



## EXHIBIT A

### CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

#### ELLIS LOGISTICS CENTER PROJECT FINAL ENVIRONMENTAL IMPACT REPORT Lead Agency: City of Perris

DPR 22-00018  
STATE CLEARINGHOUSE NO. 2023040144

September 2024

## SECTION 1: INTRODUCTION

This statement of Findings of Fact (Findings) addresses the environmental effects associated with the Ellis Logistics Center Project (project), as described in the Final Environmental Impact Report (referred herein as the “Final EIR”). These Findings are made pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §21000 et seq.), specifically PRC Sections 21081, 21081.5, and 21081.6, and the State CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.), specifically Sections 15091 and 15093. The Final EIR evaluated the potential environmental effects of the implementing actions associated with the Ellis Logistics Center Project and identified mitigation practices that could be employed to reduce, minimize, or avoid those potential effects.

### 1.1 Purpose

PRC Section 21081, and State CEQA Guidelines Section 15091 require that the lead agency, in this case the City of Perris (City), prepare written Findings for identified significant effects, accompanied by a brief explanation of the rationale for each finding. PRC Section 21081(a) affirmatively requires a lead agency make one or more of three possible findings in reference to each significant impact. In addition, PRC Section 21081(b) requires an additional finding for impacts that include specific economic, legal, social, technological, and other considerations wherein the lead agency affirms that the project benefits outweigh the environmental impacts.

State CEQA Guidelines Section 15091 states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the 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 and 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.

In accordance with PRC Section 21081, and State CEQA Guidelines Section 15093 [Statement of Overriding Conditions (SOC)], whenever significant effects cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.” In that case, the decision-making agency may prepare and adopt an SOC, pursuant to the State CEQA Guidelines.

State CEQA Guidelines Section 15093 provides:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental 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 proposed 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. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR identified potentially significant effects that could result from the project. The City finds that the inclusion of feasible mitigation measures as part of the approval of the project will reduce most, but not all, of those effects to less-than-significant levels. Those impacts that are not reduced to less-than-significant levels are identified and overridden due to specific project benefits (see **Section 10: Statement of Overriding Considerations**).

As required by CEQA, the City, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The City finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of PRC Section 21081.6, by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

In accordance with the CEQA Statutes and Guidelines, the City adopts these Findings for the project. Pursuant to PRC Section 21082.1(c)(3), the City also finds that these Findings reflect the City's independent judgment as the lead agency for the project (see **Section 1.4, CEQA Findings of Independent Judgment, Review and Analysis**).

## 1.2 Records of Proceedings

For the purposes of CEQA and these Findings, the record of proceedings for the project includes all data and materials outlined in PRC Section 21167.6(e), along with other project-relevant information contained within the City's files. Specifically, the record of proceedings for the City's decision on the project includes the following documents, all of which are incorporated by reference and are relied on in supporting these Findings:

- The Notice of Preparation, Notice of Availability, and all other public notices issued by the City in conjunction with the Project

- All written comments submitted by agencies, organizations, or members of the public during the NOP public review comment period, inclusive of the Scoping Meeting
- The Draft EIR for the project and all technical appendices, technical memoranda and documents relied upon or incorporated by reference
- All written comments submitted by agencies, organizations, or members of the public during the public review comment period on the Draft EIR and the City's responses to those comments, including related referenced technical materials
- The Final EIR for the project
- The MMRP for the project
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the City or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the project
- All documents submitted to the City by other public agencies or members of the public in connection with the Final EIR
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the project
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings
- All resolutions adopted by the City regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions
- Matters of common knowledge to the City, including, but not limited to federal, State, and local laws and regulations
- Any documents expressly cited in these Findings, in addition to those cited above, and any other materials required for the record of proceedings by PRC Section 21167.6(e)

### 1.3 Custodian and Location of Records

The documents and other materials that as a whole make up the Record of Proceedings for the City's actions related to the project are located at 101 North D Street, Perris, CA 92570. The City, as the lead agency for the project, is the custodian of the Record of Proceedings for the project.

### 1.4 CEQA Findings of Independent Judgment, Review and Analysis

Under CEQA, the lead agency must (1) independently review and analyze the EIR; (2) circulate draft documents that reflect its independent judgment; (3) as part of the certification of an EIR, find that the report or declaration reflects the independent judgment of the lead agency; and (4) submit copies of the documents to the State Clearinghouse if there is State agency involvement or if the project is of statewide, regional, or area-wide significance (PRC §21082.1[c]).

The Findings contained in this document reflect the City's conclusions, as required pursuant to CEQA, for the project. The City has exercised independent judgment, in accordance with PRC Section 21082.1(c)(3), in the preparation of the Draft EIR, the review of materials prepared by the project Applicant and its

consultants, and the preparation of the Final EIR based on comments received during the public comment process.

Having received, reviewed, and considered the information in the Draft EIR and Final EIR, as well as any and all other information in the record, the City hereby makes these Findings pursuant to and in accordance with PRC Sections 21081, 21081.5, and 21081.6.

## SECTION 2: CEQA FINDINGS: GENERAL

Pursuant to PRC Section 21081 and State CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

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 and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other consideration, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. (The concept of infeasibility also encompasses whether a particular alternative or mitigation measure promotes the Project's underlying goals and objectives, and whether an alternative or mitigation measure is impractical or undesirable from a policy standpoint. See, *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410).

The City has made one or more of the required written findings for each significant impact associated with the project. Those written findings, along with a presentation of facts in support of each of the written findings, are presented below. The City certifies these Findings of Fact are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental issues identified and discussed.

The mitigation program adopted as part of the project is feasible and mitigates the environmental impacts associated with the project to the maximum extent feasible and possible as discussed in the findings made below. Therefore, it is the finding of the City that the project as described in the Final EIR does not present any new, significant information requiring recirculation or additional environmental review under PRC Section 21092.1 and State CEQA Guidelines Section 15088.5.

A MMRP for the project has been adopted pursuant to the requirements of PRC Section 21081.6 to ensure implementation of the adopted mitigation measures to reduce significant effects on the environment and is included in the Final EIR document. The City is the custodian of the documents and other material that constitute the record of the proceedings upon which certification of the Final EIR for the project is based, as described above in **Section 1.3, Custodian and Location of Records**.

It is the finding of the City Council that the Final EIR, as presented for review and approval, fulfills environmental review requirements for the project, and that the document constitutes a complete,

accurate, adequate, and good faith effort at full disclosure under CEQA, and reflects the independent judgment of the City.

### SECTION 3: ENVIRONMENTAL IMPACTS FOUND TO HAVE NO IMPACT

For the following significance thresholds, the City finds that, based upon substantial evidence in the record, the project would have no impact; therefore, no mitigation is required.

#### Aesthetics

***Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?***

**Basis for Conclusion:** The project site does not contain any trees, rock outcroppings, or historic buildings and is not within a designated State Scenic Highways and no impacts would occur.

#### Agriculture and Forestry Services

***Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?***

***Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?***

***Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?***

***Would the Project result in the loss of forest land or conversion of forest land to non-forest use?***

**Basis for Conclusion:** The project site is designated as Light Industrial (LI) in the City General Plan and is zoned Light Industrial (LI) and does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), Importance. The project site is designated as Farmland of Local Importance but none of the site is under a Williamson Act Contract. The project site is not zoned as forest land or a Timberland Production Zone and does not contain forest and is not used for timber. Therefore, conversion of eligible Farmland would not occur, no forest or timber resources would be converted, and no impacts would occur.

#### Biological Resources

***Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?***

***Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological?***

***Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

**Basis for Conclusion:** The project site has been previously disturbed from previous vegetation and weed control (mowing and disking) and generally consists of non-native ruderal shrubs and grasses, with no existing landscaping or trees. The project site is in the desert region of Riverside County does not contain any sensitive habitats, native plant communities, riparian areas, wetlands, marshes, vernal pools, waters, or other protected waterways as defined by Section 404 of the Clean Water Act or that could fall under the jurisdiction of the Army Corps of Engineers (USACE), California Regional Water Quality Control Board (RWQCB), or California Department of Fish and Wildlife (CDFW). Additionally, the project does not contain any trees subject to protection under local policies or ordinances. Consequently, no impacts would occur.

## Geology and Soils

***Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

***i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42***

The project site is not located in an Alquist-Priolo Earthquake Fault Zone (California Department of Conservation, 2023) and there are no known active or potentially active faults trending towards or through the project site. Impacts from fault rupture would not occur and no mitigation is required.

***Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?***

**Basis for Conclusion:** The project will tie into an existing waterwater line within Ellis Avenue managed by the Eastern Municipal Water District (EMWD) which will be treated at the Perris Valley Regional Water Reclamation Facility (PVRWRF). The project does not include installation of a septic system or other alternative wastewater disposal systems. No impact would occur.

## Hazards and Hazardous Materials

***Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

**Basis for Conclusion:** The project will not emit or handle acutely hazardous materials or substance within 0.25 miles of the school. There are no schools within 0.25 miles of the project site. Perris Lake High School is located approximately one mile west and Pinacate Middle School is located approximately 1.25 miles southwest of the project site. No impacts would occur.

***Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

**Basis for Conclusion:** The project site is not listed on any of California's hazardous materials registries, including the Cortese List by CalEPA (DTSC, 2022), DTSC EnviroStor database, or Waterboards Geotracker. No impacts would occur.

## Hydrology

***Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?***

The project site is not underlain by either the Perris North or Perris South groundwater management zones and groundwater was not encountered above 50 feet of the project site. The subsurface soils have a very slow infiltration rate and high runoff potential when wet. The project would increase the impervious area on site, but this change will not substantially affect groundwater recharge. As part of the Water Quality Management Plan (WQMP) prepared for the project it will include the use as use of low impact development (LIDs) and post construction BMPs will help facilitate even a small amount of infiltration. Therefore, no impacts will occur.

## Land Use Planning

***Would the project physically divide an established community?***

**Basis for Conclusion:** The project site is vacant, has a general plan designated as Light Industrial (LI) and is zoned Light Industrial (LI). Adjacent to the west is the Action Star Games Paintball Park, an industrial facility and Global Plastics Recycling. To the south is Case Road and the BNSF/Metrolink railway with the Perris South Metrolink Station located approximately 0.5 mile southeast and vacant industrially zoned land. To the south is undeveloped land that is part of the Perris Valley Airport and to the west is airport property. The nearest residential uses are approximately 830 feet to the west of the project, but this location is not a part of a larger residential development and there is existing intervening commercial and industrial development between it and the project site. Thus, the project would not be located between or interrupt the interaction or movement of people within or between an established community. Additionally, the project includes roadway improvements which could be considered to improve linkages between more distant community. No impacts would occur.

## Mineral Resources

***Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?***

**Basis for Conclusion:** The project is not identified as a local mineral resource recovery. According to the Perris GP EIR, no sites have been identified as locally important mineral resource recovery sites. No impacts would occur.

## Population and Housing

***Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

**Basis for Conclusion:** The project site and has a general plan designation of Light Industrial (LI) and is zoned Light Industrial (LI) and the project site is vacant with no existing built structures used for housing. The project would not displace any residences and no impacts would occur.



## Public Services

***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:***

### ***iii. Schools?***

**Basis for Conclusion:** Most workers at the project site will come from within the city, neighboring cities, and other areas in the region (e.g. Perris, Menifee, and Moreno Valley). Children of workers would already be served by existing schools in their respective communities. A substantial influx of workers is not needed and will not occur. This will limit the demand for new school facilities, the construction of which could have an impact on the environment, to serve the children of workers. No impacts will occur.

### ***iv. Parks?***

**Basis for Conclusion:** Most workers at the project site will come from within the city, neighboring cities, and other areas in the region (e.g. Perris, Menifee, and Moreno Valley). These workers are anticipated to utilize park facilities within their own communities rather than traveling to Perris for city-managed parks. Thus, a significant additional demand for city-managed park facilities, necessitating new or expanded parks the construction of which could have an impact on the environment will not occur.

### ***v. Other public facilities?***

**Basis for Conclusion:** The project would not result in a substantial additional demand for other public services or other city managed services such that new or expanded facilities would be needed. Most workers at the project site will come from within the city, neighboring cities, and other areas in the region (e.g. Perris, Menifee, and Moreno Valley). As a result, the project's impacts on other public facilities will not occur.

## Transportation

### ***Would the project Result in inadequate emergency access?***

**Basis for Conclusion:** Fire apparatus vehicles will have adequate space for staging in the project parking lots, ring road, or along Ellis Avenue. Existing fire hydrants along the project frontage, and water lines within the building will provide direct fire water access for emergency personnel. The project driveways will provide adequate vertical and horizontal clearance meeting the 20-foot horizontal, and 10-foot vertical clearances requirements of the 2022 California Fire Code. Gate control for fire access would be provided with Knox boxes. The project will conform to all emergency requirements and design specifications and there will be no impact.

## Wildfire

***If located in or near SRA or lands classified as Very High FHSZ, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?***

***If located in or near SRA or lands classified as Very High FHSZ, would the Project, due to slope, prevailing winds, and other factors, exacerbate wildlife risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?***

***If located in and near SRA or lands classified as very high FHSZ, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***

***If located in or near SRA or lands classified as Very High FHSZ, would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?***

***Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***

***Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?***

**Basis for Conclusion:** The project site is flat, contains managed (i.e. mowed and disked) upland ruderal vegetation, and has been controlled for weed and vegetation control. The project is not located in or adjacent to a Moderate, High, or Very High Fire Hazard Severity Zone (FHSZ) within the State Responsibility Area (SRA). The surrounding areas contain similar vegetation and uses largely consist of industrial or commercial. The project would not introduce or exacerbate any wildfire-related hazards including landslides, flooding, or post fire erosional impacts, on the site or in adjacent zones nor expose people or property to other significant wildfire risks. The project will not hinder any adopted emergency response or evacuation plans. Therefore, no impacts would occur.

## SECTION 4: ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT (NO MITIGATION REQUIRED)

For the following significance thresholds, the City finds that, based upon substantial evidence in the record, the project would have a less than significant impact; therefore, no mitigation is required.

### Aesthetics

***Would the Project have a substantial adverse effect on a scenic vista?***

**Basis for Conclusion:** The proposed project site is located within the Perris Valley and the terrain is generally flat. The project site is not located within a scenic vista nor would the project block views of a scenic vista. Impacts would be less than significant.

***In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?***

**Basis for Conclusion:** The project does not conflict with applicable zoning or other regulations governing

scenic quality. The project will not disturb the quality of public views within a non-urbanized area and will be consistent with surrounding visual elements and is consistent with land use designations and zoning. Perris is adjacent to the incorporated cities of Moreno Valley and Menifee and is considered urbanized under CEQA. Impacts would be less than significant.

## Air Quality

### ***Would the project conflict with or obstruct implementation of the applicable air quality plan?***

**Basis for Conclusion:** Emissions from project construction or operation will not worsen existing air quality violations, create new ones, or delay achieving air quality standards of the Air Quality Management Plan (AQMP). The project will employ strategies set forth by the multi-agency effort of the South Coast Air Quality Management District (SCAQMD), the California Air Resources Board (CARB), the South Coast Area Governments (SCAG), and the United States Environmental Protection Agency (U.S. EPA) to meet standards so construction and operational emission limits are not exceeded. Additionally, the project is consistent with the existing land use designation and zoning. As such, the project would not result in substantial unplanned growth or unaccounted for growth in the General Plan or job growth projections used by the SCAQMD to develop the AQMP and will not exceed planned emission limits. Impacts in this regard would be less than significant and mitigation is not required.

### ***Would the proposed project, result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?***

**Basis for Conclusion:** The construction phase of the project will generate short-term emissions of criteria air pollutants, including ozone precursors [volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Measures such as SCAQMD Rules 402, 403, and 1113 will be implemented to control fugitive dust and regulate emissions from construction activities. Based on CalEEMod modeling data projected construction-related emissions are below SCAQMD thresholds, ensuring a less than significant impact on air quality during construction.

Long term operational emissions from area sources, energy use and generators, mobile sources, and other equipment will not exceed SCAQMD thresholds for any criteria air pollutants. The project also will be subject to and comply with the Perris Good Neighbor Guidelines (GNG) 2022 which contain policies applicable to operational emissions and it would ensure all outdoor cargo handling equipment to be zero emission/powered by electricity, to further reduce emissions.

Short term cumulative emissions would be below the thresholds published by the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). To ensure emissions remain below thresholds, and in accordance with SCAQMD standards outlines in the Air Quality Management Plan (AQMP), fugitive dust controls such as water application would ensure that the project emissions are controlled. Also, because the project also will not exceed SCAQMD thresholds, and no project alone is sufficient in size to exceed thresholds, the project will not result in long-term cumulative impacts. Thus, project operations will not combine with other past, present and reasonably foreseeable projects to result in a cumulatively considerable net increase of any nonattainment criteria pollutant. Impacts would be less than significant, and no mitigation is required.

***Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?***

**Basis for Conclusion:** the project site is vacant and surrounded by existing industrial development, vacant land, outdoor recreation, and the Perris Valley Airport. There are not a substantial number of people in proximity to the project that could be affected by odors. Temporary odors associated with typical construction activities, such as diesel exhaust from grading and construction equipment will be emitted. Odors from these emissions, however, are transient, will dissipate quickly, and the project will conform to SCAQMD Rule 402, which will further minimize nuisances on nearby land uses. Further, the project does not involve any of the land uses identified by the SCAQMD as significant odor sources. Impacts will be less than significant in relation to odor emissions and mitigation is not required.

### Biological Resources

***Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

**Basis for Conclusion:** The project site has not been identified as occurring in a wildlife corridor or linkage. The project site is vacant, has been heavily disturbed, and is bordered by existing development to the east, Ellis Avenue to the north, a paintball facility to the west, and the BNSF railroad, Case Road to the south, vacant property and Perris Valley Airport to the south and southwest. The project will not affect the San Jacinto River or the MSHCP Proposed Constrained Linkage 19, ensuring minimal impact.

### Energy

***Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?***

**Basis for Conclusion:** Energy use for construction will primarily be from the consumption of diesel fuel for on and off-road vehicles, and gasoline for worker vehicle trips. Minor amounts of energy would be used by generators and powering of electrical equipment during construction. Overall energy for project construction will be minimal and operation of tools and machines will be done to conserve fuel and maximize efficiency. Project fuel use for construction will increase fuel use in the County by approximately 0.03 percent for diesel and 0.02 percent for gasoline. The project is needed to increase efficiency in transportation of goods and materials, increase employment and economic benefit in the region while minimized energy consumption doing so. Thus, project construction will have a nominal effect on the local and regional energy supplies and will not be inefficient, wasteful, or unnecessary.

Operation of the project will require energy for heating, cooling, ventilation, water heating, electrical system, and onsite appliances, lighting, and equipment. Annual operation would use approximately 4,120 MWh of electricity, 122,843 therms of natural gas, 96,436 gallons of diesel, and 166,213 gallons of gasoline. The project will comply with all applicable energy efficiency regulations such as 2022 Title 24 Part 6 building standards and appliances and Section 19.69.030, Non-Residential Regulations of the City's Development Code, provisions of the City's green policies and CALGreen standards. Thus, project

operation will have a nominal effect on the local and regional energy supplies and will not be inefficient, wasteful, or unnecessary. Impacts will be less than significant.

***Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?***

**Basis for Conclusion:** Project design and operation would comply with the applicable State Building Energy Efficiency Standards, appliance efficiency regulations, and CalGreen building standards. The building would be designed and required to obtain Silver LEED Certification and solar panels capable of providing 100 percent of the power to the office area of the building would be installed. Adherence to the California Public Utilities Commission's energy requirements, as well as the most current Title 24 and CALGreen standards would ensure conformance with the applicable goals and policies, as well as the State's goal of promoting energy efficiency and renewable energy. Impacts would be less than significant.

## Geology and Soils

***Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

***ii) Strong seismic shaking?***

***iii) Seismic-related ground failure, including liquefaction***

***iv) Landslides?***

**Basis for Conclusion:** The project site is located within a seismically active region and strong seismic ground shaking could occur. The project will conform to the most recent City of Perris Municipal Code Title 16, Buildings and Construction and as required by General Plan Safety Element Policy S-7.2, the project will be built and maintained in accordance with the site-specific Geotechnical Engineering Investigation (Appendix G). The project site is not located in a State seismic hazard zone specific to liquefaction and soils encountered during subsurface investigations were very dense decomposed granite with very low liquefaction potential. Lastly, the project site is relatively flat and is not located in an area mapped as an earthquake-induced landslide hazard area. Impacts will be less than significant.

***Would the Project result in substantial soil erosion or the loss of topsoil?***

**Basis for Conclusion:** Grading and construction will temporarily increase the potential for the site erosion to occur. The project will be constructed in accordance with the City of Perris Stormwater/Urban Runoff Management and Discharge Control Ordinance (City of Perris Municipal Code, Chapter 14.22), and the project will implement a Stormwater Pollution Prevention Plan (SWPPP) with best management practices (BMPs) consistent with the National Pollution Discharge Elimination System (NPDES). Implementation of these plans and measures will reduce runoff and impacts on downstream receiving waters during construction. A post construction Water Quality Management Plan (WQMP) will be implemented consistent with the City's Ordinance and the Riverside County WQMP, and include appropriate site design, source control, and treatment control BMPs and low impact development (LIDs) to minimize the potential for polluted post construction runoff. Impacts will be less than significant

***Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***

**Basis for Conclusion:** The project site is flat and level and is not adjacent to any hills, steep slopes, drainages, or areas with saturated or shallow groundwater or sandy, loose, or unconsolidated soils. Thus, the project would not be affected by and would not exacerbate the potential for landslides, lateral spreading, or collapse, and the potential for liquefaction is low. The proposed project would be required to conform with the requirements set forth in the City of Perris Municipal Code as detailed in the above sections and all pertinent portions of the CBC. This would include approval of grading plans, which would consider existing soils, existing grades, depth to groundwater, and the potential for the site to experience instability and further ensure impacts are less than significant.

***Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?***

**Basis for Conclusion:** The surface and near-surface soils at the project site exhibit a low to moderate potential for expansion. Adherence to established regulatory standards will ensure impacts remain less than significant.

## Greenhouse Gas Emissions

***Would the project generate GHG emissions, either directly or indirectly, that could have a significant impact on the environment?***

**Basis for Conclusion:** During construction, the amortized project emissions are estimated to be around 54 metric tons of CO<sub>2</sub> equivalent (MTCO<sub>2</sub>e) per year for short-term GHG emissions. These emissions will cease once construction is complete. Regarding long-term operational GHG emissions the project is anticipated to generate approximately 5,427 MTCO<sub>2</sub>e annually from both construction and operations. These emissions do not exceed the 10,000 MTCO<sub>2</sub>e per year threshold set by the City of Perris. To ensure project emissions are below these levels, the project will conform to the 2022 Title 24 Part 6 building standards, and Section 19.69.030, Non-Residential Regulations of the City's Development Code, both of which contain elements (e.g. enhanced insulation, use of energy-efficient lighting and appliances, shade trees in parking areas) that will reduce GHG emissions. For these reasons impacts will be less than significant.

***Would the project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions?***

**Basis for Conclusion:** The proposed project will not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing GHG emissions and will not hinder SCAG's efforts to meet the region's post-2020 targets for reducing GHG emissions from mobile sources. The project also would include measures in the City's Climate Action Plan, General Plan, and Development Code (Section 19.69.030 - Non- Residential Regulations) including sustainability features, to reduce GHG emissions. Furthermore, the project will not conflict with the SCAG Regional Transportation Plan/Sustainable Communities Strategy and will adopt and implement several measures outlined in the CARB Scoping Plan, including the low carbon fuel standard, vehicle emissions standards, building energy efficiency standards, market-based mechanisms like the cap-and-trade program, and the Renewable Portfolio Standard. Hence,

the project aligns with and will not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. Impacts will be less than significant.

## Hazards and Hazardous Materials

***Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***

**Basis for Conclusion:** The project site is vacant and undeveloped, with minimal historical evidence of grain/hay-related agriculture. Soil testing of the site revealed some soil with contamination levels. All of which were less than the state and federal hazardous waste criteria except for arsenic. Testing revealed the soluble arsenic levels were below the California Soluble Threshold Limit Concentration. Remedial actions were taken, and the soils were removed and disposed of at an off-site a certified facility. No indications of vapor were identified. Project construction and operation will not require the routine transport, use, or disposal of acutely hazardous materials. Some common hazardous materials, such as fuels, solvents, greases, lubricants, and cleaning materials will be used and handled in strict adherence to federal, local, and state regulations, as well as compliance with the project site's zoning. Thus, construction and operation of the project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts will be less than significant.

***Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

**Basis for Conclusion:** The proposed project will not require the use or storage of acutely hazardous materials. The site was previously remediated and contaminated soils were removed and disposed of at a regulated off-site facility. No indications of vapor intrusion were identified. The zoning of the project site prohibits the development of hazardous materials storage or waste facilities, and no such activities will occur. Use of all common hazardous materials and substances on-site (i.e. solvents, fuels, lubricants, etc.) will comply with relevant health and safety regulations. Impacts will be less than significant.

***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?***

**Basis for Conclusion:** The project complies with all requirements and development conditions of the Airport Influence Area Boundary depicted in the Perris Valley Airport Land Use Compatibility (PVALUCP). The conforms to all requirements of Zone D and Zone E in which it is located and does not require FAA airspace safety review because it does not intersect with FAR Part 77 surfaces. The project is not in proximity to the March Air Reserve Base and is outside both the Clear Zone (CZ) and/or Accident Potential Zone (APZ) by approximately 2.5 miles. Furthermore, the project site lies outside the 65 dBA CNEL noise contours for both airports. These facts ensure that no safety hazards or excessive noise exist for workers in the area and impacts will be less than significant.

***Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

**Basis for Conclusion:** Construction of the proposed project may necessitate temporary detours, although access to all major roads will remain available throughout this phase and operation of the project. Circulation paths will be designed to meet emergency-access standards. Moreover, the project will undergo thorough review to ensure compliance with relevant Fire Code and Building Code requirements during the building permit phase and it will not conflict with the City of Perris Emergency Operations Plan (EOP), or Local Hazard Mitigation Plan (LHMP). Impacts will be less than significant.

***Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?***

**Basis for Conclusion:** The project site is disturbed, contains upland ruderal vegetation and is managed for control of vegetation and weeds. Neither the site or surrounding properties have dense vegetation like forests or other communities such as coastal sage scrub prone to wildfire. The immediately surrounding areas consist of similar vegetation patterns or industrial and commercial developments. Therefore, the potential for the construction and operation of the proposed project to increase wildfire risk in the area is less than significant.

## Hydrology and Water Quality

***Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?***

**Basis for Conclusion:** The project will result in grading and excavation on the site during the construction phase and increased impermeable surfaces during operations would increase potential runoff. During construction, the project will implement a Stormwater Pollution Prevention Plan (SWPPP) with best management practices (BMPs) consistent with the National Pollution Discharge Elimination System (NPDES) and go through the City permitting process which will ensure runoff is reduced and impacts on downstream receiving waters is minimized. Post construction, the project will implement operational BMPs, including maximizing permeable surfaces (21.6% landscaped surfaces and drainage facilities such as swales and detention and bioretention basins), and controlling stormwater pollutants using a Water Quality Management Plan (WQMP) with Low Impact Development (LID) strategies. This will include but not be limited to source controls and pre discharge treatments. These measures, coupled with compliance with city regulations, ensure the project will not result in a violation of water quality standards or degrade surface and groundwater quality. Impacts will be less than significant.

***Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:***

- i) Result in substantial erosion or siltation on- or off-site?***
- ii) Substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?***
- iii) Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?***
- iv) Impede or redirect flood flows?***



**Basis for Conclusion:** The project will not alter the course of a river or stream. The closest waterway is an ‘intermittent riverine’ channel approximately 0.36-miles southwest. While the project will increase impermeable surfaces, the project will implement a project-specific Water Quality Management Plan (WQMP) defining Low Impact Development (LID) site design, source controls, treatment BMPs, underground storage facility and treatment units to minimize changes in runoff patterns. The use of swales, landscaping, and detention/retention basins will reduce water flow velocities and will manage stormwater and reduce the potential for on-site or off-site erosion and/or siltation which could degrade water quality, result in flooding or change flood flows, or exceed the capacity of planned and existing drainage facilities. The City will review plans prior to project approval to confirm compliance with all applicable drainage design standards and ensure the project will not significantly raise surface runoff rates or volumes that could cause flooding on or off the site. Impacts will be less than significant.

***In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?***

**Basis for Conclusion:** The project site is above the base flood elevation, of the FEMA floodway area. Although within the Lake Perris Dam inundation zone, recent seismic safety upgrades and emergency release plans significantly mitigate the risk of flooding from the dam. The project site is not located along a coastline and is not near a confined water body so is not at risk from a tsunami or seiches. Thus, the project does not pose a substantial risk of release of hazardous materials from flooding and impacts are less than significant.

***Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

**Basis for Conclusion:** The project will implement a project-specific Water Quality Management Plan (WQMP) defining Low Impact Development (LID) site designs, source controls, treatment BMPs, underground storage facilities and treatment units. These and other drainage facilities such as swales, landscaping, and detention/retention basins will reduce water flow velocities, will manage stormwater, and reduce the risk of the potential for on-site or off-site erosion and/or siltation which could degrade water quality or impact groundwater recharge. The project includes other measures to increase runoff retention and increase time of concentration to encourage water infiltration. The project will strictly comply with local and state regulations and permitting requirements. This will further ensure impacts are less than significant.

## Land Use

***Would the Project 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 an environmental effect?***

**Basis for Conclusion:** The project does not conflict with the Perris Valley Airport Land Use Compatibility Plan (PVALUCP) or the March Air Reserve Base/Inland Port Airport, the City of Perris General Plan goals and policies, or Southern California Association of Governments 2020 Regional Transportation Plan/Sustainable Community Strategies. Consistency with these land use planning policy documents will prevent significant environmental impacts that could result from land use conflicts. Impacts are less than significant.

## Mineral Resources

***Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?***

**Basis for Conclusion:** The Updated Mineral Land Classification Map for Portland Cement Concrete-Grade Aggregate in the San Bernardino Production-Consumption (P-C) Region, San Bernardino and Riverside County, California shows the project site is not in a mineral resource zone (MRZ) and is in an Urban Area. The project site also is in an area that is urbanizing with new commercial and residential uses. This further makes use of the site, even if mineral resources were located, for extraction purposes infeasible. As a result, the initial study found that impacts would be less than significant.

## Noise

***Generation of excessive ground borne vibration or ground borne noise levels?***

**Basis for Conclusion:** The project will generate minimal ground-borne vibrations primarily from the use of heavy equipment on-site during the construction phase. At 75 feet from the nearest structure west of the site, vibrations would not exceed 0.017 in/sec PPV, which is below the FTA threshold for potential building damage. Vibrations at approximately 830 feet from the construction area will be below 0.0005 in/sec PPV, which also is below the FTA annoyance threshold. Additionally, a rail spur on the site's southwestern edge would occasionally store train cars. Since the FTA does not classify nearby industrial structures or a paintball park as sensitive to ground borne vibrations, vibrations associated with both construction and project operation will be less than significant.

***For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?***

**Basis for Conclusion:** The Perris Valley Airport is located approximately 0.35 mile west of the project site and will generate noise. The project site is outside the 55 dBA CNEL noise contour shown in the Airport Land Use Compatibility Plan for Perris Valley Airport. The site also is located outside the 60 dBA CNEL noise contour for March Air Reserve Base/Inland Port Airport (MARB/IPA). Thus, while occasional aircraft noise may be audible at the project site neither exterior or interior noise levels would exceed the City's normally accepted noise standards. Workers will not be subjected to excessive noise levels. Impacts will be less than significant.

## Population and Housing

***Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

**Basis for Conclusion:** The project does not have a residential component and will not result in direct population growth. None of the project improvements will facilitate or induce substantial new residential development that would result in population growth in adjacent areas or City or region. Therefore, impacts associated with growth inducement will be less than significant.

## Recreation

***Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?***

***Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?***

**Basis for Conclusion:** The project will not result in substantial population growth that will substantially increase demand for existing recreational resources including neighborhood and regional parks or other recreational facilities. The project will not result in physical deterioration to any existing recreational resources such that new facilities or expansion of existing facilities, the construction of which could impact the environment, will be needed. Impacts will be less than significant.

## Public Services

***Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:***

***i) Fire protection?***

**Basis for Conclusion:** The nearest fire station (Fire Station 101) to the project is Riverside County Fire Department (RCFD) fire station located at 105 S. F Street approximately 1.1 miles to the northwest. The project may temporarily increase demands on the RCFD if responses to the project site are required during construction or operation. However, the nature of industrial warehouse operations typically results in low service demands and the project will obey stringent safety measures mandated by OSHA and Cal/OSHA, such as having safety equipment, a fire sprinkler system and alarms, and a fire prevention. This will reduce risks and minimize the demand for emergency services. Impacts will be less than significant.

***ii) Police Protection:***

**Basis for Conclusion:** The project may temporarily increase demands on the Riverside County Sheriff's Office (RCSO) if responses to the project site are required during construction or operation. However, the nature of industrial warehouse operations typically results in low service demands per employee. The project will obey stringent safety measures mandated by OSHA and Cal/OSHA and this will reduce risks and minimize the needed for emergency response. Impacts will be less than significant.

## Transportation

***Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

**Basis for Conclusion:** During construction, vehicle traffic associated with the project will fluctuate depending on the phase of construction activities, but these impacts will be temporary and cease once the project is completed. Operation of the project will generate 1,693 passenger car equivalent (PCE) trips

daily, with peaks of 129 PCE trips in the morning and 146 PCE trips in the evening. Public transit via the nearby South Perris Metrolink Station will remain accessible during both project construction and operation. The project also will not impact existing or planned bicycle lanes or pedestrian facilities along Ellis Avenue. The project's compliance with local circulation plans and ordinances ensures a less than significant impact on transportation systems and no mitigation is required.

***Would the Project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?***

**Basis for Conclusion:** The project will generate additional vehicle miles and was evaluated pursuant to the City of Perris Transportation Impact Analysis (TIA) guidelines. Projects are presumed to have a less than significant impact on VMT if they satisfy at least one of the VMT Screening Criteria. The project will meet criterion (D) "Is the Project in a low VMT area?" of the vehicle miles travelled (VMT) Screening Criteria. Thus, according to the Western Riverside Council of Governments (WRCOG) traffic analysis zone (TAZ) 3826, the project is in a low VMT area. Impacts would be less than significant.

***Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

**Basis for Conclusion:** Access to the project site will be provided via two unsignalized full-access driveways on Ellis Avenue. Both will adhere to City and Riverside County Fire Department (RCFD) standards. The project design will ensure safe maneuverability for emergency vehicles, private vehicles travelling to and from the project site, and private vehicle travelling along Ellis Avenue. Within the project site standard parking spaces and truck parking spaces will comply with City standards and facilitate efficient vehicle movements. Additionally, the project is designed to accommodate future rail access from the adjacent BNSF/Southern California Railroad Authority (SCRRA) Metrolink railway, including a planned rail spur for loading and unloading rail cars. The project design ensures compatibility with surrounding land uses and includes safety measures to mitigate potential risks associated with rail operations. Impacts will be less than significant with no mitigation required.

## Utilities

***Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

### **Water Supply:**

**Basis for Conclusion:** The project site does not have existing water service but is within the Eastern Municipal Water District (EMWD) service area and there are existing lines within Ellis Avenue, which the project will tie into. The project will increase water demand, but the increased use is consistent with the General Plan land use designation and zoning. The project demand will be within normal growth projections for water demand in the EMWD system. The project will comply with all applicable regulations, and local programs in place to reduce water consumption and it will implement water conservation measures. The project will not require relocation or construction of new or expanded water facilities that could have an impact on the environment. Impacts will be less than significant.

## Wastewater

**Basis for Conclusion:** The project site does not have existing wastewater service but is within the EMWD service area for wastewater conveyance and treatment and there are existing wastewater lines within Ellis Avenue. The sewer lines that will be constructed as part of the project will convey wastewater to the Perris Valley Regional Water Reclamation Facility (PVRWRF). The PVRWRF has a treatment capacity of 100 million gallons per day (mgd). Planned growth in the City is expected to generate approximately 30.5 mgd. Thus, capacity at the PVRWRF will be adequate to serve the project. New or expanded wastewater facilities outside the scope of the project, the construction of which could have an impact on the environment will not be required. Impacts will be less than significant.

## Stormwater

**Basis for Conclusion:** The project will increase impervious surfaces which will potentially increase runoff from the project site. The project will comply the National Pollution Discharge Elimination System (NPDES) requirements including implementation of the Storm Water Pollution Prevention Plan (SWPPP) and associated best management practices (BMPs) to reduce the potential for pollutant and sediment to be carried off-site. The project also will implement a Water Quality Management Plan (WQMP) for operation to include use operations BMPs and low impact development (LIDs) such as swales, basins, and incorporation of landscaping to minimize runoff volumes. The stormwater control plans will be consistent with Regional Water Quality Control Board (RWQCB) requirements and will be approved by the City prior to project approval and issuance of any grading permit. Impacts will be less than significant.

## Electric Power, Natural Gas, and Telecommunications Facilities

**Basis for Conclusion:** The project site is located within an urban area with a mix of surrounding uses including industrial and commercial uses. Natural gas is provided by SoCalGas and electricity is provided by Southern California Edison (SCE) and they will continue to provide service to the project site. Telecommunications will be provided by AT&T, Comcast, Viasat, Frontier, and/or Spectrum. The project will tie into existing service lines within the project footprint and previously disturbed areas such as Ellis Avenue that were evaluated as part of the project. No additional impacts would occur from the need to expand these utility services. Impacts will be less than significant.

***Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?***

**Basis for Conclusion:** Potable water will be provided to the project by EMWD. Based on EMWD 2020 Urban Water Management Plan (UWMP) demand at the project site, light industrial land use, was a total of 84.94 acre-feet per year (AFY). The total water demand for the project is estimated to be 21.24 AFY (63.7 AFY or 75% less). The EMWD has determined that it is able to meet water demands within its service area in normal, single- and multiple-dry water years through 2045 and would use imported water from the Metropolitan Water District (MWD) to supplement existing supply sources. To reduce water consumption, the project will implement and comply with all applicable water conservation measures to promote water efficiency on-site. Thus, the project is within the maximum build out of the General Plan

considered by the General Plan EIR which serves as the basis for UWMP projections. Therefore, the anticipated project demand will be within normal growth projections for water demand in the EMWD service area and the project will not exceed water supply. Impacts will be less than significant.

***Would the Project result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

**Basis for Conclusion:** Development of the project site under the General Plan is estimated to generate 30.5 mgd of average dry weather influent flow to the EMWD PVRWRF. The PVRWRF has excess capacity and the project will generate substantially less wastewater than was anticipated under the General Plan and considered in the General Plan EIR and thus will have adequate capacity for the project. Therefore, the project will not result in an exceedance of the treatment capacity necessitating improvements or expansions the result of which could impact the environment. Impacts will be less than significant.

***Would the Project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***

***Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

**Basis for Conclusion:** Solid waste from the project will be disposed of at either the El Sobrante Landfill or Badlands Landfill. Future buildout of the City under existing General Plan designations is anticipated to generate an additional 396,963 tons per year of solid waste. The General Plan EIR determined that the remaining capacity at both the Badlands Landfill and the El Sobrante Landfill will be sufficient to meet the City's solid waste demands at buildout and each has sufficient capacity to serve the project. The project also will comply with AB 939 which mandates the reduction of solid waste disposal in landfills and will comply with Section 5.408.1 of the 2022 California Green Building Standards Code which requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste. Therefore, the project will not generate waste in volumes that new or expanded landfill capacity would be needed such that an impact on the environment would occur. Further, the project will comply with all applicable federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts will be less than significant.

## SECTION 5: ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

Pursuant to PRC Section 21081(a) and State CEQA Guidelines Section 15091(a)(1), based on substantial evidence, the City finds that for each of the impacts discussed below the project's potentially significant impacts have been avoided, offset or reduced to less than significant levels in consideration of existing regulatory plans and programs.

### Aesthetics

***Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?***

**Basis for Conclusion:** Lighting and or glare related to the construction activities on the proposed project site would comply with applicable requirements set forth by the City of Perris Zoning Ordinance. To avoid

the creation a new source of substantial light or glare, the proposed project would be subject to Ordinance No. 655. With implementation of mitigation measure MM AES-1, impacts would be reduced to a less than significant level because it would ensure that any construction lighting would be shielded and would be downward facing to avoid construction lighting from occurring outside of the project area.

#### **Mitigation Measures:**

**MM AES-1** Prior to the issuance of grading permits, the property owner/developer shall provide evidence to the City that the Contractor Specifications require that: (1) 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, onto adjacent. Compliance with this measure shall be verified by the City of Perris' Building Division prior to the issuance of grading permits.

**Finding:** The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that MM AES-1 is feasible, is adopted, and will reduce the aesthetic impacts of the project to less-than-significant levels. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid potentially significant aesthetic impacts of the Project identified in the EIR.

#### **Air Quality**

##### ***Would the proposed project, expose sensitive receptors to substantial pollutant concentrations?***

**Basis for Conclusion:** Impacts to sensitive receptors, the nearest of which are residential uses approximately 830 feet to the west of the project, were modeled with the SCAQMD's recommended methodology using the Local Significance Thresholds (LST). The nearest sensitive receptors are single-family residences located to the west of the project. Modeling and analysis revealed the emission during construction, operation, impacts from criteria pollutants (NOX) carbon monoxide (CO) including CO hotspots, and PM10 and PM2.5, will be below significance thresholds.

Carcinogenic risk, from emissions of diesel particulate matter primarily from the exhaust of off-road, heavy-duty diesel equipment for site preparation (e.g., clearing, grading); paving; on-road truck travel, and application of architectural coatings, was modeled based on the California Office of Environmental Health Hazard Assessment (OEHHA) Risk Assessment Guidelines.

The unmitigated Carcinogenic risk from construction emission for residential and worker receptors will be 0.24 and 0.37 risk permission (RPM) which is less than the 10 RPM threshold. The unmitigated operational cancer risk for residential and worker receptors would be 69.72 RPM and 83.01 RPM, respectively. The unmitigated combined construction and operational cancer risk for residential and worker receptors would be 56.23 RPM and 83.37 RPM, respectively. This will exceed the SCAQMD threshold.

Because of the exceedance, **MM-AQ-1** will be incorporated and would reduce the operational cancer risk to 1.33 RPM for residential receptors and 0.85 RPM for worker receptors. Reductions for the combined construction and operational cancer risk would be reduced to 1.34 RPM for residential receptors and 1.18 RPM for worker receptors.

Non-carcinogenic impacts also were evaluated and will be less than the SCAQMD thresholds without mitigation. Implementation of **MM AQ-1** will further reduce emissions for residential receptors to 0.0003

and worker receptors to >0.0001 where the Chronic Health Hazard threshold is 1.0. Therefore, impacts related to health risk from the project will be less than significant with implementation of **MM AQ-1**.

#### **Mitigation Measures:**

**MM-AQ-1** Only zero emission (ZE) off-road equipment (e.g., electric yard trucks/hostlers, forklifts, indoor material handling equipment, etc.) shall be utilized on-site for daily warehouse and business operations. The project facility owner shall disclose this requirement to all tenants/business entities prior to the signing of any lease agreement. In addition, the limitation to use only ZE off-road equipment shall be included in all leasing agreements.

Prior to issuance of a Business License for a new tenant/business entity, the project facility owner and tenant/business entity shall provide to the City of Perris Planning Division a signed document (verification document) noting that the project development/facility owner has disclosed to the tenant/business entity the requirement to use only ZE equipment for daily operations. This verification document shall be signed by authorized agents for the project facility owner and tenant/business entities. In addition, if applicable, the tenant/business entity shall provide documentation (e.g., purchase or rental agreement) to the City of Perris Planning Division to verify, to the City's satisfaction, that any off-road equipment utilized will be ZE.

**Finding:** The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that **MM AQ-1** is feasible, is adopted, and will reduce the air quality impacts of the project to less-than-significant levels. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid potentially significant air quality impacts of the project identified in the EIR.

#### **Biological Resources**

***Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?***

**Basis for Conclusion:** Grading and construction activities would alter the site to facilitate development of the project and has the potential to affect 13 special status plant species with a low potential to occur, -Munz's onion (*Allium munzii*), San Jacinto Valley crownscale (*Atriplex coronate* var. *notatior*), Parish's brittle scale (*Atriplex parishii*), Davidson's salt scale (*Atriplex serenana* var. *davidsonii*), thread-leaved brodiaea (*Brodiaea filifolia*), smooth tarplant (*Centromadia pungens* ssp. *laevis*), paniculate tarplant (*Deinandra paniculate*), vernal barley (*Hordeum intercedens*), Coulter's goldfield (*Lasthenia glabrata* ssp. *coulteri*), little mousetail (*Myosurus minimus*), spreading navarretia (*Navarretia fossallis*), and Wright's trichoronis (*Trichocoronis wrightii* var. *wrightii*), 5 special status wildlife species with a moderate potential to occur), Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), burrowing owl (*Athene cunicularia*), California horned lark (*Eremophila alpestris actia*), and loggerhead shrike (*Lanius ludovicianus*), and Crotch's bumblebee (*Bombus crothii*) (CBB) which is presumed absent but for which a pre-construction survey is best practice.

To verify no listed plants or wildlife are on the project site prior to initiation of construction, **MM BIO-1**, **MM BIO-2**, **MM BIO-3**, **MM BIO-4** will be implemented. Pre-construction surveys for special status plant



and animal species and subsequent protection actions required by CDFW and/or USFWS, if species are present, will ensure impacts to special status species (including CBB) will be avoided and less than significant.

**Mitigation Measures:**

**MM-BIO-1** Focused special-status plant surveys shall be conducted for the listed special-status plant species during the spring blooming season prior to the start of project ground disturbing activities to determine if special-status plant species are present on the project site. Up to three (3) focused plant surveys shall be conducted to coincide with the flowering periods of the listed special-status plants species. The surveys shall follow protocols and guidelines that have been approved and recommended by the USFWS 1996 Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants; California Department of Fish and Wildlife 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities; and the California Native Plant Society 2001 Botanical Survey for the listed species. Results of the surveys shall be submitted to the City of Perris Planning Division. Should special-status plant species be detected on-site, project activities shall stop until such time that coordination with the CDFW and USFWS for plant avoidance, relocation, or take has occurred and compliance documentation (e.g., an approved avoidance or relocation plan) is submitted to the City of Perris Planning Division.

**MM-BIO-2** A pre-construction survey for Crotch's bumblebee shall be conducted prior to the start of project ground disturbing activities to determine if Crotch's bumblebee are present on the project site. The survey shall be conducted in collaboration with CDFW and USFWS staff as no formal protocol or method is in practice at the time of writing. Results of the survey shall be submitted to the City of Perris Planning Division. Should Crotch's bumblebee be detected on-site, project activities shall stop until such time that coordination with the CDFW and USFWS for bumblebee avoidance, relocation, or take has occurred and compliance documentation (e.g., an approved avoidance or relocation plan) is submitted to the City of Perris Planning Division

**MM-BIO 3** The project proponent shall retain a qualified biologist to conduct a pre-construction 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. In addition, if burrowing owls are observed during the MBTA nesting bird survey, to be conducted within three days prior to ground disturbance or vegetation clearance as required by Mitigation Measure BIO-4, the observation shall be reported to the Wildlife Agencies. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey and any relocation activity will be conducted in accordance with the current Burrowing Owl Survey Instructions for the Western Riverside MSHCP.

If burrowing owl 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 activities. 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.

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.

**MM-BIO 4** 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), 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 shall be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The on-site qualified biologist shall review and verify compliance with these nesting avoidance buffers and shall 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.

***Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?***

**Basis for Conclusion:** The project will not impact any wetland including vernal pools, riparian, or riverine habitats, amphibian species, or sensitive mammalian species, but the project site is located within the Mead Valley Area Plan area of the MSHCP within Criteria Cell 3276, an independent Criteria Cell, that contributes to the assembly of Proposed Constrained Linkage 19 along the San Jacinto River. The project site also is located within the designated survey area for burrowing owl, Narrow Endemic Plant Species, and Criteria Area Plant Species. To minimize impacts a Habitat Evaluation and Acquisition Negotiation Strategy (HANS) process was begun and the Western Riverside County RCA and/or the Joint Project Review, the County, Cities, or various State and Federal Agencies and if needed, negotiations with the applicant will be used to determine protect the function of the conservation areas.

Considering the on-site resources, adjacent properties and location within the MSHCP, the project will implement **MM-BIO-5** and **MM-BIO-6** to reduce impacts. **MM-BIO 5** incorporates specified urban/wildlife interface guidelines into the project to address indirect impacts such as drainage, toxics, lighting, noise, invasive plant species, barriers, and grading/land development, and the project would conform to MSHCP urban/wildlands interface standards. **MM-BIO-6** will ensure compliance with relevant best management practices required by the MSHCP, will reduce impacts to less than significant

**Mitigation Measures:**

**MM-BIO-5:** The following MSHCP urban/wildlife interface guidelines shall be incorporated into the project and verified by the City of Perris Planning Division as part of the Development Plan Review prior to the issuance of a grading permit.

- The project's stormwater shall be directed to a stormwater basin located on the project site. The basin shall be designed in accordance with all federal, state, regional, and local standards and regulations concerning water quality.
- During the construction of the project, the project is required to stage construction operations as far away from the MSHCP Conservation Area to the maximum extent feasible.
- Project light sources shall be designed with internal baffles to direct the lighting towards the ground and the developed areas and have a zero-side angle cut off to the horizon.
- Construction activities shall be limited to daytime hours and construction equipment shall be tuned and equipped with mufflers.
- Plant species acceptable for the project's landscaping shall not be considered an invasive species pursuant to Table 6.2 of the MSHCP. If the site is sufficiently contained such that invasive plantings would not be able to spread outside of the developed project footprint, invasive plantings may be allowed on the site with written approval from the City of Perris Planning Division.
- Suitable barriers, as defined by the MSHCP, shall be placed within the boundaries of the development and outside of the confines of the open space/MSHCP Conservation Area. The proposed building shall be separated from the conservation area by fencing and landscaping along the perimeter of the project site. Additionally, the stormwater outflow will have a perimeter fence

that will not restrict any flows out of the basin. The final fencing plan shall be reviewed and approved by the City of Perris Planning Division.

- Manufactured slopes associated with proposed site development shall not extend into the MSHCP Conservation Area.

**MM-BIO-6** The following MSHCP best management practices shall be incorporated into the project and verified by the City of Perris Planning Division as part of the Development Plan Review prior to the issuance of a grading permit.

- A condition shall be placed on grading permits requiring a qualified biologist to conduct a training session for project personnel prior to grading. The training shall include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act (Act) and the MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished.
- Water pollution and erosion control plans shall be developed and implemented in accordance with Regional Water Quality Control Board requirements.
- The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.
- Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. project related spills of hazardous materials shall be reported to appropriate entities and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.
- Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks.
- The qualified project biologist shall monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.
- The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species.
- Exotic species that prey upon or displace target species of concern should be permanently removed from the site to the extent feasible.
- To avoid attracting predators of the species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).

- Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.
- The Permittee shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs.

**Finding:**

The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that **MM BIO-1 through MM-BIO 6** are feasible, are adopted, and will reduce the biological resources impacts of the project to less-than-significant levels. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid potentially significant biological resources impacts of the project identified in the EIR.

**Cultural Resources**

***Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?***

**Basis for Conclusion:** The project site is highly disturbed and does not contain any known historical resources. Formal consultation with tribal contacts was undertaken and consultation was closed in December of 2023 with no further action required. Potential for impacts to unknown archaeological resources that qualify as historical resources on the project site would be reduced to less than significant with implementation of **MM-CUL-1**

**Mitigation Measures:**

**MM-CUL-1** Prior to the issuance of grading permits, the project proponent/developer shall retain a professional archaeologist meeting the Secretary of the Interior's Professional Standards for Archaeology (U.S. Department of Interior, 2012; Registered Professional Archaeologist preferred). The primary task of the consulting archaeologist shall be to monitor the initial ground-disturbing activities at the project 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 project 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, including initial vegetation removal, maintaining daily field notes and a photographic record, and for reporting all finds to the developer and the City of Perris in a timely manner. The archaeologist shall be prepared and equipped to record and salvage cultural resources that may be unearthed during ground-disturbing activities and

shall be empowered to temporarily halt or divert ground-disturbing equipment to allow time for the recording and removal of the resources.

In the event that archaeological resources are discovered at the project site or within the off-site project improvement areas, the handling of the discovered resource(s) will differ, depending on the nature of the find. Consistent with California Public Resources Code Section 21083.2(b) and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for Native American/tribal cultural/archaeological resources. However, it is understood that all artifacts, with the exception of human remains and related grave goods or sacred/ceremonial/religious objects, belong to the property owner. The property owner 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, the Augustine Band of Cahuilla Indians, the Agua Caliente Band of Cahuilla 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, the Augustine Band of Cahuilla Indians, the Agua Caliente Band of Cahuilla Indians, or the Rincon Band of Luiseño Indians shall be retained to assist the project archaeologist in the significance determination of the Native American 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. 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.

In the event that human remains are discovered at the project site or within the off-site project improvement areas, Mitigation Measure CUL-2 shall immediately apply and all items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling.

Native American artifacts that are relocated/reburied at the project site shall be subject to a fully executed relocation/reburial agreement with the assisting tribe(s). This shall include, but not be limited to, an agreement that artifacts shall be reburied on-site and in an area of permanent protection, and that reburial shall not occur until all cataloging and basic recordation have been completed by the consulting archaeologist.

Native American artifacts that cannot be avoided or relocated at the project site shall be prepared for curation at an accredited curation facility in Riverside County that meets federal standards (per 36 CFR Part 79) and available to archaeologists/researchers for further study. The project archaeologist shall deliver the Native American artifacts, including title, to the identified curation facility within a reasonable amount of time, along with applicable fees for permanent curation.

Non-Native American artifacts shall be inventoried, assessed, and analyzed for cultural affiliation, personal affiliation (prior ownership), function, and temporal placement. Subsequent to analysis and

reporting, these artifacts will be subjected to curation, as deemed appropriate, or returned to the property owner.

Once grading activities have ceased and/or the archaeologist, in consultation with the designated tribal representative(s), 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.

***Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?***

**Basis for Conclusion:** The project site is highly disturbed and does not contain any known archaeological resources. If unknown archaeological resources are discovered during project construction **MM-CUL-1**, which requires archaeological monitoring and appropriate treatment of unearthed archaeological resources would reduce impacts to less than significant.

***Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?***

**Basis for Conclusion:** The project site is highly disturbed and does not contain any known human remains or cemeteries. If human remains are inadvertently discovered during project construction activities but they could be destroyed, damaged, or lost. implementation of **MM CUL-2** will reduce impacts and the potential for the remains to be destroyed to less than significant.

**Mitigation Measures:**

**MM-CUL-2** In the event that human remains (or remains that may be human) are discovered at the project site or within the off-site project improvement areas during ground-disturbing activities, the construction contractors, project archaeologist, and/or designated representative shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the Riverside County Coroner and the City of Perris Planning Division immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

If the coroner determines that the remains are of Native American origin, the coroner would notify the Native American Heritage Commission (NAHC), which will identify the "Most Likely Descendent" (MLD). MLD shall be granted access to inspect the site of the discovery of Native American human remains and may recommend to the project proponent means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains will be determined in consultation between the project proponent and the MLD. In the event that there is disagreement regarding the disposition of the remains, State law will apply and mediation with the NAHC will make the applicable determination (see Public Resources Code Section 5097.98I and 5097.94(k)).

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

**Finding:** The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that **MM-CUL-1** through **MM-CUL-2** are feasible, are adopted, and will reduce the cultural resource impacts of the project to less-than-significant levels. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid potentially significant cultural resource impacts of the project identified in the EIR.

## Geology and Soils

### *Would the Project directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?*

**Basis for Conclusion:** The project will excavate materials at a depth greater than 5 feet has a high potential to encounter paleontological resources. To minimize potential effects and loss of these resources, the project will comply with the City General Plan Conservation Element Implementation Measure IV.A.4 which requires paleontological monitoring once subsurface excavations reach five feet in depth. The project includes this requirement as **MM-GEO-1**, which gives the paleontologist the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens to less than significant.

### **Mitigation Measures:**

**MM-GEO-1** Prior to the issuance of grading permits, the project proponent shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision of a qualified professional paleontologist (or his or her trained paleontological monitor representative) to be on-site for any project-related excavations that exceed five (5) feet below the pre-grade surface. Selection of the paleontologist shall be subject to approval of the City of Perris Planning Manager and no grading activities shall occur at the 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.

**Finding:** The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that **MM GEO-1** is are feasible, is adopted, and will reduce the geology and soils impacts of the project to less-than-significant levels. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid potentially significant geology and soils impacts of the project identified in the EIR.

## Tribal and Cultural Resources

***Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:***

***i) Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1?***

**Basis for Conclusion:** The project site was evaluated for the potential to have prehistoric/Native American cultural resources Based on the records search results, field survey, and NAHC Sacred Lands File search it the potential for the site to contain such resources is low. A total of 25 Tribal representatives were contacted via certified letter on September 8, 2022, according to Assembly Bill 52 (AB 52) requirements asking if they desired consultation. One tribe responded, consultation efforts continued and concluded after a meeting with City staff on November 30, 2023, but no know resources on the project site were identified. To minimize the potential for damage to unknown archaeological resources the project will implement **MM- CUL-1** that will protect unanticipated cultural resources if they were found during site development, and **MM- CUL-2** will ensure that any human remains encountered during project implementation are properly treated. Implementation of these measures will reduce impacts to unknown resources to a less than significant.

***ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?***

**Basis for Conclusion:** The project will implement **MM CUL-1** and **MM-CUL-2**, which would protect unanticipated cultural resources if they are found during site development and notification to the Native American Heritage Commission in the event human remains are discovered during ground disturbing activities. For these reasons, implementation of these measures would reduce impacts to unknown resources to a less than significant level.

**Finding:** The City adopts CEQA Finding 1 (State CEQA Guidelines §15091(a)(1)). The City finds that **MM CUL-1** through **MM-CUL-2** are feasible, are adopted, and will reduce the tribal cultural resource impacts of the project to less-than-significant levels. Accordingly, the City finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that mitigate or avoid potentially significant tribal cultural resources

impacts of the project identified in the EIR.

## SECTION 6: ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the City, pursuant to State CEQA Guidelines Section 15093 if the project is approved. Based on the analysis contained in the Draft EIR, the following impacts have been determined to fall within the “significant unavoidable impacts” category.

### Noise

***Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

**Basis for Conclusion:** Noise would be generated during construction by heavy equipment including excavators, graders, and dozers during grading; cranes, forklifts, pavers, tractors, and other machinery and equipment such as portable generators, to build the project structure and other onsite facilities. Noise from construction equipment as heard from the nearest residential property used to analyze construction noise impacts would not exceed the City of Perris 80 dBA  $L_{max}$  construction noise threshold applied to residential zones. As such, construction noise impacts would be less than significant.

Operation of the project would create a new source of noise and result in noise generation from mechanical equipment, truck and loading docks, use of the rail spur, parking and vehicle movements, and traffic generated in off-site project area roadways. All on-site noise generated from the project as heard at the nearest residence would be below the City of Perris standard of 60 dBA for exterior noise and 45 dBA for interior noise. There is one residential use, however, that will experience noise levels above the normally acceptable residential threshold. Noise generated from increased traffic along Ellis Avenue from Case Road to Redlands Avenue would increase by more than 3 dBA and exceed the residential threshold set by the City. Currently, there are no feasible or practical mitigation measures available to reduce off-site traffic noise at this location that will be caused by the project. Consequently, off-site traffic noise will be significant and unavoidable.

**Finding:** The City adopts CEQA Finding 3 (State CEQA Guidelines §15091(a)(3)) because even compliance with applicable policies, ordinances, and regulations, the Project will still have a significant and unavoidable impact concerning noise exceedances of thresholds. There are no feasible mitigation measures to reduce this impact to a less than significant level and there are no feasible alternatives to avoid the identified unavoidable significant impact. Pursuant to PRC Section 21081(a)(3), as described in the Statement of Overriding Consideration, the City has determined that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the project.

## SECTION 7: ALTERNATIVES TO THE PROPOSED PROJECT

Under CEQA, the identification and analysis of alternatives to a project is a fundamental part of the environmental review process. Public Resources Code (PRC) Section 21002.1(a) establishes the need to address alternatives in an EIR by stating that in addition to determining a project’s significant environmental impacts and indicating potential means of mitigating or avoiding those impacts, “the

purpose of an environmental impact report is to identify alternatives to the project.”

Direction regarding the definition of project alternatives is provided in State CEQA Guidelines Section 15126.6(a):

*An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.*

The State CEQA Guidelines emphasize that the selection of project alternatives be based primarily on the ability to reduce impacts relative to a proposed project, “...even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly.” The State CEQA Guidelines further direct that the range of alternatives be guided by a “rule of reason,” such that only those alternatives necessary to permit a reasoned choice are addressed.

*Among the factors that may be considered when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.*

Beyond these factors, the State CEQA Guidelines require the analysis of a “no project” alternative and an evaluation of alternative location(s) for a project, if feasible. Based on the alternatives analysis, the City must identify an environmentally superior alternative. If the environmentally superior alternative is the no project alternative, then the EIR must identify an environmentally superior alternative among the other alternatives. In addition, State CEQA Guidelines Section 15126.6(c) requires that an EIR identify any alternatives that were considered for analysis but rejected as infeasible and discuss the reasons for their rejection.

The Draft EIR evaluates potential environmental impacts that could result from the Housing Implementation Project, including future housing development on the housing sites.

The range of feasible alternatives must be selected and discussed in a manner to foster meaningful public participation and informed decision making. Several criteria were used to select alternatives to the Proposed Project. These criteria are described below.

## **Summary of Significant and Unavoidable Impacts**

The analysis in Section 4.0 found that the project would cause significant and unavoidable noise impacts from off-site traffic, both at the project level and cumulatively. Refer to Section 4.11, Noise, for more details. No feasible mitigation measures exist to reduce these impacts to a less than significant level.

## **Ability to Achieve Project Objectives**

State CEQA Guidelines Section 15126.6(f) (14 CCR) states:

The range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only

the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.

The State CEQA Guidelines do not require an EIR to consider every plausible alternative to a project, but rather must examine in detail only the ones which the lead agency determines could feasibly attain most of the basic project objectives.

The objectives of the proposed project are to:

- Develop a warehouse facility near Interstate-215, rail facilities, and major truck routes for optimal transportation access.
- Construct a single-pad warehouse that competes effectively within the local industrial marketplace.
- Ensure the warehouse use harmonizes with existing and planned adjacent developments.
- Introduce new land uses that align with the City's General Plan and Zoning Code flexibility.
- Enhance employment opportunities and generate revenue in line with current market demands.
- Upgrade utility infrastructure and landscaping for improved aesthetics and service reliability on the site.
- Comply with the March Air Reserve Base/Inland Port Airport and Perris Valley Airport Land Use Compatibility Plans to avoid conflicts.
- Support the efficient movement of goods, benefiting both local and regional economies.

### **Elimination/Reduction of Significant Impacts**

State CEQA Guidelines Section 15126.6(b) (14 CCR) states that "Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (PRC §21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

With implementation of the Mitigation Program identified for each topical issue, many of the potentially significant impacts resulting from future development on the housing sites would be reduced to a level considered less than significant. The following topical issues are expected to result in significant and avoidable impacts even after mitigation:

- Noise

### **Feasibility**

State CEQA Guidelines Section 15126.6(f)(1) (14 CCR) states:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553;

see *Save Our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4th 1745, 1753, fn. 1).

An EIR also does not need to consider alternatives whose effects cannot be reasonably ascertained and whose implementation is remote and speculative. If the lead agency determines no alternative projects or locations are feasible, it must disclose the reasons for this conclusion in the EIR (State CEQA Guidelines §15126.6).

Unlike a typical development project or even an update to a General Plan initiated by a local agency, the proposed Project is being undertaken to implement the City's 2021-2029 Housing Element, a state-mandated 6th Cycle RNHA that identified a specific number of new residential units that the City is required to plan for and accommodate. Each alternative was evaluated for its feasibility, its ability to attain the Project's objectives, and its ability to reduce and/or eliminate significant impacts associated with the Project.

### **Alternatives Rejected from Further Consideration**

State CEQA Guidelines Section 15126.6(c) specifies that an EIR should identify alternatives that were considered by the lead agency but were rejected during the scoping process and identify the reasons for eliminating the alternatives from further consideration. Section 15126.6(c) further indicates that a lead agency may eliminate an alternative from detailed consideration in an EIR if it fails to meet the basic project objectives, is infeasible, or does not avoid significant environmental impacts. Two such alternatives were considered and rejected by the city.

#### **Alternative Project Location**

According to State CEQA Guidelines Section 15126.6(f)(2), alternative sites must be considered if feasible options exist to mitigate significant impacts. An alternative location was reviewed but was ultimately dismissed by the city. This site did not offer substantial reduction in impacts compared to the proposed project site, which conforms to the existing General Plan's Light Industrial (LI) land use designations. Moving the project could potentially worsen air quality, greenhouse gas emissions, and traffic impacts, especially if it were situated farther from the freeway system and existing infrastructure.

CEQA mandates the evaluation of alternative sites to potentially mitigate impacts. However, environmental impacts on other City sites are anticipated to be like those of the proposed project. Additionally, alternative sites may exhibit equivalent or greater impacts depending on their biological or cultural resources. Given these considerations, relocating the project would not effectively lessen impacts but rather transfer them elsewhere. Therefore, this alternative did not satisfy the criteria for further consideration under CEQA.

This is consistent with State CEQA Guidelines Section 15126.6(f)(2)(A) which further notes the following concerning alternative locations:

The key question and first step in (alternative location) analysis is whether any of the significant effects of the Project would be avoided or substantially lessened by putting the Project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

Because the alternative site would not result in a reduction of impacts, it was removed from consideration.

### **Smaller Warehouse Alternative**

The proposed project would generate significant and unavoidable traffic noise impacts due to its traffic volume. Trip generation calculations indicate that reducing the warehouse size to approximately 380,000 square feet would be necessary to mitigate both direct and cumulative traffic noise impacts below significant levels, reducing the building size by 263,000 square feet or 41%. However, this alternative was rejected because downsizing the warehouse would not be viable within the industrial market, given the project's location, property size, and floodway constraints. The project site, zoned for light industrial use on 34.5 acres, is not conducive to significantly smaller development that would align with surrounding uses. Noise impacts along Ellis Road Avenue, assessed under a residential noise threshold due to nearby residential use, would likely remain significant and unavoidable on cumulative levels, even without the project.

Therefore, consistent with State CEQA Guideline Section 15126.6(c), above, because this alternative failed to meet the basic project objectives and was infeasible, and cumulative traffic noise would remain significant and unavoidable, this alternative was not further considered.

### **Analysis of Alternatives to the Proposed Project**

This section of the DEIR analyzes three alternatives against the potential environmental effects of the proposed project. As per State CEQA Guidelines Section 15126.6(d), the discussion of alternative impacts may be more concise than that of the project. Each alternative is described followed by its potential environmental impacts across various topics evaluated in this EIR.

#### **Alternative 1 - No Project Alternative**

**Description:** Alternative 1 is the “No Project” alternative and is required by the State CEQA Guidelines Section 15126.6(e) which allows the decision-makers to compare the potential impacts of the proposed Project with the potential impacts of not approving the proposed Project. Section 15126.6(e)(2) of the State CEQA Guidelines specifies the following:

The “no project” analysis shall discuss the existing conditions at the time the Notice of Preparation [NOP] is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

State CEQA Guidelines Section 15126.6(e)3(A) states:

When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future. Typically, this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Therefore, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

The No Project Alternative maintains the current General Plan land use designation and zoning district, leaving existing buildings and operations unchanged. No development occurs, preserving current environmental conditions with no new impacts.

**No Project Alternative Conclusion:** The No Project Alternative avoids all environmental impacts but fails to utilize the site effectively or meet project objectives outlined in the General Plan. The “No Project” alternative also fails to meet any of the stated objectives for the proposed project as described in Chapter 6.1 of the Final EIR. Therefore, economic and site suitability considerations per CEQA guidelines deem this alternative non-viable for productive land use.

### **Alternative 2 - Two Building Alternative**

A two-building, 643,400 square foot alternative was considered as a potential alternative to the proposed project. This alternative would reduce the bulk and scale of the proposed building.

**Two Building Alternative Conclusion:** The two-building design will meet most of the project objectives, but it will not meet the project objective of developing a single pad warehouse that will be competitive with others in the industrial warehouse marketplace in the vicinity. The Two-Building Alternative additionally does not reduce significant off-site traffic noise impacts, nor does it substantially lessen impacts. Although the Two-Building Alternative will reduce the building bulk and scale as compared to a single building, aesthetic impacts of the proposed project were found to be less than significant. Additional components of a two-building design that would conflict with other required design elements include the following:

- A two-building design would require additional driveways; the multiple driveways would not meet the City’s required separation distances on the project frontage along Ellis Avenue.
- The raised median constructed on Ellis Avenue would restrict access to driveway configuration necessary for a two-building design.
- A two-building design would not allow for the required separation between auto and truck traffic, increasing safety risks by mixing the auto and truck traffic.
- A two-building design would not allow the proposed driveways to match the alignments of the driveways with the approved driveway locations for the IDI project currently under construction across Ellis Avenue.
- A two-building design would constrain emergency access to and from the site due to floodway area on the project site, which precludes development in that area.

While the Two Building Alternative addresses some project objectives, it does not fully meet the objective of a single-pad warehouse development. Significant off-site traffic noise impacts and operational challenges related to driveway configurations will remain unresolved and this renders the Alternative 2 – Two Building Alternative less viable compared to the project.

### **Alternative 3 – Office Buildings Alternative**

The Office Buildings Alternative includes a professional office building that would be constructed consistent with the used Per Section 19.43 of the City’s Zoning Code to include with professional offices, “corporate offices, cultural and community facilities, financial institutions, legal and medical services, and other similar uses which represent major concentrations of community and employment activities.” two office buildings with up to a total of 174,000 square feet of building space on the project site. The buildings

would be two stories in height with each floor approximately 43,000 square feet in area. Professional office uses are permitted in the in the City's Light Industrial (LI) zone and these uses within the project site would be consistent with the allowed uses of the Downtown Specific Plan area which is located approximately 850 feet to the west of the project site. Uses in the Downtown Specific Plan area include, "an employment center, with new and existing one to three story commercial or light industrial uses. Large lot parcels would be encouraged to incorporate campus designs with ample employee amenities and parking towards the center or to the rear." An office building use(s) will generate fewer truck trips than a warehouse resulting in reduced noise.

The structures would be limited to two stories for consistency with the Downtown Specific Plan and structure height would be limited to ensure consistency with the Riverside County Airport Land Use Compatibility Plan (ALUCP) for the Perris Valley Airport. Parking (580 parking spaces onsite) and landscaping would be provided parking per the City's zoning code. This alternative would not develop within the floodway area and that portion of the project site would remain in its existing condition. Onsite amenities would include landscaped open space areas between the buildings with walkways, benches, and areas for smaller groups to congregate with picnic benches. These open space areas would also be required to meet the Zone D and Zone E requirements of the Riverside County ALUCP. Access to the project site would be off of Ellis Avenue via two access driveways and no rail spur connection to the adjacent BNSF railroad would occur under this alternative.

**Office Building Alternative Conclusion:** The two-building design could meet most of the project objectives, but it will not meet the project objective of developing a single pad warehouse to be competitive with the industrial warehouse marketplace in the vicinity. The Two-Building Alternative will not reduce significant off-site traffic noise impacts, nor will it substantially lessen impacts. Although the Two-Building Alternative will reduce the building bulk and scale as compared to a single building and aesthetic impacts of the proposed project were found to be less than significant, other impacts would remain. Additional components of a two-building design that would be inconsistent with design requirements include:

- The two-building design will require additional driveways; the multiple driveways will not meet the City's required separation distances on the project frontage along Ellis Avenue.
- The raised median constructed on Ellis Avenue will restrict access to driveway configuration necessary for a two-building design.
- The two-building design will not allow for the required separation between auto and truck traffic, increasing safety risks by mixing the auto and truck traffic.
- The two-building design will not allow the proposed driveways to match the alignments of the driveways with the approved driveway locations for the IDI project currently under construction across Ellis Avenue.
- The two-building design will constrain emergency access to and from the site due to floodway area on the project site, which precludes development in that area.

## SECTION 8: LONG-TERM IMPLICATIONS OF THE PROPOSED PROJECT

### Significant and Unavoidable Impacts (Draft EIR Section 5.1)

Section 15126.2(b) of the CEQA Guidelines requires that the EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant levels. Implementation of the project



would result in potentially significant impacts for the following topical issues: aesthetics, air quality, biological resources, cultural resources (historical resources), geology and soils, greenhouse gas (GHG) emissions, noise, tribal cultural resources, utilities and service systems, and wildfire. However, implementation of the Mitigation Program identified for these topical issues would reduce these impacts to levels considered less than significant except for noise.

**Noise:** Noise will be generated during both construction and operations of the project, each of which is discussed individually as follows.

Construction noise will be generated by heavy equipment including excavators, graders, and dozers during grading; cranes, forklifts, pavers, tractors, and other machinery and equipment such as portable generators, to build the project structure and other onsite facilities. Noise from construction equipment as heard from the nearest residential property used to analyze construction noise impacts would not exceed the City of Perris 80 dBA Lmax construction noise threshold applied to residential zones. As such, the construction noise impacts will be less than significant.

Operation of the project will create a new source of noise and result in noise generation from mechanical equipment, truck and loading docks, use of the rail spur, parking and vehicle movements, and traffic generated in off-site project area roadways. All on-site noise generated from the project as heard at the nearest residence will be below the City of Perris standard of 60 dBA for exterior noise and 45 dBA for interior noise. There is one residential use, however, that will experience noise levels above the normally acceptable residential threshold. Noise generated from increased traffic along Ellis Avenue from Case Road to Redlands Avenue will increase by more than 3 dBA and exceed the residential threshold set by the City. Currently, there are no feasible or practical mitigation measures available to reduce off-site traffic noise at this location that will be caused by the project. Consequently, off-site traffic noise will be significant and unavoidable.

## **Significant and Irreversible Environmental Changes (Section 5.2)**

State CEQA Guidelines Section 15126.2(c) requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project should it be implemented. Generally, the section notes that a project would result in significant irreversible environmental changes if the following occurs:

- The project would involve large amounts of nonrenewable resources during initial and continued phases in a way that would make their nonuse or removal unlikely;
- The primary and secondary impacts from the Project would generally commit future generations to similar uses;
- The project would involve uses in which irreversible damage could result from a potential environmental accident; and
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

**Would the Project involve a large commitment of nonrenewable resources in a way that would make their nonuse or removal unlikely?**

Development of the project will result in the dedication of the project site to industrial uses, thereby precluding other conflicting uses for the lifespan of the project. Construction of the project will require a commitment of resources that will include: (1) building materials; (2) fuel and operational materials/resources; and (3) the transport of goods and persons to/from the project site. Similarly, operation of the project will require a commitment of resources similar to those currently used within the City such as electricity and natural gas, petroleum-based fuels (e.g., gasoline and diesel for vehicle trips), fossil fuels (i.e., oil and natural gas), and water. Project operations will occur in accordance with all applicable resource conservation measures including California Code of Regulations (CCR) Title 24, Part 6, which sets forth conservation practices that would limit energy consumption and requires energy efficiency. Nonetheless, it is recognized that energy requirements will represent a long-term commitment of non-renewable resources. Lastly, restoration of the site to pre-developed conditions will not be feasible given the degree of disturbance, the urbanization of the site, and the level of capital investment.

In summary, the construction and operation of future development facilitated by the Project will result in the irreversible commitment of limited, slowly renewable, and non-renewable resources, which will limit the availability of these resource quantities for future generations or for other uses during the life of the individual developments. However, The City finds that the project's use of these nonrenewable resources will account for a minimal portion of the region's resources and will not affect the availability of these resources for other needs within the region. Construction and operation activities will not result in inefficient use of energy or natural resources. Long-term project operation will not result in substantial long-term consumption of energy and natural resources.

**Would the primary and secondary impacts generally commit future generations to similar uses?**

The project is consistent with the City's General Plan Land Use Element (goals and policies), Municipal Code and zoning map. The Project does directly commit future generations to similar uses since the intention of the project is to construct a warehouse on the project site and it will be infeasible to remove the structure. It is possible, the project could be repurposed to alternative use, however, uses would be limited due to the permanence of the structure and would be anticipated to be similar to those proposed.

**Would the Project involve uses in which irreversible damage could result from any potential environmental accidents associated with the Project?**

The project will use hazardous materials during construction and operation; however, these types of materials are not considered acutely hazardous. On-site soils were tested and found to have levels of arsenic above the allowable limits. These soils were removed from the site and properly disposed of offsite. Exposure of the public or the environment to hazardous materials can occur through transportation accidents; environmentally unsound disposal methods; improper handling of hazardous materials or hazardous wastes (particularly by untrained personnel); and/or emergencies, such as explosions or fires. The severity of these potential effects varies by type of activity, concentration and/or type of hazardous materials or wastes, and proximity to sensitive receptors. However, the project will comply with all applicable State and local health and safety requirements designed to preclude significant impacts related to the use and handling of materials on-site.

**Is the Project's proposed consumption of resources not justified (e.g., the Project involves the wasteful use of energy)?**

Public Resources Code (PRC) Section 21100(b)(3) and State CEQA Guidelines Section 15126.4 require EIRs to describe, where relevant, wasteful, inefficient, and unnecessary consumption of energy caused by a project. Assembly Bill 1575 also amended PRC Section 21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Thereafter, the State Resources Agency created State CEQA Guidelines Appendix F (Energy Conservation). Section 4.5: Energy, of the Draft EIR evaluates the future potential energy use associated with the project. The analysis concludes that the project will not result in a wasteful or inefficient use of energy resources during construction or operations due to energy conservation and compliance with federal, State, and local requirements for energy efficiency, including the most current Title 24 standards.

**Growth-Inducing Impacts (Draft EIR Section 5.3)**

State CEQA Guidelines Section 15126.2(d) requires that EIRs include a discussion of ways in which a project could induce growth. The State CEQA Guidelines identify a project as "growth-inducing" if it fosters economic or population growth or if it encourages the construction of additional housing either directly or indirectly in the surrounding environment. New employees from commercial or industrial development and new population from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. The project would therefore have a growth-inducing impact if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing;
- Remove obstacles to population growth;
- Require the construction of new or expanded facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

A project's potential to induce growth does not automatically result in growth. The State CEQA Guidelines require an EIR to "discuss the ways" a project could be growth-inducing and to "discuss the characteristics of some projects that may encourage...activities that could significantly affect the environment." However, the State CEQA Guidelines do not require that an EIR predict (or speculate) specifically where such growth would occur, in what form it would occur, or when it would occur. According to State CEQA Guidelines Section 15145: Speculation, the answers to such questions require speculation, which CEQA discourages. Under CEQA, the potential for growth inducement is not considered necessarily detrimental nor necessarily beneficial, and neither is it automatically considered to be of little significance to the environment. This issue is presented to provide additional information on ways in which the proposed

Project could contribute to significant changes in the environment, beyond the direct consequences of implementing the proposed project examined in the Draft EIR.

The following analyzes the Project's potential growth-inducing impacts for the criteria outlined above, in accordance with State CEQA Guidelines Section 15126.2(d). Potential growth-inducing effects are examined through analysis of the following questions:

**Finding:** As discussed in Chapter 5.3 of the Draft EIR, the project will not make a significant contribution to regional growth. The proposed project's development would not foster significant economic and population growth within the City directly or indirectly. The project will develop an approximately 643,419-square-foot industrial warehouse on approximately 33.51 acres within an area designated as Light Industrial (LI) in the General Plan and is zoned Light Industrial (LI). The project is surrounded by developed as well as undeveloped properties consisting of commercial, industrial, rail and transportation uses and the Perris Valley Airport further west and would not induce growth or remove a barrier to growth in any of these areas. The project will tie into existing utilities and would not expand capacity and will not increase the capacity of the area's roadways such that barriers to growth would be removed. The project will not directly increase employment opportunities and will create approximately 300 new jobs. However, this increase is incrementally small compared to the overall population in the (approximately 78,948 people<sup>1</sup>) and compared to the labor force (approximately 32,400 individuals<sup>2</sup>). Thus, the project would be incrementally small increase in jobs, and will not result in a substantial growth in population.

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<sup>1</sup> State of California Department of Finance, 2023, E-1 Cities, Counties, and the State Population and Housing Estimates with Annual Percent Change -January 1, 2022 and 2023, Available at [Estimates-E1 | Department of Finance \(ca.gov\)](https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-1_2023_InternetVersion.xlsx) and [https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-1\\_2023\\_InternetVersion.xlsx](https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-1_2023_InternetVersion.xlsx), Accessed May 10, 2023.

<sup>2</sup> State of California Employment Development Department (EDD), 2023, Labor Force and Unemployment Rate for Cities and Census Designated Places -Riverside, Available at <https://labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html> and <https://labormarketinfo.edd.ca.gov/file/lfmonth/rivesub.xls>, Accessed May 10, 2023

## SECTION 9: GENERAL CEQA FINDINGS

Based on the foregoing Findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. The plans for the proposed project have been prepared and analyzed so as to provide for public involvement in the planning and the CEQA processes.
2. To the degree that any impacts described in the Draft EIR are perceived to have a significant effect on the environment, or such impacts appear ambiguous as to their effect on the environment, any significant effect of such impacts has been substantially lessened or avoided by the mitigation measures set forth in the Draft EIR and Final EIR.
3. Comments regarding the Draft EIR received during the public review period have been adequately addressed in the Final EIR, Responses to Comments. Any significant effects described in such comments were avoided or substantially lessened by the mitigation measures described in the Draft EIR and Final EIR.

### 9.1 Findings Regarding Recirculation

The City finds that the Draft EIR does not require recirculation under CEQA (PRC §21092.1 and State CEQA Guidelines §15088.5). State CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when “significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review.” As described in State CEQA Guidelines Section 15088.5:

New 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 upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. 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;
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it;
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In addition, State CEQA Guidelines Section 15088.5(b) provides that “recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR.” Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA’s public/agency comment and response

process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is "intended to be an exception rather than the general rule." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)

As such, the City makes the following Findings:

1. None of the public comments submitted to the City regarding the Draft EIR present any significant new information that would require the Draft EIR to be recirculated for public review.
2. No new or modified mitigation measures are proposed that would have the potential to create new significant environmental impacts.
3. The Draft EIR adequately analyzed project alternatives and there are no feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project.
4. The Draft EIR was not fundamentally and basically inadequate and conclusory in nature and did not preclude meaningful public review and comment.

In this legal context, the City finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR explain or enhance the evidentiary basis for the Draft EIR's findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR's revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In summary, the Final EIR demonstrates that the Project would not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in State CEQA Guidelines Section 15088.5.

## 9.2 Legal Effects of Findings

To the extent that these Findings conclude that the proposed mitigation measures outlined in herein are feasible and have not been modified, superseded, or withdrawn, the City hereby commits to implementing these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City approves the Project.

The mitigation measures that are referenced herein and adopted concurrently with these Findings will be effectuated through the process of construction and implementation of the Project.

## SECTION 10: STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable (State CEQA Guidelines §15093(a)). CEQA requires the agency to state in writing the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those

reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (State CEQA Guidelines §15093(b)). The project, as proposed, could result in significant unavoidable impacts related to noise even after incorporation of the Mitigation Program. These significant and unavoidable impacts are identified and discussed in Section 6 of these Findings.

The City adopts and makes this Statement of Overriding Considerations regarding the significant unavoidable impacts of the Project and the anticipated benefits of the project. The City finds that each of the benefits set forth below in this Statement constitutes a separate and independent ground for finding that the long-term benefits of the project, which constitute the specific economic, legal, social, technological, and other considerations that justify the approval of the project:

- The project will increase local government revenues via additional business tax, which in turn will be used to enhance City services.
- The project will provide more opportunities for businesses to be located in Perris, which would provide more employment opportunities for City residents.
- The Project will construct a new industrial building consistent with the General Plan and Zoning Ordinance consistent with the City's vision for build out of the City.
- The project will construct a new industrial building that is energy efficient and incorporates "green building" construction materials and design standards.
- The project will construct a new industrial building that will increase the efficiency in storage and contribute to creating a more efficient transportation network for goods within the City and within the region.
- The project will dedicate approximately 5 acres to the Western Riverside County Regional Conservation Agency (RCA) for the permanent preservation of that area to be included in the RCA's regional habitat preserve area.

On balance, the City finds that there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the significant unavoidable effects of the project. Therefore, pursuant to State CEQA Guidelines Section 15093(b), these adverse effects are considered acceptable.