

Facts and Findings Regarding the Environmental
Effects from the Environmental Impact Report for
the

*Duke Warehouse at Patterson Avenue and
Nance Street Project*

State Clearinghouse No. 2022010274

Facts and Findings
Regarding the Environmental Effects from the Approval of the Duke
Warehouse at Patterson Avenue and Nance Street Project
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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 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 Reporting Program (MMRP) will be referred to collectively herein as the "EIR". The following Statement of Facts and Findings has been prepared in accordance with the CEQA Guidelines (14 California Code of Regulations, Section 15091), and *California Public Resources Code*, Section 21081 (collectively, CEQA). Section 15091 of the 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.

A Statement of Overriding Considerations (as discussed under Section 15093 of the CEQA Guidelines) is not required for this Project because all impacts can be mitigated to below a level of significance.

The City of Perris (City), serving as the CEQA Lead Agency, finds and declares that the proposed Duke Warehouse at Patterson Avenue and Nance Street EIR (State Clearinghouse No. 2022010274) has been completed in compliance with CEQA and the 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 Patterson Avenue and Nance 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 and Findings 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 Patterson Avenue and Nance 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.

All acronyms used herein shall have the meaning as defined in the DEIR unless otherwise noted.

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, 101 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 DEIR was prepared pursuant to CEQA (California Public Resources Code, Sections 21000, et seq.) to assess the potential environmental effects of the Duke Warehouse at Patterson Avenue and Nance Street Project (Project), which is proposed for an approximate 35.7-net-acre site within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area in the northern portion of the City. The PVCCSP is intended to contribute to the planned economic development of the City of Perris by creating jobs, increasing disposable income in the area, generating tax revenue, and stimulating other economic growth in and around the City.

The DEIR is tiered from City of Perris General Plan 2030 Environmental Impact Report as well as the Perris Valley Commerce Center Specific Plan Final Environmental Impact Report (State Clearinghouse No. 2009081086) (PVCCSP EIR), which are hereby incorporated herein by reference.

2.2 PROJECT DESCRIPTION.

The proposed Project involves the construction and operation of a 769,668-square-foot (SF) building on the approximate 35.7-net-acre Project site. The building is proposed to accommodate 749,668 SF of high-cube, non-refrigerated warehouse distribution uses with the remaining 20,000 SF for supporting office uses. The building includes 64 dock doors on the east side and 49 dock doors on the west side. The proposed Project would be constructed as a “spec” building; that is, there is not a specific tenant identified at this time. It is anticipated that the building could operate 24 hours a day, seven days a week.

The Project will provide a total of 366 automobile parking stalls, consisting of 326 standard stalls, 10 American Disabilities Act-compliant (ADA) stalls, and 30 Electric Vehicle (EV)/Clean Air/Vanpool stalls. Automobile parking will be provided in three locations: one across from each office area on the northwest and southwest corners of the building and a third area along the north

side of the building. ADA path of travel is provided between passenger vehicle parking areas and the office areas. Raised planter islands are proposed at the automobile parking lot entrances along Patterson Avenue and a five (5)-foot-wide landscaped curb is proposed between the automobile parking area and the truck drive aisle along the north side of the building to provide separation of the cars and trucks. The Project also includes 140 trailer parking stalls. Bike racks will also be provided at the Project site for employee use, per City standards.

Passenger vehicles will access the Project site via two driveways on Patterson Avenue. Trucks will access the site via two separate driveways on Patterson Avenue. Emergency access is also available from Nevada Avenue. The Project will also provide sidewalks to facilitate pedestrian access even though the site is not adjacent to any existing or planned area-wide open space, trails, parks, or other community amenities. Sidewalks will be installed adjacent to Patterson Avenue and Nevada Avenue along the Project site's frontage. Signage and striping for the existing Class II bicycle lane will be maintained along the Project's frontage of Patterson Avenue.

The design of the building is modern industrial and includes concrete tilt-up wall construction with board-formed cement veneer and standard window glazing. The building height would be a maximum of 50 feet. The building is proposed to be painted in varying hues of gray and white and will include decorative elements of Bronze Reflective Glazing and Black Anodized Mullions. A 14-foot-tall pilaster wall is proposed along the east and west sides of the Project site, to screen the view of the truck parking areas and loading bays from Patterson Avenue and Nevada Avenue. The existing chain-link fence along the northern property line will be replaced with an eight (8)-foot tall tubular steel fence. The existing wall along the Project site's southern boundary will be protected in place.

The Project includes approximately 168,406 SF of landscaping, which constitutes approximately 11.5 percent of the Project site. On-site perimeter landscaping is proposed adjacent to Patterson Avenue and Nevada Avenue along the Project site's frontage, except at driveway locations, the Project's passenger vehicle parking areas, and along the northern and southern portions of the proposed building. The landscaping consists of drought-tolerant and climate-appropriate trees, shrubs and ground cover that include native species and will meet or exceed standards set forth in the PVCCSP. The landscape plan is designed to provide visual appeal and screen the views of the passenger vehicle parking lots from public rights-of-way.

Consistent with Section 8.2.1.4 of the PVCCSP, the Project site includes two shaded outdoor patio areas for break areas as employee amenities. These outdoor amenity areas are adjacent to the offices proposed at the northwest and southwest corner of the building. One indoor employee amenity area will also be provided by the future tenant. Project lighting will include security lights along the buildings and wall and pole-mounted lights in the parking areas. All Project-related lighting shall be required to conform to the PVCCSP Guidelines and the Perris Municipal Code.

No off-site water line improvements are proposed. Project site improvements consist of a looped 10-inch diameter water line around the proposed building which would include two connections to the existing 12-inch diameter waterline in Patterson Avenue. There will also be a diesel-powered fire flow pump for fire flow demands and routine testing. A new 8-inch diameter sewer line is being installed within Patterson Avenue, between Harley Knox Boulevard and north of California

Street. The Project will connect to this line and no new off-site sewer line improvements are required.

There is an existing 8-inch diameter recycled water line just north of Markham Street on Patterson Avenue that extends approximately 190 feet north of the intersection. An 8-inch diameter recycled water line is proposed in Patterson Avenue between the existing line just north of Markham Street north to Nance Street. At Nance Street, a tee will be placed with stubs going north and west to extend just beyond the intersection. This recycled water line will serve the proposed Project site, but the environmental documentation and subsequent construction will be the responsibility of another developer under City Case No. DPR 22-00003.

With regard to drainage, the Project Applicant proposes on-site curb and gutter and subsurface storm drains that would direct all on-site stormwater and nuisance runoff in subsurface storm drains to underground chambers located in the southeastern portion of the site. Two off-site storm drain facilities are proposed. The two Perris Valley MDP drainage facilities will be constructed by the Project Applicant to provide flood protection for this Project and the surrounding area.

The Project developer would install curb and gutter, parkway, streetlights and a sidewalk along the Project site frontage on Patterson Avenue. Depending on the condition of the existing paved roadway at the time of construction, the Project developer may be required to repave along the frontage, up to the road centerline plus one travel lane on the southbound side. Signage and striping for the existing Class II bicycle lane will be maintained along the Project's frontage of Patterson Avenue. Nevada Avenue along the Project site's frontage will be improved with curb, gutter, parkway, streetlights and sidewalk and paved with 38 feet of asphalt. North of the Project site's frontage, 30-foot-wide roadway paving shall be continued to Harley Knox Boulevard.

Five driveways are proposed at the Project site: one off Nevada Avenue and four off of Patterson Avenue. Two of the driveways off Patterson Avenue are for passenger car access to the automobile parking lots, while the other two driveways are designated for trucks. The driveway off Nevada Avenue is for emergency access only. ADA path of travel is provided between passenger vehicle parking areas and the office areas. Raised planter islands are proposed at the automobile parking lot entrances along Patterson Avenue and a 5-foot wide landscaped curb is proposed between the automobile parking area and the truck drive aisle along the north side of the building to provide separation of the cars and trucks. Trucks serving the proposed Project would be required to use Harley Knox Boulevard and Patterson Avenue to travel to and from the Project site. Signage shall be posted on-site directing truck drivers to use existing City truck routes on Harley Knox Boulevard. The information on the signage will be coordinated with City Planning and the City's Traffic Engineer during the plan check process.

Existing power poles along Patterson Avenue, Nance Street and Nevada Avenue within the Project site or off-site improvement areas will be relocated or moved underground to avoid any interference with the proposed building or improvements; power poles that do not interfere with the proposed improvements will be protected in place.

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 MARB/IPA, I-215/SR-60 and I-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 I-215 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 PVCCSP 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.
- Provide local employment for residents of the City to improve jobs-housing balance within the City.

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 the EIR with the determination that the EIR has been prepared in compliance with the requirements of CEQA;
- Specific Plan Amendment Case No. 21-05267 to amend the PVCCSP Circulation Plan to delete two planned streets: California Avenue and Nance Street between Patterson Avenue to the west and Nevada Avenue to the east;
- TPM 38259 (Case No. 21-05086) to merge 38 existing parcels into one parcel, and vacate all or portions of the ROW of California Avenue and Nance Street and dedicate a portion of Patterson Avenue and Nevada Avenue ROW; and
- DPR 21-00005 to allow the development of the approximately 35.7-net-acre site with a 769,668 SF building with 749,668 SF for high-cube, non-refrigerated warehouse distribution uses and approximately 20,000 SF of supporting office space.

Other non-discretionary actions anticipated to be taken by the City at the staff level as part of the proposed Project include:

- a) Review and approval of all off-site infrastructure plans, including street and utility improvements pursuant to the conditions of approval;
- b) Review all on-site plans, including grading and on-site utilities; and
- c) Approval of a Preliminary Water Quality Management Plan to mitigate post-construction runoff flows.

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

- d) 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;
- e) Compliance with the South Coast Air Quality Management District Indirect Source Rule (Rule 2305) for warehouse owners and operators and a permit to operate a diesel-fueled fire flow pump;
- f) Approval of Water Supply Assessment and water and sewer improvement plans by the EMWD; and
- g) Permits or associated approval by other utility agencies, as necessary, for installation of new utility infrastructure or connections to existing facilities.

2.5 OTHER CEQA DOCUMENTS REFERENCED.

Under Section 15150 of the 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 Amendment No. 12*, adopted January 11, 2022.
- *Perris Valley Commerce Center Final Environmental Impact Report* (SCH No. 2009081086), certified January 10, 2012.
- Riverside County Flood Control and Water Conservation District, *1991 Perris Valley Master Drainage Plan Initial Study and Negative Declaration*, State Clearinghouse No. 91042072, approved June 11, 1991.
- Riverside County Flood Control and Water Conservation District, *1991 Perris Valley Master Drainage Plan*, June 1991.

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, which were subject to a public review and comment period. The following is a summary of the City's environmental review of this Project:

- On January 19, 2022, 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 four public agencies and one private individual. The scope of the issues identified in the comments expressing concern included potential impacts associated with: air quality, hydrology (drainage) and water quality and transportation and traffic.
- On February 2, 2022, the City conducted a public scoping meeting.
- The Notice of Availability (NOA) and DEIR were circulated for public review for a 45-day review period from November 4, 2022 to December 19, 2022.

- The City received a total of 3 comment letters from organizations and one comment from a public agency (South Coast Air Quality Management District). The City prepared specific responses to all comments. The responses to comments are in Section 2 of the Final EIR.
- On or about May 4, 2023, in accordance with *Public Resources Code* Section 21092.5, the City provided written proposed responses to public agencies that commented on the DEIR.
- 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 May 17, 2023, 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 to take action to approve the Project as recommended by the Staff Report.
- Notice of the City Council hearing to consider the project was provided in the following newspapers of general and/or regional circulation: *The Perris Progress*.
- On August 29, 2023, the City Council conducted a public hearing to consider the Project. The City Council, 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 City Council decided to certify the EIR, adopt these Findings 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 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 and Findings 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 and Findings 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 4.0 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 DEIR evaluated 14 major environmental categories for potential impacts including Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation, Utilities and Service Systems and Tribal Cultural Resources. Both Project-specific and cumulative impacts were evaluated. Of these 14 major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Section 5.1 below are less than significant without the need for mitigation; and that the issues and sub issues discussed in Section 5.2 below can be mitigated below a level of significance. The Project will not result in any significant unavoidable impacts.

5.1 IMPACTS THAT ARE LESS THAN SIGNIFICANT WITHOUT THE NEED FOR MITIGATION.

The Council finds that impacts of the Project related to Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Noise and Utilities and Service Systems (all issue areas) and their respective cumulative impacts are less than significant without the need for mitigation, in whole or in part due to various design considerations and efficiency standards that have been incorporated into the Project, including mandatory compliance with applicable standards under CALGreen, Title 24 and other regulations and a commitment by the Project applicant to obtain LEED certification for the Project building which shall be incorporated into the conditions of approval.

These less than significant impacts will be further reduced by compliance with the following PVCCSP EIR Mitigation Measures that are incorporated into the Project's MMRP: MMs Air 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 18, 19 and 20; and MM Noise 1 through Noise 4. These measures will be implemented by the Project applicant even where no potentially significant impact was identified.

With respect to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Transportation and Tribal Cultural Resources impacts, the Council finds that with the exception of those specific sub issue areas identified in Section 5.2 below as requiring mitigation, all other impacts of the Project are less than significant without the need for mitigation.

5.2 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) state 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 finds that 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, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Transportation and Tribal Cultural Resources were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. Likewise, all cumulative impacts related to these issue areas were found to be less than significant with mitigation. This Council hereby finds pursuant to *Public Resources Code* Section 21081 and CEQA Guidelines Section 15091(a)(1) that all potentially significant Project-level and cumulative impacts related to the environmental categories 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 MMRP 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 MMRP and DEIR, as well as those mitigation measures incorporated from the PVCCSP EIR.

5.2.1 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 Project-Specific Mitigation Measure AES 1 and PVCCSP EIR Mitigation Measures Haz 3 and MM Haz 5. These Mitigation Measures are adopted and incorporated into the MMRP 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 Project-level and cumulative impacts related to aesthetics to below a level of significance:

Project-Specific Mitigation

MM AES 1: Prior to the issuance of grading permits, the Property Owner/Developer shall provide evidence to the City that the Contractor Specifications require that: (1) construction staging areas shall be located as far as possible from residences east and west of the Project area; and, (2) any temporary nighttime lighting installed during construction for security or any other purpose shall be downward facing and hooded or shielded to prevent security light from spilling outside the staging area or from directly broadcasting security light into the sky or onto adjacent residential properties. Compliance with this measure shall be verified by the City of Perris' Building Division during construction.

PVCCSP EIR Mitigation

MM Haz 3: Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky or above the horizontal plane.

MM Haz 5: The following uses shall be prohibited:

- a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA- approved navigational signal light or visual approach slope indicator.

- b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
- c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
- d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- e. All retention and water quality basins shall be designed to dewater within 48 hours of a rainfall event.

Facts in Support of the Finding: The Project area is currently undeveloped except for the three parcels, totaling 2.7 acres, currently used for semi-truck trailer storage. As such, there are no permanent sources of light that exist on the Project site. Existing sources of lighting in the surrounding area primarily include exterior lighting associated existing development, and street lights. There are no existing buildings or other man-made features on or near the Project site that are constructed of materials that cause substantial glare. It should be noted that, to prevent conflicts with aircraft operations at the MARB/IPA, all lighting and building materials installed as part of the Project would comply with the requirements outlined in PVCCSP EIR Mitigation Measures Haz 3 and MM Haz 5 (identified above), which are incorporated into the Project. In summary, light fixtures are required to be hooded or shielded to prevent either the light spillover or reflection into the sky, and lights that direct a steady light or flashing light or cause sunlight to be reflected towards an aircraft during takeoff or final approach for landing are prohibited. (DEIR at 5.1-12).

Project-related construction activities would comply with applicable provisions of the Perris Municipal Code. Notably, Perris Municipal Code Section 7.34.060 (Construction Noise) prohibits construction activity that may result in “disturbing, excessive, or offensive noise levels between the hours of 7:00 PM and 7:00 AM”. Should construction activities need to occur outside of the hours permitted by the Municipal Code, the Project Applicant would be required to obtain authorization from the City. Nighttime lighting would be needed at certain times depending on the time of year and depending on the stage of construction. In the event that construction-related activities occur during nighttime hours on the Project site, temporary, overhead artificial lighting would be provided to illuminate the work area. Additionally, nighttime lighting of construction staging areas would be needed to provide security for construction equipment and construction materials. These types of temporary lighting is often unshielded and may shine onto adjacent properties and roadways. Due to the proximity of single-family residences to the Project area (including non-confirming residences to the east and west), such security lighting may cause a significant impact in the form of a nuisance to the residents. The nearest residences are legal, nonconforming uses located adjacent from the Project site, across from both Patterson Avenue and Nevada Avenue. As required by Project-Specific Mitigation Measure AES 1, construction staging areas would be located as far as possible from the existing residences to the east and west of the Project area to minimize light intrusion. Project-Specific Mitigation Measure AES 1 also requires that temporary nighttime lighting installed for security purposes be downward facing and hooded

or shielded to prevent security lighting from spilling outside the staging area or from directly broadcasting security lighting into the sky or onto adjacent residential properties. With implementation of Project-Specific Mitigation Measure AES 1, this impact would be reduced to a less than significant level. (DEIR at 5.1-13). Likewise, cumulative impacts related to aesthetics would also be reduced to a less than significant level with implementation of MM AES 1. (DEIR at 7-2).

5.2.2 Air Quality

Potential Significant Impact: The EIR evaluated and concluded that the Project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

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 PVCCSP EIR Mitigation Measures Air 2, Air 3, Air 4, Air 5, Air 6, Air 7, Air 8, Air 9, Air 11, Air 12, Air 13, Air 14, Air 19 and Air 20. These Mitigation Measures are adopted and incorporated into the MMRP 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 related to Project-level and cumulative air quality impacts to below a level of significance:

Project-Specific Mitigation

None required.

PVCCSP EIR Mitigation

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 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 3: To reduce fugitive dust emissions, the development of each individual implementing development project shall comply with SCAQMD Rule 403. The developer of each implementing project shall provide the City of Perris with the SCAQMD-approved dust control plan, or other sufficient proof of compliance with

Rule 403, prior to grading permit issuance. Dust control measures shall include, but are not limited to:

- requiring the application of non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 20 days or more, assuming no rain),
- keeping disturbed/loose soil moist at all times,
- requiring trucks entering or leaving the site hauling dirt, sand, or soil, or other loose materials on public roads to be covered,
- installation of wheel washers or gravel construction entrances where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip,
- posting and enforcement of traffic speed limits of 15 miles per hour or less on all unpaved portions of the project site,
- suspending all excavating and grading operations when wind gusts (as instantaneous gust) exceed 25 miles per hour,
- appointment of a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM-10 generation,
- sweeping streets at the end of the day if visible soil material is carried onto adjacent paved public roads and use of SCAQMD Rule 1186 and 1186.1 certified street sweepers or roadway washing trucks when sweeping streets to remove visible soil materials,
- replacement of ground cover in disturbed areas as quickly as possible.

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 8:** Each individual implementing development project shall apply paints using either high volume low pressure (HVLP) spray equipment with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.
- MM Air 9:** To reduce VOC emissions associated with architectural coating, the project designer and contractor shall reduce the use of paints and solvents by utilizing pre-coated materials (e.g. bathroom stall dividers, metal awnings), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. The construction contractor shall be required to utilize "Super-Compliant" VOC paints, which are defined in SCAQMD's Rule 1113. Construction specifications shall be included in building specifications that assure these requirements are implemented. The specifications for each implementing development project shall be reviewed by the City of Perris' Building Division for compliance with this mitigation measure prior to issuance of a building permit for that project.
- 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 NOX] 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 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: Each implementing development project shall be encouraged to implement, at a minimum, an increase in each building's energy efficiency 15 percent beyond Title 24, and reduce indoor water use by 25 percent. All reductions will be documented through a checklist to be submitted prior to issuance of building permits for the implementing development project with building plans and calculations.

Facts in Support of the Finding: As shown in **DEIR Table 5.2-D**, the portion of the Basin within which the Project site is located is designated as a non-attainment area for PM-10 under State standards and for ozone and PM-2.5 under both State and Federal standards. **(DEIR at 5.2-33)**. Criteria pollutant emissions from construction activities will not exceed any of the SCAQMD regional daily thresholds during Project construction, except for the SCAQMD regional daily threshold for VOC resulting from architectural coatings (painting). Implementation of PVCCSP EIR Mitigation Measure Air 9 will reduce VOC emissions associated with architectural coating. **(DEIR at 5.2-35)**. Although the remaining construction emissions are below the SCAQMD daily construction thresholds, the Project is also required to comply with PVCCSP EIR Mitigation Measures Air 2 through MM Air 8. **(DEIR at 5.2-37)**. Health risks to sensitive receptors from construction activities were also evaluated and found to be less than significant. **(Final EIR at 3-8 to 3-9, 3-10)**.

Based on air quality modeling conducted for the Project, operational criteria pollutant emissions will not exceed the SCAQMD regional daily thresholds during summer or winter. Nevertheless, the Project would be required to comply with PVCCSP EIR Mitigation Measures Air 11 through Air 14 and Air 19 through MM Air 20. As such, the Project will not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment and no additional mitigation is required beyond those required by PVCCSP EIR Mitigation Measures listed above. **(DEIR at 5.2-36 to 5.2-37)**. Based on the Air Quality analysis prepared for the proposed Project, the Project's emissions would not exceed applicable thresholds for criteria pollutant emissions or diesel particulate matter emissions. SCAQMD considers the thresholds for project-specific impacts and cumulative impacts to be the same. Therefore, projects that exceed project-specific significance thresholds are considered by SCAQMD to be cumulatively considerable. Based on SCAQMD's regulatory jurisdiction over regional air quality, it is reasonable to rely on its thresholds to determine whether there is a cumulative air quality impact. Therefore, because the proposed Project's emissions will not exceed the applicable SCAQMD significance thresholds, the Project will also not have a cumulatively considerable air quality impact. **(DEIR at 7-2)**.

5.2.3 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 Project-Specific Mitigation Measure BIO 1 and PVCCSP MM Bio 2. The Mitigation Measures are adopted and incorporated into the MMRP 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 Project-level and cumulative impacts to biological resources to below a level of significance:

Project-Specific Mitigation

MM BIO-1: To reduce potential indirect impacts to regulated nesting birds, if construction is proposed between February 1st and September 15th, the Project Applicant shall retain a qualified biologist to conduct a nesting bird survey(s) no more than three (3) days prior to initiation of ground-disturbing activities to document the presence or absence of nesting birds within or directly adjacent (100 feet) to the Project site impact area. If the survey identifies the presence of active nests, then the qualified biologist shall implement avoidance measures until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Construction outside the nesting season (September 16th to January 31st) will not require pre-construction nesting bird surveys. A copy of the nesting bird survey results report shall be provided to the City of Perris Planning Division.

PVCCSP EIR Mitigation

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.

Facts in Support of the Finding: No candidate, sensitive, or special status species were documented onsite, and the Project site does not occur within a predetermined Survey Area for narrow endemic plant species. **(DEIR at p. 5.3-13)**. Moreover, no burrowing owl or characteristic sign were detected within or immediately adjacent to the Project site. Among other facts, the EIR recommends Project-Specific Mitigation Measure BIO 1 and PVCCSP EIR Mitigation Measure Bio 2 to reduce this potentially significant impact to a less than significant level. The MSHCP has determined that all of the sensitive species potentially occurring on the Project site have been adequately covered. The majority of the Project site occurs within a MSHCP Survey Area for burrowing owl. **(DEIR at p. 5.3-12)**. 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 for burrowing owl. 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. The open space area within the March Air Reserve Base/Inland Port Airport (MARB/IPA), near the alignment, contains potential suitable burrowing owl habitat and burrows may be present. **(DEIR at 5.3-13)**.

No burrowing owl or characteristic sign (such as whitewash, feathers, tracks, or pellets) were detected within or immediately adjacent to the Project site during the 2021 survey effort and during the May 6, 2022 visit. Nonetheless, pursuant to PVCCSP EIR Mitigation Measure Bio 2, 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, in 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. Additionally, the non-native vegetation documented 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, above. 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. The CDFW generally recommends avoidance buffers of approximately 500 feet for birds of prey, and 100 to 300 feet for songbirds. Therefore, Project-Specific Mitigation Measure BIO 1 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. Impacts can be minimized or eliminated by avoiding potential impacts to nesting sites at the Project site during construction pursuant to Project-Specific Mitigation Measure BIO 1. (DEIR at 5.3-13).

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 PVCCSP Mitigation Measure Bio 2, as discussed above. The Mitigation Measure is adopted and incorporated into the MMRP 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 Project-specific and cumulative impacts related to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan.

Project-Specific Mitigation

None required.

PVCCSP EIR Mitigation

See PVCCSP Mitigation Measure Bio 2 above.

Facts in Support of the Finding: Among other facts, 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 PVCCSP EIR Mitigation Measure Bio 2 to reduce impacts to burrowing owls to less than significant, the proposed Project will be consistent with MSHCP Section 6.3.2. The Project

Applicant will pay the MSHCP and SKR HCP fees as required, and the proposed Project will be consistent with these plans. Therefore, implementation of the proposed Project will not conflict with the provisions of the MSHCP or SKR HCP and impacts will be less than significant with mitigation. **(DEIR at p. 5.3-15 to 5.3-18)**. Likewise, through compliance with the MSHCP and existing HCPs, local, regional, and state plans, and the mitigation measures described above, cumulative impacts are considered less than significant with mitigation incorporated. **(DEIR at 7-3)**.

5.2.4 Cultural Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5.

Findings: Potential impacts of the Project on cultural resources are discussed in Section 5.4 of the DEIR. Based on the entire record before us, this Council finds there is the potential for discovery of archeological resources. 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 Project-Specific Mitigation Measure CR 1. This Mitigation Measure is adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The following Mitigation Measure will mitigate Project-level and cumulative impacts related to cultural resources to below a level of significance:

Project-Specific Mitigation

MM CR 1: Prior to the issuance of grading permits, the Project proponent/developer shall retain a professional archaeologist meeting the Secretary of the Interior's Professional Standards for Archaeology (U.S. Department of Interior, 2012; Registered Professional Archaeologist preferred). The primary task of the consulting archaeologist shall be to monitor the initial ground-disturbing activities at both the subject site and any off-site Project-related improvement areas for the identification of any 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 ground-disturbing activities shall occur at the site or within the off-site Project improvement areas until the archaeologist has been approved by the City.

The archaeologist shall be responsible for monitoring ground-disturbing activities, 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 prepared and equipped to record and salvage cultural resources that may be unearthed during ground-disturbing activities and shall be empowered to temporarily halt or divert ground-disturbing equipment to allow time for the recording and removal of the 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 resource(s) will differ, depending on the nature of the find. Consistent with California Public Resources Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for Native American/tribal cultural/archaeological resources. However, it is understood that all artifacts, with the exception of human remains and related grave goods or sacred/ceremonial/religious objects, belong to the property owner. The property owner will commit to the relinquishing and curation of all artifacts identified as being of Native American origin. All artifacts, Native American or otherwise, discovered during the monitoring program shall be recorded and inventoried by the consulting archaeologist.

If any artifacts of Native American origin are discovered, all activities in the immediate vicinity of the find (within a 50-foot radius) shall stop and the Project proponent and Project archaeologist shall notify the City of Perris Planning Division and the Soboba Band of Luiseño Indians and the Pechanga Band of Luiseño Indians. A designated Native American representative from either the Soboba Band of Luiseño Indians or the Pechanga Band of Luiseño Indians shall be retained to assist the Project archaeologist in the significance determination of the Native American artifact as deemed possible. The designated Luiseño tribal representative will be given ample time to examine the find. The significance of Native American resources shall be evaluated in accordance with the provisions of CEQA and shall consider the religious beliefs, customs, and practices of the Luiseño tribe. If the find is determined to be of sacred or religious value, the Luiseño tribal representative will work with the City and consulting archaeologist to protect the resource in accordance with tribal requirements. All analysis will be undertaken in a manner that avoids destruction or other adverse impacts.

In the event that human remains are discovered at the Project site or within the off-site Project improvement areas, mitigation measure MM CR 2 shall immediately apply and 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 assisting Luiseño tribe. This shall include, but not be limited to, an agreement that artifacts will be reburied on-site and in an area of permanent protection, and that reburial shall not occur until all cataloging and basic recordation have been completed by the consulting archaeologist.

Native American artifacts that cannot be avoided or relocated at the Project site shall be prepared for curation at an accredited curation facility in Riverside County that meets federal standards (per 36 CFR Part 79) and available to archaeologists/researchers for further study. The Project archaeologist shall deliver the Native American artifacts, including title, to the identified curation facility

within a reasonable amount of time, along with applicable fees 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, as deemed appropriate, or returned to the property owner.

Once grading activities have ceased and/or the archaeologist, in consultation with the designated Luiseño representative, determines that monitoring is no longer warranted, monitoring activities can be discontinued following notification to the City of Perris Planning Division.

A report of findings, including an itemized inventory of artifacts, shall be prepared upon completion of the tasks outlined above. The report shall include all data outlined by the Office of Historic Preservation guidelines, including a conclusion of the significance of all recovered, relocated, and reburied artifacts. A copy of the report shall also be filed with the City of Perris Planning Division, the University of California, Riverside, Eastern Information Center (EIC) and the Luiseño tribe(s) involved with the Project.

PVCCSP EIR Mitigation

None.

Facts in Support of the Finding: Among other facts, the EIR recommends Project-Specific Mitigation Measure CR 1 to reduce this potentially significant impact to a less than significant level. A total of 35 cultural resources were previously identified in a records search. Seventeen resources were categorized as historical sites and consist of remnant rail lines, irrigation systems, houses and utility poles. None of the 17 cultural resources previously identified are located within the Project site. Fifteen of the cultural resources previously identified were prehistoric bedrock milling features within proximity to the MDP Lateral-B Stage 4 extension alignment. However, none of these prehistoric features are within a quarter-mile, and most cluster over one-half to three-quarters of a mile to the west and southwest. No other archaeological resources were identified during the records search, or as a result of the AE and BFSAs pedestrian survey. Additionally, as discussed in Section 5.14 of the DEIR, the Tribes did not identify any known prehistoric archaeological resources on the Project site that would be of concern to them. Therefore, per Section 15064.5, Project implementation will not affect archeological resources. **(DEIR at 5.4-19)**. Nonetheless, there is always the potential that previously unidentified archaeological resources may be discovered during ground disturbance. In the unlikely event that an archaeological resource is discovered, Project-Specific Mitigation Measure CR 1 shall be implemented and will reduce this impact (and cumulative impacts) to less than significant. **(DEIR at 5.4-20; 7-3 to 7-4)**.

Potential Significant Impact: The EIR evaluated and concluded that the Project could disturb any human remains, including those interred outside of dedicated cemeteries.

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 Project-Specific Mitigation Measure CR-2. This Mitigation Measure is adopted and incorporated into the MMRP 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 5.4 of the DEIR. The following Mitigation Measure will mitigate impacts related to the inadvertent disturbance of human remains to below a level of significance:

Project-Specific Mitigation

MM CR 2: In the event that human remains (or remains that may be human) are discovered at the Project site or within the off-site Project improvement areas during ground-disturbing activities, the construction contractors, Project archaeologist, and/or designated Luiseño tribal representative 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). Despite the affiliation with any Luiseño tribal representative(s) 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 there is disagreement regarding the disposition of the remains, State law will apply and mediation with the NAHC will make the applicable determination (see Public Resources Code Section 5097.98I 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).

PVCCSP EIR Mitigation

None.

Facts in Support of the Finding: Among other facts, the EIR recommends Project-Specific Mitigation Measure CR 2 to reduce this potentially significant impact to a less than significant level. The PVCCSP area, which includes the Project site, has been historically used for agriculture and therefore is not expected to contain human remains, including those interred outside of formal cemeteries. Due to the lack of any indication of a formal cemetery or informal family burial plot, development within the PVCCSP area will not impact known human remains. 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 Project-Specific Mitigation Measure CR 2 would be implemented. Therefore, impacts with regard to disturbing human remains, including those interred outside of formal cemeteries (including cumulative impacts) will be reduced to less than significant with mitigation. (DEIR at 5.4-20; 7-3 to 7-4).

5.2.5 Geology and Soils

Potential Significant Impact: The EIR evaluated and concluded that the Project: could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking; could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; and could be located on expansive soil, as defined in Table 18-I-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

Finding: Based on the entire record before us, this Council finds that these impacts are potentially significant but can be mitigated to a less than significant level through implementation of PVCCSP EIR Mitigation Measure Geo 1. This Mitigation Measure is adopted and incorporated into the MMRP for the Project, and will be implemented as specified therein, thereby reducing these potentially significant impacts to a less than significant level. The impacts related to this issue area are discussed in detail in Section 5.6 of the DEIR. The following Mitigation Measure will mitigate Project-level and cumulative impacts associated with geology and soils to below a level of significance:

Project-Specific Mitigation

None required.

PVCCSP EIR Mitigation

MM Geo 1 Concurrent with the City of Perris' review of implementing development projects, the project proponent of the implementing development project shall submit a geotechnical report prepared by a registered geotechnical engineer and a qualified engineering geologist to the City of Perris Public Works/ Engineering Administration Division for its review and approval. The geotechnical report shall assess the soil stability within the implementing development project affecting

individual lots building pads, and shall describe the methodology (e.g., over excavated, backfilled, compaction) being used to implement the project's design.

Facts in Support of the Finding:

Seismic Ground Shaking: Among other facts, the EIR recommends PVCCSP Mitigation Measure Geo 1 to reduce this potentially significant impact to a less than significant level. The PVCCSP area, which includes the Project area, would be subject to strong ground shaking, typical of Southern California, and design and construction in accordance with current building codes and all geotechnical recommendations would reduce impacts from ground shaking to a less than significant level. Consistent with PVCCSP EIR Mitigation Measure Geo 1 above, a site-specific Geotechnical Investigation has been prepared by a registered geotechnical engineer for the Project site (**DEIR Appendix F.1**). The nearest earthquake fault is the San Jacinto Valley fault zone, located approximately 10 miles east of the site. The Project area is located in an area with high regional seismicity, and the San Jacinto fault is estimated to have a six percent probability of generating a 6.7 magnitude earthquake or greater. The risk for seismic hazards is not substantially different than the risk to properties throughout the southern California area. The Geotechnical Investigation prepared for the Project includes site-specific seismic design parameters and provides design/construction recommendations for geotechnical design, grading, construction, foundations, floor slabs, exterior flatwork, retaining walls, and pavement. Consistent with General Plan policies cited above, the Project would be designed and constructed in accordance with the site-specific geotechnical report recommendations, which are based on CBC requirements. The Geotechnical Investigation concluded that the Project is considered feasible from a geotechnical standpoint. (**DEIR at 5.6-10**).

Further, the PVCCSP EIR and the Perris Building Code, which incorporates the CBC, provide guidelines and parameters that reduce the effects of ground shaking produced by regional seismic events. The Project Applicant is required to implement seismic design considerations in accordance with the CBC, which is reflected in Perris GP 2030 Action S-7.2d. Notably, the City would apply a mandatory condition of approval on the Project that would require all buildings to be constructed in accordance with the Perris Building Code, which incorporates the CBC. Consistent with Perris GP 2030 action items and PVCCSP EIR Mitigation Measure Geo 1, the Project would be designed and constructed in accordance with the recommendations (referred to as mitigation measures in Perris GP 2030 Action S-7.2a above) from the site-specific Geotechnical Investigation and shall be reviewed and approved by the City Engineer. With adherence to Perris GP 2030 policies, compliance with the CBC and Perris Building Code, and mandatory compliance with the recommendations of the Geotechnical Investigation related to design and construction, the Project would not directly or indirectly expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking impacts related to strong seismic ground shaking, thereby reducing Project-level and cumulative impacts to less than significant. (**DEIR at 5.6-11; 7-4 to 7-5**).

Unstable Soils: The potential for subsidence at the Project site was determined to be high. Remedial grading, as recommended in the Geotechnical Investigation, would remove the compressible/collapsible near-surface native alluvium and replace these materials as compacted structural fill. The native soils that would remain in place below the recommended depth of overexcavation would not be subject to significant load increases from the foundations of the new

structure. With adherence to remedial grading recommendations, the post-construction static settlements of the proposed structures would be within tolerable limits. **(DEIR at 5.6-13 to 5.6-14)**. Consistent with Perris GP 2030 action items cited above and PVCCSP EIR Mitigation Measure Geo 1, the Project would be designed and constructed in accordance with all Geotechnical Investigation recommendations (referred to as mitigation measures in Perris GP 2030 Action S-7.2a); and the Geotechnical Investigation shall be reviewed and approved by the City Engineer. Furthermore, the City of Perris would conduct a thorough administrative review of future grading permits to ensure that earthwork activities do not result in any conditions that could result in unstable soils. Therefore, with compliance with Perris GP 2030 policies and action items, the recommendations of the Geotechnical Investigation, and PVCCSP EIR Mitigation Measure Geo 1, Project-level and cumulative impacts related to location on an unstable geologic unit or soil would be less than significant. **(DEIR at 5.6-14; 7-4 to 7-5)**.

Expansive Soil: It was determined that on-site soils possess medium expansion potential (EI=53). Based on the presence of expansive soils, the recommendations of the Geotechnical Investigation indicate that care should be given to proper moisture conditioning of all building pad subgrade soils to a moisture content of 2 to 4 percent above the Modified Proctor optimum during site grading. In addition to adequately moisture conditioning the subgrade soils and fill soils during grading, special care must be taken to maintain moisture content of these soils at 2 to 4 percent above the Modified Proctor optimum moisture content. This requires the contractor to frequently moisture condition these soils throughout the grading process, unless grading occurs during a period of relatively wet weather. Further, provisions should be made to limit the potential for surface water to penetrate the soils immediately adjacent to the structure. Consistent with Perris GP 2030 action items and PVCCSP EIR Mitigation Measure Geo 1, the Project would be designed and constructed in accordance with the Geotechnical Investigation recommendations that shall be reviewed and approved by the City Engineer. Therefore, by implementing the Geotechnical Investigation recommendation mentioned above, the Project would comply with the Perris GP 2030 action item and PVCCSP EIR Mitigation Measure Geo 1, resulting in less than significant Project-level and cumulative impacts related to expansive soils. **(DEIR at 5.6-14 to 5.6-15; 7-4 to 7-5)**.

Potential Significant Impact: The EIR evaluated and concluded that the Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

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 Project-Specific Mitigation Measures GEO 1 and GEO 2. These Mitigation Measures are adopted and incorporated into the MMRP 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 5.6 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to inadvertent destruction of a unique paleontological resource or site or unique geologic feature to below a level of significance:

Project-Specific Mitigation

MM GEO 1 Prior to the issuance of grading permits, the Project proponent/developer shall submit to and receive approval from the City, a Paleontological Resource Impact

Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision for a qualified professional paleontologist (or his or her trained paleontological representative) to be on-site for any Project-related excavations that exceed three (3) feet below the pre- grade surface. 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 Project site or within the off-site Project improvement areas until the paleontologist has been approved by the City.

Monitoring shall be restricted to undisturbed subsurface areas of older Quaternary alluvium. The approved 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 GEO 2 Prior to the start of construction, a paleontological resources Worker Environmental Awareness Program (WEAP) training program shall be presented to all earthmoving personnel to inform them of the possibility for buried resources and the procedures to follow in the event of fossil discoveries.

PVCCSP EIR Mitigation

None required.

Facts in Support of the Finding: No paleontological resources have been identified within the vicinity of the Project area; however, based on Figure 4.4-1 – Geologic Map of the Perris Valley Commerce Center in the PVCCSP EIR, the Project area’s surficial geology is categorized as early to middle Pleistocene-age very old alluvial fan deposits. **(PVCCSP EIR, p. 4.4-13.)** Additionally, the City has developed a paleontological sensitivity map that divides the City into five areas based on the geological units exposed at or near the surface. The Project site is located within Area #1 (High Sensitivity). Area #1 is ranked High sensitivity because of Pleistocene-age older valley. As previously mentioned in Section 5.6.1 above, AE’s records search found that surrounding areas have early to middle Pleistocene-age old alluvial fan deposits across the entire ground surface. Additionally, the findings from the Geotechnical investigation confirmed the presence of these deposits either exposed at the ground surface or below fill at a depth of 6.5 feet below ground

surface (bgs) in the Project area. Additionally, early to middle Pleistocene-age very old alluvial fan deposits are well-known to preserve scientifically significant fossils. BFSAs research also confirmed the existence of potentially fossiliferous Pleistocene alluvial fan deposits mapped as underlying the MDP Lateral-B Stage 4 extension alignment. Based on the proposed depths of the Project-related ground-disturbing activities, there is a high likelihood that all activities could potentially impact the old alluvial fan deposits and any fossil resources preserved within them, if present. All activities other than excavation of grading pads will occur at depths greater than 6.5 feet bgs; however, excavation of grading pads in subareas without fill would still impact the old alluvial-fan deposits at 4 feet bgs. This could result in a significant impact to paleontological resources therefore, paleontological monitoring will need to occur during grading activities as outlined in Project-Specific Mitigation Measure GEO 1.

Because of the high paleontological sensitivity assigned to the Project site and in conformance with Perris GP 2030 implementation measures IV.A.4 which requires paleontological monitoring of all projects once subsurface excavation reach five feet in depth, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP) shall be prepared and approved, as set forth in Project-Specific Mitigation Measure GEO 1. A Worker Environmental Awareness Program (WEAP) training is also recommended for construction workers prior to ground disturbance in accordance with industrywide best practices. This recommendation is incorporated as Project-Specific Mitigation Measure GEO 2. Thus, with implementation of Project-Specific Mitigation Measures GEO 1 and MM GEO 2, impacts with regard to directly or indirectly destroying a unique paleontological resource or site or unique geologic feature would be reduced to less than significant. Compliance with Project-Specific Mitigation Measure GEO 1 (which replaces PVCCSP EIR Mitigation Measure Cultural 5) is incorporated into the Project and would ensure that Project-level and cumulative potential impacts to paleontological resources, if present, are less than significant with mitigation. (DEIR at 5.6-15 to 5.6-16; 7-4 to 7-5).

5.2.6 Hazards and Hazardous Materials

Potential significant impact: The EIR evaluated and concluded that the Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

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 Project-Specific Mitigation Measures HAZ 1 and HAZ 2. These Mitigation Measures are adopted and incorporated into the MMRP 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 5.8 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to hazards and hazardous materials to below a level of significance:

Project-Specific Mitigation

MM HAZ 1: To avoid the exposure of construction workers to potentially contaminated soil during Project construction, prior to the issuance of a grading permit, the Project Applicant shall retain a qualified professional to collect a minimum of four (4) samples at a depth of 0- to 0.5-feet below ground surface in each quarter of the Project site and have them analyzed for organochlorine pesticides (OCPs) and metals. If the levels of OCPs and metals exceed applicable safety standards, a remediation plan shall be developed and implemented for worker soil handling safety purposes.

MM HAZ 2: Prior to issuance of a grading permit, the Project Applicant shall perform an investigation of the Project site to confirm the presence or absence of a well on the Project site. If a well is determined to be present, the Project Applicant shall ensure said well is properly destructed and abandoned in accordance with the provisions of the California Department of Water Resources Water Well Standards *Part III. Destruction of Water Wells* (available at <https://water.ca.gov/Programs/Groundwater-Management/Wells/Well-Standards/Combined-Well-Standards/Water-Destruction>).

PVCCSP EIR Mitigation

None.

Facts in Support of the Finding: Soil sampling was recommended due to the past agricultural uses of the Project site. In order to ensure this testing takes place, Project-Specific Mitigation Measure HAZ 1 requires soil testing. Additionally, a possible water well was identified on the historic topographic maps from 1967 through the most recent 2012 map, located on the southeast corner, south of Nance Street. A record search was performed to determine the status of the well. An investigation was recommended to determine if the well is still present on the Project site. If the well is found it should be properly abandoned. In order to ensure that any well located is properly abandoned, Project-Specific Mitigation Measure HAZ 2 requires that prior to grading, the Project Applicant will perform an investigation of the Project site to determine if the well is still present on the property, and if so, ensure it is properly abandoned. **(DEIR at 5.8-16)**. With implementation of MMs HAZ 1 and HAZ 2, Project-level and cumulative impacts would be reduced to less than significant. **(DEIR at 7-6 to 7-7)**.

Potential Significant Impact: The EIR evaluated and concluded that the Project could result in a safety hazard or excessive noise for people residing or working in the project area due to location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

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 PVCCSP EIR Mitigation Measures Haz 2 to Haz 6. These Mitigation Measures are adopted and incorporated into the MMRP 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 5.8 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to hazards and hazardous materials to below a level of significance:

Project-Specific Mitigation

None Required.

PVCCSP EIR Mitigation

Refer to Haz 3 and Haz 5 discussed under Section 5.2.1, Aesthetics of these Findings, and the following:

MM Haz 2: Prior to the recordation of a final map, issuance of a building permit, or conveyance to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowner shall convey an aviation easement to the MARB/March Inland Port Airport Authority.

MM Haz 4: The following notice shall be provided to all potential purchasers and tenants:

“This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example, noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Profession Code 11010 13(A)”.

MM Haz 6: A minimum of 45 days prior to submittal of an application for a building permit for an implementing development project, the implementing development project applicant shall consult with the City of Perris Planning Department in order to determine whether any implementing project-related vertical structures or construction equipment will encroach into the 100-to-1 imaginary surface surrounding the MARB. If it is determined that there will be an encroachment into the 100-to-1 imaginary surface, the implementing development project applicant shall file a FAA Form 7460-1, Notice of Proposed Construction or Alteration. If FAA determines that the implementing development project would potentially be an obstruction unless reduced to a specified height, the implementing development project applicant and the Perris Planning Division will work with FAA to resolve any adverse effects on aeronautical operations.

Facts in Support of Finding: the nearest airport to the Project area is the MARB/IPA located approximately 0.1 miles to the northeast. The Project area is within the AIA and the City’s AOA. Safety of people and property on the ground near the MARB/IPA is of primary importance in

achieving compatible land use. By limiting the number of people in a project area based on its proximity to the airport and the associated runway, the risk to these people is reduced. The safety zones and occupancy limits for the MARB/IPA are established in the 2014 MARB/IPA ALUCP. Pursuant to the MARB/IPA ALUCP, the site is located within Compatibility Zone B2, which limits average intensity to 100 people per acre or 250 people/single acre and has no open land requirements. (DEIR at 5.8-17). As outlined at DEIR p. 5.8-18, the proposed Project would comply with the MARB/IPA ALUCP density requirements. On March 10, 2022, the ALUC determined that the Project's proposed amendment to the PVCCSP, Development Plan Review, and Tentative Parcel Map are consistent with the MARB/IPA ALUCP subject to conditions which are included in DEIR Appendix G.2. With incorporation of PVCCSP EIR Mitigation Measures Haz 2 through MM Haz 6, identified in Section 5.8.2, the Project would not result in a conflict with any of the policies or requirements outlined in the MARB/IPA ALUCP. Because the ALUCP is intended to minimize potential hazards associated with the MARB/IPA, it is concluded that the Project would not result in a safety hazard for people residing or excessive noise for people working in the Project area. (DEIR at 5.8-21). With implementation of specified PVCCSP EIR Mitigation Measures, Project-level and cumulative impacts would be reduced to less than significant. (DEIR at 7-6 to 7-7).

5.2.7 Transportation

Potential Significant Impact: The EIR evaluated and concluded that the Project could conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

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 PVCCSP EIR Mitigation Measures Trans 3, Trans 4, Trans 5, Trans 7 and Trans 8. These Mitigation Measures are adopted and incorporated into the MMRP 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 5.13 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to transportation to below a level of significance:

Project-Specific Mitigation

None required.

PVCCSP EIR Mitigation

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 LOS 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 PVCCSP EIR MMs Trans 3, Trans 4, Trans 5, Trans 7 and Trans 8 to reduce this potentially significant impact to a less than significant level. Implementation of the Project would be consistent with the goals and policies of SCAG's regional planning program, including the goals related to vehicular and non-vehicular circulation, and goods movement. The Harley Knox Boulevard / I-215 interchange project (Project No. 91) proposes to reconstruct and widen Harley Knox Boulevard from 2 to 4 lanes between Harvill Avenue to Western Way and support volumes of 87,800 ADT; it will result in both safety and operational benefits. This roadway improvement is near the vicinity of the Project site and Project cars and trucks will travel along a portion of this improvement. Considering the Project is consistent with the PVCCSP land use designation and

would utilize the designated truck route of Harley Knox Boulevard to access the freeway, the Project would not conflict with the RCTC's CMP. As presented in Section 5.10, Land Use and Planning, of this DEIR, the Project does 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, including policies outlined in Perris GP 2030. **(DEIR at 5.13-26).**

The Project would be developed in accordance with the PVCCSP Standard and Guidelines. In compliance with PVCCSP EIR Mitigation Measure Trans 7, a Traffic Impact Analysis dated January 5, 2022 was prepared for the Project by Albert A. Webb Associates (TIA) to evaluate the proposed Project's impacts on traffic. Additionally, the proposed Project will participate in the phased construction of offsite traffic signals through payment of the Project's fair share of traffic signal mitigation fees which include TUMF, DIF, and NPRBBD as outlined in PVCCSP EIR Mitigation Measures Trans 3 and MM Trans 8. The fees shall be collected and utilized as needed by the City to construct the improvements necessary to maintain the circulation system. Pursuant to PVCCSP EIR Mitigation Measure Trans 4, RTA was contacted to determine if future provision of bus routing in the Project area would require bus stops at the Project access points. In an email dated February 1, 2022, the RTA indicated that no bus stop is required at the Project site. The PVCCSP also includes pedestrian paths and sidewalks into roadway design, and bike trails into its Standards and Design Guidelines to accommodate non-motorized forms of transportation along roadways within the Specific Plan area and to encourage bus stops to be provided at large commercial and employment centers along existing and future bus routes. Bike racks are included in the Project design in compliance with PVCCSP EIR Mitigation Measure Trans 5. Compliance with these policies and implementation of PVCCSP EIR Mitigation Measures Trans 4 and MM Trans 5 will ensure that the Project will not conflict with the City's adopted policies, plans, or programs supporting alternative modes of transportation. In summary, the Project would not conflict with regional or local programs, plans, ordinances, or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities through Project design and implementation of PVCCSP EIR Mitigation Measures Trans 3, MM Trans 4, MM Trans 5, MM Trans 7, and MM Trans 8. Project-level and cumulative impacts are less than significant with PVCCSP EIR mitigation. **(DEIR at 5.13-27; 7-9 to 7-11).**

Potential Significant Impact: The EIR evaluated and concluded that the Project could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)

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 PVCCSP EIR Mitigation Measures Trans 1 and Trans 2. These Mitigation Measures are adopted and incorporated into the MMRP 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 5.13 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to transportation to below a level of significance:

Project-Specific Mitigation

None required.

PVCCSP EIR Mitigation

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.

Facts in Support of Finding: The proposed warehouse/distribution facility is consistent with the onsite and surrounding land use and zoning designations, and as such implementation of the Project will not introduce incompatible uses to the Project area. Regional access to the Project area is provided via I-215 approximately 0.60 miles to the northwest of the Project site. Local access is provided via Patterson Avenue and Nevada Avenue. The Project site will be accessed through five driveways: three full-access driveways and one right in/right out only access driveway off of Patterson Avenue, and one full-access driveways off Nevada Avenue that will be designated as a truck emergency/secondary access only. **(DEIR at 5.13-29)**. The Project will be reviewed by City staff to ensure that adequate turn radii and sight distance, pursuant to PVCCSP EIR Mitigation Measure Trans 2, are provided at each driveway location. All Project-related truck trips will be restricted to using existing City truck routes (Harley Knox Boulevard). Offsite improvements, as described in Section 3.3.5, On- and Off-Site Infrastructure, will be designed pursuant to PVCCSP EIR Mitigation Measure Trans 1. **(Final EIR at 3-18)**.

As part of the Project, a Specific Plan Amendment is proposed for the PVCCSP Circulation Plan to delete Nance Street and California Avenue from Patterson Avenue to Nevada Avenue within the proposed Project site. The proposed Tentative Parcel Map will also vacate the existing Nance Street right-of-way. This driveway will be designated as a truck emergency/secondary access entry/exit. This proposed street vacation would not cause a hazard. The proposed Project is required to comply with the City's development review process including review for compliance with all applicable fire code requirements for construction and access to the site. Construction activities that may temporarily restrict vehicular traffic flow would be required to implement adequate measures to facilitate the passage of vehicles through/around any required lane or road closures (refer to PVCCSP EIR Mitigation Measure Air 2 in Section 5.2, Air Quality, which requires that a traffic control plan be provided to the City). The Project access does not include new travel lanes and has been designed in conformance with the City's engineering and fire department standards. In summary, the Project would not substantially increase hazards through Project design, compliance with City's polices, and implementation of PVCCSP EIR Mitigation Measures Trans 1 and MM Trans 2. Project-level and cumulative impacts are less than significant with PVCCSP EIR mitigation. **(DEIR at 5.13-30; 7-9 to 7-11)**.

5.2.8 Tribal Cultural Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project could cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or (ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency will consider the significance of the resource to a California Native American tribe.

Finding: Based on the entire record before us, this Council finds that these impacts are potentially significant but can be mitigated to a less than significant level through implementation of Project-Specific Mitigation Measures CR 1 and CR 2. These Mitigation Measures are adopted and incorporated into the MMRP 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 5.14 of the DEIR. The following Mitigation Measures will mitigate Project-level and cumulative impacts related to tribal cultural resources to below a level of significance:

Project-Specific Mitigation

Refer to MMs CR 1 and CR 2 discussed under Section 5.2.4, Cultural Resources, of these Findings.

PVCCSP EIR Mitigation

None.

Facts in Support of the Finding: As discussed in Section 5.4, Cultural Resources, of the DEIR, a records search and literature review of the Project area and surrounding areas was undertaken at the Eastern Information Center (EIC) at University of California, Riverside. Results of the records search indicated a total of 35 previously recorded cultural resources are located within the Project study area, which is composed of the Project site and a 0.5-mile radius and the MDP Lateral-B Stage 4 extension alignment and a 1.0-mile radius. However, none of these 35 resources are located within the Project study area. **(DEIR at 5.14-10)**. Additionally, a pedestrian survey was conducted and identified an additional six cultural resources within the Project site. All six of these sites are categorized as historical sites such as old roadways and utility poles and are not considered tribal cultural resources. The pedestrian survey of the MDP Lateral-B Stage 4 extension alignment also did not identify any cultural resources within the alignment. Based on this search and review of existing literature related to cultural and historic resources within the Project area, no tribal cultural resources listed or eligible for listing in the CRHR or in a local register of historical resources were identified. Although there are no known archeological resources within the Project study area, in the event that previously unidentified archeological resources may be discovered during ground

disturbance, Project-Specific Mitigation Measure CR 1 requires that an archaeological monitor be present during initial ground-disturbing activities and identifies steps that would be taken to ensure potential impacts to tribal cultural resources are less than significant. Project-Specific Mitigation Measure CR 2 identifies actions to be taken in the event that human remains are found. **(DEIR at 5.14-11).**

The City complied with the requirements of AB 52 and SB 18 regarding notification to Native American tribes, as outlined at **DEIR pages 5.14-11 to 5.14-12**. No cultural resources, including tribal cultural resources, were observed during the field survey and no information obtained through Native American consultation or review of applicable records indicates that tribal cultural resources are present within the Project area. Therefore, the Project would not impact any known tribal cultural resources. Although it is not likely, there is a remote possibility that tribal cultural resources may be present beneath the site's subsurface, and if present, could be impacted by deeper ground-disturbing activities associated with Project construction that extend below disturbed soils. Without mitigation, construction activities including excavation could encounter unknown tribal cultural resources resulting in a potentially significant impact. Project-Specific Mitigation Measure CR 1 requires that an archaeological monitor be present during initial ground-disturbing activities and identifies steps that would be taken to ensure potential impacts to tribal cultural resources are less than significant. Project-Specific Mitigation Measure CR 2 identifies actions to be taken in the event that human remains are found. With implementation of Project-Specific Mitigation Measures CR 1 and MM CR 2, potential Project-level and cumulative impacts to tribal cultural resources would be less than significant. **(DEIR at 5.14-12 to 5.14-13; 7-11).**

5.2 ALTERNATIVES TO THE PROPOSED PROJECT

The EIR analyzed one alternative to the Project as proposed, and evaluated this alternative for its ability to meet the Project's objectives. CEQA requires evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the Project." Thus, the Project objectives must be considered when this Council is evaluating alternatives. 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; in this case, because there are no potentially significant impacts associated with the Project, the only alternative that must be considered is the "No Project Alternative".

The DEIR determined that the "No Project Alternative" could potentially take two forms: 1) no change from the existing use (the Project site would remain vacant land); or 2) development per the approved PVCCSP would occur, but with no specific plan amendment. Because second scenario (development per the approved PVCCSP) would not be significantly different from the proposed Project, it was rejected from further consideration and only the No Project/No Build Alternative with no change from the existing use was evaluated.

5.2.1 Alternative 1: No Project/ No Build Alternative

Pursuant to CEQA Guidelines Section 15126.6(e)(3)(B), the No Project Alternative for a development project on identifiable property is the circumstance under which the proposed Project does not proceed, and the discussion of the No Project Alternative must compare the environmental effects from the Project site remaining in its existing state, versus the environmental effects that would occur if the proposed Project is approved. Accordingly, under the No Project/No Build Alternative, the site would remain in its existing condition and no development would occur.

Because no construction or development would occur and the Project site would remain vacant under the No Project/No Build Alternative, no impacts would occur relative to most of the environmental issue areas evaluated within the DEIR. **(DEIR at 8-4 to 8-6; Final EIR at 3-4)**. However, with regard to hydrology and water quality, the No Project/No Build Alternative would retain the Project site's existing conditions. Under this alternative the existing hydrologic conditions would continue, 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 would occur 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. Thus, impacts to hydrology and water quality associated with Alternative 1 would be increased and worse than those of the proposed Project. **(DEIR at 8-6)**. With regard to land use and planning, the Project site would remain vacant and underutilized and certain goals and policies of the Perris Comprehensive General Plan 2030 (Perris GP 2030) and the PVCCSP would not be realized. Therefore, impacts with regard to hydrology and water quality and land use and planning would be greater than or worse than those of the proposed Project. **(DEIR at 8-6; Final EIR at 3-20)**.

The No Project/No Build Alternative would not meet any of the Project objectives. **(DEIR at 8-7 to 8-8)**. CEQA Guidelines Section 15126.6(f)(1) states that among the factors that may be taken into account when addressing the feasibility of alternatives, are site suitability and economic viability; Alternative 1 is neither suitable for the site nor economically viable. Although in the short-term this alternative may be feasible, over the long-term it is expected that the owners of the site would seek some productive use of this property and that the Project site would therefore be developed in some form. Therefore, since it can be reasonably anticipated that the site would not remain in an undeveloped state over the long term, Alternative 1 is not feasible, as its ability to be implemented would not appear to be feasible. **(DEIR at 8-8)**.

Finding: Based on the entire record, this Council finds that the No Project/No Build Alternative would reduce the environmental impacts associated with the Project. However, the No Project/No Build Alternative would not realize any of the Project Objectives by maintaining the site in its existing condition without development as an attractive warehouse building consistent with the PVCCSP and General Plan and without providing local employment.

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.

6.2 CONCLUSIONS

1. All potentially significant Project-level and cumulative 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 less than significant.
2. The No Project Alternative been considered and rejected in favor of the proposed Project.