

**OLC3 Ramona Expressway and Perris Boulevard Commercial  
Warehouse Project Environmental Impact Report**

**FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING CONSIDERATIONS**

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**TABLE OF CONTENTS**

	<u><b>Page</b></u>
I. INTRODUCTION .....	1
A. Findings of Fact and Statement of Overriding Considerations.....	1
B. Records of Proceedings .....	2
C. Custodian and Location of Records.....	3
II. PROJECT SUMMARY .....	3
A. Project Location.....	3
B. Project Description .....	4
C. Statement of Objectives .....	5
D. Required Discretionary Actions and Permits.....	6
E. Other CEQA Documents Referenced.....	7
III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION .....	7
IV. SUMMARY OF IMPACTS .....	8
V. FINDINGS REGARDING IMPACTS .....	9
A. Potential Environmental Impacts Determined to be Less Than Significant .....	9
1. Agriculture and Forestry Resources.....	9
2. Hazards and Hazardous Materials .....	9
3. Hydrology and Water Quality.....	11
4. Land Use and Planning.....	12
5. Mineral Resources .....	12
6. Population and Housing.....	13
7. Public Services.....	14
8. Recreation .....	16
9. Utilities and Service Systems.....	16
10. Wildfire.....	19
B. Potential Environmental Impacts that will be Mitigated to Below a Level of Significance .....	19
1. Aesthetics .....	19
2. Biological Resources .....	21
3. Cultural Resources .....	25
4. Energy .....	29
5. Geology and Soils.....	31

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6.	Noise .....	33
7.	Transportation .....	35
8.	Tribal Cultural Resources .....	38
C.	Potential Environmental Impacts Determined to be Significant and Unavoidable.....	39
1.	Air Quality .....	39
2.	Greenhouse Gas Emissions.....	47
D.	Alternatives to the Proposed Project.....	49
1.	No Project Alternative .....	49
2.	No Project—All Commercial Development Alternative .....	50
3.	Reduced Industrial Alternative .....	51
4.	Reduced Commercial Alternative.....	52
E.	Cumulative Impacts .....	53
F.	Environmental Impact Report Recirculation .....	54
VI.	STATEMENT OF OVERRIDING CONSIDERATIONS .....	55
A.	Findings for Statement of Overriding Considerations .....	56
B.	Conclusion .....	59
VII.	REFERENCES .....	59

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## I. INTRODUCTION

The following Findings of Fact and Statement of Overriding Considerations are made for the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project (herein referred to as “Project”). The environmental effects of the Project are addressed in the Environmental Impact Report (EIR), State Clearinghouse (SCH) No. 2023040385 dated September 2023, which is incorporated by reference herein.

### A. Findings of Fact and Statement of Overriding Considerations

The California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21081, and the CEQA Guidelines, 14 California Code of Regulations, Section 15091 (collectively, CEQA) require that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. CEQA Guidelines Section 15091 provides:

- (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 Final 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

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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.

CEQA Guidelines Section 15093 further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed, and considered the Final EIR, as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the City of Perris (City) in its capacity as the CEQA Lead Agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

## **B. Records of Proceedings**

For purposes of CEQA and these Findings and Statement, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the proposed project;
- The responses to the NOP received by the City;
- The Final EIR;

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- The Draft EIR, including technical reports;
  - All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
  - All responses to the written comments included in the Final EIR;
  - The Mitigation Monitoring and Reporting Program (MMRP);
  - The technical reports and analyses included or referenced in any response to comments in the Final EIR;
  - All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during preparation of, the Draft EIR and the Final EIR;
  - Matters of common knowledge, including, but not limited to, federal, state, and local laws and regulations;
  - Any documents expressly cited in these Findings and Statement; and
  - Any other relevant materials required to be in the record of proceedings by PRC Section 21167.6(e).

### **C. Custodian and Location of Records**

The documents and other materials which constitute the administrative record for the City's actions related to the Project are located at the City of Perris Planning Division, 135 North D Street, Perris, CA 92570. The City Planning Division is the custodian of the administrative record for the Project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the City Planning Division. The EIR is located on the City of Perris's website, at <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review>

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The information is provided in compliance with PRC Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

## **II. PROJECT SUMMARY**

### **A. Project Location**

The Project site is in the City of Perris (City), in Riverside County (County), California, near the intersection of Ramona Expressway and North Perris Boulevard. The Project site consists of approximately 45.1 acres and contains disturbed vacant land that was previously used for

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agricultural purposes. The Project site is bounded by Ramona Expressway to the south, North Perris Boulevard to the west, Perry Street to the north, and Redlands Avenue to the east. It is located approximately 1.7 miles east of Interstate (I-) 215 and approximately 6.4 miles south of State Route (SR) 60 and approximately 1.4 miles south of March Air Reserve Base/Inland Port Airport (MARB/IPA). The Project site is located within the MARB/IPA Airport Influence Area Boundary and the City's Airport Overlay Zone. The Project site is located almost entirely within Airport Compatibility Zone D (Flight Corridor Buffer) with a small portion of the site located within Zone C1 (Primary Approach/Departure Zone). The Project site is comprised of Assessor's Parcel Numbers (APN) 302-130-002, 302-130-008, 302-130-018, 302-130-021 through 302-130-024, and 302-130-027. The Project site is also located within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area of the City of Perris. The existing General Plan land use designation for the Project site is Perris Valley Commerce Center Specific Plan and the zoning is Commercial per the PVCCSP.

## **B. Project Description**

The proposed Project involves the construction and operation of a non-refrigerated warehouse building with ancillary office uses on approximately 36 acres and future development of commercial retail/ restaurant uses within two separate portions of the Project site including an approximately 4.7-acre portion to the south of the warehouse building and a 4.8-acre portion to the west of the warehouse building. Supporting infrastructure and utilities are also expected to be constructed, including a portion of the Line E storm drain within and immediately adjacent to the Project site. For analysis purposes throughout the EIR, it is conservatively assumed that construction of the industrial warehouse and southern and western commercial retail areas would be completed in one phase lasting approximately 11 months.

### **Warehouse Building**

The proposed warehouse building would be in the central portion of the Project site and would include 774,419 total square feet of a high-cube fulfillment center warehouse building, which would also include up to 20,000 square feet of planned ancillary office area. The tenant is not known at this time; therefore, for purposes of analysis, it is assumed that the building square footage would be operated as a high-cube fulfillment center warehouse, and the building could operate 24 hours a day, seven days a week. The building would comply with applicable standards and guidelines outlined in the PVCCSP for Light Industrial uses and would therefore reflect a modern industrial design. The building would have a maximum structural height of 50 feet. Required indoor and outdoor employee amenities would also be provided.

### **Commercial Retail Development**

As noted above, the Project Applicant also proposes commercial retail/restaurant uses within both an approximately 4.7-acre portion of the Project site to the south of the warehouse building along the north side of Ramona Expressway and an approximately 4.8-acre portion of the Project site to the west of the warehouse building along the east side of Perris Boulevard. The future commercial developments would include approximately 45,000 square feet of retail and restaurant uses comprised of 21,825 square feet of strip retail plaza use, a 5,000-square-foot high turnover (sit-down) restaurant, 14,775 square feet of fast-food restaurant without drive-through

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window use in line with retail use, and a 3,400-square-foot fast-food restaurant with drive-thru window use.

Although not currently included in the Project's Development Plan Review request, future commercial development within the western commercial site would include approximately 25,000 square feet of retail and restaurant uses (comprised of 18,000 square feet of strip retail/restaurant use and two fast-food restaurants with drive-through window totaling 4,000 square feet and 3,000 square feet, respectively). The buildings would comply with applicable standards and guidelines outlined in the PVCCSP related to architecture. The buildings would have a maximum building height of 45 feet.

### **C. Statement of Objectives**

The Applicant's fundamental purpose and goal of the Project is to provide an industrial warehouse building in the northern portion of the City of Perris, near designated truck routes, and to increase employment opportunities in a housing rich area. An additional goal is to provide a variety of commercial uses along Ramona Expressway to further reduce the necessity for driving when services are provided close by the employment center as envisioned by the City of Perris. The Project would achieve its purpose and goals through the following objectives:

1. Provide an attractive mixed-use retail project along Ramona Expressway that enhances and meets the local demand for the availability of social gathering places, retail services, and eateries in an underserved area of the PVCCSP, thereby providing additional job opportunities in a housing-rich area and providing more equal jobs to housing balance.
2. Setting aside additional land for future commercial, retail, and office opportunities in the fast-growing Perris Blvd Corridor to further enhance job opportunities, local services, and retail, commercial uses in an area that is housing rich but underserved in these areas.
3. Maximize the development of Class A speculative high cube warehouse industrial buildings that meet contemporary industry standards for operational design criteria, can accommodate a wide variety of users, and are economically competitive with similar warehouse buildings in the local area and region, which will assist the City of Perris in competing economically on a domestic and international scale through the efficient and cost-effective movement of goods.
4. Maximize industrial warehouse development near designated truck routes and the State highway system to avoid or shorten truck-trip lengths on other roadways and avoid locating industrial warehouse buildings in proximity to residential uses.
5. Implement drainage improvements in conjunction with the Project to accommodate the 100-year storm flows in the area, including a public storm drain conveyance that would capture stormwater runoff from the region to the detention basin east of the Project site, thus solving regional flooding problems.
6. Accommodate new development in a phased, orderly manner that is coordinated with the provision of necessary infrastructure and public improvements.



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7. Provide for uses that will generate tax revenue for the City of Perris, including, but not limited to, increased property and sales tax, to support the City's ongoing municipal operations.

#### **D. Required Discretionary Actions and Permits**

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the City of Perris, as the lead agency, is charged with the responsibility of deciding whether to approve the Project. As identified above, the following permits and discretionary actions are required by the City of Perris to implement the proposed Project:

- **Certification of an EIR** with the determination that the EIR has been prepared in compliance with the requirements of CEQA,
- **Specific Plan Amendment** to amend the PVCCSP to change a portion of the site's zoning from Commercial to Light Industrial, which includes warehouse facilities as a permitted use.
- **Development Plan Review DPR 22-00006 and DPR 22-00019 and CUP 22-05180** for the warehouse and southern commercial site plan and building elevations,
- **Tentative Parcel Map No. 05048** to re-subdivide the existing eight-parcel Project site into seven parcels (subject to change as noted above).

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

- Review and approval of all off-site infrastructure plans, including street and utility improvements pursuant to the conditions of approval.
- Review of all plans, including grading and on-site utilities.
- 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:

- 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.
- A determination by the **Riverside County Airport Land Use Commission (ALUC)**.
- Compliance with the **South Coast Air Quality Management District** Indirect Source Rule (Rule 2305) for warehouse owners and operators.
- Approval of Water Supply Assessment and water and sewer improvement plans by the **Eastern Municipal Water District**.
- Permits or associated approval by other utility agencies as necessary, for installation of new utility infrastructure or connections to existing facilities.

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## **E. Other CEQA Documents Referenced**

In accordance with Section 15150 of the State CEQA Guidelines, an EIR may incorporate by reference all or portions of another document that is a part of public record or is available to the public. The previously prepared EIRs and environmental analyses listed below were relied upon or consulted in the preparation of this EIR, and are hereby incorporated by reference:

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

## **III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

On July 8, 2022 the first Project NOP was filed at the Riverside County Clerk's Office. The City also distributed the NOP to 49 federal, state, regional, and local government agencies and interested parties for a 30-day public review period to solicit comments and to inform agencies and the public of the Project. The first NOP comment period began on July 8, 2022 and ended on August 8, 2022. A public scoping meeting was held during a Planning Commission Meeting on July 20, 2022. A second Project NOP was filed at the Riverside County Clerk's office on April 14, 2023 and was distributed to the SCH for transmittal to state agencies for review. The second NOP comment period began on April 14, 2023 and ended May 20, 2023. The Project was described, potential environmental effects associated with Project implementation were identified, and agencies and the public were invited to review and comment on the NOP.

Comments received during the public scoping process were considered in the preparation of the Draft EIR. The Draft EIR was made available for review by the public and interested parties, agencies, and organizations for a 45-day comment period beginning on September 8, 2023 and ending October 23, 2023. During the comment period, the public was invited to submit written or email comments on the Draft EIR to the City of Perris Planning Division.

Following the conclusion of the 45-day public review period for the Draft EIR, the City reviewed comments received and prepared written responses to comments on environmental issues. A Final EIR has been prepared, which contains the comments received, responses to comments raising environmental issues, and minor changes to the Draft EIR. The Final EIR will be presented to the City of Perris City Council for consideration and certification. Agencies, organizations, and/or individuals who commented on the Draft EIR shall be notified of the availability of the Final EIR and the date of the public hearings before the City of Perris City Council.

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Responses to comments submitted on the Draft EIR by public agencies shall be provided to those agencies at least 10 days prior to certification of the EIR. Public input is encouraged at all public hearings before the City. The City Council would also make findings regarding each significant environmental impact of the proposed Project as identified in the Final EIR.

#### IV. SUMMARY OF IMPACTS

As described in Section V.A. of these Findings and Statement, the Final EIR concludes that the proposed Project will have **less than significant impacts and require no mitigation measures** with respect to the following issues:

- Agriculture and Forestry Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems
- Wildfire

As described in Section V.B of these Findings and Statement, **potentially significant impacts of the proposed Project will be mitigated to below a level of significance** with respect to the following issues:

- Aesthetics
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Noise
- Transportation
- Tribal Cultural Resources

As described in Section V.C of these Findings and Statement, the Final EIR concludes that the Project could result in **significant and unavoidable impacts** with respect to the following issues:

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- Air Quality
  - Greenhouse Gas Emissions

## V. FINDINGS REGARDING IMPACTS

The Findings Regarding Impacts are organized as follows:

- Environmental impacts determined to be less than significant;
- Environmental impacts that will be mitigated to below a level of significance; and,
- Environmental impacts determined to be significant and unavoidable after mitigation.

### A. Potential Environmental Impacts Determined to be Less Than Significant

This section of the Findings summarizes the potential effects evaluated in the EIR that were determined to be less than significant with no mitigation required.

#### 1. Agriculture and Forestry Resources

**Rationale:** As identified in Section 6.1 of the Draft EIR, no significant impacts to agriculture and forestry resources would occur. Pursuant to CEQA Section 21060.1, agricultural land means Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria as modified for California. The State CEQA Guidelines Appendix G thresholds of significance used by the City of Perris for CEQA purposes states that a significant impact to agriculture could occur if a Project was to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use. Based on the California Department of Conservation’s (DOC’s) Farmland Mapping and Monitoring Program, the Project site is classified as Farmland of Local Importance (DOC 2018) and is surrounded by areas also designated as Farmland of Local Importance or Urban and Built-Up Land. The Project site and surrounding areas are not currently being utilized for agricultural purposes. Moreover, the Project site is not within an area subject to a California Land Conservation Act of 1965 (Williamson Act) contract and is not otherwise zoned by the City for agricultural use. Similarly, the Project site does not contain forest resources. Therefore, the proposed Project would have no impact and would not contribute to a potential cumulative impact to these resources; therefore, no cumulatively considerable impact would occur with approval of the proposed Project.

**Finding:** No impact

#### 2. Hazards and Hazardous Materials

**Rationale:** As identified in Section 4.8 of the Draft EIR, the Project would not result in significant impacts as a result of hazards and hazardous materials. Although the future occupant(s) of the proposed warehouse building and retail/commercial uses is not presently known, if a business that uses or stores hazardous materials occupies the Project site, the business owner and operator would be required to comply with all applicable federal, State, and local regulations to ensure proper use, storage, and disposal of hazardous substances. Such uses

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also would be subject to additional review and permitting requirements by the Riverside County Fire Department. Similarly, any other developments in the area proposing the construction of uses with the potential for use, storage, or transport of hazardous materials also would be required to comply with applicable federal, State, and local regulations, and such uses would be subject to additional review and permits from their local oversight agency. Therefore, the potential for release of toxic substances or hazardous materials into the environment, either through accidents or due to routine transport, use, or disposal of such materials, would be reduced to a less-than-cumulatively-significant level. Accordingly, the Project's potential to contribute to a cumulatively significant hazardous materials impact would be less than significant.

The Project site is not located within one-quarter mile of an existing or planned school; therefore, the Project would not contribute to a cumulatively significant hazards/hazardous materials impact on any public or private schools located within a one-quarter mile radius of the site.

The Project site is not located on the list of hazardous materials sites compiled pursuant to Government Code §65962.5. In the unlikely event hazardous materials are encountered beneath the surface of the site during grading or construction, the materials would be handled and disposed of in accordance with regulatory requirements. Therefore, the Project would not contribute to a cumulatively significant hazardous materials impact associated with a listed hazardous materials site.

The Project site is within the Airport Influence Area (AIA) for MARB/IPA and would not conflict with requirements outlined in the MARB/IPA ALUCP, PVCCSP, and PVCCSP EIR. The Project would have a less than significant impact related to the potential to result in a safety hazard or excessive noise for people residing or working in the Project area. Cumulative development within MARB/IPA's AIA would similarly be required to demonstrate consistency with the MARB/IPA ALUCP and adhere to requirements outlined in the PVCCSP and PVCCSP EIR (for projects in the PVCCSP area). Therefore, the Project would not result in a cumulatively considerable contribution to a significant cumulative impact related to aviation hazards.

The Project site does not contain any emergency facilities, nor does it serve as an emergency evacuation route; thus, there is no potential for the Project to contribute to any cumulative impacts associated with an adopted emergency response plan or emergency evacuation plan.

As discussed in Section 4.8 of the Draft EIR, the Project site is not located within or near areas identified as being subject to wildland fire hazards. Additionally, as the surrounding area continues to develop, lands that are currently vacant would be developed in a manner consistent with jurisdictional requirements for fire protection and would generally decrease the fire hazard potential in the local area. As such, within the cumulative context of the Project vicinity, fire hazards are anticipated to decline over time, and the Project's contribution to cumulative wildfire potential is less than cumulatively considerable.

**Findings:** Less than significant impact

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### 3. Hydrology and Water Quality

**Rationale:** As identified in Section 4.9 of the Draft EIR, the Project would not result in significant impacts to Hydrology and Water Quality. The geographic context for the Hydrology and Water Quality cumulative impact analysis is the Perris Valley/San Jacinto watershed hydrologic unit and the EMWD service area. Cumulative development within this watershed will increase the area of impervious surfaces, which will increase the amount of runoff, pollutant loads, reduce potential for groundwater recharge, and pose a greater number of people and structures to flood hazards.

Cumulative impacts to surface water and ground water quality could be significant with the addition of substantial increases in development and temporary construction activities in the San Jacinto River Watershed. These cumulative effects from stormwater and non-stormwater runoff include increased flow rates, increased erosion, increased sedimentation/siltation, higher concentrations of urban pollutants entering waterbodies and soil, and decreased potential for groundwater recharge. The proposed Project, along with all of the public and private development and construction projects in the watershed, are required to comply with current storm water regulations to reduce the discharge of pollutants to the maximum extent practicable from construction-related activities and post-construction operation of the site. Erosion control BMPs would be implemented during construction of the Project in compliance with the NPDES General Permit for Construction Activities. After construction, the proposed Project would implement the permanent runoff treatment systems identified in the Project-Specific Water Quality Management Plan (included as Appendix O and P to the Draft EIR).

Regarding groundwater recharge, the Project is consistent with the current (September 2021) GSP for the local groundwater basin, which outlines the efforts to be undertaken by local water suppliers to sustainably manage the basin by no later than 2042. Therefore, through implementation of existing regulations, Project construction and long-term operations would not considerably contribute to significant cumulative impacts to water quality and groundwater recharge in the San Jacinto River Watershed.

Each development project in the San Jacinto River Watershed will be required to ensure that its contribution of runoff will not exceed the capacity of existing or planned stormwater drainage systems. The proposed Project includes off-site and on-site design features to ensure that runoff from the Project site, in conjunction with development of upstream properties will not individually or collectively overwhelm downstream drainage systems or properties.

All the thresholds related to surface and groundwater quality have been identified as less than significant without mitigation for this Project with the detailed development of a preliminary Water Quality Management Plan (WQMP). The same is true for the PVCCSP overall in the PVCCSP EIR. A detailed analysis of the potential cumulative impacts is provided in the PVCCSP EIR. No new information regarding water quality under the thresholds analyzed changed significantly beyond implementation of the proposed mitigation measures. The potential cumulative impacts relative to Hydrology and Water Quality would be less than significant.

**Finding:** Less than significant impact

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#### 4. Land Use and Planning

**Rationale:** As identified in Section 4.10 of the Draft EIR, the Project would not result in significant impacts to Land Use and Planning. Section 5.0, Other CEQA Topics, of the PVCCSP EIR, this cumulative impact analysis considers development of the Project in relation to the City's General Plan land use policies and zoning ordinances, along with other developmental policies. The PVCCSP EIR concludes that cumulative impacts associated with the development of allowed uses under the PVCCSP, which would include the Project, would be consistent with all applicable General Plan Policies and regional plans, and cumulative impacts would be less than significant.

As discussed above, the Project would not physically divide an established community, and as such, would not contribute to a cumulative impact with regards to the physical division of a community.

Development of the Project would require an amendment to the PVCCSP to change existing zoning for a portion of the site from Commercial to Light Industrial. Light Industrial land uses are allowed in the PVCCSP and areas immediately to the north and east of the Project site are designated for Light Industrial uses. As presented in the analysis above, the Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating and environmental effect.

The proposed uses are consistent with the existing and planned land uses in the area and are consistent with the overall types of land uses that are proposed and existing for the PVCCSP area. Cumulative development projects would be reviewed for consistency with adopted land use plans and policies of the City of Perris (including General Plan policies and zoning requirements), in accordance with the requirements of CEQA, the state Zoning and Planning Law, and the State Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development. Therefore, it can be assumed that through these requirements, future development would be consistent with adopted goals and polices and compatible with existing land uses. However, even if the cumulative impact of these projects would be significant, the Project's contribution to such cumulative land use impacts is less than significant and is thus not cumulatively considerable because (1) the proposed development would not change the type or amount of development anticipated by the City's General Plan and PVCCSP; (2) the Project does not conflict with adopted goals and policies as identified through the analysis presented in this section.

**Finding:** Less than significant impact

#### 5. Mineral Resources

**Rationale:** As identified in Section 6.1 of the Draft EIR, no significant impacts regarding mineral resources were reported. According to the City's General Plan, the land within the City is classified as Mineral Resource Zone (MRZ) 3 and MRZ 4, which are not considered to be significant mineral resource areas. The CDC is primarily interested in the preservation of significant resources in MRZ 2 regions. Further, the City does not have designated locally important mineral resource recovery sites in the General Plan. In addition, the California DOC

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does not show oil, gas, or geothermal fields underlying the site; and no oil or gas wells are recorded on or near the site in the Division of Oil, Gas, and Geothermal Resources (DOGGR) Well Finder (DOC 2021). Therefore, the proposed Project would have no impact and would not contribute to a potential cumulative impact to mineral resources; therefore, no cumulatively considerable impact would occur with approval of the proposed Project.

**Finding:** No Impact

## **6. Population and Housing**

**Rationale:** As identified in Section 6.1 of the Draft EIR, no significant impacts to population and housing were identified. The Project does not include residential structures or other infrastructure that would encourage residential development. The Project would create jobs within the City that would be expected to be filled by the existing population. The job creation would not be of a magnitude to induce substantial population growth. Additionally, the Project site is currently vacant and therefore implementation of the Project would not necessitate the construction of replacement housing.

Table 4.8-E, *Development Intensity and Employment Projections*, of the PVCCSP EIR, identifies average employment generation factors for the allowed development types identified in the PVCCSP. One employee per 1,030 square feet is estimated for light industrial floor space and one employee per 500 square feet is estimated for commercial uses. The Project consists of the construction and operation of up to 774,419 square feet of warehouse uses, and 70,000 square feet of commercial retail uses.

Based on the employment generation factors in the PVCCSP EIR, the Project could generate approximately 752 new industrial employees and 140 new commercial retail employees (approximately 892 new jobs). The PVCCSP EIR estimates that implementation of the land uses allowed under the PVCCSP would result in the generation of approximately 56,087 jobs/employees in the area (see Table 4.8-E under Section 4.8, Land Use and Planning, and the discussion of “Growth Inducing Impacts” in Section 5 of the PVCCSP EIR). Therefore, the employment generation estimated for the Project (892 employees) represents approximately 1.6 percent of the total employment generation anticipated in the Specific Plan area. Further, this represents approximately 3.4 percent of the City's projected employment base by 2045 as presented in the Southern California Association of Governments (SCAG) Connect SoCal (26,400 employees) (SCAG 2020).

Additionally, similar to the short-term construction jobs, it is anticipated that these new retail and warehouse positions would be filled by workers who would already reside in the region. The Project would involve the installation of utilities necessary to connect to existing infrastructure systems adjacent to or in the vicinity of the Project site and would involve improvements to adjacent roadways, consistent with the PVCCSP. Therefore, the Project would not directly or indirectly generate substantial unplanned population growth in the area. The Project would not contribute to a cumulatively considerable impact to the displacement of existing people or housing.

**Findings:** No impact



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## 7. Public Services

**Rationale:** As identified in Section 6.1 of the Draft EIR, no significant impacts regarding public services were identified. The PVCCSP EIR Initial Study concluded that development within the PVCCSP area, which includes the Project site, would result in less than significant impacts to public services. The City of Perris has concluded that the Project would not result in potentially significant impacts to public services as discussed below.

### Fire Protection

While implementation of the Project would not involve new residential uses or uses that would increase the City's population, the operation of the proposed industrial and retail buildings would increase the demand for fire protection, prevention, and emergency medical services at the currently undeveloped site. California Department of Forestry and Fire Protection (CAL FIRE), under contract with Riverside County and operating as Riverside County Fire Department (RCFD), provides fire prevention and suppression to the City of Perris. RCFD Station No. 1 located at 210 W. San Jacinto Avenue and RCFD Station No. 90 at 333 Placentia Avenue exclusively serve the City of Perris. RCFD Station No. 1 is approximately 4.6 miles southwest of the Project site. RCFD Station No. 90 is approximately 2.2 miles south of the Project site. Other RCFD stations respond to emergency service calls in the City on an as needed basis. The Project would create the typical range of service calls for industrial and retail developments, such as medical aid, fire response, and traffic collisions.

The Project would be designed in compliance with all applicable ordinances and standard conditions established by the RCFD and/or the City or State including, but not limited to those regarding fire prevention and suppression measures, such as fire hydrants, fire access, emergency exits, combustible construction, fire flow, and fire sprinkler systems. Compliance with applicable regulations would be confirmed by the RCFD during its review of development plans to ensure it has the capacity to provide proper fire protection to the development. The development of the Project would not cause fire staffing, facilities, or equipment to operate at a deficient level of service. Additionally, the Project Applicant would be required to pay North Perris Road and Bridge Benefit District (NPRBBD) fees, inclusive of the City's Development Impact Fee (DIF), which provides a funding source for construction of fire facilities as a result of impacts related to future growth in the City. The Project would not require the construction of new or expanded fire protection facilities; therefore, no physical impacts would result, and the impact would be less than significant.

### Police Protection

While implementation of the Project would not involve new residential uses or uses that would increase the City's population, the operation of proposed industrial and commercial retail buildings would increase the demand for police protection services at the currently undeveloped site. The City of Perris contracts with the Riverside County Sheriff Department (RCSA) for the provision of municipal police services in the City. The Project would be designed and operated in compliance with the standards provided within the City's Municipal Code, RCSA, and the PVCCSP for new development with regard to public safety. The Perris Police Station is located at 137 N. Perris Boulevard and is located approximately 4.5 miles southwest of the Project site.

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Sheriff response times vary by time of day and priority of the call. Typical operational police protection services involved with the proposed industrial and retail uses include after-hours patrol, crime and traffic accident/collision responses, and calls for service. The Project Applicant would be required to contribute DIF fees which would ensure the Project provides fair share funds for the provision of additional police protection services, which may be applied to sheriff facilities and/or equipment, to offset the incremental increase in the demand that would be created by the Project. Therefore, the Project's incremental demand for sheriff protection services would be less than significant with the Project's mandatory payment of DIF fees. The Project would not require the construction of new or expanded police protection facilities; therefore, no physical impacts would result, and the impact would be less than significant.

### **Schools**

The Project site is located with the Val Verde Unified School District (VVUSD), which covers 67 square miles in Riverside County, and is comprised of 22 schools serving pre-kindergarten through 12th grade (VVUSD 2022). The Project site is within the service area for the following schools: May Ranch Elementary School, Vista Verde Middle School, Rancho Verde High School, and Val Verde High School. The Project would not directly create a source of students, as the Project does not involve the development of residential land uses. Therefore, no school-age children would be living at the Project, and no direct demand for school services and facilities would occur.

Additionally, as previously discussed, it is expected that the new jobs that would be created by the Project would be filled by individuals that reside in the area. Appropriate developer impact fees, as required by State law, shall be assessed and paid by the Project Applicant to the VVUSD. Section 65995(b) of the California Government Code establishes the base amount of allowed developer fees and allows increases in the base fee every two years. School districts are placed into a specific "level" based on school impact fee amounts that are imposed on the development. With the payment of the required fees and with no additional students generated from the Project, no significant impacts to school services would result. The Project would not require the construction of new or expanded schools; therefore, no physical impacts would result, and the impact would be less than significant.

### **Parks**

The City of Perris Community Services Department provides community services and recreational and leisure time opportunities and is responsible for the planning, development, and maintenance of the City's parks and recreational facilities. The Project area currently does not contain any parkland or recreational facilities. The nearest park is Morgan Park, located approximately 0.7 miles southeast, and includes the following amenities: basketball courts, parking lot, picnic tables, playground, restrooms, group shelter, snack bar, soccer field, walking trail, and barbecues (City of Perris 2022). The Project does not propose the development of any type of residential land use or other use that would result in a direct increase in the City's population or demand for park services. The Project would not require the construction of new or expanded park facilities; therefore, no physical impacts would result, and the impact would be less than significant.

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## Other Public Facilities

Residents of the City of Perris are provided library services through the Riverside County Library System (RCLS). As identified in the PVCCSP EIR Initial Study, development of allowed uses under the PVCCSP, including industrial and retail uses proposed as part of the Project, would not directly increase the demand for library or other public services as no new residential uses would be developed and no direct increase in the resident population would result that may create a demand for library services. As previously discussed, it is expected that the new jobs that would be created by the Project would be filled by individuals that reside in the area. The Project would not require the construction of new or expanded library facilities; therefore, no physical impacts would result, and the impact would be less than significant.

The proposed Project, while it would require a Specific Plan Amendment, would require similar public services to the site's planned commercial use. As discussed above, the Project would not generate population growth that would further increase the demand for public services. Impacts would be less than significant.

Therefore, the proposed Project would have a less than significant impact and would not contribute to a potential cumulative impact to public services; therefore, no cumulatively considerable impact would occur with approval of the proposed Project.

**Finding:** Less than significant impact

## 8. Recreation

**Rationale:** As identified in Section 6.1 of the Draft EIR, no significant impacts regarding recreation were identified regarding the use of existing or proposed recreational facilities. The City's Community Services Department is responsible for recreational facilities in the City. As required by Section 8.2 of the PVCCSP, the Project would provide onsite employee amenities. The proposed Project is a commercial and warehouse site, which would not induce population growth or otherwise increase the use of or create the need for new parks and recreational facilities. Similarly, the proposed Project would not result in physical deterioration of existing recreation facilities such that there would be a need to construct expanded facilities.

Therefore, the proposed Project would have no impact and would not contribute to a potential cumulative impact to recreational facilities; therefore, no cumulatively considerable impact would occur with approval of the proposed Project.

**Finding:** No impact

## 9. Utilities and Service Systems

**Rationale:** As identified in Section 4.14 of the Draft EIR, the Project would not result in significant impacts to Utilities and Service Systems. The geographic context for cumulative impacts to Utilities and Service Systems are the service areas for the respective utility providers. Future public and private development projects in these service areas will result in the expansion of utilities to serve all the developable parcels in the PVCCSP, City of Perris, and surrounding jurisdictions, if they have not already been expanded.

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Cumulative impacts to potable water delivery and supply, wastewater conveyance and treatment capacity, stormwater drainage, electric power, natural gas, telecommunications, and solid waste generation and disposal could be significant if the providers of these utilities had not accounted for development of the Project site and its effect on their projections to meet customer demands. These cumulative effects include insufficient water supply, insufficient wastewater treatment capacity, impairment of solid waste reduction goals and construction of utilities that would cause significant environmental effects. The proposed Project, including the other planned developments in the PVCCSP, would be conditioned to construct the off-site and on-site infrastructure consistent with the overall development envisioned by the PVCCSP and in consultation with the utility providers to ensure each project can receive service. The utility providers for the PVCCSP have accounted for development of the PVCCSP area and the Project in their respective planning documents, including the EMWD's 2020 UWMP, the EMWD's 2015 Wastewater Collection System Master Plan Update, the RCFCWCD's Perris Valley Master Drainage Plan (MDP), and the City of Perris' solid waste reduction policies in conjunction with Riverside County's responsibility to ensure sufficient landfill capacity for countywide buildout. At such time that these providers undertake expansion projects, they will make their own CEQA determinations.

The cumulative growth from the PVCCSP, including the Project, has been addressed in the Perris GP 2030 EIR. Regarding water and wastewater utilities, the PVCCSP EIR determined that there is adequate existing capacity to provide water and sewer service to the PVCCSP and project-related contribution to impacts related to the construction of new water or wastewater treatment facilities or the expansion of existing water and wastewater facilities would not be cumulatively considerable and is less than significant. The Project requires a short connection to an existing water pipeline and an extension of wastewater pipelines in roadways. The environmental impacts of constructing these facilities, and all off-site utilities, have been addressed throughout the Draft EIR and will be less than significant with mitigation. Therefore, the Project will not have cumulatively considerable impacts related to the construction of water and wastewater facilities.

The sufficiency of water supplies available to serve the Project in addition to the supplies required for the cumulative development within the EMWD's service area is analyzed every five years in the EMWD's UWMP. Pursuant to the Water Code, the UWMP makes a minimum 20-year projection of water demands and water supplies in the service area. According to the WSA prepared by the EMWD for the Project, the water demand of the Project has been accounted for in the 2020 UWMP demand projections including demand projections for normal years and drought years up to a five dry year period. Because the EMWD determined in its 2020 UWMP that supplies will be sufficient to meet water demands in all year types through 2040, the Project will not have cumulatively considerable impacts to water supplies.

The sufficiency of wastewater treatment capacity for the Project and for the cumulative development in the tributary area of the Perris Valley RWRf is analyzed in the EMWD's 2015 Wastewater Collection System Master Plan. Because the EMWD accounted for the wastewater generation of the tributary area to the Perris Valley RWRf, which includes the PVCCSP and the Project with similar or more intense land use designations than those proposed, the Project will not have cumulatively considerable impacts to wastewater treatment capacity.

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Regarding drainage, cumulative development, and changes in land use in the San Jacinto River Watershed will increase the area of impervious surface, which increases flow rates and results in higher concentrations of pollutants in stormwater. The PVCCSP EIR determined that storm water runoff from the PVCCSP would not exceed the capacity of existing or planned storm water drainage systems and potential impacts related to existing or planned storm water drainage systems are therefore less than significant (City of Perris 2011). Furthermore, construction of the storm water drainage facilities associated with the Project would not cause significant environmental effects beyond those discussed in the PVCCSP EIR (City of Perris 2011). The Project requires several on-site and off-site drainage facilities. Because the PVCCSP EIR determined the PVCCSP will not have cumulatively considerable impacts related to drainage systems, the Project's proposed drainage facilities which are consistent with the local Master Drainage Plan will also not be cumulatively considerable.

The Project would make connections to the existing electricity, natural gas, and telecommunications networks. SCE would be the electricity provider, SoCal Gas would be the natural gas provider, and Frontier Communications would be the telecommunication provider for the Project. Future public and private development projects within the City, including those within the PVCCSP and the proposed Project, would increase the number of connections to these utilities which would result in an increased demand for electricity, natural gas, and telecommunications. Traditionally, these utilities are installed or upgraded by the appropriate service providers as new developments are built and installation is supported by the service fees customers pay to have these services. According to the Perris GP 2030 EIR, "both SoCal Gas and SCE indicated that, as reactive providers, which supply services to customers at their request they would be able to service future developments under General Plan 2030 build-out within the City, in combination with all projected future developments within their service boundaries" (City of Perris 2005). Therefore, for the reasons stated above, the Project will not have cumulatively considerable impacts related to dry utilities.

The solid waste collection and disposal provider would be CR&R Waste Services through a contract with the City. CR&R disposes waste from the City at either the Badlands Landfill or El Sobrante Landfill. These solid waste facilities are currently projected to remain open and have sufficient daily capacity to handle solid waste from the Project and other cumulative developments. As stated in the PVCCSP EIR, "With planned expansion activities of County landfills and projected growth rates contained with a Landfill System Capacity Projection Study (August 2001) prepared for the County, the Riverside County Integrated Project Final EIR concluded sufficient landfill capacity would exist to accommodate future disposal needs through County buildout in 2040" (City of Perris 2011). All development projects in the PVCCSP and City are required to comply with regulations to reduce solid waste. Therefore, for the reasons stated above, the Project would not make a cumulatively considerable contribution to solid waste disposal capacity and compliance with regulations addressing the reduction of solid waste.

**Findings:** Less than significant impact

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## 10. Wildfire

**Rationale:** As identified in Section 6.1 of the Draft EIR, no significant impacts to wildfire were reported. According to Exhibit S-16, Wildfire Constraint Areas, of the City General Plan Safety Element, the Project site is not located in or near an area identified as being a “Wildfire Hazard Area.” Additionally, the Project site is not classified as a Wildfire Hazard Area in the City’s General Plan or as a Very High Fire Hazard Severity Zone by CAL FIRE’s map for the City. The Project site is located within the limits of the City of Perris and is therefore not within a State Responsibility Area (SRA), which is the land where the State of California is financially responsible for the prevention and suppression of wildfires. Therefore, the proposed Project would have no impact and would not contribute to a potential cumulative impact to wildfires; therefore, no cumulatively considerable impact would occur with approval of the proposed Project.

**Findings:** No impact

### B. Potential Environmental Impacts that will be Mitigated to Below a Level of Significance

Pursuant to Section 15091(a)(1) of the State CEQA Guidelines, the City of Perris finds that for each of the following significant effects as identified in the Draft EIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the Project which avoid or substantially lessen each of the significant environmental effects as identified in the Draft EIR. The following discussion includes all issue areas of potentially significant effects for which changes or alterations (mitigation measures) have been required in, or incorporated into, the Project which avoid or substantially lessen each of the significant environmental effects as identified in the Draft EIR. The rationale is included for each issue area discussed in this section.

#### 1. Aesthetics

##### **Lighting and Glare: Rationale**

As identified in Section 4.1 of the Draft EIR, Project-related construction activities would comply with applicable provisions of the City’s Municipal Code. Notably, Section 7.34.060 (Construction Noise) of the City’s Municipal Code prohibits construction activity that may result in “disturbing, excessive, or offensive noise levels between the hours of 7:00 PM and 7:00 AM”. While construction activities are not expected to occur during these hours, nighttime lighting would be needed at certain times depending on the time of year and depending on the stage of construction. Additionally, nighttime lighting of construction staging areas would be needed to provide security for construction equipment and construction materials. This type of temporary lighting is often unshielded and may shine onto adjacent properties and roadway causing a potentially significant impact, particularly to motorists. Adjacent properties consist of undeveloped land, commercial uses, and industrial and warehouse uses, which would not be considered especially sensitive to nighttime lighting on an adjacent property. Nonetheless, unshielded, temporary lighting during construction could result in a potentially significant impact to motorists, requiring mitigation. Implementation of Project-specific Mitigation Measures AES-1 would reduce impacts to a less than significant level.

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It should be noted that, to prevent conflicts with aircraft operations at MARB/IPA, all lighting and building materials installed as part of the Project would comply with the requirements outlined in PVCCSP EIR mitigation measures MM Haz 3 and MM Haz 5 , which are incorporated into the Project.

### **Mitigation Measures**

Project-Specific MM AES-1: Prior to the issuance of grading permits, the Property Owner/Developer(s) shall provide evidence to the City that the Contractor Specifications require that 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 properties. Compliance with this measure shall be verified by the City of Perris Building Division during construction.

PVCCSP EIR 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.

PVCCSP EIR 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.

### **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

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**Facts in Support of Findings:** The potential impacts from lighting during construction have been eliminated or substantially lessened to a level of less than significant by virtue of Project-specific Mitigation Measure AES-1 and PVCCSP EIR MM Haz 3 and Haz 5.

**Cumulative Impacts: Rationale**

As with existing development in the area, light and glare impacts from the Project and future development in the City, including the development allowed by approved Specific Plans, including the PVCCSP, would be reduced through the adherence to applicable lighting standards established in the respective Specific Plans and through City regulations; applicable PVCCSP and City regulations are outlined in this section. Implementation of Project-specific mitigation measure MM AES-1 would ensure that construction-related lighting impacts from the Project are also less than significant. The Project would not result in a cumulatively considerable contribution to a significant aesthetic impact related to light and glare.

**Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential cumulative impacts from lighting during construction have been eliminated or substantially lessened to a level of less than significant by virtue of Project-specific Mitigation Measure AES-1 and PVCCSP EIR MM Haz 3 and Haz 5.

**2. Biological Resources**

**Special Status Species: Rationale**

As identified in Section 4.3 of the Draft EIR, potentially significant impacts to biological resources could occur as a result of the Project. The Migratory Birds Treaty Act (MBTA) of 1918 (United States Code 703711) is an international treaty that makes it unlawful to take, possess, buy sell, purchase, or barter any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). In addition, Sections 3503, 3503.5, and 3800 of the California Department of Fish and Game (CDFG) Code prohibit the take, possession, or destruction of birds, their nests, or eggs. Suitable nesting habitats for migratory birds are present on the Project site. The non-native grasslands on the Project site provide potential nesting habitats for ground dwelling migratory bird species. The bird species observed at the site during biological surveys are bird species governed by the MBTA and are listed in 50 CFR Part 10. The MBTA requires that Project-related disturbances at active nesting territories be reduced or eliminated during critical phases of the nesting cycle. The removal of vegetation and/or destruction of nests during the breeding season would be potentially significant, requiring mitigation.

The Project site contains a detention basin, which requires evaluation for listed fairy shrimp, consistent with Multi-Species Habitat Conservation Plan (MSHCP) requirements and PVCCSP



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EIR mitigation measure MM Bio 5. During 2021 dry season vernal pool branchiopod sampling at the Project site, no cysts of the federally-listed Riverside fairy shrimp were found in the sampled detention basin at the Project site. No inundation of the detention basin occurred during the 2022 wet season; therefore, wet season sampling was not possible, and the absence of listed fairy shrimp could not be confirmed. To complete the fairy shrimp surveys (based on the U.S. Fish and Wildlife Species (USFWS) protocol, USFWS 2017), one wet season and one dry season survey are required. As discussed, the 2021 dry season survey yielded negative results for listed species of fairy shrimp. Due to the absence of inundation for the detention basin for the 2022 wet season, a 2023 protocol wet season survey would be required. Thus, the federally-listed Riverside fairy shrimp are presumed present until the 2023 wet season survey can be completed. The implementation of the Project could result in potentially significant impacts to the federally listed Riverside fairy shrimp.

Narrow endemic plant and Criteria Area plant species focused surveys were conducted at the Project site, consistent with MSHCP requirements and PVCCSP EIR mitigation measure MM Bio 6. None of the listed Narrow Endemic Plant and Criteria Area Species were identified at the Project site during the 2022 survey season. Further, nesting season burrowing owl surveys were conducted at the Project site, consistent with PVCCSP EIR mitigation measure MM Bio 2 and no burrowing owls were observed during any of the 2022 nesting season surveys. However, the Project site contains suitable nesting habitat for burrowing owls and, as such, the implementation of the Project could result in potentially significant impacts to burrowing owls.

The Project is required to implement PVCCSP EIR mitigation measures MM Bio 1 and MM Bio 2. These PVCCSP EIR mitigation measures have been refined and replaced with the following Project-specific mitigation measures MM BIO-1, MM BIO-2, and MM BIO-3 based on input from the CDFW. Implementation of Project-specific mitigation measure MM BIO-1 would reduce potentially significant impacts to migratory birds to a less than significant level. Implementation of Project-specific mitigation measure MM BIO-2 would reduce potentially significant impacts to burrowing owl to a less than significant level. Implementation of Project-Specific mitigation measure MM BIO-3 would reduce potentially significant impacts associated with the federally listed Riverside fairy shrimp to a less than significant level.

## **Mitigation Measures**

Project-Specific MM BIO-1: In order to avoid violation of the MBTA and the California Fish and Game Code, site-preparation activities (removal of trees and vegetation) for the Project shall be avoided, to the greatest extent possible, during the nesting season of potentially occurring native and migratory bird species (generally February 1 to September 15 although the nesting season may be extended due to weather and drought conditions).

If site-preparation activities are proposed during the nesting/breeding season, the Project proponent shall retain a qualified biologist to conduct a pre-activity field survey prior to the issuance of grading permits for the Project to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone.

If active nests are not located within the Project site and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed),

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or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season.

However, if active nests are located during the pre-activity field survey, the biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The biologist shall monitor the nest at the onset of Project activities, and at the onset of any changes in such Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer.

If the biologist determines that such Project activities may be causing an adverse reaction, the biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The on-site qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished.

Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City of Perris Planning Division for mitigation monitoring compliance record keeping.

Project-Specific MM BIO-2: The Project proponent shall retain a qualified biologist to conduct a preconstruction survey for resident burrowing owls within 30 days prior to commencement of grading and construction activities on the Project site. The survey shall include the Project site and all suitable burrowing owl habitat within a 500-foot buffer. The results of the survey shall be submitted to the City of Perris Planning Division prior to obtaining a grading permit.

If burrowing owls are detected, the CDFW shall be sent written notification by the City within three days of detection of burrowing owls. If active nests are identified during the pre-construction survey, the nests shall be avoided and the qualified biologist and Project proponent shall coordinate with the City of Perris Planning Division, the USFWS, and the CDFW to develop a Burrowing Owl Plan to be approved by the City in consultation with the CDFW and the USFWS prior to commencing Project activities. The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and the MSHCP. The Burrowing Owl Plan shall describe proposed avoidance, minimization, relocation, and monitoring as applicable. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls and/or information on the adjacent or nearby suitable habitat available to owls for relocation.

If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls may also be required in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and concurrence.

A final letter report shall be prepared by the qualified biologist documenting the results of the Burrowing Owl Plan. The letter shall be submitted to the CDFW prior to the start of Project

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activities within the affected areas. When the qualified biologist determines that burrowing owls are no longer occupying the Project site per the criteria in the Burrowing Owl Plan, Project activities may begin within the affected areas.

If burrowing owls occupy the Project site after Project activities have started, then construction activities shall be halted immediately. The Project proponent shall notify the City of Perris Planning Division and the City shall notify the CDFW and the USFWS within 48 hours of detection. A Burrowing Owl Plan, as detailed above, shall be implemented.

In addition to the measures specified above, the following Project-specific mitigation shall be implemented:

**Project-Specific MM BIO-3:** Prior to commencement of ground-disturbing activities (i.e., earthwork, clearing, and/or grubbing), wet season focused surveys for federally listed fairy shrimp species shall be completed. The wet season surveys shall be conducted by a permitted biologist and follow the current USFWS survey protocol for large brachiopods (USFWS 2017). Survey results shall be submitted to USFWS following completion of the surveys. If listed fairy shrimp species are not detected during the wet season surveys, then ground-disturbing activities shall be allowed to commence on the Project site and no further mitigation is required.

If federally listed fairy shrimp are identified during the wet season surveys and the Project cannot avoid occupied habitat, a Determination of Biologically Equivalent or Superior Preservation (DBESP) assessment shall be completed to ensure that the proposed alternative provides for replacement of any lost functions and values of habitat. Project impacts to occupied listed fairy shrimp habitat shall be accomplished through purchase of off-site mitigation credits at an agency approved mitigation bank or in-lieu fee program, or through purchase of off-site land that supports occupied habitat at a ratio of no less than 2:1. If off-site land is purchased, the mitigation site shall be preserved in perpetuity through a conservation easement, deed restriction, or similar legal protection mechanism.

## **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential impacts to migratory birds, burrowing owl, and federally-listed Riverside fairy shrimp have been eliminated or substantially lessened to a level of less than significant by virtue of Project-specific Mitigation Measure BIO-1, Project-specific Mitigation Measure BIO-2, and Project-specific Mitigation Measure BIO-3.

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### 3. Cultural Resources

#### **Historical Resources: Rationale**

As identified in Section 4.4 of the Draft EIR, the reservoir and irrigation system components of site P-33-008699 would not be considered a significant historical resource, according to CEQA criteria. However, it is possible that information can be gleaned regarding construction and use of the reservoir. Therefore, Project-specific mitigation measure, MM CUL-1, is recommended to require a controlled grading program for the earthen reservoir.

#### **Mitigation Measures**

**Project-Specific MM CUL-1:** Prior to the issuance of grading permits, the Project Applicant 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) to create and implement a Project-specific controlled grading plan for monitoring site grading/earthmoving activities in the vicinity of the earthen reservoir. 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 Project site or within the off-site Project improvement areas until the archaeologist has been approved by the City.

A report of findings, including an itemized inventory of artifacts, shall be prepared upon completion of the grading of the earthen reservoir. 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, and the Eastern Information Center (EIC).

#### **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential impacts from construction of the Project have been eliminated or substantially lessened to a level of less than significant by virtue of Project-specific Mitigation Measure CUL-1.

#### **Archaeological Resources: Rationale**

As identified in Section 4.4 of the Draft EIR, it is clear that the subject property is situated in an area with very low prehistoric sensitivity, moderate historical sensitivity, and low probability of a significant subsurface cultural deposit existing. However, there is a possibility that archaeological resources may be present beneath the site's subsurface and may be impacted by deeper ground-disturbing activities associated with Project construction. Therefore, Project-Specific mitigation measure MM CUL-2 is required to reduce potential impacts to unanticipated

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archaeological resources to less than significant levels. Mitigation measure MM CUL-2 implements PVCCSP EIR mitigation measures MM Cultural 2 through MM Cultural 4 as subsequently revised by the City of Perris.

### **Mitigation Measures**

Project-Specific MM CUL-2: Prior to the issuance of grading permits, the Project Applicant 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.

If 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, except for human remains and related grave goods or sacred/ceremonial/religious objects, belong to the property owner. The property owner shall 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, the Soboba Band of Luiseño Indians, the Pechanga Band of Luiseño Indians, and the Rincon Band of Luiseño Indians. A designated Native American representative from either the Soboba Band of Luiseño Indians, the Pechanga Band of Luiseño Indians, or the Rincon Band of Luiseño Indians shall be retained to assist the Project archaeologist in the significance determination of the Native American resources as deemed possible. The designated 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 tribe.

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If the find is determined to be of sacred or religious value, the 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.

If human remains are discovered at the Project site or within the off-site Project improvement areas, mitigation measure MM CUL-3 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 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. After 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 tribe(s) involved with the Project.

## **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential impacts to archaeological resources that may be present beneath the site's subsurface have been eliminated or substantially lessened to a level of less than significant by virtue of Project-specific Mitigation Measure CUL-2.

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## **Human Remains: Rationale**

As identified in Section 4.4 of the Draft EIR, 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 Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code (Project-specific mitigation measure MM CUL-3).

## **Mitigation Measures**

Project-Specific MM CUL-3: If 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(s) shall immediately stop all activities within 100 feet of the find. The Project Applicant 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 of any Luiseño tribal representative(s) at the site, the NAHC identification of the MLD will stand. The MLD shall be granted access to inspect the site of the discovery of the Native American human remains and may recommend to the Project Applicant 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 Applicant and the MLD. If there is disagreement regarding the disposition of the remains, State law will apply and median with the NAHC will make the applicable determination (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

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

## **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential impacts to human remains have been eliminated or substantially lessened to a level of less than significant by virtue of Project-specific Mitigation Measure CUL-3.

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## **Cumulative Impacts: Rationale**

The Project has the potential to contribute to a significant cumulative impact to prehistoric archaeological sites and/or resources. Therefore, the Project could result in a cumulatively considerable impact to prehistoric archaeological resources for which mitigation is required. Project-specific mitigation measure MM CUL-1 would be implemented to reduce impacts to a less than significant level by requiring a controlled grading program for the earthen reservoir. In the event that archeological resources and/or human remains are discovered, Project-specific mitigation measure MM CUL-2 and MM CUL-3 would be implemented to reduce impacts to unanticipated discoveries to a less than significant level.

Mandatory compliance with the provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et seq., would assure that all future development projects within the region treat human remains that may be uncovered during development activities in accordance with prescribed, respectful, and appropriate practices, thereby avoiding significant cumulative impacts.

## **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential cumulative impacts been eliminated or substantially lessened to a level of less than significant by virtue of Project-specific Mitigation Measures CUL-1, CUL-2, and CUL-3.

## **4. Energy**

### **Energy Resources: Rationale**

As identified in Section 4.5 of the Draft EIR, according to the analysis presented in Appendix I, Project facility operational energy demands are estimated at: 4,650,806 kBtu/year of natural gas; and 5,829,580 kWh/year of electricity. Natural gas would be supplied to the Project by SoCalGas; electricity would be supplied by SCE. The Project includes conventional industrial and retail uses reflecting contemporary energy efficient/energy conserving designs and operational programs. The Project does not include uses that are inherently energy intensive and the energy demands in total would be comparable to other industrial uses and retail of similar scale and configuration.

Compliance with state Title 24 and CALGreen standards, and PVCCSP design standards and guidelines related to LEED certification, and PVCCSP EIR mitigation measures MM Air 19 and MM Air 20 would ensure the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. No further Project-specific mitigation measures would be required.



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## Mitigation Measures

PVCCSP EIR MM Air 19: 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.

PVCCSP EIR 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 implementation of the development project with building plans and calculations.

## Findings

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential impacts from wasteful, inefficient, or unnecessary consumption of energy have been eliminated or substantially lessened to a level of less than significant by virtue of PVCCSP EIR MM Air 19 and Air 20.

## State or Local Plans for Energy Efficiency: Rationale

As identified in Section 4.5 of the Draft EIR, the Project would be subject to applicable PVCCSP EIR mitigation measures (mitigation measures MM Air 19 and MM Air 20) that would serve to reduce the Project's level of energy consumption. In addition, the Project would be consistent with applicable goals and polices within the Perris GP 2030. Through implementation of energy conservation measures and sustainable practices, the Project will not use large amounts of energy in a manner that is wasteful or otherwise inconsistent with adopted standards, plans or policies. The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

## Mitigation Measures

Refer to previously referenced PVCSSP EIR MM Air 19 and Air 20.

## Findings

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

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**Facts in Support of Findings:** The potential impacts from confliction or obstruction of a state or local plan for renewable energy or energy efficiency have been eliminated or substantially lessened to a level of less than significant by virtue of PVCCSP EIR MM Air 19 and Air 20.

## 5. Geology and Soils

### **Expansive Soils: Rationale**

As identified in Section 4.6 of the Draft EIR, preliminary laboratory test results indicate onsite earth materials exhibit an expansion potential of Low as classified in accordance with 2019 CBC Section 1803.5.3 and ASTM D 4829. Consistent with General Plan measures and PVCCSP EIR mitigation measure MM Geo 1, the Project would be designed and constructed in accordance with all final Geotechnical Investigations recommendations (referred to as mitigation measures in General Plan Measure I.E.2 above); and the Geotechnical Investigations shall be reviewed and approved by the City Engineer. Therefore, with compliance with City General Plan measures, the recommendations of the final Geotechnical Investigations, and PVCCSP EIR mitigation measure MM Geo 1, impacts related to expansive soils would be less than significant.

### **Mitigation Measures**

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

### **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential impacts from expansive soils have been eliminated or substantially lessened to a level of less than significant by virtue of PVCCSP EIR MM Geo 1.

### **Paleontological Resources: Rationale**

As identified in Section 4.6 of the Draft EIR, ground disturbance into geologic units with high paleontological potential may encounter paleontological resources. The potential impacts would be mitigated through Project-specific mitigation measure MM GEO-1, which replaces PVCCSP EIR MM Cultural 5. Impacts would be less than significant with the incorporation of Project-specific Mitigation Measure GEO-1.

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## Mitigation Measures

Project-Specific MM GEO-1: Prior to the issuance of grading permits, the Project Applicant shall submit to and receive approval from the City of Perris Planning Division, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision of a qualified professional paleontologist (or his or her trained paleontological monitor representative) during all onsite and offsite subsurface excavation in the western portion of the Project site and all onsite and offsite subsurface excavation in the eastern portion of the site that exceeds 5 feet in depth below the pre-grade surface. The PRIMMP shall also include provisions for a Worker's Environmental Awareness Program (WEAP) training that communicates requirements and procedures for the inadvertent discovery of paleontological resources during construction, to be delivered by the paleontological monitor to the construction crew prior to the onset of ground disturbance. Selection of the paleontologist shall be subject to approval of the City of Perris Planning Manager and no grading activities shall occur at the Project site or within offsite Project improvement areas until the paleontologist has been approved by the City.

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

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

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

## Findings

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential impacts from discovery of paleontological resources have been eliminated or substantially lessened to a level of less than significant by virtue of Project-specific Mitigation Measure GEO-1.

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## **Cumulative Impacts: Rationale**

As identified in Section 4.6 of the Draft EIR, implementation of Project-specific mitigation measure MM GEO-1 for the Project, and similar mitigation requirements for development in the City, would ensure the proper identification and subsequent treatment of any paleontological resources that may be encountered during ground-disturbing activities. With implementation of mitigation measure MM GEO-1, the Project would not result in a cumulatively considerable contribution to a significant cumulative impact to paleontological resources.

## **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential cumulative impacts from discovery of paleontological resources have been eliminated or substantially lessened to a level of less than significant by virtue of Project-specific Mitigation Measure GEO-1.

## **6. Noise**

### **Construction Noise: Rationale**

As identified in Section 4.11 of the Draft EIR, the PVCCSP EIR concludes that construction-generated noise resulting from implementation of the PVCCSP and its subsequent implementing development and infrastructure projects could result in potentially significant impacts, but concluded that compliance with the day and hour limits of the Municipal Code (Noise Ordinance) and incorporation of PVCCSP EIR mitigation measures MM Noise 1 through MM Noise 4 would reduce impacts to less-than-significant levels. The PVCCSP EIR further concludes that the transport of workers and equipment to and from the Project site would incrementally increase noise on access roads leading to the site. PVCCSP EIR mitigation measures MM Noise 1 through MM Noise 4 would reduce noise levels during construction of the Project.

### **Mitigation Measures**

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

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

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

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

### **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential impacts from noise during construction have been eliminated or substantially lessened to a level of less than significant by virtue PVCCSP EIR MM Noise 1 through Noise 4.

### **Cumulative Impacts: Rationale**

The PVCCSP EIR determined that the noise impact of construction of development and infrastructure projects in the PVCCSP area would not be cumulatively considerable or significant, but offsite impacts due to traffic from buildout of allowed uses under the PVCCSP would exceed significance thresholds along roadway segments adjacent to sensitive receptors resulting in a substantial increase in the ambient noise environment. Therefore, the potential cumulative noise impacts would be significant, and the cumulative noise impacts of PVCCSP-generated traffic would be considerable.

As discussed under Section 4.11 of the Draft EIR, Project construction-related noise impacts would be less than significant with implementation of PVCCSP EIR mitigation measures MM Noise 1 through MM Noise 4. Likewise, other cumulative projects occurring within the PVCCSP area would be required to comply with PVCCSP EIR mitigation measures MM Noise 1 through MM Noise 4.

### **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential cumulative impacts have been eliminated or substantially lessened to a level of less than significant by virtue of PVCCSP EIR MM Noise 1 through Noise 4.

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## 7. Transportation

### **Circulation System: Rationale**

As identified in Section 4.12 of the Draft EIR, the Project would comply with the required mitigation. A Project-specific and cumulative transportation analysis has been conducted for the Project, as required by PVCCSP EIR mitigation measure MM Trans 7, and the Project-specific Traffic Analysis is the basis for transportation impacts analyzed in the Draft EIR section. As required by PVCCSP EIR mitigation measure MM Trans 1, the site-adjacent roadway and site access improvements needed to accommodate site access and maintain acceptable peak hour operations for the Project that were recommended in the Traffic Analysis have been incorporated into the Project. Additionally, as required by PVCCSP EIR mitigation measure MM Trans 2, sight distance at each Project access point would be reviewed with respect to standard California Department of Transportation and City of Perris sight distance standards at the time of preparation of final grading, landscape, and street improvement plans. The Project would participate in the phased construction of off-site traffic signals and other off-site improvements through the payment of traffic signal mitigation fees and through payment of fair share mitigation fees which include Transportation Uniform Mitigation Fee (TUMF), Development Impact Fee (DIF), and the North Perris Road and Bridge Benefit District (NPRBBD), consistent with the requirements of PVCCSP EIR mitigation measures MM Trans 3 and MM Trans 8.

Pursuant to PVCCSP EIR mitigation measure MM Trans 4, Riverside Transit Authority (RTA) was contacted to determine if future provision of bus routing in the Project area would require bus stops at the Project access points. Mauricio Alvarez of the RTA reviewed the plans for both the industrial warehouse along Perris Blvd and the commercial Project along Ramona Expressway. He stated in an email that there are no recommendations to submit at this time. He further communicated that RTA has a couple of active bus stops at the intersection of Perris Blvd and Ramona Expressway. As development increases in this area, it is imperative that there is access to these stops for customers to utilize. There is existing sidewalk along Perris Boulevard and Perry Street for those at the industrial warehouse to connect to transit, which is important. For the commercial portions of the Project, enhanced concrete paving would be incorporated along the frontage, on Ramona Expressway, which would connect to the existing sidewalk and create a safe pathway for people to utilize transit (Alvarez 2023).

The Project would include the provision of bike racks, consistent with PVCCSP EIR mitigation measure MM Trans 5. As demonstrated, the Project would be consistent with the mitigation required in the PVCCSP.

### **Mitigation Measures**

PVCCSP EIR 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.

PVCCSP EIR 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.

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PVCCSP EIR 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, DIF, and the NPRBBD (North Perris Road and Bridge Benefit District). The fees shall be collected and utilized as needed by the City of Perris to construct the improvements necessary to maintain the required level of service and build or improve roads to their build-out level.

PVCCSP EIR MM Trans 4: Prior to the approval of individual implementing development projects, the RTA shall be contacted to determine if the RTA has plans provision of bus routing in the project area that would require bus stops at the project access points. If the RTA has future for the establishment of a bus route that will 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.

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

PVCCSP EIR MM Trans 7: Implementing project-level traffic 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 deficiencies 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.

PVCCSP EIR MM Trans 8: Proposed mitigation measures resulting from project-level traffic 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.

## **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential impacts from confliction with regional or local programs, plans, ordinances, or policies addressing the circulation system have been eliminated

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or substantially lessened to a level of less than significant by virtue PVCCSP EIR MM Trans 1, Trans 2, Trans 3, Trans 4, Trans 5, Trans 7, and Trans 8.

### **Hazards due to Geometric Design: Rationale**

As identified in Section 4.12 of the Draft EIR, during Project construction, vehicular traffic would travel to and from the Project site for construction worker transportation and delivery of construction equipment and materials. Traffic associated with construction uses would be substantially less than daily and peak hour traffic volumes generated during Project operational activities, as construction trips typically occur outside of peak construction hours. Daily construction worker traffic would not increase traffic-related hazards. Additionally, delivery of materials and equipment would not occur on a daily basis but would occur periodically throughout the construction phase of the Project. PVCCSP EIR mitigation measure MM Air-2 in Section 4.2, *Air Quality*, of the Draft EIR, requires that a traffic control plan be provided to the City. The traffic control plan would describe in detail safe detours and provide temporary traffic control during construction activities for the Project to minimize congestion and disruption. To reduce traffic congestion, the plan would include, as necessary, appropriate, and practicable, the following: temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow, dedicated turn lanes for movement of construction trucks and equipment on and off site, scheduling of construction activities that affect traffic flow on the arterial system to off-peak hour, consolidating truck deliveries, rerouting of construction trucks away from congested streets or sensitive receptors, and/or signal synchronization to improve traffic flow.

Additionally, roadway and circulation improvements have been designed in compliance with PVCCSP Standards and Guidelines, including those contained in Chapter 4.0, *On-Site Design Standards and Guidelines*, and Chapter 5.0, *Off-Site Design Standards and Guidelines*. Additionally, PVCCSP EIR mitigation measures MM Trans 1 and MM Trans 2 require the construction of circulation improvements as required by the PVCCSP Circulation Plan and adequate site distance at Project entrance roadway, respectively, for development projects within the PVCCSP. Adherence to applicable City requirements, PVCCSP Standards and Guidelines, PVCCSP EIR mitigation measures, and Project Design Features would ensure the Project and cumulative projects would not include substantially increase hazards due to design feature or incompatible uses.

### **Mitigation Measures**

Refer to previously referenced PVCCSP EIR MM Air 2, Trans 1, and Trans 2.

### **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.



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**Facts in Support of Findings:** The potential Project specific and cumulative impacts from hazards due to design features have been eliminated or substantially lessened to a level of less than significant through implementation of PVCCSP EIR MM Air 2, Trans 1, and Trans 2.

## **8. Tribal Cultural Resources**

### **Tribal Cultural Resources: Rationale**

As identified in Section 4.4 and Section 4.13 of the Draft EIR, if previously unidentified archaeological resources may be discovered during ground disturbance, Project-specific mitigation measure MM CUL-2 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 MM CUL-3 identifies actions to be taken if human remains are found.

### **Mitigation Measure**

Refer to previously referenced Project-specific Mitigation Measures CUL-2 and CUL-3.

### **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

**Facts in Support of Findings:** The potential impacts to tribal cultural resources have been eliminated or substantially lessened to a level of less than significant by virtue Project-specific Mitigation Measures CUL-2 and CUL-3.

### **Cumulative Impacts: Rationale**

The proposed mitigation measures will ensure that any unknown buried tribal cultural and/or archaeological resources that are discovered during development of the proposed Project are protected, evaluated, and recovered as determined by the appropriate qualified expert. With the implementation of Project-specific mitigation measures from Draft EIR Section 4.4 (Cultural Resources), MM CUL-2 and MM CUL-3, impacts to unknown potentially significant tribal cultural resources will be reduced to a less than significant level with mitigation.

### **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. The effects identified in the Draft EIR have been determined not to be significant.

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**Facts in Support of Findings:** The potential cumulative impacts have been eliminated or substantially lessened to a level of less than significant by virtue Project-specific Mitigation Measures CUL-2 and CUL-3.

### **C. Potential Environmental Impacts Determined to be Significant and Unavoidable**

Pursuant to Section 15091(a)(3) of the CEQA Guidelines, the City of Perris finds that, for each of the following significant effects identified in the Draft EIR, specific economic, legal, social, technological, or other considerations make the mitigation measures or Project alternatives infeasible:

#### **1. Air Quality**

##### **Criteria Pollutants: Rationale**

As identified in Section 4.2 of the Draft EIR, the Project would exceed regional thresholds of significance established by the SCAQMD for emissions of VOC, NO<sub>x</sub>, and CO. Over 90 percent of operational-source VOC emissions would be generated from the use of consumer products and mobile activities, and mobile source emissions alone would exceed the regional significance threshold for VOC. Similarly, over 98 percent of operational-source NO<sub>x</sub> emissions and 88 percent of CO operational source emissions would be generated from mobile activities. The Project-specific mitigation measures (MM AQ-1 through MM AQ-13) are designed to reduce Project operational-source VOC and NO<sub>x</sub> emissions. However, even with implementation of the PVCCSP EIR operational mitigation measures and additional Project-specific mitigation measures MM AQ-1 through MM AQ-13, operational VOC and NO<sub>x</sub> emissions would exceed the regional significance thresholds. Furthermore, as the City of Perris or the Project Applicant do not have regulatory authority to control tailpipe emissions, no feasible mitigation beyond the measures identified exist that would reduce VOC and NO<sub>x</sub> emissions to levels that are less than significant; thus, Project operational emissions would result in significant and unavoidable air quality impacts.

##### **Mitigation Measures**

Project-Specific MM AQ-1: Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas of the warehouse portion of the Project that identify applicable CARB anti-idling regulations. At a minimum, each sign shall include: (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than five minutes once the vehicle is stopped, the transmission is set to “neutral” or “park,” and the parking brake is engaged; and (3) telephone numbers of the building facilities manager and CARB to report violations. Prior to the issuance of an occupancy permit, the City Public Works Department shall conduct a site inspection to ensure that the signs are in place.

Project-Specific MM AQ-2: Prior to the issuing of each building permit, the Project proponent shall provide plans and specifications to the City of Perris Building Division that demonstrate that each Project building is designed for passive heating and cooling and is designed to include natural light. Features designed to achieve this shall include the proper placement of windows, overhangs, and skylights.

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Project-Specific MM AQ-3: Prior to the issuing of each building permit, the Project proponent shall provide plans and specifications to the City of Perris Building Division that demonstrate that electrical service is provided to each of the areas in the vicinity of the building that are to be landscaped in order that electrical equipment may be used for landscape maintenance.

Project-Specific MM AQ-4: Once constructed, the Project proponent shall ensure that all building tenants shall utilize electric equipment for landscape maintenance to the extent feasible through requirements in the lease agreements. This aspect of the lease agreements shall be reviewed and verified by the City of Perris Planning Division.

Project-Specific MM AQ-5: Once constructed, the Project proponent shall ensure that all building tenants in the warehouse portion of the Project shall utilize only electric or natural gas service yard trucks (hostlers), pallet jacks and forklifts, and other onsite equipment, through requirements in the lease agreements. Electric-powered service yard trucks (hostlers), pallet jacks and forklifts, and other onsite equipment shall also be required instead of diesel-powered equipment, if technically feasible. Yard trucks may be diesel fueled in lieu of electrically or natural gas fueled provided such yard trucks are at least compliant with CARB 2010 standards for on-road vehicles or CARB Tier 4 compliant for off-road vehicles.

Project-Specific MM AQ-6: Upon occupancy, the facility operator for the warehouse portion of the Project shall require tenants that do not already operate 2014 and newer trucks to apply in good faith for funding to replace/retrofit their trucks, such as Carl Moyer, VIP, Prop 1B, SmartWay Finance, or other similar funds. If awarded, the tenant shall be required to accept and use the funding. Tenants shall be encouraged to consider the use of alternative fueled trucks as well as new or retrofitted diesel trucks. Tenants shall also be encouraged to become SmartWay Partners, if eligible. This measure shall not apply to trucks that are not owned or operated by the facility operator or facility tenants since it would be infeasible to prohibit access to the site by any truck that is otherwise legal to operate on California roads and highways. The facility operator shall provide an annual report to the City of Perris Planning Division. The report shall: (1) list each engine design; (2) describe the effort made by each tenant to obtain funding to upgrade their fleet and the results of that effort; and (3) describe the change in each fleet composition from the prior year.

Project-Specific MM AQ-7: Tenants who employ 250 or more employees on a full- or part-time basis shall comply with SCAQMD Rule 2202, On-Road Motor Vehicle Mitigation Options. The purpose of this rule is to provide employees with a menu of options to reduce employee commute vehicle emissions. Tenants with less than 250 employees or tenants with 250 or more employees who are exempt from SCAQMD Rule 2202 (as stated in the Rule) shall either (a) join with a tenant who is implementing a program in accordance with Rule 2202 or (b) implement an emission reduction program similar to Rule 2202 with annual reporting of actions and results to the City of Perris. The tenant-implemented program shall include, but not be limited to the following:

- Appoint a Transportation Demand Management (TDM) coordinator who will promote the TDM program, activities, and features to all employees;

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- Create and maintain a “commuter club” to manage subsidies or incentives for employees who carpool, vanpool, bicycle, walk, or take transit to work;
  - Inform employees of public transit and commuting services available to them (e.g., social media, signage);
  - Provide on-site transit pass sales and discounted transit passes;
  - Guarantee a ride home;
  - Offer shuttle service to and from public transit and commercial areas/food establishments, if warranted; and
  - Coordinate with the Riverside Transit Agency and employers in the surrounding area to maximize the benefits of the TDM program.”

Project-Specific MM AQ-8: Prior to the issuance of a building permit, the Project proponent shall provide evidence to the City that loading docks are designed to be compatible with SmartWay trucks.

Project-Specific MM AQ-9: Upon occupancy and annually thereafter, the facility operator shall provide information to all tenants, with instructions that the information shall be provided to employees and truck drivers as appropriate, regarding:

- Building energy efficiency, solid waste reduction, recycling, and water conservation;
- Vehicle GHG emissions, electric vehicle charging availability, and alternate transportation opportunities for commuting;
- Participation in the Voluntary Interindustry Commerce Solutions (VICS) “Empty Miles” program to improve goods trucking efficiencies;
- Health effects of diesel particulates, State regulations limiting truck idling time, and the benefits of minimized idling; and
- The importance of minimizing traffic, noise, and air pollutant impacts to any residences in the Project vicinity.

Project-Specific MM AQ-10: Prior to issuance of a building permit, the Project proponent shall provide the City with an onsite signage program that clearly identifies the required onsite circulation system. This shall be accomplished through posted signs and painting on driveways and internal roadways.

Project-Specific MM AQ-11: Prior to issuance of an occupancy permit, the City shall confirm that signs clearly identifying approved truck routes have been installed along the truck routes to and from the Project site.

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Project-Specific MM AQ-12: Prior to issuance of an occupancy permit, the Project proponent shall install a sign on the property with telephone, email, and regular mail contact information for a designated representative of the tenant who would receive complaints about excessive noise, dust, fumes, or odors. The sign shall also identify contact data for the City for perceived Code violations. The tenant's representative shall keep records of any complaints received and actions taken to communicate with the complainant and resolve the complaint. The tenant's representative shall endeavor to resolve complaints within 24 hours.

Project-Specific MM AQ-13: Prior to issuance of a building permit, the Project proponent shall provide the City with Project specifications, drawings, and calculations that demonstrate that main electrical supply lines and panels have been sized to support heavy truck charging facilities when these trucks become available. The calculations shall be based on reasonable predictions from currently available truck manufacturer's data. Electrical system upgrades that exceed reasonable costs shall not be required.

PVCCSP EIR MM Air 1: To identify potential implementing development Project-specific impacts resulting from construction activities, proposed development projects that are subject to CEQA shall have construction-related air quality impacts analyzed using the latest available URBan EMISsions (URBEMIS) model, or other analytical method determined in conjunction with the SCAQMD. The results of the construction-related air quality impacts analysis shall be included in the development project's CEQA documentation. To address potential localized impacts, the air quality analysis may incorporate SCAQMD's LST analysis or other appropriate analyses as determined in conjunction with SCAQMD. If such analyses identify potentially significant regional or local air quality impacts, the City shall require the incorporation of appropriate mitigation to reduce such impacts.

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

PVCCSP EIR 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);

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- 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 (mph) or less on all unpaved portions of the project sites;
  - suspending all excavating and grading operations when wind gusts (as instantaneous gust) exceed 25 mph;
  - appointment of a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 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; and
  - replacement of ground cover in disturbed areas as quickly as possible.

PVCCSP EIR 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.

PVCCSP EIR 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.

PVCCSP EIR 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 USEPA 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.

PVCCSP EIR MM Air 7: During construction, ozone (O<sub>3</sub>) 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.

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PVCCSP EIR 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.

PVCCSP EIR 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.

PVCCSP EIR MM Air 10: To identify potential implementing development project-specific impacts resulting from operational activities, proposed development projects that are subject to CEQA shall have long-term operational-related air quality impacts analyzed using the latest available URBEMIS model, or other analytical method determined by the City of Perris as lead agency in conjunction with the SCAQMD. The results of the operational-related air quality impacts analysis shall be included in the development project’s CEQA documentation. To address potential localized impacts, the air quality analysis may incorporate SCAQMD’s LST analysis, CO Hot Spot analysis, or other appropriate analyses as determined by the City of Perris in conjunction with SCAQMD. If such analyses identify potentially significant regional or local air quality impacts, the City shall require the incorporation of appropriate mitigation to reduce such impacts.

PVCCSP EIR MM Air 11: Signage shall be posted at loading docks and all entrances to loading areas prohibiting all on-site truck idling more than five minutes.

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

PVCCSP EIR 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, On-road Heavy Duty Voucher Incentive Program (VIP), Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP), and Surplus

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Off-Road Opt-in for NOX (SOON) funding programs, as identified on SCAQMD's website (<http://www.aqmd.gov>). Tenants would be required to use those funds, if awarded.

PVCCSP EIR 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.

PVCCSP EIR MM Air 15: To identify potential implementing development project-specific impacts resulting from the use of diesel trucks, proposed implementing development projects that include an excess of 10 dock doors for a single building, a minimum of 100 truck trips per day, 40 truck trips with transportation refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week, and that are subject to CEQA and are located adjacent to sensitive land uses; shall have a facility-specific Health Risk Assessment (HRA) performed to assess the diesel particulate matter (DPM) impacts from mobile-source traffic generated by that implementing development project. The proposed Project is expected to result in 242 truck trips per day and is therefore required to prepare an HRA. The results of the HRA shall be included in the CEQA documentation for each implementing development project.

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

PVCCSP EIR 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 sites. 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.

PVCCSP EIR 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 would be documented through a checklist to be submitted prior to issuance of building permits for the implementing development project with building plans and calculations.



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## Findings

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Impacts associated with operational air quality emissions from implementation of the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the Draft EIR, the impacts would constitute a significant and unavoidable impact.

**Facts in Support of Findings:** The Project-specific mitigation measures (MM AQ-1 through MM AQ-13) are designed to reduce Project operational-source VOC and NO<sub>x</sub> emissions. However, even with implementation of the PVCCSP EIR operational mitigation measures and additional Project-specific mitigation measures MM AQ-1 through MM AQ-13, operational VOC and NO<sub>x</sub> emissions would exceed the regional significance thresholds. Furthermore, as the City of Perris or the Project Applicant do not have regulatory authority to control tailpipe emissions, no feasible mitigation beyond the measures identified exist that would reduce VOC and NO<sub>x</sub> emissions to levels that are less than significant; thus, Project operational emissions would result in significant and unavoidable air quality impacts.

### **Cumulative Impacts: Rationale**

The proposed Project has the potential to result in cumulative impacts associated with on-going operations for emissions of VOCs, NO<sub>x</sub>, and CO. Even with implementation of the PVCCSP EIR operational mitigation measures and additional Project-specific mitigation measures MM AQ-1 through MM AQ-13, operational VOC and NO<sub>x</sub> emissions would exceed the regional significance thresholds. The operational emissions are primarily associated with vehicle emissions. The City of Perris and the Project Applicant do not have regulatory authority to control tailpipe emissions and no additional feasible mitigation measures beyond the measures identified herein exist that would reduce VOC and NO<sub>x</sub> emissions to levels below the regional thresholds established by the SCAQMD. Therefore, operation of the Project would result in a significant and unavoidable cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard. Therefore, the proposed Project would have the potential to result in a cumulatively considerable significant impact with respect to operational activity.

## Findings

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Impacts associated with operational air quality emissions from implementation of the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project have been reduced to the extent feasible. However, after implementation of mitigation

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measures contained in the Draft EIR, the cumulative impacts would constitute a significant and unavoidable impact.

**Facts in Support of Findings:** As discussed above, operation of the Project would result in a significant and unavoidable cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard. Therefore, the proposed Project would have the potential to result in a cumulatively considerable significant impact with respect to operational activity.

## 2. Greenhouse Gas Emissions

### **GHG Emissions: Rationale**

As identified in Section 4.7 of the Draft EIR, the Project would exceed the 3,000 MT CO<sub>2</sub>e/yr threshold of significance. Thus, the Project would result in a significant impact with respect to GHG emissions. While the proposed Project will implement the Project-specific mitigation measures AQ-1 through AQ-13 discussed above as well as the applicable PVCCSP EIR mitigation measures Air 4 through Air 7, Air 11 through 14, and Air 18 through 20, it should be noted that there is no way to quantify these reductions in the California Emissions Estimator Model (CalEEMod). Therefore, to provide a conservative disclosure of Project emissions, no reductions in emissions are assumed to occur even with implementation of the below measures.

Therefore, as a conservative measure the GHG emissions presented in this analysis do not reflect emissions reductions that would result from the implementation of these mitigation measures. While it is likely that implementation of these measures will decrease Project emissions somewhat, the GHG emissions produced by the Project would remain a significant and unavoidable impact.

### **Mitigation Measures**

Refer to previously referenced Project-specific Mitigation Measures AQ-1 through AQ-13, PVCCSP EIR MM Air 4 through Air 7, Air 11 through 14, and Air 18 through 20.

### **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Impacts associated with greenhouse gas emissions from implementation of the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the Draft EIR, the impacts would constitute a significant and unavoidable impact.

**Facts in Support of Findings:** As discussed above, the Project would exceed the threshold of significance. While the proposed Project will implement the Project-specific mitigation measures AQ-1 through AQ-13 discussed above as well as the applicable PVCCSP EIR mitigation

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measures Air 4 through Air 7, Air 11 through 14, and Air 18 through 20, it should be noted that there is no way to quantify these reductions in CalEEMod. Therefore, to provide a conservative disclosure of Project emissions, no reductions in emissions are assumed to occur even with implementation of the below measures. Therefore, as a conservative measure the GHG emissions presented in this analysis do not reflect emissions reductions that would result from the implementation of these mitigation measures. While it is likely that implementation of these measures will decrease Project emissions somewhat, the GHG emissions produced by the Project would remain a significant and unavoidable impact.

Further, neither the City of Perris nor the Project Applicant do not have regulatory authority to control tailpipe emissions and requiring heavy-duty trucks to comply with standards that would reduce such emissions is currently infeasible due to the lack of availability of the recommended technology (Tetra Tech 2021). Similarly, it is not feasible for the City to impose and monitor a truck cap or limitation of the trucks that would go to and from the Project. Additionally, solar panels cannot be used at the Project site due to limitations on solar imposed by the MARB/IPA ALUCP. Therefore, no Project specific mitigation is feasible or applicable to the proposed Project.

Additionally, Appendix D to the CARB 2022 Scoping Plan includes local actions aimed at providing local jurisdictions with tools to reduce GHGs and assist the State in meeting the ambitious targets set forth in the 2022 Scoping Plan. Notably, this section is focused on residential and mixed-use projects and does not address other land use types (e.g., industrial) or air permitting. As the Project would include industrial and commercial land use types, it would not be relevant to apply the requirements contained in Appendix D of the 2022 Scoping Plan to any land use types other than residential or mixed-use residential development. Therefore, no additional mitigation identified by SCAQMD and CARB are feasible or applicable to the proposed Project.

### **Cumulative Impacts: Rationale**

Although the proposed Project is expected to emit greenhouse gases, given the global reach of climate change, the emission of greenhouse gases by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of greenhouse gas from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of climate change can cause adverse environmental effects on a cumulative basis. The fact that GHG emissions are cumulative was noted in a Public Notice for the SB 97's CEQA amendments regarding GHG. Because the proposed Project's GHG emissions would exceed both the threshold selected for this Project and the SCAQMD's recommended threshold, the cumulative impact of the proposed project on GHG emissions would be significant and unavoidable.

### **Findings**

1. Changes or alterations have been required in, or incorporated into, the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

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2. Impacts associated with greenhouse emissions from implementation of the OLC3 Ramona Expressway and Perris Boulevard Commercial Warehouse Project have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the Draft EIR, the cumulative impacts would constitute a significant and unavoidable impact.

**Facts in Support of Findings:** As discussed above, the Project would exceed the threshold of significance. Because the proposed Project’s GHG emissions would exceed both the threshold selected for this Project and the SCAQMD’s recommended threshold, the cumulative impact of the proposed Project on GHG emissions would be significant and unavoidable. No additional mitigation identified is feasible or applicable to the proposed Project.

## **D. Alternatives to the Proposed Project**

CEQA Guidelines (Section 15126.6) require that a discussion of project alternatives be part of any EIR. Any such identified alternatives must significantly meet project objectives, or they cannot be said to be true project alternatives. Further, CEQA Guidelines 15091(a)(3) and 15091(b) require an explanation and analysis of why project alternatives are infeasible. As a result, Chapter 5 of the Draft EIR discusses the following alternatives: No Project Alternative; No Project—All Commercial Development; Reduced Industrial; and Reduced Commercial.

### **1. No Project Alternative**

#### **Description**

Section 15126.6(e) of the State CEQA Guidelines requires that an EIR evaluate a “no project” alternative to allow decision makers to compare the impacts of approving a project with the impacts of not approving that project. Section 15126.6(e)(3) of the State CEQA Guidelines describes the two general types of no project alternatives: (a) when the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the no project alternative would be the continuation of that plan; and (b) when the project is other than a land use/regulatory plan (such as a specific development on an identifiable property), the no project alternative is the circumstance under which the project does not proceed.

Under the No Project/No Development Alternative, the proposed development of a warehouse building, commercial retail/restaurant uses, and associated parking, access driveways, utilities, and landscaping would not occur. The Project site would remain in its current condition and remain vacant.

#### **Finding and Rationale**

The No Project/No Development Alternative would avoid the significant and unavoidable operational and cumulative air quality and GHG emissions impacts of the Project. Additionally, because no development would occur under the No Project/No Development Alternative, the less than significant impacts resulting from the Project for the following environmental topics would be avoided: aesthetics, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, transportation, tribal cultural resources, and utilities and service systems. The No Project/No Development Alternative

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would not involve any development at the Project site. This alternative would not attain any of the Project Objectives identified in Section 5.1.2 of the Draft EIR.

## **2. No Project—All Commercial Development Alternative**

### **Description**

The purpose of the No Project—All Commercial Development Alternative is to address significant and unavoidable impacts of the Project related to operational and cumulative air quality and GHG emissions through the removal of the warehouse building and the increase in commercial/retail space consistent with the existing PVCCSP designation for the Project site. Under this alternative, the warehouse building would not be built. The proposed commercial retail/restaurant use area, totaling 70,000 square feet with the Project would increase to 982,278 square feet. The commercial retail area would include 520,278 square feet of shopping space, 40,000 square feet of market space, 343,000 square feet of restaurant space, 55,000 square feet of fast-food space, a 6,000-square-foot gas station/convenience center, and an 18,000-square-foot gas station/convenience center/car wash. Under this alternative, the proposed commercial retail uses would be constructed within the entirety of the Project site and would be accessed from the primary arterials, as allowed by the City Engineer. Additionally, landscaping under this alternative would be consistent with City landscaping requirements for commercial uses.

The No Project—All Commercial Development Alternative would result in an increase in overall vehicle trip generation compared to the proposed Project. Trip generation rates for the proposed Project are provided in Table 4.12-2 of the Draft EIR and trip generation estimates for this alternative are provided in Table 5-1 (Section 5.0 of the Draft EIR). As shown in Table 5-1 of the Draft EIR, the No Project—All Commercial Development Alternative would result in an increase in trip generation compared to the Project (35,138 daily trips compared to 9,266 daily trips with the Project). There would be 25,872 more daily trips under this alternative than the Project. This alternative would only generate retail trips; no industrial serving truck trips would be generated under this alternative.

### **Finding and Rationale**

The No Project—All Commercial Development Alternative would involve the removal of the warehouse building and would increase the commercial/retail space. This alternative only generates retail trips; no industrial trips would be generated under this alternative. The No Project—All Commercial Development Alternative would result in an increase in trip generation (35,138 daily trips compared to 9,266 daily trips with the Project). There would be 25,872 more daily trips under this alternative than the Project. Therefore, significant, and unavoidable impacts associated with operational criteria pollutant emissions (air quality impacts) and GHG emissions would be similar to, or greater than, the Project under this alternative. With the addition of a car wash and with the increase in total daily trips, this alternative may have a greater impact than the Project with regard to operational noise. If this alternative were to be selected, prior to operation of the gas station/convenience store/car wash, the Project applicant would be required to show compliance with the City noise limits established at the property lines per the City noise ordinance. For all other topical areas, similar impact levels would occur with the No Project—All Commercial Alternative as compared to the Project. The No Project—All Commercial

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Development Alternative would meet only five out of the seven Project Objectives identified in Section 5.1.2 of the Draft EIR.

### **3. Reduced Industrial Alternative**

The purpose of the Reduced Industrial Alternative is to address significant and unavoidable impacts of the Project related to operational and cumulative air quality and GHG emissions through a reduction in the warehouse building square footage on the industrial site. Under this alternative, the warehouse building would be reduced by approximately 20 percent from 774,419 square feet to approximately 620,000 square feet, a reduction of approximately 154,419 square feet. Under this alternative, the assumptions regarding the warehouse being non-refrigerated would remain the same. The proposed commercial retail/restaurant use areas to the south and to the west, totaling 70,000 square feet would remain as proposed. As outlined in Section 3.0, Project Description, of the Draft EIR, landscaping would be provided along the entire site perimeter of both the warehouse and commercial retail/restaurant use portions of the Project site, within the automobile parking areas for visual quality and shading, and at select building-adjacent locations. Approximately 13.7 percent of the warehouse portion of the Project site would be landscaped. Under this alternative, the proposed landscaping plan would remain similar to the Project.

Additionally, under this alternative, trucks and vehicles would enter and exit the industrial and commercial retail/restaurant use areas from similar streets as proposed under the Project. As outlined in Section 3.0, Project Description, of the Draft EIR, the Project would provide three automobile access driveways off Perris Boulevard with right-in/right-out access only (one for warehouse access and two for access to the 4.8-acre future western retail component), and three truck and automobile access driveways off Perry Street with left-in/right-out access only for trucks and no turn restrictions for automobiles. The southern retail component would have one right-in/right-out access driveway and one full signalized access driveway on Ramona Expressway. This alternative would also include similar proposed improvements to drainage, roads, and utilities, as identified under the Project. The only change under this alternative is a reduction in the warehouse building square footage.

The Reduced Industrial Alternative would result in a reduction in overall trip generation compared to the Project. Trip generation rates for the proposed Project are provided in Table 4.12-2 of the Draft EIR and trip generation estimates for this alternative are provided in Table 5-2 of the Draft EIR. As shown in Table 5-2 (Section 5.0 of the Draft EIR), the Reduced Industrial Alternative would result in a reduction in trip generation compared to the Project (8,938 daily trips compared to 9,266 daily trips with the Project). There would be 328 less daily trips under this alternative than the Project (58 less industrial truck trips and 270 less industrial car trips).

### **Finding and Rationale**

The Reduced Industrial Alternative would involve a reduction in the industrial warehouse building area and a reduction in vehicular trips (including trucks). Therefore, significant, and unavoidable impacts associated with operational criteria pollutant emissions (air quality impacts) and GHG emissions would be reduced, but not eliminated with this alternative. For all other topical areas, similar or reduced impact levels would occur with the Reduced Industrial

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Alternative as compared to the Project. The Reduced Industrial Alternative would meet all seven Project Objectives identified in Section 5.1.2 of the Draft EIR; however, this alternative would not meet three of the Project Objectives as effectively as the Project, including objectives that maximize the development of a Class A speculative high cube warehouse industrial buildings, that maximize the industrial warehouse development in close proximity to designated truck routes and the State highway system, and that provides for uses that will generate tax revenue for the City.

#### **4. Reduced Commercial Alternative**

##### **Description**

The purpose of the Reduced Commercial Alternative is to address significant and unavoidable impacts of the Project related to operational and cumulative air quality and GHG emissions through a reduction in the commercial building's square footage on the southern commercial site. Under this alternative, the number of commercial retail/restaurant use buildings on the southern commercial site would be reduced from four buildings to three buildings, with a total square footage of 23,308 square feet rather than 45,000 square feet. The proposed 25,000-square-foot western commercial retail/restaurant use area and the 774,419-square-foot industrial warehouse building would remain as proposed. As outlined in Section 3.0, Project Description, of the Draft EIR, landscaping would be provided along the entire site perimeter of both the warehouse and retail portions of the Project site, within the automobile parking areas for visual quality and shading, and at select building-adjacent locations. Under this alternative, the proposed landscaping plan would be similar to the proposed Project. Additionally, under this alternative, trucks and vehicles would enter/exit the industrial and commercial use areas from similar streets as proposed under the Project.

As outlined in Section 3.0, Project Description, the Project would provide three automobile access driveways off Perris Boulevard with right-in/right-out access only (one for warehouse access and two for access to the 4.8-acre future western retail component), and three truck and automobile access driveways off Perry Street with left-in/right-out access only for trucks and no turn restrictions for automobiles. The southern retail component would have one right-in/right-out access driveway and one full signalized access driveway on Ramona Expressway. This alternative would also include similar proposed improvements to drainage, roads, and utilities, as identified under the Project. The only change under this alternative is a reduction in the southern commercial building's square footage.

The Reduced Commercial Alternative would result in a reduction of overall trip generation compared to the Project. Trip generation rates for the Project are provided in Table 4.12-2 of the Draft EIR and trip generation estimates for this alternative are provided in Table 5-3 of the Draft EIR. As shown in Table 5-3 (Section 5.0 of the Draft EIR), the Reduced Commercial Alternative would result in a reduction in trip generation compared to the Project (7,676 daily trips compared to 9,266 daily trips with the Project). There would be 1,590 less daily trips (1,590 less retail cars).

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## **Finding and Rationale**

The Reduced Commercial Alternative would involve a reduction in the southern commercial retail area and a reduction in vehicular trips (including trucks). Therefore, significant, and unavoidable impacts associated with operational air quality impacts and GHG emissions would be reduced, but not eliminated with this alternative. For all other topical areas, similar or reduced impact levels would occur with the Reduced Industrial Alternative as compared to the Project. The Reduced Commercial Alternative would meet all seven Project Objectives identified in Section 5.1.2 of the Draft EIR; however, this alternative would not meet three of the Project Objectives as effectively as the Project, including objectives that provide an attractive mixed use retail project along Ramona Expressway, that sets aside additional land for future commercial, retail, and office opportunities in the fast-growing Perris Blvd Corridor, and that provides for uses that will generate tax revenue for the City.

### **E. Cumulative Impacts**

Cumulative impacts were analyzed in Section 4.1 through 4.11 of the Draft EIR, which concludes that even with the adoption of each mitigation measure identified in the Draft EIR, the Project could result in significant and unavoidable cumulative impacts with respect to the following issues:

- Air Quality
- Greenhouse Gas Emissions

## **Findings and Rationale**

### Air Quality

The CAAQS designates the Project area as nonattainment for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> while the NAAQS designates the Project area as nonattainment for O<sub>3</sub> and PM<sub>2.5</sub>. The Project-specific evaluation of emissions presented in the preceding analysis demonstrates that proposed Project's construction-source air pollutant emissions would not result in exceedances of regional thresholds. Therefore, proposed Project construction-source emissions would be considered less than significant on a Project-specific and cumulative basis. The proposed Project has the potential to result in cumulative impacts associated with on-going operations for emissions of VOCs, NO<sub>x</sub>, and CO. Even with implementation of the PVCCSP EIR operational mitigation measures and additional Project-specific mitigation measures MM AQ-1 through MM AQ-13, operational VOC and NO<sub>x</sub> emissions would exceed the regional significance thresholds. The operational emissions are primarily associated with vehicle emissions. The City of Perris and the Project Applicant do not have regulatory authority to control tailpipe emissions and no additional feasible mitigation measures beyond the measures identified herein exist that would reduce VOC and NO<sub>x</sub> emissions to levels below the regional thresholds established by the SCAQMD. Therefore, operation of the Project would result in a significant and unavoidable cumulatively considerable net increase of a criteria pollutant for which the Project region is nonattainment under an applicable federal or State ambient air quality standard. Therefore, the proposed Project would have the potential to result in a cumulatively considerable significant impact with respect to operational activity.



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## Greenhouse Gas Emissions

Individual projects would result in impacts that are cumulatively considerable when the individual project, along with all other past, present, and probably future projects, would contribute to the potential for global climate change. While individual projects are unlikely to measurably affect global climate change, each of these projects incrementally contributes toward the potential for global climate change on a cumulative basis, in concert with all other past, present, and probable future projects.

Despite the global nature of GHG impacts, it is important to note that the scope of the City's jurisdictional authority is limited to certain types of emissions generated within the City's physical boundaries. The City's authority does not include the regulation of the majority of actions, including for example, transportation policy, fuel consumption, and energy generation, which the state has determined are necessary to meet all of AB 32's greenhouse gas reduction goals. Further, some of the GHG emissions associated with the Project can be reduced only by measures to be implemented by other governmental agencies which are outside the City's jurisdiction. GHG emissions are clearly significant on a global basis, and when GHG emissions are outside of the lead agency's jurisdiction and control, consistent with Public Resources Code Section 21081(a)(2), a project has cumulatively considerable significant and unavoidable GHG impacts if other agencies do not take necessary action. These other agencies can and should adopt requirements to ensure cumulative GHG reductions.

Greenhouse gas emissions modeling was used to predict the amount of greenhouse gases the Project would generate during construction and operation. The total GHG emissions were above the SCAQMD interim significance threshold level of 10,000 MT CO<sub>2</sub>e/year for industrial projects as well as the threshold of 3,000 MT CO<sub>2</sub>e/year used to evaluate this Project.

Although the proposed Project is expected to emit greenhouse gases, given the global reach of climate change, the emission of greenhouse gases by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of greenhouse gas from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of that climate change can cause adverse environmental effects on a cumulative basis. The fact that GHG emissions are cumulative was noted by the CRNA in its Public Notice for the SB 97's CEQA amendments regarding GHG. Because the proposed Project's GHG emissions would exceed both the threshold selected for this Project and the SCAQMD's recommended threshold, the cumulative impact of the proposed Project on GHG emissions would be significant and unavoidable.

Because certain impacts resulting from implementation of the Project are unable to be mitigated and would remain significant and unavoidable, a Statement of Overriding Consideration is being adopted to address this significant and unmitigated cumulative impacts.

## **F. Environmental Impact Report Recirculation**

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New

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information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. CEQA Guidelines provide the following examples of significant new information under this standard (CEQA Guidelines, Section 15088.5[a]).

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish and Game Com.* [1989] 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (CEQA Guidelines, Section 15088.5, subd. (b)).

### **Findings and Rationale**

Because none of the criteria outlined above have been met, the EIR is not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project and, therefore, recirculation of the EIR is not required.

## **VI. STATEMENT OF OVERRIDING CONSIDERATIONS**

As set forth in the preceding sections, City approval of the proposed Project would potentially result in significant environmental impacts to Air Quality and Greenhouse Gas Emissions. No feasible mitigation measures have been identified that could reduce the potential level of impact to less than significant. Consequently, the EIR reaches the conclusion that impacts would remain potentially significant and unavoidable.

Whenever a lead agency adopts a project that will result in a significant and unavoidable impact, the agency must, pursuant to PRC Section 21002 and 21081(b) and CEQA Guidelines Section 15093, state in writing the specific reasons to support its action based on the EIR and/or other information in the administrative record.

Pursuant to PRC Section 21081(b) and CEQA Guidelines Section 15093, the City has balanced the benefits of the Project against its unavoidable adverse impacts to Air Quality and Greenhouse Gas Emissions. The City, having considered all of the foregoing, finds that there are specific overriding economic, legal, social, technological, and/or other benefits associated with the proposed Project that outweigh unavoidable direct and/or cumulative impacts related to Air Quality and Greenhouse Gas Emissions.

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The City also has examined alternatives to the proposed Project and found that the Reduced Industrial Alternative and the No Project Alternative would be environmentally superior to the proposed Project. The No Project Alternative, however, would not meet the objectives of the proposed Project. In accordance with CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

The Reduced Industrial Alternative would involve a reduction in the industrial warehouse building area and a reduction in vehicular trips (including trucks). However, the significant, and unavoidable impacts associated with operational criteria pollutant emissions (air quality impacts) and GHG emissions would be reduced, but not eliminated with this alternative. Overall, the Reduced Industrial Alternative is the environmentally superior Project alternative per CEQA Guidelines Section 15126.6(e)(2). The Reduced Industrial Alternative would meet all seven Project objectives; however, as compared to the Project, this alternative would not as effectively meet three out of the seven Project objectives, including objectives that maximize the development of a Class A speculative high cube warehouse industrial buildings, that maximize the industrial warehouse development in close proximity to designated truck routes and the State highway system, and that provides for uses that will generate tax revenue for the City.

The City, (i) having independently reviewed the information in the Final EIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant environmental impacts resulting from the Project to the extent feasible by adopting the mitigation measures identified in the Final EIR; and (iii) having balanced the benefits of the Project against the significant environmental impacts, chooses to approve the Project, despite its significant environmental impacts, because, in its view, specific economic, legal, social, technological, and other benefits of the Project render the significant environmental impacts acceptable.

The following statement identifies why, in the City’s judgment, the benefits of the Project outweigh the unavoidable significant impacts. Each of the benefits described below serves as an independent basis that justifies approval of the Project and for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to justify approval of the Project. Therefore, the City expressly finds in accordance with PRC Section 21081, the following benefits outweigh the unavoidable adverse environmental impacts of the Project.

**A. Findings for Statement of Overriding Considerations**

**1. Provide an attractive mixed-use retail Project along the Ramona Expressway that enhances and meets the local demand for the availability of social gathering places, retail services, and eateries in an underserved area of the Perris Valley Commerce Center Specific Plan (PVCCSP).**

The Project would provide *economic benefits* to the City and its residents by increasing employment, shopping, and service opportunities in a housing-rich area. The proposed Project proposes commercial retail/restaurant uses within both an approximately 4.7-acre portion of the Project site to the south of the warehouse building along the north side of Ramona Expressway and an approximately 4.8-acre portion of the Project site to the west of the warehouse building

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along the east side of Perris Boulevard. The future commercial developments would include approximately 45,000 square feet of retail and restaurant uses comprised of 21,825 square feet of strip retail plaza use, a 5,000-square-foot high turnover (sit-down) restaurant, 14,775 square feet of fast-food restaurant without drive-through window use in line with retail use, and a 3,400-square-foot fast-food restaurant with drive-thru window use.

Although not currently included in the Project's Development Plan Review request, future commercial development within the western commercial site would include approximately 25,000 square feet of retail and restaurant uses (comprised of 18,000 square feet of strip retail/restaurant use and two fast-food restaurants with drive-through window totaling 4,000 square feet and 3,000 square feet, respectively).

**2. Provide for future commercial, retail, and office opportunities in the fast-growing Perris Boulevard Corridor to further enhance job opportunities, in an area that is housing rich while providing short-term construction and long-term operational economic benefits to the City.**

The Project would provide *economic benefits* to the City and its residents by increasing job opportunities in a housing-rich area. New job opportunities would include short-term construction-related jobs as well as long-term operational-related jobs. Based on the Memorandum prepared by Finance DTA on November 1, 2023, the proposed Project would provide up to 1,295 construction-related jobs and a total of 1,424 operational-related jobs based on the Point-of-Scale Fulfillment Center (POS FC) Scenario. The total construction-related economic output would total over \$179 million, and the total operational-related economic output would total over \$183 million. The Project would also provide *social benefits* including employment stability and sources of income through construction-related and operation-related employment opportunities.

**3. Maximize the development of Class A speculative high cube warehouse industrial buildings that meet contemporary industry standards for operational design criteria, can accommodate a wide variety of users, and are economically competitive with similar warehouse buildings in the local area and region, which will assist the City of Perris in competing economically on a domestic and international scale through the efficient and cost-effective movement of goods.**

The Project would provide *technological benefits* by constructing a high-cube fulfillment center warehouse building in the City of Perris that will operate for 24 hours a day, seven days a week. The Project Applicant expects that the warehouse building could accommodate a wide variety of users and would be occupied by warehouse distribution operators in a building that reflects a modern industrial design consistent with the guidelines and standards outlined in the PVCCSP for Light Industrial uses.

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**4. Maximize industrial warehouse development in close proximity to designated truck routes and the State highway system to avoid or shorten truck-trip lengths on other roadways and avoid locating industrial warehouse buildings in proximity to residential uses.**

The Project would provide *social benefits* by constructing a warehouse building near PVCCSP-designated truck routes and by avoiding or shortening truck trips on local roadways. As noted in Section 3.0, Project Description, of the Draft EIR, trucks traveling to/from the Project site would be required to access PVCCSP-designated truck routes. Directional signage would be provided onsite to direct drivers accordingly. All trucks would enter and exit the warehouse facility only from Perry Street via Redlands Avenue, a PVCCSP-designated truck route, to Harley-Knox Boulevard to travel to and from I-215. No warehouse truck traffic would be permitted along Perris Boulevard or Ramona Expressway. Two full-access designated driveways for trucks would be provided on Perry Street. The driveways would be modified to accommodate a 45-foot curb radius for the egress turning radius of trucks.

Additionally, the Project would avoid the construction of an industrial warehouse building in proximity to residential uses. As noted in Section 4.12, Transportation in the Draft EIR, the Project is in a developing area, consisting of warehouse and commercial uses. Directly adjacent land uses to the north and east of the Project site consist of warehouse uses, as well as land to the west of the Project site, beyond Perris Boulevard and adjacent commercial uses, and land southwest of the Project site.

**5. Implement drainage improvements in conjunction with the Project to accommodate the 100-year storm flows in the area, including a public storm drain conveyance that would ultimately capture stormwater runoff from the region to the detention basin east of the Project site, thus solving regional flooding problems.**

The Project would provide *environmental benefits* by implementing drainage improvements to accommodate the 100-year storm flows in the area. Construction of the storm water drainage facilities associated with the Project would not cause significant environmental effects beyond those discussed in the PVCCSP EIR (City of Perris 2011). The Project's proposed drainage facilities are consistent with the local Master Drainage Plan.

**6. Accommodate new development in a phased, orderly manner that is coordinated with the provision of necessary infrastructure and public improvements.**

As noted in Section 3.0, Project Description of the Draft EIR, the Project involves the construction and operation of a non-refrigerated warehouse building with ancillary office uses on approximately 36 acres and future development of commercial retail/restaurant uses within two separate portions of the Project site including an approximately 4.7-acre portion to the south of the warehouse building and a 4.8-acre portion to the west of the warehouse building.

It is conservatively assumed that construction of the industrial warehouse and southern and western commercial retail areas would be completed in one phase lasting approximately 11 months. As part of Project construction, utility infrastructure would be installed within and adjacent to the site, including a portion of the regional Line E storm drain system. Next, surface

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materials would be poured, and the proposed buildings would be constructed or erected, connected to the utility system, and painted. Lastly, fine grading would occur, and landscaping and fencing/walls would be installed. In addition to onsite construction activities, the Project would involve site adjacent roadway and driveway access improvements along Perris Boulevard, Perry Street, and Ramona Expressway, as previously described. Utility infrastructure would be installed onsite and would connect to existing utility lines in the adjacent roadways. Construction staging would occur within the Project impact limits and would be located the farthest distance feasible from existing residential or other sensitive land uses.

**7. Provide for uses that will generate tax revenue for the City of Perris, including, but not limited to, increased property and sales tax, to support the City’s ongoing municipal operations.**

The Project would provide *economic benefits* by generating sales tax revenue for the City. Based on the Memorandum prepared by Finance DTA on November 1, 2023, the proposed Project would generate a total sales tax of \$169,253 under the Base Scenario and a total sales tax of \$1,332,179 under the POS FC Scenario.

**B. Conclusion**

For the foregoing reasons, the City finds that the Project’s adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one of which individually would be sufficient to outweigh the adverse environmental effects of the Project. Therefore, the City has adopted these Findings of Fact and Statement of Overriding Considerations.

**VII. REFERENCES**

Alvarez, Mauricio. 2023. Email from Mauricio Alvarez on February 14, 2023. Included as Appendix U of the Draft EIR.

City of Perris. 2011. Perris Valley Commerce Center Specific Plan Final Environmental Impact Report. November 2011, certified January 10, 2012. Available at: <https://www.cityofperris.org/Home/ShowDocument?id=2645>.