitoring activities can be discontinued following notification to the City of Perris Planning Division, and consistent with the terms of the agreement by MM CR4.

A report of findings, including an itemized inventory of recovered artifacts, shall be prepared upon completion of the steps outlined above. The Project archaeologist shall prepare a final archaeological report within sixty (60) days of completion of the Project. The report shall follow ARMR Guidelines and City of Perris requirements and shall include at a minimum: a discussion of the monitoring methods and techniques used; the results of the monitoring program, including any artifacts recovered; an inventory of any resources recovered; final disposition of the resources; and, any additional recommendations. A final copy shall be submitted to the City of Perris, Project Applicant, the Eastern Information Center (EIC), and Pechanga Tribe.

The report shall include a discussion of the significance of all recovered artifacts. The report shall provide evidence that any Native American and Non-Native American archaeological resources recovered during project development have been avoided, reburied, or curated at an accredited

curation facility. A copy of the report shall also be filed with the Eastern Information Center (EIC) and submitted to the Pechanga Band of Luiseño Indians and the Soboba Band of Luiseño Indians.

MM CR 2: Prior to the issuance of grading permits, the project applicant shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP) The PRIMMP shall include the provision of a qualified professional paleontologist (or his or her paleontological monitor representative) during on-site and off-site subsurface excavation that exceeds three (3) feet in depth. Selection of the paleontologist shall be subject to the approval of the City of Perris Planning Manager and no grading activities shall occur at the site until the paleontologist has been approved by the City.

Monitoring should be restricted to undisturbed subsurface areas of older alluvium, which might be present below the surface. The paleontologist shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays. The paleontologist shall also remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.

Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated and placed into an accredited repository (such as the Western Science Center or the Riverside Metropolitan Museum) with permanent curation and retrievable storage.

A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all recovered specimens. The report and inventory, when submitted to the City of Perris Planning Division, will signify completion of the program to mitigate impacts to paleontological resources.

MM CR 3: In the event that human remains (or remains that may be human) are discovered at the Project site during grading or earthmoving, the construction contractors, Project archaeologist, and/or designated Native American observer shall immediately stop all activities within 100 feet of the find. The Project proponent shall then inform the Riverside County Coroner and the City of Perris Planning Division immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

If the coroner determines that the remains are of Native American origin, the coroner would notify the Native American Heritage Commission (NAHC), which will identify the "Most Likely Descendent" (MLD)¹. Despite the affiliation with any Native American representatives at the site,

¹ The "Most Likely Descendent" (MLD) is a reference used by the California Native American Heritage Commission to identify the individual or population most likely associated with any human remains that may be identified within a given project area. Under California Public Resources Code, Section 5097.98, the Native American Heritage Commission has the authority to name the MLD for any specific project and this identification is based on a report of Native American remains through the County Coroner's office. The City of Perris will recognize any MLD identified by the Native American Heritage Commission without giving preference to any particular population. In cases where the Native American Heritage Commission is not tasked with the identification of a Native

the NAHC's identification of the MLD will stand. The MLD shall be granted access to inspect the site of the discovery of Native American human remains and may recommend to the Project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains will be determined in consultation between the Project proponent and the MLD. In the event that the Project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the Eastern Information Center (EIC).

MM Cult 1: Prior to the consideration by the City of Perris of implementing development or infrastructure projects for properties that are vacant, undeveloped, or considered to be sensitive for cultural resources by the City of Perris Planning Division, a Phase I Cultural Resources Study of the subject property prepared in accordance with the protocol of the City of Perris by a professional archeologist² shall be submitted to the City of Perris Planning Division for review and approval. The Phase I Cultural Resources Study shall determine whether the subject implementing development would potentially cause a substantial adverse change to any significant paleontological, archaeological, or historic resources. The Phase I Cultural Resources Study shall be prepared to meet the standards established by Riverside County and shall, at a minimum, include the results of the following:

- 1. Records searches at the Eastern Information Center (EIC), the National or State Registry of Historic Places and any appropriate public, private, and tribal archives.*
- 2. Sacred Lands File record search with the NAHC followed by project scoping with tribes recommended by the NAHC.*
- 3. Field survey of the implementing development or infrastructure project site.*

The proponents of the subject implementing development projects and the professional archaeologists are also encouraged to contact the local Native American tribes (as identified by the California Native Heritage Commission and the City of Perris) to obtain input regarding the potential for Native American resources to occur at the project site.

American representative, the City of Perris reserves the right to make an independent decision based upon the nature of the proposed project.

² For the purpose of this measure, the City of Perris considers professional archaeologists to be those who meet the United States Secretary of the Interior's standards for recognition as a professional, including an advanced degree in anthropology, archaeology, or a related field, and the local experience necessary to evaluate the specific project. The professional archaeologist must also meet the minimum criteria for recognition by the Register for Professional Archaeologists (RPA), although membership is not required.

Measures shall be identified to mitigate the known and potential significant effects of the implementing development or infrastructure project, if any. Mitigation for historic resources shall be considered in the following order of preference:

- 1. Avoidance.*
- 2. Changes to the structure provided pursuant to the Secretary of Interior's Standards.*
- 3. Relocation of the structure.*
- 4. Recordation of the structure to Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standard if demolition is allowed. Avoidance is the preferred treatment for known significant prehistoric and historical archaeological sites, and sites containing Native American human remains. Where feasible, plans for implementing projects shall be developed to avoid known significant archaeological resources and sites containing human remains. Where avoidance of construction impacts is possible, the implementing projects shall be designed and landscaped in a manner, which would ensure that indirect impacts from increased public availability to these sites are avoided. Where avoidance is selected, archaeological resource sites and sites containing Native American human remains shall be placed within permanent conservation easements or dedicated open space areas.*

The Phase I Cultural Resources Study submitted for each implementing development or infrastructure project shall have been completed no more than three (3) years prior to the submittal of the application for the subject implementing development project or the start of construction of an implementing infrastructure project.

MM Cult 6: In the event that human remains (or remains that may be human) are discovered at the implementing development project site during grading or earthmoving, the construction contractors shall immediately stop all activities in the immediate area of the find. The project proponent shall then inform the Riverside County Coroner and the City of Perris Planning Division and the coroner would be permitted to examine the remains.

If the coroner determines that the remains are of Native American origin, the coroner would notify the NAHC and the Commission would identify the "Most Likely Descendent" (MLD)³. Despite the

³ The "Most Likely Descendent" ("MLD") is a reference used by the California Native American Heritage Commission to identify the individual or population most likely associated with any human remains that may be identified within a given project area. Under California Public Resources Code section 5097.98, the Native American Heritage Commission has the authority to name the MLD for any specific project and this identification is based on a report of Native American remains through the County Coroner's office. In the case of the City of Perris, the Native American Heritage Commission may identify the Luiseño descendent, but generally names the Soboba or Pechanga bands of Mission Indians (both Luiseño populations) and alternates between the two groups. The City of Perris will recognize any MLD identified by the Native American Heritage Commission without giving preference to any particular population. In cases where the Native American Heritage Commission is not tasked with the identification of a Native American representative, the City of Perris reserves the right to make an independent decision based upon the nature of the proposed project.

affiliation of any Native American representatives at the site, the Commission's identification of the MLD would stand. The MLD shall be granted access to inspect the site of the discovery of the Native American human remains and may recommend to the project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains would be determined in consultation with the City of Perris, the project proponent, and the MLD. The City of Perris would be responsible for the final decision, based upon input from the various stakeholders.

If the human remains are determined to be other than Native American in origin, but still of archaeological value, the remains would be recovered for analysis and subject to curation or reburial at the expense of the project proponent. If deemed appropriate, the remains would be recovered by the coroner and handled through the Coroner's Office.

Coordination with the Coroner's Office would be through the City of Perris and in consultation with the various stakeholders.

The specific locations of Native American burials and reburials would be proprietary and not disclosed to the general public. The locations would be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings shall be filed with the Eastern Information Center (EIC).

Facts in Support of the Finding: Among other facts, the EIR recommends Mitigation Measures MM CR 1 to MM CR 3, along with PVCCSP MM Cult 1 and MM Cult 6 to reduce this potentially significant impact to a less than significant level. The entire Project site exhibits extensive ground disturbance and is located on Pleistocene-aged deposits that have a low probability of yielding subsurface prehistoric deposits. As such, the likelihood of encountering intact subsurface archaeological deposits within the Project area is low. However, there is always the potential that previously unidentified archeological resources may be discovered during ground disturbance at a project site. In the unlikely event that an archaeological resource is discovered, mitigation measure MM CR 1 will ensure impacts are reduced to less than significant. (DEIR, pg. 5.3-24)

The proposed Project site is located within Area 4 of the City's Paleontological Sensitivity map, which contains young Quaternary alluvium, which has low potential to contain significant fossil resources, overlying older Pleistocene valley deposits. (Perris GP CN, p. 26.) General Plan Conservation Element Implementation Measure IV.A.4, requires paleontologic monitoring within Area 4 once subsurface excavations reach five feet in depth, with monitoring levels reduced if appropriate, at the discretion of a certified Project Paleontologist. (Perris GP CN, p. 47.) With implementation of MM CR 2, any newly discovered paleontological resources would be subject to scientific recovery and evaluation to ensure that important scientific information that could be provided by these resources would not be lost. (*Id.*)

Finally, in the unlikely event that suspected human remains are uncovered during construction, all activities in the vicinity of the remains shall cease and the contractor shall notify the County Coroner immediately pursuant to California *Health & Safety Code* Section 7050.5, California *Public Resources Code* Section 5097.98, and mitigation measure MM CR 3. (DEIR, pg. 5.3-24 to 5.3-25) Accordingly, implementation of these mitigation measures would reduce the Project's impact on cultural resources and tribal cultural resources to less than significant.

5.1.4 Hydrology and Water Quality

Potential Significant Impact: The EIR evaluated and concluded that the Project could be impacted by being within a 100-year flood hazard area which could impede or redirect flood flows.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure MM HYD 1. This Mitigation Measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 5.5 of the DEIR. The following Mitigation Measures will mitigate impacts related to hazards and hazardous materials to below a level of significance

MM HYD 1: Prior to issuance of any grading permit, the applicant shall provide evidence to the City of Perris that a Conditional Letter of Map Revision (CLOMR) has been received from FEMA acknowledging that the proposed improvements remove the subject area from the flood plain.

Facts in Support of the Finding: Among other facts, the EIR recommends Mitigation Measures MM HYD 1 to reduce this potentially significant impact to a less than significant level. Approximately 24 acres of the Project site are currently within the flood hazard zone of the 100-year storm event for the Perris Valley Storm Drain (PVSD). The base flood elevation at the Project site is 1,455.2 feet. The Project applicant proposes to raise the final floor elevation of the proposed building by 1.7 feet to 1,456.9 feet in order to raise the proposed structure (approximately 685,300 square feet) out of the floodplain. However, because the building pad will occupy space in the floodplain that was previously slated for floodwaters, a Conditional Letter of Map Revision (CLOMR) application will be submitted to the Federal Emergency Management Agency (FEMA) as part of this Project. Following Project completion a Letter of Map Revision (LOMR) will be submitted to officially revise the Flood Insurance Rate Map (FIRM) to demonstrate how the floodplain has been modified. Although the Project applicant or developer will place a structure in a location that would redirect 100-year flood flows, the Project applicant or developer is required to submit an application to FEMA for a CLOMR, followed by a LOMR to demonstrate the building is removed from the floodplain and the resulting changes to the FIRM. (DEIR pg. 5.5-29) Mitigation measure MM HYD 1 requires that prior to the issuance of a grading permit, the Project developer shall provide evidence to the City that a CLOMR has been received from FEMA. Accordingly, implementation of this mitigation measure would reduce the Project's impact on hydrology and water quality to less than significant.

5.1.5 Noise

Potential Significant Impact: The EIR evaluated and concluded that the Project could have potential noise impacts resulting from construction.

Finding: Based on the entire record before us, this Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measures PVCCSP MM Noise 1 to MM Noise 4. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to this issue area are discussed in detail in Section 5.7 of the DEIR. The following Mitigation Measures will mitigate impacts related to noise to below a level of significance.

MM Noise 1: During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers consistent with manufacturer's standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

MM Noise 2: During construction, stationary construction equipment, stockpiling and vehicle staging areas will be placed a minimum of 446 feet away from the closest sensitive receptor.

MM Noise 3: No combustion-powered equipment, such as pumps or generators, shall be allowed to operate within 446 feet of any occupied residence unless the equipment is surrounded by a noise protection barrier.

MM Noise 4: Construction contractors of implementing development projects shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.

Facts in Support of the Finding: Among other facts, the EIR recommends Mitigation Measures PVCCSP MM Noise 1 to MM Noise 4 to reduce this potentially significant impact to a less than significant level. For construction noise, the closest existing residential dwelling units to the Project site are located approximately 1,120 feet north of the Project site and may be affected by short-term noise impacts associated with the transport of workers, the movement of construction materials to and from the Project site, ground clearing, excavation, grading, and building activities. Construction noise is considered a short-term impact and would be considered significant if construction activities are undertaken outside the allowable times as described by the City's Municipal ordinances 7.34.060 and exceed 80 dBA. (DEIR, pg. 5.7-27)

The results of the RCNM construction noise model indicate peak construction noise ranges from a low of 53 dBA CNEL (or 57 dBA L_{eq}) during Phase 3 – Building Construction to a high of 56 dBA CNEL (or 60 dBA L_{eq}) during Phase 2 - Grading. These results represent the peak exposure

that is only applicable for approximately 10-15% of the total construction period. Using the acoustical center concept, the results of the RCNM modeling indicate the average construction noise levels may range from 50 dBA CNEL (or 54 dBA L_{eq}) during Phase 3 – Building Construction to 53 dBA CNEL (or 57 dBA L_{eq}) during Phase 2 - Grading. The RCNM model results indicate that the noise levels generated by Project construction (either peak or average levels) during any phase are not expected to exceed the 60 dBA CNEL limit for exterior noise exposure. While the 60 dBA CNEL restriction for exterior noise exposure is not intended to apply to construction activities, the construction process as restricted by City ordinance would result in average construction noise levels at residential property lines that comply with the 60 dBA CNEL operational (i.e., permanent) exterior noise limit. These facts, along with the implementation of these mitigation measures would reduce the Project's construction noise impacts to less than significant.

5.2 ENVIRONMENTAL IMPACTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION AND FINDINGS

This Council finds that the following environmental impacts identified in the EIR remains significant even after all feasible mitigation measures: Air Quality – Operation and Cumulative Impacts, Greenhouse Gas Emissions and Traffic and Transportation – Buildout (2040 plus Project Conditions).

In accordance with CEQA Guidelines Section 15092(b)(2), this Council cannot approve the Project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3) and CEQA Guidelines Section 15901 (a)(3), that specific economic, legal, social, technological or other considerations, including provisions of employment opportunities to workers, make infeasible the mitigation measures or project alternatives identified in the EIR; and (2) under CEQA Guidelines Section 15092(b), that the remaining significant impacts are acceptable due to overriding considerations described in CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

5.2.1 Air Quality Operations (Project and Cumulative)

Significant Unavoidable Impact: The EIR concluded that the Project could result in significant air quality impacts from operations both from the project and cumulatively.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant and Project Mitigation Measure MM AQ 1, along with PVCCSP Mitigation Measures MM Air 11 to MM Air 14 and MM Air 18 to MM Air 20 are incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing the potentially significant impacts, but not below a level of less than significant. Accordingly, air quality impacts from operations (project and cumulative) will remain significant and unavoidable. The following Mitigation Measures will mitigate impacts to air quality emissions to the extent feasible, but the impacts will remain significant and unavoidable:

MM AQ 1: Service equipment (i.e., yard hostlers and forklifts) used within the site shall be electric

or compressed natural gas-powered.

MM Air 11: Signage shall be posted at loading docks and all entrances to loading areas prohibiting all on-site truck idling in excess of five minutes.

MM Air 12: Where transport refrigeration units (TRUs) are in use, electrical hookups will be installed at all loading and unloading stalls in order to allow TRUs with electric standby capabilities to use them.

MM Air 13: In order to promote alternative fuels, and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants and businesses with information related to SCAQMD's Carl Moyer Program, or other state programs that restrict operations to "clean" trucks, such as 2007 or newer model year or 2010 compliant vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. If trucks older than 2007 model year would be used at a facility with three or more dock-high doors, the developer/successor-in-interest shall require, within one year of signing a lease, future tenants to apply in good-faith for funding for diesel truck replacement/retrofit through grant programs such as the Carl Moyer, Prop 1B, VIP [On-road Heavy Duty Voucher Incentive Program], HVIP [Hybrid and Zero- Emission Truck and Bus Voucher Incentive Project], and SOON [Surplus Off-Road Opt-in for NO_x] funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants would be required to use those funds, if awarded.

MM Air 14: Each implementing development project shall designate parking spaces for high-occupancy vehicles and provide larger parking spaces to accommodate vans used for ride sharing. Proof of compliance would be required prior to the issuance of occupancy permits.

MM Air 18: Prior to the approval of each implementing development project, the Riverside Transit Agency (RTA) shall be contacted to determine if the RTA has plans for the future provision of bus routing within any street that is adjacent to the implementing development project that would require bus stops at the project access points. If the RTA has future plans for the establishment of a bus route that will serve the implementing development project, road improvements adjacent to the Project site shall be designed to accommodate future bus turnouts at locations established through consultation with the RTA. RTA shall be responsible for the construction and maintenance of the bus stop facilities. The area set aside for bus turnouts shall conform to RTA design standards, including the design of the contact between sidewalks and curb and gutter at bus stops and the use of ADA-compliant paths to the major building entrances in the Project.

MM Air 19: In order to reduce energy consumption from the individual implementing development projects, applicable plans (e.g., electrical plans, improvement maps) submitted to the City shall include the installation of energy-efficient street lighting throughout the Project site. These plans shall be reviewed and approved by the applicable City Department (e.g., City of Perris' Building Division) prior to conveyance of applicable streets.

MM Air 20: All project buildings shall be designed to exceed current Title 24 requirements by

twenty percent (20%). The project shall incorporate a water conservation strategy of 30% or higher.

Facts in Support of the Finding: Operational emissions generated by area sources, energy sources, and mobile sources would result from the increased amount of normal day-to-day activities at the Project after occupation. The results of these calculations are presented in DEIR, Tables 5.1-F and 5.1-G. As shown, the Project would generate a net increase in annual operational emissions of VOC, SO₂, PM₁₀, and PM_{2.5} that do not exceed the thresholds of significance recommended by the South Coast Air Quality Management District (SCAQMD). As such, the impact of these pollutants would be less than significant. However, the net increase in emissions of NO_x would exceed the SCAQMD's recommended threshold for these pollutants. Even with the implementation of the mitigation measures, Project operational-source NO_x emissions would still exceed SCAQMD regional thresholds. (DEIR, Tables 5.1-F and 5.1-G) Furthermore, the fact that the Project generates long-term emissions of the ozone precursors NO_x in excess of applicable SCAQMD thresholds indicates that the Project impact is significant on an individual basis and would therefore contribute to cumulatively significant air quality impacts within the SCAQMD ozone non-attainment area as well. (DEIR, pg. 5.1-34) Accordingly, the air quality impacts from operations (project and cumulative) will be significant and unavoidable.

5.2.2 Greenhouse Gases

Significant Unavoidable Impact: The EIR concluded that the Project could result in significant greenhouse gas emissions impacts from the project.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant and PVCCSP Mitigation Measures MM Air 2, MM Air 4 through MM Air 7, MM Air 11 to MM Air 14 and MM Air 18 to MM Air 20 are incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing the potentially significant impacts, but not below a level of less than significant. Accordingly, greenhouse gas emissions impacts will remain significant and unavoidable.

The following Mitigation Measures will mitigate impacts to air quality emissions to the extent feasible, but the impacts will remain significant and unavoidable:

MM Air 2: Each individual implementing development project shall submit a traffic control plan prior to the issuance of a grading permit. The traffic control plan shall describe in detail safe detours and provide temporary traffic control during construction activities for that project. To reduce traffic congestion, the plan shall include, as necessary, appropriate, and practicable, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on- and off-site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow.

MM Air 4: Building and grading permits shall include a restriction that limits idling of construction equipment on site to no more than five minutes.

MM Air 5: Electricity from power poles shall be used instead of temporary diesel or gasoline-powered generators to reduce the associated emissions. Approval will be required by the City of Perris' Building Division prior to issuance of grading permits.

MM Air 6: The developer of each implementing development project shall require, by contract specifications, the use of alternative fueled off-road construction equipment, the use of construction equipment that demonstrates early compliance with off-road equipment with the CARB in-use off-road diesel vehicle regulation (SCAQMD Rule 2449) and/or meets or exceeds Tier 3 standards with available CARB verified or US EPA certified technologies. Diesel equipment shall use water emulsified diesel fuel such as PuriNOx unless it is unavailable in Riverside County at the time of project construction activities. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Perris' Building Division prior to issuance of a grading permit.

MM Air 7: During construction, ozone precursor emissions from mobile construction equipment shall be controlled by maintaining equipment engines in good condition and in proper tune per manufacturers' specifications to the satisfaction of the City of Perris' Building Division. Equipment maintenance records and equipment design specification data sheets shall be kept on-site during construction. Compliance with this measure shall be subject to periodic inspections by the City of Perris' Building Division.

MM Air 11 to MM Air 14 and MM Air 18 to MM Air 20 see above.

Facts in Support of the Finding: Using all the emissions quantified above, the total GHG emissions generated from the Project is approximately 12,371 MTCO₂E/yr which includes construction-related emissions amortized over a typical project life of 30 years vegetation changes.

Compliance with Project-specific design considerations not included in the emissions estimates, specifically those aimed at reducing mobile source emissions, would aide in the reduction of GHG emissions beyond what is presented in this analysis. Additionally, PVCCSP EIR mitigation measures MM Air 2, 4 through 7, 11 through 14 and 18 through 20 listed in Section 5.4.2 would be implemented to reduce criteria pollutant emissions, would also reduce GHG emissions. Although implementation of mitigation measures MM Air 2, 4 through 7, 11 through 14 and 18 through 20 would reduce Project-related long-term GHG emissions, reasonable estimates of the amount of emissions reductions are not feasible. The magnitude of GHG reductions from PVCCSP EIR mitigation measures MM Air 2, 4 through 7, 11 through 14 and 18 through 20 would be relatively small because these mitigation measures address building and on-site emissions reductions while most of the operational emissions would be generated by long-haul diesel trucks while on the road. Implementation of PVCCSP EIR mitigation measure MM Air 11 could reduce emissions associated with long-haul trucking. However, the degree of implementation of PVCCSP EIR mitigation measure MM Air 11 is not assured and the effect on GHG emissions would depend on the advanced engine technology selected. It is reasonable to assume that the amount of GHG reductions resulting from implementation of PVCCSP EIR mitigation measures MM Air 2, 4 through 7, 11 through 14 and 18 through 20 would not reduce Project emissions from an estimated 12,371 MTCO₂e/yr to the 10,000 MTCO₂e/yr threshold of significance. (DEIR, pgs. 5.4-46 to 5.4-47) Accordingly, Therefore, even with implementation of the Project design considerations

and the PVCCSP EIR mitigation measures the greenhouse gas emissions impact will be significant and unavoidable.

5.2.3 Transportation and Traffic (Build Out 2040 plus Project Conditions)

Potential Significant Impact: The EIR evaluated and concluded that the Project could have a potential impact on transportation and traffic for 2040 Buildout plus Project conditions.

Finding: Based on the entire record before us, this Commission finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures MM TRANS 1 to MM TRANS 4, along with PVCCSP MM Trans 1 to MM Trans 5, MM Trans 7 and MM Trans 8. These Mitigation Measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level with the exception of 2040 Buildout plus Project conditions. Accordingly, traffic impacts related to 2040 Buildout plus Project conditions will remain significant and unavoidable.

MM TRANS 1: Project truck traffic shall be prohibited from using the Ramona Expressway. Truck traffic shall be restricted to Harley Knox Boulevard as the one and only truck route.

MM TRANS 2: The Project shall participate in the phased construction of off-site traffic signals through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees which include TUMF (Transportation Uniform Mitigation Fee), DIF (Development Impact Fee) and the NPRBBD (North Perris Road and Bridge Benefit District). The fees shall be collected and utilized as needed by the City of Perris to construct the improvements necessary to maintain the required level of service and build or improve roads to their build-out level (PVCCSP MM Trans 3).

MM TRANS 3: Sight distance at the project entrance roadway of each implementing development project shall be reviewed with respect to standard City of Perris sight distance standards at the time of preparation of final grading, landscape and street improvement plans (PVCCSP MM Trans 2).

MM TRANS 4: Signing/stripping should be implemented in conjunction with detailed construction plans for the project site in accordance with the conceptual striping plan for Markham Street prepared east of Indian Avenue.

MM Trans 1: Future implementing development projects shall construct on-site roadway improvements pursuant to the general alignments and right-of-way sections set forth in the PVCC Circulation Plan, except where said improvements have previously been constructed.

MM Trans 2: Sight distance at the project entrance roadway of each implementing development project shall be reviewed with respect to standard City of Perris sight distance standards at the time of preparation of final grading, landscape and street improvement plans.

MM Trans 3: Each implementing development project shall participate in the phased construction

of off-site traffic signals through payment of that project's fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees which include TUMF (Transportation Uniform Mitigation Fee), DIF (Development Impact Fee) and the NPRBBD (North Perris Road and Bridge Benefit District). The fees shall be collected and utilized as needed by the City of Perris to construct the improvements necessary to maintain the required level of service and build or improve roads to their build-out level.

MM Trans 4: Prior to the approval of individual implementing development projects, the Riverside Transit Agency (RTA) shall be contacted to determine if the RTA has plans for the future provision of bus routing in the project area that would require bus stops at the project access points. If the RTA has future plans for the establishment of a bus route that would serve the project area, road improvements adjacent to the project site shall be designed to accommodate future bus turnouts at locations established through consultation with the RTA. RTA shall be responsible for the construction and maintenance of the bus stop facilities. The area set aside for bus turnouts shall conform to RTA design standards, including the design of the contact between sidewalk and curb and gutter at bus stops and the use of ADA-compliant paths to the major building entrances in the project.

MM Trans 5: Bike racks shall be installed in all parking lots in compliance with City of Perris standards.

MM Trans 7: Implementing project-level traffic impact studies shall be required for all subsequent implementing development proposals within the boundaries of the PVCC as approved by the City of Perris Engineering Department. These subsequent traffic studies shall identify specific project impacts and needed roadway improvements to be constructed in conjunction with each implementing development project. All intersection spacing for individual tracts or maps shall conform to the minimum City intersection spacing standards. All turn pocket lengths shall conform at least to the minimum City turn pocket length standards. If any of the proposed improvements are found to be infeasible, the implementing development project applicant would be required to provide alternative feasible improvements to achieve levels of service satisfactory to the City.

MM Trans 8: Proposed mitigation measures resulting from project-level traffic impact studies shall be coordinated with the NPRBBD to ensure that they are in conformance with the ultimate improvements planned by the NPRBBD. The applicant shall be eligible to receive proportional credits against the NPRBBD for construction of project level mitigation that is included in the NPRBBD.

Facts in Support of the Finding: Among other facts, the EIR recommends Mitigation Measures MM TRANS 1 to MM TRANS 4, along with PVCCSP MM Trans 1 to MM Trans 5, MM Trans 7 and MM Trans 8 to reduce this potentially significant impact to a less than significant level. Under existing, Existing plus Project (E+P), Existing plus Ambient plus Project (E+A+P), and Existing plus Ambient plus Cumulative plus Project (E+A+C+P) conditions, none of the study area intersections or freeway segments exceed the applicable LOS; traffic at 2040 Buildout plus Project (2040+P) conditions will also operate at an acceptable LOS if the recommended improvements are implemented. Mitigation measure MM TRANS 1 will ensure that Project truck traffic is limited to Harley Knox Boulevard to remain consistent with the Perris GP Circulation

Element and PVCCSP Circulation Plan.

The proposed Project applicant (or subsequent developer) will also be subject to its fair share of traffic signal mitigation fees and the cost of other off-site improvements through payment of fair share mitigation fees which include TUMF, DIF, and NPRBBD fees as outlined in MM TRANS 2. These fees will be used to construct the improvements necessary to maintain the required LOS and build or improve roads to their build-out level.

Under E+P, E+A+P, and E+A+C+P conditions, all study area intersections will operate at an acceptable LOS. Therefore, it can be concluded that the proposed Project's potential impacts related to conflict with applicable plans, ordinances or policies establishing measures of effectiveness for the performance of the circulation system are considered to be less than significant with mitigation under these conditions. However, under 2040+P conditions, LOS drops below acceptable; improvements are needed to bring the LOS back to acceptable. The freeway segments that operate at an unacceptable LOS are subject to the jurisdiction of Caltrans. Caltrans does not have any plans to improve the impacted segments that would be operational by the Project's opening year, and the City of Perris has no control or jurisdiction over the implementation of the mitigation measures; therefore the recommended improvements needed under 2040+P conditions are not feasible and may not be included as mitigation measures. For these reasons, impacts resulting from Project-generated traffic under Year 2040 conditions are considered significant and unavoidable. (DEIR, pg. 5.8-60)

No new dangerous intersections will be created as a result of Project implementation, and all Project trucks will be restricted to use Harley Knox Boulevard as the one and only truck route as per mitigation measure MM TRANS 1. This will separate Project-related truck traffic from sensitive residential areas. Mitigation measure MM TRANS 3 involves a safety and operational improvement related to sight distance at the Project entrance roadway. Mitigation measure MM TRANS 4 involves a safety and operational improvement related to signing and striping on Markham Street. Therefore, hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) are considered less than significant with mitigation.

Therefore, with implementation of the PVCCSP mitigation measures MM Trans 1 through MM Trans 5, MM Trans 7, and MM Trans 8 discussed in the DEIR, Section 5.8.2 along with the Project mitigation measures MM TRANS 1 through MM TRANS 4, potential adverse impacts to transportation and traffic will be reduced to less than significant levels under E+P, E+A+P, and E+A+C+P conditions. Impacts with regard to freeway segments will still be significant and unavoidable under 2040+P conditions.

5.3 ALTERNATIVES TO THE PROPOSED PROJECT

The EIR analyzed the following two alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of

implementation of the Project. CEQA also requires evaluation of alternatives that can reduce the significance of identified impacts and “feasibly attain most of the basic objectives of the Project.” Thus, in order to develop a range of reasonable alternatives, the Project objectives must be considered when this Council is evaluating the alternatives.

5.3.1 Alternative 1: No Project/ No Build Alternative

Under the No Project Alternative, Alternative 1, no development would take place within the Project site limits. No ground-disturbing activities would take place, nor would any form of structure be erected. Alternative 1 would not result in similar, or the same, environmental impacts in any of the environmental impact areas analyzed in this DEIR because it does not involve development of the proposed Project site and the site would remain undeveloped.

Alternative 1 would result in greater environmental impacts to Hydrology and Water Quality, Land Use and Planning and Utilities and Service Systems, even though it does not involve development of the proposed Project site. Alternative 1 would retain the Project site’s existing conditions and the existing storm drain facilities and storm flow patterns and capacity would remain. However, due to the area’s relatively flat terrain and the lack of regional drainage infrastructure, flooding occurs in both major and minor storm events. With no development at the Project site, the Project proponent would not contribute to construction of regional drainage infrastructure to alleviate flooding conditions in the Project vicinity. Therefore, impacts to Hydrology and Water Quality associated with Alternative 1 would be worse than those of the proposed Project. (DEIR, pg. 8-6)

Alternative 1 would retain the Project site’s existing conditions. The Project site would not be developed and the project site would remain vacant and underutilized and certain goals and policies of the City of Perris General Plan and the PVCCSP would not be realized. Therefore, impacts with regard to land use and planning would be worse than that of the proposed Project. (DEIR, pg. 8-7)

Alternative 1 also would retain the Project site’s existing conditions and the existing storm drain facilities and capacity would remain. However, due to the area’s relatively flat terrain and the lack of regional drainage infrastructure, flooding occurs in both major and minor storm events. With no development at the Project site, the Project proponent would not contribute to construction of regional drainage infrastructure to alleviate flooding conditions in the Project vicinity. Therefore, impacts to Utilities and Service Systems associated with Alternative 1 would be worse than those of the proposed Project. (*Id.*)

Alternative 1 would result in fewer impacts in seven of the ten environmental issue areas analyzed in the DEIR because it involves development of the proposed Project site. The level of environmental impact associated with these topics would be reduced if the Project site was left in its original condition, as proposed by Alternative 1, the no project alternative. A summary of these impacts is provided below.

Since no construction activity would occur, Alternative 1 would not generate any short-term construction emissions. Further, no new long-term emissions would result from increased traffic and increased use of energy resources. Due to the avoidance of short-term and long-term criteria pollutant emissions, the air quality impacts of Alternative 1 would be less than those of the

proposed Project. Similarly, due to the avoidance of short-term and long-term greenhouse gas emissions, the greenhouse gas emissions of Alternative 1 would be less than those of the proposed Project.

Since no site preparation or construction activity would occur, Alternative 1 would not result in a change to the existing biology of the Project site. Existing and potential biological species would be able to continue to use the vacant, disturbed land on the western portion of the Project site as habitat (including potential breeding and/or seasonal foraging habitat). Thus, impacts would be avoided compared to the proposed Project and impacts to biological resources associated with Alternative 1 would be less than that of the proposed Project.

Alternative 1 would retain the Project site's existing conditions. Because there would be no site preparation, grading, or construction, impacts to previously undiscovered cultural resources and tribal cultural resources at the Project site would be avoided and impacts associated with Alternative 1 would be less than those of the proposed Project.

Furthermore, since no construction activity would occur, Alternative 1 would not have any short-term noise impacts. Additionally, ambient noise increases created by Project-related operations and traffic would not occur. Therefore, under Alternative 1, impacts to noise would be avoided and less than that of the proposed Project.

Finally, Alternative 1 would retain the Project site's existing conditions and the existing circulation patterns in the Project site vicinity would remain. Under Alternative 1, the PVCCSP would require any roadway improvements to any project, so even if the Project was not built (as contemplated by this Alternative), then another project would be conditioned to build the needed roadway improvements. If another project was to be proposed in the immediate vicinity of the project site and this Project was not implemented, the City Engineer would require the other project to incorporate necessary roadway improvements. Therefore, impacts to transportation/traffic would be considered reduced compared to the proposed Project.

Finding: Based on the entire record, this Council finds that Alternative 1 would reduce the environmental impacts associated with the Project. However, Alternative 1 would not realize either of the Project Objectives by maintaining the site in in existing conditions without development as an attractive warehouse building consistent with the PVCCSP and General Plan and without providing local employment.

5.3.2 Alternative 2: No Project/No Zone Change/Specific Plan Build Alternative

The PVCCSP designates (and the City has zoned) the western approximately 35 acres of the Project site for Business Professional Office (BPO) and the eastern approximately 17 acres of the Project site for Light Industrial (LI). The BPO zone provides for uses associated with business, professional or administrative services. Small-scale warehousing and light manufacturing are also allowed. The LI zone provides for light industrial uses and related activities including manufacturing, research, warehouse and distribution, assembly of non-hazardous materials and retail related to manufacturing. (PVCCSP, Section 2.0-1.) Under Alternative 2, the Project site

would be developed with approximately 518,000 square feet of business park uses and 371,260 square feet of high cube warehouse uses. Alternative 2 would result in similar, or the same, environmental impacts in all ten environmental issue areas analyzed in this DEIR because it involves development of the entire proposed Project site and at a similar level of intensity.

Development of Alternative 2 would result in grading the same portion of the Project site as the proposed Project, a similar amount of paving, and construction of buildings with approximately 25 percent less square footage than the proposed Project. Because construction under Alternative 2 would use a similar mix of construction equipment, incorporate the same project design features and mitigation measures as the proposed Project; short-term construction impacts would be slightly less than the proposed Project, and will not exceed SCAQMD thresholds. Similar to the proposed Project it is the long-term operational emissions that are of the most concern. Based on the anticipated number of trips generated by Alternative 2 impacts would be similar to the proposed Project. Thus, air quality emissions and would remain significant and unavoidable due to the long-term exceedance of NO_x emissions from operations.

Development of Alternative 2 would encompass the same footprint as the proposed Project. Because Alternative 2 would be required to comply with the provisions of the MSHCP and incorporate the same mitigation measures as the proposed Project, impacts to biological resources would be the same as the proposed Project. Likewise, impacts to cultural resources and tribal cultural resources would be the same as the proposed Project because development of Alternative 2 would encompass the same footprint as the proposed Project.

Development of Alternative 2 would result in essentially the same disturbance area (site footprint) as the proposed Project. Thus, the one-time construction-related GHG emissions from Alternative 2 were assumed to be the same as the Project. Total GHG emission from Alternative 2 would be similar to the proposed Project even though there are more PCE trips ends due to the change in vehicle mix and building size. Thus, total GHG emissions from Alternative 2 are expected to exceed the SCAQMD screening threshold. Alternative 2 would also comply with all present and future regulatory measures developed in accordance with AB 32 and CARB's Scoping Plan, and would incorporate a number of Project design features that would further minimize GHG emissions. Alternative 2 would implement the same PVCCSP EIR mitigation measures as the proposed Project. Therefore, GHG impacts associated with Alternative 2 would be the similar to the proposed Project. Thus, GHG emissions would remain significant and unavoidable.

Alternative 2 would also include on-site water quality and detention basins as the proposed Project. Drainage would be collected and conveyed to the on-site basins before being discharged to existing Line D. Under Alternative 2, there would be potential urban runoff from the Alternative's paved areas. This potential impact is the same as the proposed Project and would also be reduced to less than significant levels through compliance with mandatory regulatory requirements. Alternative 2 would also drain to Line D of the Perris Valley MDP. Therefore, Hydrology and Water Quality and Utilities and Service Systems impacts associated with Alternative 2 would be similar to the proposed Project.

Development of Alternative 2 would be consistent with the City's General Plan and PVCCSP because it does not propose a specific plan amendment or change of zone. Impacts would be similar to the proposed Project.

Development of Alternative 2 would result in grading the same portion of the Project site as the proposed Project, the same amount of paving, and construction of a building (or buildings) approximately 25 percent smaller than the proposed Project. Because construction of Alternative 2 would use the same mix of construction equipment as the Project it would result in the same levels of short-term noise impacts and construction vibration as the proposed Project.

Alternative 2 would generate long-term noise from on-site operations and vehicular traffic on area streets. Operational noise will be generated from parking lots, rooftop-mounted equipment, diesel truck engines, exhaust systems, and loading and unloading of materials. Alternative 2 will generate approximately 185 percent more PCE trip ends than the proposed Project. Traffic generated by Alternative 2 will use the same roadways as Project-generated traffic. With twice as many vehicles using the Project site, the resulting noise level could be approximately 3 dBA greater⁴ than the proposed Project. The average human ear can barely perceive a 3 dBA change; therefore this impact would be similar to that of the proposed Project.

Development of Alternative 2 would result in approximately 185 percent greater PCE trip ends than the proposed Project. Trip distribution under Alternative 2 will be similar to that of the proposed Project; however, because this Alternative results in nearly five times as many Passenger Car trip ends as the proposed Project, traffic on Ramona Expressway would be expected to increase.

In the existing traffic plus traffic from ambient growth plus cumulative development traffic plus Project traffic (E+A+C+P) condition, all study area intersections and freeway segments would operate at an acceptable LOS. In the Year 2040 and Year 2040 plus Project traffic (2040+P) scenarios three intersections (I-215 Northbound Ramps (NS) / Harley Knox Boulevard (EW), Perris Boulevard (NS) / Harley Knox Boulevard (EW), and Perris Boulevard (NS) / Ramona Expressway (EW)) will operate at LOS F. Because these intersections operate at LOS F without the Project, Alternative 2 would have similar impacts as the proposed Project.

Finding: Because Alternative 2 (No Project/No Zone Change/Specific Plan Development Alternative) will develop the same Project site and generate more than twice as many PCE trip ends than the proposed Project, none of this alternative's environmental impacts would be decreased in comparison to the proposed Project. Alternative 2 does not reduce or eliminate the Project's significant and unavoidable impacts to air quality, greenhouse gas emissions, or transportation/traffic. Because Alternative 2 proposes business park and high cube warehouse/logistics uses, this alternative satisfies the Project objectives associated with development and operation of a logistics center; however they are satisfied to a lesser degree than the proposed Project. Therefore, Alternative 2 is rejected as infeasible.

5.3.3 Alternative 3: BPO Fronting Perris Boulevard/Reduced Zone Change

Under the BPO Fronting Perris Boulevard/Reduced Zone Change Alternative, the westernmost approximately 7.1 acres of the Project site would be developed with 79,500 square feet of business park use with the remaining approximately 48 acres developed with a 1,034,760 square feet of

⁴ A doubling of an energy source, such as a doubled traffic volume would increase the noise level by 3 dBA.

logistics. As with the proposed Project, Alternative 3 would entail amendments to the PVCCSP to change the Land Use Designation and Circulation Plan. Alternative 2 would result in similar, or the same, environmental impacts in all ten environmental issue areas analyzed in this DEIR because it involves development of the entire proposed Project site and at a similar level of intensity.

Development of Alternative 3 would result in grading the same portion of the Project site as the proposed Project, a similar amount of paving, and construction of buildings with approximately 6 percent less square footage than the proposed Project. Because construction under Alternative 3 would use a similar mix of construction equipment, incorporate the same project design features and mitigation measures as the proposed Project; short-term construction impacts would be essentially the same as the proposed Project, and will not exceed SCAQMD thresholds. Similar to the proposed Project it is the long-term operational emissions that are of the most concern. Based on the anticipated number of trips generated by Alternative 3, impacts would be similar to the proposed Project. Thus, air quality emissions would remain significant and unavoidable due to the long-term exceedance of NO_x emissions from operations.

Development of Alternative 3 would encompass the same footprint as the proposed Project. Because Alternative 3 would be required to comply with the provisions of the MSHCP and incorporate the same mitigation measures as the proposed Project, impacts to biological resources would be the same as the proposed Project. Similarly, impacts to cultural resources and tribal cultural resources would be the same as the proposed Project because development of Alternative 3 would encompass the same footprint as the proposed Project, and incorporate the same mitigation measures as the proposed Project,

Development of Alternative 3 would result in essentially the same disturbance area (site footprint) as the proposed Project. Thus, the one-time construction-related greenhouse gas emissions from Alternative 3 were assumed to be the same as the Project. Although Alternative 3 would result in approximately 51 percent more trip ends than the proposed Project, this increase is due passenger car trips (120 percent more trip ends than the proposed Project). There is a decrease in the truck trip ends (approximately 13 percent). Thus, total greenhouse gas emissions from Alternative 3 are anticipated to exceed the SCAQMD screening threshold. Alternative 3 would also comply with all present and future regulatory measures developed in accordance with AB 32 and CARB's Scoping Plan, and incorporates a number of Project design features that would further minimize greenhouse gas emissions. Alternative 3 would implement the same PVCCSP EIR mitigation measures as the proposed Project. Therefore, greenhouse gas emissions impacts associated with Alternative 3 would be the similar to the proposed Project. Thus, greenhouse gas emissions would remain significant and unavoidable.

Alternative 3 would also include on-site water quality and detention basins as the proposed Project. Drainage would be collected and conveyed to the on-site basins before being discharged to existing Line D. Under Alternative 3, there would be potential urban runoff from the Alternative's paved areas. This potential impact is the same as the proposed Project and would also be reduced to less than significant levels through compliance with mandatory regulatory requirements. Alternative 3 would also drain to Line D of the Perris Valley MDP. Therefore, hydrology and water quality and utilities and service systems impacts associated with Alternative 3 would be similar to the proposed Project.

Similar to the proposed Project, with approval of an amendment to the PVCCSP to amend the Land Use Designation and Circulation Plan, which is a part of the proposed Project, development of Alternative 3 would be consistent with the Perris General Plan and the PVCCSP. Impacts would be similar to the proposed Project.

Development of Alternative 3 would result in grading the same portion of the Project site as the proposed Project, approximately the same amount of paving, and construction of buildings of approximately the same size as the proposed Project (approximately 6 percent less square feet). Because construction of Alternative 3 would use the same mix of construction equipment as the Project it would result in the same levels of short-term noise impacts and construction vibration as the proposed Project.

Alternative 3 would generate long-term noise from on-site operations and vehicular traffic on area streets. Operational noise will be generated from parking lots, rooftop-mounted equipment, diesel truck engines, exhaust systems, and loading and unloading of materials. Alternative 3 will generate approximately 51 percent greater PCE trip ends than the proposed Project. All of the additional trip ends would be from passenger cars. Traffic generated by Alternative 3 will use the same roadways as Project-generated traffic; however with more passenger cars Alternative 3 may add more trips to Ramona Expressway than the proposed Project. Because the Alternative 3 is not doubling the number of vehicles using the Project site, the resulting noise level will not be perceptible. Thus traffic noise impacts would be similar to the proposed Project.

The development of Alternative 3 would increase traffic levels on existing streets by approximately 51 percent when compared to the proposed Project. Trip distribution under Alternative 3 would be similar to that of the proposed Project; however, because this Alternative results in approximately twice as many Passenger Car trip ends as the proposed Project, traffic on Ramona Expressway would be expected to increase.

Finding: Because Alternative 3 (BPO Fronting Perris Boulevard/Reduced Zone Change Alternative) will develop the same Project site and generate approximately 51 percent more PCE trip ends than the proposed Project, none of this alternative's environmental impacts would be decreased in comparison to the proposed Project. Alternative 3 does not reduce or eliminate the Project's significant and unavoidable impacts to air quality, GHG emissions, or transportation/traffic. Because Alternative 3 proposes business park and a high cube warehouse/logistics building over one million square feet in size, this alternative satisfies most of the Project objectives associated with development and operation of a logistics center. This alternative does not satisfy the Project objective of a logistics center with visibility from Perris Boulevard. For these reasons, Alternative 3 is rejected as infeasible.

5.3.4 Alternative 4: Reduced Intensity Alternative

With the intent of further reducing potentially environmental impacts, the City has considered a reduced intensity alternative, Alternative 4. Under Alternative 4, Reduced Intensity, development of the Project site would be reduced by 30 percent overall. There would be a total of 832,900 square feet of development at the Project site. Alternative 4 would result in similar, or the same, environmental impacts in nine of the ten environmental issue areas analyzed in this DEIR because it involves development of the proposed Project site.

Alternative 4 would develop approximately 30 percent less building square footage and reduce truck traffic by approximately 30 percent, which in turn reduces air quality emissions by a similar amount. Air quality impacts related to construction would be similar to the proposed Project and will not exceed SCAQMD thresholds because the daily construction activity would be similar and the same site acreage would be disturbed. The long-term air quality impacts resulting from mobile sources would be reduced due to the reduction of building size, but would not avoid impacts resulting from NO_x emissions exceeding the SCAQMD daily thresholds. Therefore, under Alternative 4, impacts to air quality impacts would be less than the proposed Project, but would remain significant and unavoidable due to the long-term exceedance of NO_x emissions from operations.

Although Alternative 4 would have a smaller footprint with regard to building sizes and parking area, this alternative would permanently impact the potential nesting habitat for birds covered by the Migratory Bird Treaty Act or burrowing owls at the Project site. Because Alternative 4 would be required to comply with the provisions of the Multiple Species Habitat Conservation Plan (MSHCP) and incorporate the same mitigation measures as the proposed Project, impacts would be similar to the proposed Project. Although Alternative 4 would have a smaller footprint with regard to building sizes and parking area, this alternative would also have the potential to disrupt previously undiscovered cultural resources and tribal cultural resources at the Project site. Thus, because Alternative 4 would be required to implement similar mitigation measures with regard to cultural and tribal resources, impacts would be similar to the proposed Project.

Alternative 4 would also include on-site water quality and detention basins as the proposed Project. Drainage would be collected and conveyed to the on-site basins before being discharged to existing Line D. Under Alternative 4, there would be potential urban runoff from the Alternative's paved areas. This potential impact is the same as the proposed Project and would also be reduced to less than significant levels through compliance with mandatory regulatory requirements. Therefore, hydrology and water quality and the utilities and service systems impacts associated with Alternative 4 would be similar to the proposed Project.

Similar to the proposed Project, with approval of an amendment to the PVCCSP to amend the Land Use Designation and Circulation Plan, which is a part of the proposed Project, development of Alternative 4 would be consistent with the Perris General Plan and the PVCCSP. Impacts would be similar to the proposed Project.

Alternative 4 would develop approximately 30 percent less building square footage and reduce trips by approximately 30 percent. Development of Alternative 4 would result in the same disturbance area (site footprint) as the proposed Project, therefore similar types and amounts of construction equipment will be used, and there would be no perceptible difference in construction noise levels under Alternative 4.

Alternative 4 would generate long-term noise from on-site operations and vehicular traffic on area streets. Operational noise will be generated from parking lots, rooftop-mounted equipment, diesel truck engines, exhaust systems and loading and unloading of materials. With 30 percent fewer vehicles using the Project site, the resulting noise level will be approximately 1 dBA less than the proposed Project. However, this is not enough of a reduction in operational noise to be perceptible.

Traffic generated by Alternative 4 will use the same roadways as Project-generated traffic. Because Alternative 4 will result in 30 percent fewer trips noise levels along area roadways will be approximately 1 dBA less than the proposed Project. However this is not enough of a reduction to traffic noise to be perceptible. Therefore, this impact would be similar to that of the proposed Project.

The development of Alternative 4 would result in approximately 30 percent fewer PCE trip ends than the proposed Project. Trip distribution under Alternative 4 will be similar to that of the proposed Project.

In the existing traffic plus traffic from ambient growth plus cumulative development traffic plus Project traffic (E+A+C+P) condition, all study area intersections and freeway segments would operate at an acceptable LOS. In the Year 2040 and Year 2040 plus Project traffic (2040+P) scenarios, three intersections (I-215 Northbound Ramps (NS) / Harley Knox Boulevard (EW), Perris Boulevard (NS) / Harley Knox Boulevard (EW), and Perris Boulevard (NS) / Ramona Expressway (EW)) will operate at LOS F. Because these intersections operate at LOS F without the Project, Alternative 4 would have similar impacts as the proposed Project.

Alternative 4 would result in fewer impacts on the one remaining impact analyzed in the DEIR because it involves reduced development of the proposed Project site. Development of Alternative 4 would result in the same disturbance area as the proposed Project. Thus, the one-time construction-related greenhouse gas (GHG) emissions from development of Alternative 4 would be similar to the proposed Project. However, total GHG emissions from Alternative 4 would be less than the proposed Project due to the decrease in total traffic trip generation and building size. Alternative 4 would also comply with all present and future regulatory measures developed in accordance with AB 32 and CARB's scoping plan, and would be required to incorporate a number of Project design features that would further minimize GHG emissions. Therefore, because the total GHG emissions of the proposed Project were under the SCAQMD screening threshold, the GHG impacts associated with Alternative 4 are considered to be less to the proposed Project and are less than significant.

Finding: Although Alternative 4 meets most of the Project objectives, these objectives are met to a lesser degree than the proposed Project, because of scarcity of sites of this size, the attendant land cost of sites of this size, and the low Inland Empire market lease rates for product of this type, unless site coverage (the percentage of the site that is covered with buildings) reaches at least 45 percent. The rate of return from the lease would be too low to justify the cost and risk of investment. The proposed Project has a site cover of approximately 50 percent; Alternative 4 reduces site coverage to 35 percent. The feasibility of the Reduced Density Alternative is further impacted by the loss of economies of scale in the construction of smaller buildings, which would drive the rate of return on the investment to below zero. Finally, a survey of industrial buildings in the Inland Empire submarket shows very low availability of buildings in the 1,000,000 square foot size range and greater and a high availability of buildings in the 700,000 square foot size range, and the 300,000 square foot size range, respectively. Due to all of these factors, a reasonable developer would not take the risk to develop the Reduced Density Alternative. For these reasons, Alternative 4 is rejected as infeasible

6.0 CERTIFICATION OF FINAL EIR

The City Council declares that no new significant information as defined by the CEQA Guidelines, Section 15088.5, has been received by the City Council after circulation of the EIR that would require recirculation. The City Council certifies the EIR based on the findings and conclusions discussed below.

6.1 FINDINGS

The project would have the potential for creating significant adverse impacts. These significant adverse environmental impacts have been identified in the EIR and will require mitigation as set forth in the Findings. Significant adverse impacts which cannot be mitigated to a level of insignificance after mitigation include air quality - operational and cumulative air quality, greenhouse gas emissions and traffic and transportation – 2040 Buildout plus Project conditions.

6.2 CONCLUSIONS

1. Except as to those impacts stated above relating to air quality – operational and cumulative, greenhouse gas emissions and traffic and transportation – 2040 Buildout plus Project conditions, all other significant environmental impacts from the implementation of the proposed project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance.
2. Alternatives to the proposed project, which could potentially achieve the basic objectives of the proposed project, have been considered and rejected in favor of the proposed project.
3. Environmental, economic, social, and other considerations and benefits derived from the development of the proposed project override and make infeasible any alternatives to the proposed project or further mitigation measures beyond those incorporated into the proposed project.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

7.1 INTRODUCTION

This City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically: Air Quality (Operations and Cumulative), Greenhouse Gas Emissions and Traffic and Transportation (2040 Buildout plus Project conditions)

This Section of the findings specifically addresses the requirement of Section 15093 of the CEQA Guidelines, which requires the lead agency to balance the benefits of a Project against its unavoidable significant impacts and to determine whether the impacts are acceptably overridden by the Project benefits. If the Council finds that the previously stated major project benefits outweigh the unavoidable significant adverse environment impacts noted above, then the Council

may, nonetheless, approve the Project. Each of the separate benefits are hereby determined to be, in itself, and independent of other Project benefits, basis for overriding all unavoidable environmental impacts identified in the EIR and these findings.

7.2 SIGNIFICANT UNAVOIDABLE IMPACTS

The Council's findings set forth in the preceding Sections identified all of the adverse environmental impacts and feasible mitigation measures which can reduce impacts to less than significant levels where feasible, or to the lowest feasible levels where significant impacts remain. The findings have also analyzed four alternatives to determine whether there are reasonable or feasible alternatives to the proposed action, or whether they might reduce or eliminate the significant adverse impacts of the Project. The EIR presents evidence that implementing the development of the Project will cause significant adverse impacts which cannot be substantially mitigated to non-significant levels. These significant impacts have been outlined above and this Council makes the following finding:

Finding: Having considered the unavoidable adverse impacts of the Project, this Council hereby determines that all feasible mitigation has been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, this Council finds that economic, social and other considerations of the Project outweigh the unavoidable adverse impacts described above. The reason for accepting these remaining unmitigated impacts are described below. In making this finding, this Council has balanced the benefits of the Project against its unavoidable environmental impacts and has indicated its willingness to accept those effects.

The Council further finds that the Project's benefits are substantial and override each unavoidable impact of the Project as follows:

1. Findings Related to Air Quality Impacts - Operations and Cumulative

The Project would result in unavoidable air quality impacts during operations for both the Project and cumulatively for NO_x. Although there are proposed mitigation measures, the net increase in emissions would still exceed the SCAQMD's recommended threshold for this pollutant. However, benefits obtained from the Project are sufficient to justify approval of the Project. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the DEIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document and finds that approval of the Project is appropriate.

2. Findings Related to Greenhouse Gas Emissions

The Project would result in unavoidable greenhouse gas emission impacts. Although there are proposed mitigations measures, the net increase in greenhouse gas emissions would still exceed the SCAQMD's recommended threshold. However, benefits obtained from the Project are sufficient to justify approval of the Project. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project

have been identified in the DEIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document and finds that approval of the Project is appropriate.

3. **Findings Related to Traffic and Transportation (2040 Buildout plus Project conditions)**

The Project would result in unavoidable traffic and transportation impacts during 2040 Buildout plus Project conditions. Under 2040 Buildout plus Project conditions, LOS drops below acceptable; improvements are needed to bring the LOS back to acceptable. The freeway segments that operate at an unacceptable LOS are subject to the jurisdiction of Caltrans. Caltrans does not have any plans to improve the impacted segments that would be operational by the Project's opening year, and the City of Perris has no control or jurisdiction over the implementation of the mitigation measures; therefore the recommended improvements needed under 2040+P conditions are not feasible. However, benefits obtained from the Project are sufficient to justify approval of the Project. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the DEIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document and finds that approval of the Project is appropriate.

7.3 STATEMENT OF OVERRIDING CONSIDERATIONS

This Council identifies economic and social benefits and important policy objectives which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

Public Resource Code Section 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency..." CEQA Guidelines Section 15093 (a) states: "If the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

To the extent that the significant effects of the project are not avoided or substantially lessened to below a level of significance, the Perris City Council, having reviewed and considered the information contained in the EIR and the public record, and having balanced the benefits of the project against the unavoidable effects which remain, finds that such unmitigated effects to be acceptable in view of the following overriding considerations. The City Council finds that any one

of these project benefits standing alone would be sufficient to sustain the Statement of Overriding Considerations.

1. The City of Perris finds that all feasible mitigation measures have been imposed to lessen project impacts to less than significant levels; and furthermore, that alternatives to the project are infeasible because, while they have similar or fewer environmental impacts, they do not provide the benefits of the project, or they are otherwise socially or economically infeasible when compared to the project, as described in the Facts and Findings.

With the exception of air quality – operations and cumulative, greenhouse gases and traffic and transportation – 2040 Buildout plus Project conditions, based on the analysis presented in the Initial Study, Draft EIR and Final EIR, potential project impacts are adequately reduced to less than significant levels through implementation of the identified Project Mitigation Measures, Project design features and PVCCSP mitigation measures. The proposed project would result in significant and unavoidable operational and cumulative air quality impacts, greenhouse gas impacts and 2040 Buildout plus Project traffic and transportation impacts. For those impacts found to be significant and unavoidable, mitigation is identified to the extent feasible. The following sections of the Draft EIR identify why each impact cannot be fully mitigated to a less than significant level: Section 5.1- Air Quality, Section 5.4- Greenhouse Gas Emissions, Section 5.8 – Traffic and Transportation and 9.1 Significant Unavoidable Adverse Impacts. Elimination of these significant and unavoidable impacts would require either not moving forward with the project or reducing the size of the project to a level that would not meet the project objectives.

2. With the Specific Plan Amendment, the Project will be consistent with and will contribute to achieving the goals and objectives established by the General Plan and the Perris Valley Commerce Center Specific Plan (PVCCSP). Implementing the City's General Plan as a policy is a legal and social prerogative of the City.

Although warehouse and distribution uses are identified as an accessory use in the BPO land use designation, the Project proposes to amend the PVCCSP to change the BPO designation portion of the Project site to LI. The Specific Plan Amendment would clarify the Project's consistency with the PVCCSP and to facilitate one of the project's primary purposes, which is to implement the previous policy decision made by the City Council when it adopted the PVCCSP. Overall, the proposed Project is consistent with the land use and growth assumptions anticipated in the PVCCSP for the Project site. The DEIR addresses the consistency of the PVCCSP with the goals, policies and measures of the City's General Plan. Because the proposed project is consistent with the PVCCSP, it can be concluded that it is also consistent with the General Plan. Further, the proposed project is consistent with the intent of the PVCCSP "to provide high quality industrial, commercial, and office land uses to serve the existing and future residents and businesses of the City of Perris", and specifically with the land use designation of Light Industrial. Therefore, the proposed project is also consistent with the General Plan land use designation (Specific Plan) for the project site. As analyzed in the DIER, the proposed project is consistent with the goals and policies applicable to Light Industrial uses, as outlined in the City's General Plan. As identified through this consistency analysis, the proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. Notably, the proposed project

specifically implements Goal III of the Land Use Element which is "Commerce and industry to provide jobs for residents at all economic levels" and Policy III.A which is "Accommodate diversity in the local economy".

3. Development and construction of the Project will create both temporary on-site jobs and will indirectly support local and regional jobs. Additionally, construction spending will create a one-time stimulus to the local and regional economies. Once the Project is completed, the facility will ultimately spur the creation of both local and regional jobs, and there would be additional output and earnings to the local and regional economies.

The temporary construction and long-term operational jobs created by the project would result in increased spending throughout the region, including in the City of Perris. Annual personal earnings would increase through the generation of new jobs, and these earnings would ripple through the local and regional economy, creating a one-time increase in output and earnings associated with construction jobs and an on-going increase in output and earnings associated with permanent jobs.

4. The Project will contribute towards maximizing employment opportunities in the City to improve the jobs-housing balance and to reduce systemic unemployment within the City. Jobs for residents at a variety of income levels will be provided.

There are numerous methodologies for estimating employment generation from an individual project. Based on employee generation rates used in the PVCCSP EIR and on Appendix E (Socioeconomic Build-out Projections Assumption & Methodology) of the Riverside County General Plan EIR, which identifies an average employment generation factor of 1 employee per 1,030 square feet of light industrial land uses, the total permanent jobs generated by the project could be up to 1,155. It is apparent that development of the proposed project would result in the creation of new jobs, which would be an increase over existing conditions where no employment opportunities currently exist. This increase in jobs would be an overall benefit to the local and regional economy

Based on the most recent adopted housing and employment growth forecast data available from the Southern California Association of Governments (SCAG), the estimated 2010 jobs-to-housing ratios for the City of Perris, County of Riverside, and SCAG region are 0.80, 0.92, and 0.73, respectively. In 2035, future jobs-to-housing ratios for the City, County, and SCAG region are 0.86, 0.84, and 0.75, respectively. The jobs-to-housing ratio refers to the ratio of residents and jobs in an area. Because these ratios are below 1.0, they indicate that the SCAG region, Riverside County, and the City of Perris are "jobs poor." Therefore, the provision of additional jobs by maximizing employment on the project site would support a better jobs-to-housing ratio and would reduce unemployment in the City, County, and SCAG region.

As noted in the March 2010 publication Logistics Trends and Specific Industries That Will Drive Warehouse and Distribution Growth and Demand for Space, industrial jobs have increased with the decline in manufacturing jobs. New jobs associated with the project are expected to include both manual occupations (e.g., trucking, dock work, and freight handling) and other office based

occupations (e.g., logistics, sales management, and freight forwarding). Both manual and office-based occupations have the potential to pay relatively high wages, thereby contributing to the provision of jobs for a variety of income levels. Additionally, as discussed previously in the discussion for Item 3, the proposed project would generate short-term construction-related and long-term operational jobs.

5. The Project will provide new development that will assist the City in obtaining fiscal balance in the years and decades ahead. Once construction is completed, the facility will annually generate additional City revenue. This increased revenue from the development will be driven by indirect sales tax, property tax, and business license fees.

The Project would have a positive fiscal impact on the City of Perris through construction and development of the project as well as throughout the life of the project. As noted above in the discussion for Item 3, the construction and development of the site would produce a temporary economic stimulus as a result of one-time construction-related spending in the form of one-time development fees. These fees include city fees, school fees, sewer and water fees, and permits. In addition to the one-time payment of fees, property taxes and indirect sales taxes would be collected during this time and paid to the City of Perris.

During the operational phase of the project (during which time the buildings are fully constructed and functional), additional revenues will be paid to the City in the form of property taxes, indirect sales tax, and business license fees.

6. The Project will help meet the existing demand for high-quality, large-scale, logistics warehouse within a geographic area that allows for access to a multi-modal transportation system.

There is a demand for larger warehouse buildings due to the lack of availability of lots large enough to accommodate buildings over 400,000 square feet in the region; the further consolidation of Fortune 500 Companies' warehouse operations due to increased shipping of goods from Asia; and the advent of internet retail operations. The proposed project has been designed to maximize the size of on-site buildings taking into consideration site constraints and development standards outlined in the PVCCSP. Further, according to market trends, a positive demand for warehouses over 500,000 square feet has been spurred by the shift to internet sales and the increase in e-commerce retailers. E-commerce sales were more than doubled from 2005 to 2012, and future e-commerce sales are projected at \$327 billion in 2016. Based on an Inland Empire Market Overview prepared in September 20, 2016, retailers continue to look for modern, large warehouse facilities to house their regional distribution centers that can accommodate the increase in e-commerce. The Project would allow a major retailer or combination of tenants to take advantage of new, modern construction that can accommodate large inventory handling and racking systems, and which can provide high parking ratios and a high number of dock doors. Additionally, the location within the City of Perris would provide access to UPS and FedEx hubs, which would support the growing trend of same-day delivery models. Access to efficient modes of transportation is also critical in the success of a large industrial warehouse facility. The project's location within the City of Perris in the Inland Empire would provide access to a full range of transportation infrastructure. As noted in the Inland Empire Market Overview, the Inland

Empire geographic region, which includes the project site, is served by a large freeway system that connects to points within and outside the region, including the San Bernardino Freeway (I-10), which acts as a transcontinental highway connecting Los Angeles to the rest of the nation, as well as Interstate 210, Interstate 215, Interstate 15, State Route 60, State Route 71, and the State Route 241 Toll Road, which connects to State Route 91.

Truck traffic is able to load and unload goods at the Los Angeles and San Bernardino BNSF Intermodal Container Facilities, which are rail hubs that allow for the efficient transfers of international and domestic cargo to and from trains and trucks. Additionally, the project site is located near two international airports: Ontario International Airport and Los Angeles International Airport, and to the Ports of Los Angeles and Long Beach. All of these facilities are critical in the movement of freight throughout Southern California and support the demand for warehouse facilities.

7. The Project will provide infrastructure improvements required to meet project and vicinity needs in an efficient and cost-effective manner.

The PVCCSP includes an Infrastructure Plan, which identifies the utility infrastructure necessary to serve the allowed development within the PVCCSP Plan area. Each individual development, including the proposed project, is required to implement the infrastructure needed to serve its proposed uses. Water, wastewater, drainage, and dry utility lines that would be installed as part of the proposed project are described in the Draft EIR, Section 3 - Project Description. The proposed project would include roadway improvements along Perris Boulevard, Markham Street, and Perry Street to accommodate project circulation needs. These improvements would also provide a circulation benefit to other development in the area. In addition to the construction of roadways, the project developers would pay applicable traffic mitigation fees (e.g., North Perris Road and Bridge Benefit District [NPRBBD] fees) that would fund additional traffic improvements to General Plan roadways in the project area and would go toward the maintenance of roadway infrastructure in the project area facilities.

In conclusion, although significant impacts will remain, the City of Perris will mitigate any significant adverse impacts to air quality – operational and cumulative, greenhouse gas emissions and traffic and transportation – 2040 Buildout plus Project conditions to the maximum extent practicable. In its decision to approve the project, the Perris City Council has considered the project benefits to outweigh the environmental impacts.

RESOLUTION NUMBER (Next in Order)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT 17-05100 (STATE CLEARINGHOUSE #2017081059), PREPARED FOR THE DUKE PROJECT, A WAREHOUSE DEVELOPMENT PROJECT TOTALING 1,189,860 SQUARE FEET, BASED UPON THE STATEMENT OF FACTS AND FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATION, AND THE MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, the Duke Project (“Project”) is a proposal to construct a warehouse building totaling 1,189,860 square feet with associated parking and other site improvements, and on and off-site infrastructure improvements on 55 acres located on the west side of Perris Boulevard between Markham Street and Perry Street ; and

WHEREAS, during review of the project it was deemed an Environmental Impact Report (EIR/State Clearinghouse No. 2017081059) was required to assess environmental impacts associated with the project; and

WHEREAS, pursuant to CEQA and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 *et seq.*), the City is the lead agency for the Project, as it is the public agency with general governmental powers over the Project; and

WHEREAS, the City, as lead agency, determined that an Environmental Impact Report (“EIR”) should be prepared pursuant to CEQA in order to analyze all potentially significant adverse environmental impacts of the Project; and

WHEREAS, a scoping meeting was conducted for the proposed project on September 20, 2017 by the Planning Commission to hear from both public agencies and the public on the potential environmental impacts, site planning and building architecture; and

WHEREAS, between January 31, 2018 and March 16, 2018, the Draft Environmental Impact Report (DEIR) was made available for public review and comment during a state-mandated 45-day public review period; and

WHEREAS, on April 27, 2018, the Final EIR was distributed to those agencies and persons that commented in writing on the Draft EIR; and

WHEREAS, on May 9, 2018, the Planning Commission conducted a duly noticed special public hearing on the project, and at the meeting recommended approval of the project to the City Council after considering public testimony and materials in the staff report and accompanying documents for the Statement of Overriding Consideration of Environmental Impact, the Environmental Impact Report 17-05100 (State Clearinghouse No. 2017081059), Specific Plan Amendment 17-05074, Tentative Parcel Map 17-05060 (TPM 37304) and Development Plan Review 17-00002; and

EXHIBIT - J

WHEREAS, on May 29, 2018, the City Council conducted a duly noticed public hearing on the project and at the meeting certified the EIR after considering public testimony and materials in the staff report and accompanying documents for the Statement of Overriding Consideration of Environmental Impact Report 17-05100 (State Clearinghouse No. 2017081059), Specific Plan Amendment 17-05074, Tentative Parcel Map 17-05060 (TPM 37304) and Development Plan Review 17-00002; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the Project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project's environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA and the State CEQA Guidelines; and

WHEREAS, all of the proposed findings and conclusions recommended by this Resolution are based upon the oral and written evidence presented to the City Council as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, the project level and cumulative environmental impacts identified in the Final EIR which the City Council finds to be less than significant and to not require mitigation are described in the Statement of Facts and Findings and Statement of Overriding Considerations are attached hereto and incorporated herein by reference as if set forth in full; and

WHEREAS, the project level and cumulative environmental impacts identified in the Final EIR which the City Council finds to be mitigated to a level of less than significant through the imposition of feasible mitigation measures identified in the Final EIR and set forth therein are described in the Statement of Facts and Findings and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

WHEREAS, the project level and cumulative environmental impacts identified in the Final EIR which the City Council finds cannot be mitigated to a level of less than significance despite the imposition of all feasible mitigation measures identified in the Final EIR and set forth therein are described in the Statement of Facts and Findings and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

WHEREAS, the potential for growth inducing impacts described in the Draft EIR which the City Council finds to be less than significant are described in the Statement of Facts and Findings and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

WHEREAS, irreversible environmental impacts as a result of the project's operational air quality impact, cumulative air quality impact and cumulative traffic impacts related to levels of service on freeway segments on the I-215 are identified in the Draft EIR,

which the City Council approves for the reasons described in Section 7 of the Statement of Facts and Findings and Statement of Overriding Considerations attached hereto as Attachment ___ and incorporated herein by reference as if set forth in full; and

WHEREAS, the Mitigation Monitoring and Reporting Program to address project level and cumulative environmental impacts identified in the Draft EIR which the City Council finds to be mitigated to a level of less than significant through the imposition of feasible mitigation measures are set forth therein and described in Section 4.0 of the Final EIR and incorporated herein by reference as if set forth in full; and

WHEREAS, alternatives to the Project that might eliminate or reduce significant environmental impacts of the project are set forth therein and described in Section 5.3 of the Statement of Facts and Findings and Statement of Overriding Considerations attached hereto and incorporated herein by reference as if set forth in full; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, and/or reviewed all of the information and data which constitutes the administrative record, including the Final EIR and all oral and written evidence presented to the City during all Project meetings and hearings; and

WHEREAS, the City Council's certification of the Final EIR reflects its independent judgment and analysis; and

WHEREAS, no comments made in the public hearings conducted by the City Council or any additional information submitted to the City Council have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines section 15088.5; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, the Environmental Impact Report Environmental Impact Report 17-05100 (State Clearinghouse No. 2017081059) was prepared in accordance with Sections 21000 through 21177 of the California Public Resources Code and Sections 15000 through 15387 of the California Code of Regulations (*CEQA Guidelines*); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, as follows:

Section 1. The above recitals are all true and correct and incorporated herein by reference.

Section 2. The majority of potentially significant environmental impacts of the Project identified in the Final EIR have been determined to be less than significant or mitigated to a level of less than significance.

Section 3. Certain impacts associated with operational air quality impact, cumulative air quality impact and cumulative traffic impacts related to levels of service on freeway segments on the I-215 identified in the Final EIR have been determined to be significant and unavoidable. The specific impacts are set forth in the Statement of Facts and Findings and Statement of Overriding Considerations (see Attachment __). Based on specific economic, social, technical and/or other considerations, the City Council finds those effects acceptable with adoption of the Statement of Facts and Findings and Statement of Overriding Considerations.

Section 4. The City Council finds that the Final EIR has been completed in compliance with CEQA and the State CEQA Guidelines, and certifies the Final EIR as complete and adequate.

Section 5. The City Council hereby adopts the Statement of Facts and Findings and Statement of Overriding Considerations attached hereto as Attachment __ and incorporated herein by reference as if set forth in full.

Section 6. The City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Attachment 4 and incorporated herein by reference as if set forth in full.

Section 7. Based on the above findings, the City Council hereby certifies the Final EIR for the Project EIR 17-05100 (State Clearinghouse No. 2017081059).

Section 8. The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

Section 9. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this __ day of May, 2018.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, **Nancy Salazar**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number ___ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the ___ day of May 2018, by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Nancy Salazar

Attachments: Mitigation Monitoring and Reporting Plan (see Attachment __)
Statement of Facts and Findings and Statement of
Overriding Consideration (see Attachment __)

RESOLUTION NUMBER (Next in order)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA APPROVING TENTATIVE PARCEL MAP 17-05060 (TPM 37304) AND DEVELOPMENT PLAN REVIEW 17-00002 TO FACILITATE CONSTRUCTION OF A 1,189,860 SQUARE FOOT INDUSTRIAL BUILDING ON 55 ACRES LOCATED ON PERRIS BOULEVARD BETWEEN MARKHAM STREET AND PERRY STREET, SUBJECT TO THE CONDITIONS OF APPROVAL AND FINDINGS CONTAINED HEREIN.

WHEREAS, the Duke Project ("Project") is a proposal to construct a warehouse building totaling 1,189,860 square feet with associated parking and other site improvements, and on and off-site infrastructure improvements on 55 acres located on the west side of Perris Boulevard between Markham Street and Perry Street; and

WHEREAS, a Development Plan Review application (DPR 17-00002) was submitted for consideration of architectural design and site layout; and

WHEREAS, a Tentative Parcel Map application was submitted to consolidate 14 parcels and vacate all or parts of three unimproved streets included in the property; and

WHEREAS, the proposed Development Plan Review 17-00002 and Tentative Parcel Map 37304 (TPM 17-05060) (collectively, the "Project") are considered a "project" as defined by the California Environmental Quality Act ("CEQA"); and

WHEREAS, the City Council has certified the Environmental Impact Report (EIR 17-05100/State Clearinghouse # 2017081059) for the Project; and

WHEREAS, a scoping meeting was conducted for the proposed project on September 20, 2017 by the Planning Commission to hear from both public agencies and the public on the potential environmental impacts, site planning and building architecture; and

WHEREAS, on May 9, 2018, the Planning Commission conducted a duly noticed special public hearing on the project, and at the meeting recommended approval of the project after considering public testimony and materials in the staff report and accompanying documents for the Statement of Overriding Consideration of Environmental Impact, the Environmental Impact Report (State Clearinghouse No. 2017081059), Specific Plan Amendment 17-05074, Tentative Parcel Map 17-05060 (TPM 37304) and Development Plan Review 17-00002; and

WHEREAS, on May 29, 2018, the City Council conducted a duly noticed public hearing on the Project, at which time all interested persons were given full opportunity to be heard to present evidence; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, and/or reviewed all of the information and data which constitutes the administrative record

EXHIBIT - K

for the above-mentioned approvals, including all oral and written evidence presented to the City during all Project meetings and hearings; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, as follows:

Section 1. The above recitals are all true and correct and incorporated herein by reference.

Section 2. City Council Resolution No. ___ found that all the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the City's Local CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the significant environmental effects of the Project have been adequately evaluated, and certified the EIR.

Section 3. The City Council further finds, based upon the information contained within the staff report and accompanying attachments, as well as any written or oral testimony presented at the public hearing, with respect to the Duke project, the following regarding Tentative Parcel Map 17-05060 (TPM 37304) and Development Plan Review 17-00002:

Tentative Parcel Map 37304 (TPM 17-05060)

1. The proposed map is consistent with applicable general and specific plans.

The proposed tentative parcel map has been review by the City Engineer's Department and the Planning Department to insure compliance with the city codes and all other applicable regulations, subject to the land use change proposed by SPA 17-05074 that would amend the PVCCSP by changing 35 of the 55-acre site from Business Professional Office to Light Industrial to build the large warehouse project. The proposed map would consolidate fourteen smaller parcels into one parcel and three lettered lots, and vacate all or portions of the rights-of-way of three unimproved streets on the property. All necessary, roadway improvements adjacent to the property will be constructed along with payment of development impact fees are required for the project to support the extension of utility infrastructure, builds roads, and improve the freeway interchanges at Harley Knox Blvd and Ramona Expressway

2. That the site is physically suitable for the type and density of the proposed development.

The 55-acre map site is relatively flat, with a gentle regional slope downwards to the east-southeast, and is situated at an elevation approximately 1,450 feet above mean sea level. The proposed change to the PVCCSP land use designation from Business Professional Office to Light Industrial would reduce the overall density and intensity of the use on the Project site.

The 2014 March ARB/Inland Port Airport Land Use Airport Overlay Plan (ALUCP) provides guidelines that are intended to protect flight paths and minimize impacts to residents and employees within the subject area. PVCCSP Chapter 12, Airport Overlay Zones, indicates the project site is located within Zone D, which is a Flight Corridor Zone subject to occasional disruptive noise incidents. The project required a hearing before the Riverside County Airport Land Use Commission (ALUC) to determine its consistency with the ALUCP. On April 12, 2018, ALUC determined the Project was consistent with the 2014 March ARB/Inland Port ALUCP, and requested standard conditions be applied to the project. The applicant agrees to all the conditions recommended by the Airport Land Use Commission, which are found in the Planning Conditions of Approval.

3. *That the design of the map or the type of improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.*

Pursuant to the California Environmental Quality Act and the Guidelines for Implementation of the California Environmental Quality Act, an EIR was prepared for the Project that determined that less than significant impacts to wildlife and their habitat would occur as a result of the Project with implementation of the MMRP. The map site consists of vacant land consisting of mixed tilled soils and overgrown vegetation. The Project site is within the Mead Valley Area Plan of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) adopted by the City of Perris. Vegetation types at the Project site consist primarily of ruderal and disturbed vegetation. The site generally provides low quality habitat for wildlife and no sensitive wildlife species were documented at the Project site. The Project site is not located within any designated MSHCP "Criteria Area" cells, and it is not within a "Core" or "Linkage" area. No Riparian/Riverine areas or vernal pools are located within or adjacent to the Project site or off-site impact areas.

4. *That the design of the map or the type of improvements will not cause serious public health problems.*

The Project EIR determined that less than significant impacts to people would occur as a result of the project, except for certain identified environmental impacts that will result from the construction and operation of the proposed Project, even with implementation of mitigation measures, as follows:

- Air Quality – Long-term NO_x emission in excess of SCAQMD's regional significance threshold.
- GHG Emissions – GHG Emissions in excess of SCAQMD's recommended screening thresholds of 10,000 MTCO₂e/yr.
- Traffic – Exceeding a level of service on freeway segments on I-215 in the Year 2040 condition.

These impacts are considered significant and unavoidable, and require the adoption of a Statement of Overriding Considerations if the project is to be approved. The

Findings of Fact and the Statement of Overriding Considerations are included as an attachment in Resolution 18-10. This statement compares the benefits of the project with the unavoidable effects and finds the unmitigated impacts to be acceptable in view of the overriding considerations.

Potential impacts related to all other topics analyzed in the EIR were found to be less than significant, or less than significant with the proposed mitigation measures incorporated. The EIR prepared for the PVCCSP prior to its adoption in 2012 includes various mitigation measures to ensure that Projects located within the PVCCSP planning area identify air quality impacts from construction and operation and mitigate any potential impacts appropriately. Project-specific and relevant mitigation measures from the PVCCSP EIR and as recommended by responding agencies to the City's request for comments during stages of the EIR preparation were applied to the Project by the MMRP to address both potential regional and local air quality impacts.

Development Plan Review 17-00002

1. *The location, size, design, density and intensity of the proposed development and improvements are consistent with the City's General Plan, any applicable Specific Plans, the purposes and provisions of this Title, the purposes of the Zone in which the site is located, and the development policies and standards of the City.*

The proposed site development was reviewed by City staff and determined to be in compliance with all applicable provisions of the General Plan, Perris Valley Commerce Center Specific Plan (PVCCSP), and the Zoning Code. The development standards for Light Industrial development including use, setbacks, height of buildings, lot coverage, architecture, lighting and landscaping are provided by the PVCCSP, with parking regulations contained in Chapter 19.69 of the Zoning Code. Staff determined the proposed project meets or exceeds all development standards of the Specific Plan for Light Industrial land use. In addition, the project has been deemed consistent with the 2014 March ARB/Inland Port Airport Land Use Compatibility Plan, and is consistent with the requirements of the Multiple Species Habitat Conservation Plan (MSHCP). The project has been conditioned as necessary to ensure compliance with all PVCCSP and Zoning regulations.

2. *The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of development proposed.*

See Finding No. 2 under Tentative Parcel Map 37304.

3. *The proposed development and the conditions under which it would be operated or maintained is compatible with abutting properties and will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The proposed Duke Warehouse at Perris Blvd. and Markham Street Project and its operations is compatible with abutting properties, and will not be detrimental to the public health, safety or welfare. The adjacent use to the east is also a distribution warehouse facility, and across Perris Blvd. to the west, is the Ross Distribution Center. These are appropriate uses within the Light Industrial Zone. To the north is vacant land designated as Business Park and Light Industrial, and to the south, the land is designated as Commercial.

The Project is subject to approval of Specific Plan Amendment by the City Council to change the zone of 35 acres of land from Business Professional Office (BPO) to Light Industrial (LI). The proposed project meets or exceeds all development standards of the Specific Plan for Light Industrial land use, and almost all of the development standards for the BPO designation. Other than lot size and lot dimensions, the most significant difference between BPO and LI zoning under the PVCCSP is the front building setback (reduced by five feet for arterial and local streets) and side yard setback adjoining residential development, and onsite landscaping coverage. The location of the Project on both Perris Blvd and Markham Street require compliance with the Visual Corridor requirements of the PVCCSP, so enhanced architecture, site design, and landscaping have been provided for the project. The building architecture has been significantly upgraded to look more "Business Park". The landscaping surrounding the site is lush, and truck courts are completely hidden by screen walls. The proposed Project is a step up from typical LI development and will provide a visual transition from commercial uses to the south and future BPO development to the north along Perris Blvd.

Although the use as a large warehouse building is not permitted in BPO zoning, the intensity of the proposed use is less than it would be with business park development. In a business park scenario, there would be significantly more passenger car activity at the site, and more parking area would be needed to accommodate passenger vehicle parking on the site; for a warehouse, the traffic impacts are from trucks, and trucks are required to avoid the commercial areas south from the site on Perris Blvd. and are directed west and north along PVCCSP industrial corridors to Harley Knox Blvd. and the I-215 Freeway. Furthermore, the mitigation measures provided with the EIR prepared for the Project will ensure the Project will not be detrimental to the public health, safety or welfare.

4. *The architecture proposed is compatible with community standards and protects the character of adjacent development.*

As stated above, the proposed architecture exceeds PVCCSP design standards for Light Industrial development, and thereby protects the character of adjacent development, including future commercial development to the south. The Project is adjacent to similar development to the west and east, and the location of the Project requires compliance with the Visual Corridor requirements of the PVCCSP. Enhanced architecture, site design, and landscaping have been provided for the project to ensure that it resembles the transitional zoning of BPO for better integration with the variety of uses found along Perris Blvd. The proposed architecture exceeds the design standard

for LI development by providing more window glazing, better design elements, significant articulation of the building facade and the roofline. The building design features symmetry and balance with enhanced architectural treatments at the corners and intermittently along the façade. The proposed color palette and materials feature sophisticated and complex color tones ranging from creamy beige to darker, subtle taupe tones accented by rich mahogany red tones. High quality materials that include smooth travertine tile and natural rough-hewn ledgerstone veneer create a focal point at the center of the building. The use of bronze, non-reflective glazing is consistent with business office design and used at the office corners facing Perris Blvd.

5. *The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.*

The PVCCSP requires landscaping to be provided at a minimum rate of 12% for the Light Industrial zone and 15% for the Business Professional Office zone. The proposed Specific Plan Amendment would change the entire site to Light Industrial zoning. The conceptual landscape plan proposes a total of 306,352 square feet of onsite landscaping for the Project, which is 12.9% of the overall site area. Along the street frontage of the project, enhanced landscaping with three layers of trees are proposed along Perris Blvd. and Markham Street, in compliance with their PVCCSP designation as visual corridors. Perry Street will feature eighty (80) 24-inch box London plane trees spaced approximately 20 feet apart. Emphasis has been placed on enhanced landscaping at all project entries to promote a business park feel. Multi-level landscape materials and three-foot landscaped berms on Perris Blvd. and Markham Street will enhance the public view of the site from Perris Blvd. and the highly visible corners at Perry Street and Markham Street. The right of way landscaping also features large attractive street trees spaced 30 feet apart or less. The abundance of landscaping on and offsite provides the public with a rich streetscape.

6. *The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.*

The City of Perris standard project review practices, compliance with state and local best planning practices, and preparation of the EIR, the safeguards necessary to protect the public health, safety and general welfare have been provided for the proposed project.

Section 4. The City Council hereby approves Tentative Parcel Map 17-05060 (TPM 37304) and Development Plan Review 17-00002 for the Duke Project, based on the information and findings presented in the staff report and supporting exhibits, as well as all written and oral testimony presented at the public hearing, and subject to the attached Conditions of Approval.

Section 5. The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

Section 7. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this __ day of May, 2018.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, **Nancy Salazar**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number ___ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the ___ day of May 2018, by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Nancy Salazar

Attachments: Conditions of Approval (*Planning, Engineering & Fire*)

ORDINANCE NUMBER ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA APPROVING SPECIFIC PLAN AMENDMENT 17-05074 TO THE PERRIS VALLEY COMMERCE CENTER SPECIFIC PLAN (PVCCSP) TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 35 ACRES FROM BUSINESS PROFESSIONAL OFFICE (BPO) TO LIGHT INDUSTRIAL (LI) TO FACILITATE THE APPROVAL OF AN INDUSTRIAL WAREHOUSE PROJECT ON 55 ACRES LOCATED ON PERRIS BOULEVARD BETWEEN MARKHAM STREET AND PERRY STREET, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, a Specific Plan Amendment application was submitted to enable an industrial development known as the Duke Warehouse at Perris Blvd and Markham Street Project to amend the land use designation of 55 acres from Business Professional Office (BPO) to Light Industrial (LI); and

WHEREAS, the proposed Specific Plan Amendment ("SPA") will not conflict with the goals, policies, and implementation measures set forth in the General Plan; and

WHEREAS, by Resolution Number ____, the City Council certified the Environmental Impact Report (EIR/*State Clearinghouse No. 2017081059*) for SPA 17-05074; and

WHEREAS, at a special meeting on May 9, 2018, the Planning Commission conducted a duly noticed public hearing on SPA 17-05074 and recommended approval of the SPA after considering public testimony and materials in the staff report and accompanying documents; and

WHEREAS, on May 29, 2018, the City Council conducted a duly noticed public hearing on the project, at which time all interested persons were given full opportunity to be heard to present evidence; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, and/or reviewed all of the information and data which constitutes the administrative record for the above-mentioned approvals, including all oral and written evidence presented to the City during all project meetings and hearings; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, City Council of the City of Perris hereby ordains as follows:

EXHIBIT - L

- b. *The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the Plan area and needed to support the land uses described in the Plan.*

The Specific Plan contains an Infrastructure Plan for major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities. The Infrastructure Plan identifies necessary improvements for development. Since Light Industrial is a less intense use than Business Professional Office, the infrastructure plan is designed to accommodate the proposed land use change.

The PVCCSP Amendments will modify Figure 2.0-1 Specific Plan Land Use Designation, and Table 2.0-1, Land Use Comparison to reflect a change in land use designation of 35 acres from Business Professional Office (BPO) to Light Industrial (LI) for the properties bound by Perry Street to the south, Perris Boulevard to the west, and Markham Street to the north. In addition, all appropriate exhibits will be updated to reflect the vacation of three unimproved paper streets on the property: Goldenvue Drive, Johnson Avenue, and Via Verona Street between Markham Street to the north and Perry Street to the south.

- c. *Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.*

The Specific Plan contains standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources. An Environmental Impact Report with a Mitigation, Monitoring and Reporting Plan (MMRP) was prepared for the Project and adequately provides for the conservation, development, and utilization of natural resources, as applicable, and the proposed Specific Plan Amendment is subject to compliance with these requirements.

- d. *A program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out the provisions contained in paragraphs a, b, and c above.*

Development under the proposed land use change will require implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out the provisions contained in paragraphs a, b, and c above.

Section 4. The City Council hereby approves Specific Plan Amendment 17-05074 to amend the land use designation of 55 acres from Business Professional Office to Light Industrial in the Perris Valley Commerce Center (PVCC) Specific Plan to facilitate the Duke Warehouse at Perris Blvd and Markham Street Project.

Section 5. The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

Section 6. The Mayor shall sign this Ordinance and the City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

ADOPTED, SIGNED and APPROVED this 29th day of May, 2018.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, **Nancy Salazar**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number ___ was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 29th day of May 2018, by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Nancy Salazar

Attachment: Revised Pages in Specific Plan Amendment No. 9